

CDDH comments on the Parliamentary Assembly Recommendation 2122(2018) “Jurisdictional immunity of international organisations and rights of their staff”

89th meeting - 19–22 June 2018 - CDDH(2018)R89

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2122(2018) - “*Jurisdictional immunity of international organisations and rights of their staff*”.
2. The CDDH notes that appropriate legal instruments have been developed by the most important international organisations regarding their accountability for human rights violations towards their own staff¹. It concurs with the Assembly on the need of providing access to an effective remedy to staff members of international organisations aimed at protecting their labour rights since such a remedy is not available under the national legal systems of member States.
3. Concerning the Council of Europe, its Staff Regulations² show that the Administrative Tribunal of this Organisation has been set up to decide upon appeals against decisions taken in the administrative complaints procedure. The CDDH considers that, in the light of relevant practices existing in member States or in other international organisations, the Secretariat of the Council of Europe could analyse in which cases it would be appropriate for trade unions to have *locus standi* before the Administrative Tribunal.
4. In its previous comments on Parliamentary Assembly Recommendation 2037(2014) about *Accountability of international organisations for human rights violations*³, the CDDH already shared the approach of the Committee of Legal Advisers on Public International Law (CAHDI) regarding conflict resolution mechanisms between international organisations and their staff. The CDDH agrees with the Assembly that the CAHDI remains the body best placed to discuss, on a regular basis, the extent to which internal remedies in international organisations are compatible with human rights.

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Text of Recommendation 2122(2018)

Jurisdictional immunity of international organisations and rights of their staff

Parliamentary Assembly

1. Referring to its [Resolution 2206 \(2018\)](#) on jurisdictional immunity of international organisations and the rights of their staff, the Parliamentary Assembly calls on the Committee of Ministers to:

- 1.1. encourage the international organisations to which the member States of the Council of Europe belong to look at whether “reasonable alternative means of

¹ <https://rm.coe.int/accountability-of-international-organisations-for-human-rights-violati/1680761005>

² Part VII of the Staff Regulations of the Council of Europe sets out the system of dispute settlement between staff members and the organisation; in this regard, Article 59 sets out the so-called “complaints procedure” and under Article 60 an appeal procedure can be launched before the Administrative Tribunal “in the event of either explicit rejection, in whole or part, or implicit rejection of a complaint lodged under Article 59”.

³ Recommendation 2037 (2014) was adopted by the Assembly on 31 January 2014.

legal protection” are available in the event of disputes between international organisations and members of their staff;

1.2. invite those international organisations to guarantee transparency of their staff policies and to ensure that information on employment disputes is available to their staff;

1.3. initiate reflection on:

1.3.1. ways to guarantee that the Administrative Tribunal of the Council of Europe is also accessible to trade unions;

1.3.2. whether the Administrative Tribunal of the Council of Europe should be complemented by an appellate judicial body, either within the Council of Europe itself or by pooling resources with other international organisations in order to create a joint appeals body for several administrative tribunals;

1.4. carry out a comparative study on the extent to which the internal remedy systems in international organisations are compatible with Article 6 of the European Convention on Human Rights (ETS No. 5) – Right to a fair trial – and with other relevant human rights (including social rights), and, where appropriate, make recommendations on how these systems can be improved with a view to attaining a higher level of protection of these rights.

2. The Assembly welcomes the work carried out by the Council of Europe’s Committee of Legal Advisers on Public International Law (CAHDI) on the jurisdictional immunity of international organisations and encourages it to look into these issues in greater detail, in particular in the context of disputes between international organisations and their staff.