

Appeal No. 765/2024

L. Y.

v.

Secretary General of the Council of Europe

JUDGMENT

23 September 2025

The Administrative Tribunal, composed of:

Paul LEMMENS, Chair,
Lenia SAMUEL,
Thomas LAKER, Judges,

assisted by:

Christina OLSEN, Registrar,
Dmytro TRETYAKOV, Deputy Registrar,

has delivered the following judgment after due deliberation.

INTRODUCTION

1. The present appeal seeks to challenge the decision of the Director of Human Resources to take no further action on the formal complaint of harassment which the appellant had lodged against her management.

THE FACTS

2. The appellant, L. Y., is a former staff member of the Organisation. She was initially employed on a temporary contract from 14 November 2019 to 29 February 2020 and then on several fixed-term contracts (“CDD”) from 1 March 2020 to 31 December 2023 as a B2 financial assistant in the Directorate of Programme Co-ordination (“DPC”).

3. From June 2022 onwards, the appellant contacted several Council of Europe bodies, including the confidential counsellor, to discuss the difficulties she had been experiencing at work since X had become her direct manager (N+1) in November 2021. In that context, the appellant had several e-mail exchanges with the Director of Human Resources. By e-mails dated 19 October 2022 and 9 January 2023 respectively, she informed the Director of her intention to lodge a formal complaint of harassment against her N+1 and submitted a request for internal mobility.

4. On 17 January 2023 the appellant was placed on sick leave. This leave was extended several times until her contract expired on 31 December 2023.

5. On 22 December 2023 the appellant lodged a formal complaint of harassment against her N+1.

6. On 25 April 2024 the appellant, accompanied by her legal counsel, met with the Director of Human Resources to discuss the procedure following her formal complaint. The same day, the Director of Human Resources ordered an investigation, which was entrusted to external investigators.

7. After interviewing the parties and witnesses between 3 and 10 June 2024, the external investigators submitted their investigation report to the Director of Human Resources on 14 June 2024. In their conclusions, the investigators noted in particular:

“[that they had not] found any evidence showing that [the appellant’s] hierarchical superior had engaged in behaviour, committed acts or made comments amounting to psychological harassment. However, they noted that the atmosphere in the service had been strained while the alleged victim was working there, primarily due to the heavy workload imposed on all staff members.

They also noted that the service relied on the entire team’s exceptional commitment to the task, which, while commendable on a collective level, could affect the well-being of some DPC officials. [The alleged victim’s hierarchical superior], they all agreed, was trying to manage his teams as best he could, despite lacking training in management or psychosocial risks.” (translation)

8. In a memorandum dated 18 June 2024, the Director of Human Resources informed the appellant of the conclusion of the investigation report and her decision to take no further action on the formal complaint of harassment.

9. On 26 June 2024 the appellant asked the Director of Human Resources to send her a copy of the investigation report “to enable [her] to exercise, where appropriate, the available remedies”.

10. In an e-mail dated 28 June 2024, the Director of Human Resources refused the request for a copy of the investigation report. The e-mail reads as follows:

“The investigation report submitted by the investigators (...) cannot be forwarded to the individuals involved in the complaint if the investigation did not find that there had been harassment. According to the Policy on Respect and Dignity (paragraph 7.4.7.): ‘If the investigation report does not disclose any disrespectful behaviour, both the person who made the complaint and the accused person will be notified of the Director of Human Resources’ decision not to pursue the matter further. In such cases, no mention of the investigation will be included in the personal administrative files of any staff member concerned.’

I would like to clarify that the investigation report is a deliverable provided by the investigators (...) to me in my capacity as Director of Human Resources, to enable me to make a decision on the matter. It is not a document to be forwarded to all the parties in adversarial proceedings.” (translation)

11. On 17 July 2024 the appellant lodged a formal complaint with the then Secretary General, requesting a copy of the investigation report and asking that she set aside the decision of the Director of Human Resources to take no further action on her formal complaint of harassment. In a registered letter dated 2 August 2024 and received on 5 August 2024, the then Secretary General declared the complaint to be founded with regard to the decision not to forward a copy of the investigation report and unfounded to the extent that it challenged the decision to take no further action on the complaint.

12. In an e-mail dated 12 August 2024 from the Director of Human Resources, a redacted copy of the investigation report was sent to the appellant.

PROCEEDINGS

13. The appellant lodged an appeal on 1 October 2024. The appeal was registered under No. 765/2024.

14. On 9 December 2024 the Secretary General forwarded his observations on the appeal.

15. The public hearing took place on 2 June 2025 in the Palais de l'Europe in Strasbourg. The appellant was represented by Maître Grégory Thuan Dit Dieudonné, barrister at the Strasbourg Bar. The Secretary General was represented by Sania Ivedi, head of the Litigation Division, assisted by Benno Kilian, head of the Legal Advice and Litigation Department, and Nina Grange, administrative officer in the same department.

THE LAW

I. THE APPLICABLE LAW

16. The relevant regulatory provisions concerning the applicable procedure in cases of alleged harassment read as follows:

Policy on Respect and Dignity in the Council of Europe adopted by the Secretary General on 21 December 2022

(...)

4. Disrespectful behaviour

Harassment

4.6. Harassment is any unwanted, offensive, or abusive conduct or behaviour (including methods of work organisation) which is repeated, sustained or systematic and which, intentionally or unintentionally, is prejudicial to the dignity, integrity, well-being or job security of the person to whom it is directed, and/or creates a humiliating, intimidating or hostile work environment.

(...)

5. Roles and responsibilities

(...)

Managers

5.7. Managers have the duty to ensure that this Policy is implemented and that all those in their team are aware of it.

5.8. As well as the duties incumbent upon all Secretariat members, managers have specific additional responsibilities by virtue of their position. They should promote a harmonious working environment within their team and set an example by means of their own conduct. They should also prevent and challenge disrespectful behaviour within their team and deal promptly with any issues that may arise, if necessary by intervening should they witness disrespectful behaviour among their team members. They should monitor interpersonal relations within their team and intervene, in a fair and impartial manner, in any conflictual situations that may occur in order to help resolve them and prevent them from deteriorating. They should also offer support to the colleagues under their responsibility, which means listening to any team member who brings an allegation to them or otherwise wishes to consult them on any matter concerning interpersonal relations, but also means taking the initiative to speak with one or more of their team members where they notice that there may be a problematic situation. (...)

5.9. As stated above, the Organisation views any harassment by a manager of a person under their authority as particularly egregious, since it constitutes not only a violation of the enhanced responsibilities incumbent upon all managers but also an abuse of their position of power. Moreover, a manager may also be liable to disciplinary sanctions if they condone or knowingly tolerate harassment or other abusive behaviour amongst their team.

Directorate of Human Resources

5.10. The Directorate of Human Resources has the responsibility to ensure that this Policy is applied fairly and consistently. The duties of the Directorate of Human Resources also include advising and supporting all Secretariat members, whether they are the victim of or witness to disrespectful behaviour; accused of disrespectful behaviour; or simply in need of further information on any of the topics covered by this Policy.

Director of Human Resources

5.11. In addition to overseeing the actions of the Directorate of Human Resources, as described above, the Director is the contact person for reports and complaints under this Policy.

(...)

7. Procedures

Procedure following a formal complaint

(...)

7.4.5. Where an allegation of harassment reaches the Director of Human Resources (...), the Director of Human Resources will consider whether the allegations justify and require ordering an investigation to be carried out. Where the allegation is of sexual harassment or harassment by the victim's hierarchical superior, then the Director of Human Resources does not have discretion and must order an investigation.

(...)

7.4.6. Where an investigation is ordered, it will be conducted by investigators external to the Organisation with relevant experience and expertise. Allegations will be investigated in an impartial, thorough, and timely manner, which is fair to all parties concerned and in which the rights of all parties are fully protected, in particular the due process rights of the accused person. Investigations will be conducted in line with the Organisation's legal framework governing the conduct of investigations; the Council of Europe Regulations on the Protection of Personal Data; and all other relevant confidentiality requirements.

7.4.7. The investigation report, once complete, will be transmitted to the Director of Human Resources, who will redact it if necessary and then transmit it to the accused person to enable them to provide their comments. If the investigation report does not disclose any disrespectful behaviour, both the person who made the complaint and the accused person will be notified of the Director of Human Resources' decision not to pursue the matter further. (...)

(...)

Rule on investigations adopted by the Secretary General on 22 December 2022

(...)

Purpose

(...)

3. The aim of the investigative process is to examine and determine the veracity of allegations or other indications of wrongdoing, including wrongdoing committed by Secretariat members (which, if established, can be regarded as misconduct) or by other persons in the context of projects and activities organised and/or financed by the Organisation.

4. Any investigative process conducted under this Rule is administrative in nature.

(...)

5. This Rule aims to ensure that the investigative process addressing allegations of wrongdoing concerning the CoE's staff, funds, and/or resources are carried out in a consistent and coherent way. It also aims to ensure that the investigative process is carried out in an objective and impartial manner and in accordance with applicable international investigative standards.

6. Those conducting the investigative process must maintain objectivity, impartiality, independence, and fairness throughout the process and conduct their activities competently and with the highest levels of integrity.

(...)

Scope

(...)

9. The Rule applies to any activities carried out by the DIO or the Directorate of Human Resources (DHR) to address reports of wrongdoing affecting the Organisation, in accordance with the Speak Up Policy, Policy on Respect and Dignity in the Council of Europe, or any other applicable legal instruments. References in this text to the functions or responsibilities of the Director of Internal Oversight may refer, mutatis mutandis, to functions or responsibilities of the Director of the DHR, where applicable, pursuant to the above-mentioned legal instruments.

10. This Rule shall also apply to any investigative process carried out by external investigators, when engaged by the Director of Internal Oversight to investigate wrongdoing reported under the Speak Up Policy or by the Director of Human Resources to address harassment allegations under the Policy on Respect and Dignity. The terms of any contract between such external investigators and the Organisation shall make specific reference to the present Rule.

(...)

Confidentiality

25. The investigative process is confidential. Information gathered in the context of the investigative process will be accessible only by the Director of Internal Oversight and those conducting the investigative process. Access to specific information may be given, if necessary, to the investigation subject or other persons following up on a specific case.

26. Information gathered in the course of any investigative process shall be treated as confidential by all those involved and shall be shared only on a need-to-know basis in conformity with these and any other applicable rules, regulations and policies.

(...)

28. However, any person invited to an interview in the context of a preliminary assessment or investigation may seek support and advice from a Secretariat member of their choosing, provided that such person has no connection to the matter; their close family members; a medical professional; and/or, at their own expense, legal counsel. Seeking support and advice in this manner shall not constitute a breach of confidentiality for the purposes of this Rule.

(...)

Opening of an investigation

(...)

50. The Director of Internal Oversight may also have recourse to external investigators, if they consider that the provision of such services is required or if foreseen by the Organisation's rules. In the event that investigative activities are to be carried out by external investigators, the DIO shall instruct and supervise the latter and shall inform them of the Organisation's standards for the conduct of investigations. The DIO shall also set a time limit for the submission of the external investigators' report.

(...)

54. Those conducting the investigation will endeavour to obtain, review, and record any evidence that may appear relevant to an investigation. They shall make every reasonable effort to verify and corroborate the veracity of the information obtained, such that it can withstand further scrutiny and meet the threshold of the Organisation's standards of proof.

(...)

Completion of an investigation

73. The investigation, including the preparation of the investigation report, must be concluded without undue delay and within the time-limit set for its completion.

74. Any investigation report shall include a summary of the facts established by the investigation, and conclusions as to whether it has been established to the relevant standard of proof that there has been wrongdoing as defined by the Organisation, as well as the nature of the wrongdoing or misconduct and the person(s) responsible.

75. The requisite standard of proof to determine whether allegations are substantiated for the purposes of an investigation is that of clear and convincing evidence.

76. The investigation report shall set out: the investigation activities; the evidence; an analysis of the evidence; any relevant information provided by the investigation subject; fact-based conclusions as to the existence or otherwise of wrongdoing, as defined by the Organisation, or any other established breaches of the internal legal framework; and any financial loss suffered by the Organisation or any other person or body.

(...)

81. If the evidence is not sufficient to substantiate the allegations, the Director of Internal Oversight will issue a closure report to the Secretary General. The closure report, which shall cover all aspects of the investigation and justify its conclusions, will as far as possible not contain any information that could serve to identify, whether directly or indirectly, any individual. The Director of Internal Oversight will also inform the investigation subject in writing of the closure of the investigation and provide them with summary conclusions of the closure report. Where possible, the person who made the allegation(s) and, where appropriate, the head of the Major Administrative Entity concerned, will also be informed of the closure of the investigation. (...)

II. THE PARTIES' POSITIONS

A. The appellant

17. In her appeal, the appellant asks the Tribunal to find that she has been the victim of psychological harassment and that the Organisation failed in its duties in that regard. In addition, she seeks the setting aside of the decision made by the Director of Human Resources

on 18 June 2024 to take no further action on her formal harassment complaint, as well as the decision made by the then Secretary General on 2 August 2024 to dismiss part of her administrative complaint. The appellant also asks the Tribunal to order the Secretary General to take further action on her complaint, to award her the sum of 20 000 euros in compensation for the alleged non-pecuniary damage, and the sum of 9 000 euros to cover the costs incurred in connection with the proceedings.

18. In support of her appeal, the appellant essentially relies on two grounds: she complains that the Organisation (1) committed a manifest error of assessment, since the decision to take no further action on her complaint of harassment was based on the finding that no harassment had occurred, and (2) failed to fulfil its procedural and substantive obligations.

1. First ground: the manifestly erroneous nature of the contested decision

19. In the first limb of her first ground of appeal, the appellant maintains that the evidence set out in her complaint, as well as that identified during the investigation, was sufficient to establish that psychological harassment had occurred. The conclusion that there was no evidence to support a finding that there had been harassment – a conclusion on which both the contested decision of the Director of Human Resources and the Secretary General's dismissal of her administrative complaint on that point hinged – is therefore vitiated by a manifest error of assessment.

20. In this connection, the appellant contends that her N+1 regularly made disparaging remarks to her, both about her professional capability and her personal life. According to the appellant, her N+1, who came from the same cultural background, disapproved of her initiative and dynamism at work, which stood in contrast to his own traditionalist approach to management. The appellant also complains of a number of behavioural issues on the part of her hierarchical superior, which she feels were indicative of humiliating and hostile work arrangements. These issues included an uneven division of work among team members, the withholding of information, a lack of support for her career development plans, unhealthy competition between team members, malicious gossip and even threats. The appellant stresses the repeated and prolonged nature of such behaviour, which allegedly began when X became her N+1 in November 2021, continued until she was placed on sick leave in January 2023 and seriously affected her health and well-being. The appellant then argues that her allegations against her N+1 were corroborated by the investigation report, from which she quotes several passages in support of her claims.

21. By relying exclusively on the general conclusion of the investigation report, without verifying whether the evidence identified by the investigators confirmed or refuted the facts alleged in the complaint, both the Director of Human Resources, in her decision of 18 June 2024, and the then Secretary General, in her decision of 2 August 2024 dismissing the administrative complaint, committed a manifest error of assessment.

22. In the second limb of her first ground of appeal, the appellant takes issue first with the fact that the investigators did not consider certain conduct by her direct manager to amount to harassment, even though they acknowledged that the recurrent nature of the conduct had been established, and second, with the lack of comprehensive analysis of the facts. She argues that the investigators confined their examination to each of her allegations in isolation and failed to make an overall assessment of the situation, even though such an assessment was

vital in order to determine whether psychological harassment had occurred within the meaning of Article 4.6 of the Policy on Respect and Dignity in the Council of Europe.

2. Second ground: the Organisation's failure to fulfil its procedural and substantive obligations

23. In her second ground, the appellant claims that the Organisation failed in its duties with respect to the alleged harassment. This ground has two limbs: the first relates to the Organisation's procedural obligations, and the second to its substantive obligations.

24. In the first limb of the second ground of appeal, the appellant first maintains that the Organisation failed in its duty to follow due process by not providing her, as the victim, with the full investigation report. She argues that, in the revised version of the report sent to her, the investigators had altered the witness statements beyond what was strictly necessary to ensure their anonymity. According to the appellant, the fact that the witness statements were truncated and modified prevented her from understanding the reasoning behind the investigation's conclusions. As she had no access to the interview transcripts, even in redacted form, the appellant considers that she was deprived of the opportunity to challenge the evidence gathered and the conclusions of the report effectively, both before the Director of Human Resources, when her complaint was examined, and before the Secretary General, when she subsequently lodged an administrative complaint. This, it is alleged, resulted in a violation of the principle of equality of arms, since the accused staff member had the opportunity to comment on the investigation report before the Director of Human Resources decided how to respond to her complaint.

25. In the same limb of the second ground of appeal, the appellant secondly argues that the Organisation breached its obligation to conduct a thorough investigation to establish the facts objectively, as certain contentious matters were, in her view, not properly examined. In particular, she complains that the investigators did not seek input from the service to which she had been assigned in order to shed light on issues concerning her excessive workload and the inadequate supervision provided by her hierarchical superior. She also complains that they did not properly examine her N+1's repeated refusal to support her participation in training courses directly related to her duties, or rigorously examine the documents that she had submitted. The appellant further contends that the context in which the investigation took place was not conducive to a thorough inquiry: according to her, several staff members either altered their statements or refused to provide evidence for fear of losing their jobs. Combined with the small number of people interviewed and the brevity of the investigation, these factors prevented any serious and comprehensive inquiry into the case.

26. In the second limb of her second ground of appeal, the appellant complains that the Organisation failed to take appropriate preventive and protective measures, thereby enabling her direct manager to engage in conduct amounting to harassment and to perpetuate it over time. In this respect, the appellant specifically refers to the unhealthy work arrangements in the service to which she was assigned, as well as the lack of action by her superiors – and, more broadly, by the Organisation – even though her situation had long been known to the Administration, even before she lodged a formal complaint of harassment.

B. The Secretary General

27. The Secretary General, for his part, invites the Tribunal to declare the appeal unfounded and to dismiss it, together with all the claims made in it. With regard to the appellant's claim for compensation for non-pecuniary damage, the Secretary General denies having committed any irregularity that would render the Organisation liable. He adds that, in any event, this claim is neither founded nor supported by evidence. In particular, he observes that the appellant's claim is essentially based on allegations of harassment that have not been proven. The Secretary General also asks that the appellant's claim for reimbursement of costs be dismissed insofar as her appeal is unfounded.

1. On the manifestly erroneous nature of the contested decision

28. The Secretary General maintains that the Director of Human Resources did not commit a manifest error of assessment. She rightly relied on the conclusions of the investigation report in deciding to take no further action on the appellant's complaint. He asserts that, although the investigators noted certain shortcomings and room for improvement in the service to which she was assigned, these findings alone are not sufficient to establish harassment. He also maintains that the investigators analysed all the evidence in the case file rigorously, in accordance with their obligation to maintain impartiality and independence, as well as the rules of procedure applicable in the present case. Having examined each of the allegations made by the appellant against her direct manager and having considered all the evidence at their disposal, the investigators concluded that the allegations made by the appellant were not borne out either by the testimonies gathered or by the documents in the case file.

2. On the Organisation's failure to fulfil its procedural and substantive obligations

29. The Secretary General contends that the Organisation complied with all of its procedural and substantive obligations with regard to harassment.

30. In respect of the alleged breach of the Organisation's procedural obligations in relation to harassment, the Secretary General argues that the decision to provide the appellant with a redacted version of the investigation report was perfectly well founded. In this regard, he cites the applicable provisions, including Article 7.4.6 of the Policy on Respect and Dignity in the Council of Europe and paragraphs 25 and 26 of the Rule on investigations. He further asserts that the changes made to the report were strictly necessary in order to protect the anonymity of the witnesses while ensuring that the substance of their testimonies remained intact as far as possible. As to the parts of the appellant's testimony that were allegedly truncated, he maintains that the investigators simply selected the information that they deemed relevant for the purposes of the inquiry. Therefore, the information provided to the appellant was sufficient to enable her to effectively challenge the investigation report.

31. The Secretary General next submits that the principle of equality of arms was not violated since the original version of the investigation report was not forwarded to the appellant's direct hierarchical superior either. He points out that, as the investigation did not establish harassment, the Director of Human Resources did not provide the accused with a copy of the report in either its original or redacted form before making her decision. Nor was the person in question asked to comment on the report.

32. At the hearing, the Secretary General stated that, due to the division of roles between, on the one hand, the investigators, who were tasked with verifying the allegations of harassment by establishing the facts, and, on the other, the Director of Human Resources, who was responsible for drawing conclusions from the investigation report by classifying the facts established, the Director could depart from the investigators' conclusions if need be, but that that had not been necessary in this case. He further stated that the appellant had had the opportunity to challenge the investigation report by lodging a second administrative complaint after receiving a redacted version of it following the submission of her first administrative complaint.

33. As to the alleged inadequacy of the investigation, the Secretary General submits that the appointed investigators met all the necessary conditions and provided all the necessary guarantees, in particular as regards their experience and expertise in dealing with cases of harassment, as well as their professionalism, integrity, objectivity, independence and respect for the principle of fairness. He asserts that the investigators thoroughly examined all available documents and testimonies, successfully establishing the facts in an objective manner within their overall context. It was only after fully considering the facts, therefore, that the investigators concluded that the appellant's allegations concerning her excessive workload, the lack of clarity in the instructions given by her N+1 and his refusal to support her requests for training did not constitute psychological harassment.

34. With regard to the Organisation's alleged failure to fulfil its substantive obligations, the Secretary General reiterates that the appellant's formal complaint was handled properly, in accordance with the Organisation's duty of care to protect its staff members. He adds that, even before the complaint was lodged, the various parties to whom the appellant had turned had responded appropriately, meaning that no wrongful inaction can be attributed to the Organisation. In any case, since the allegations made by the appellant were not considered sufficient to prove harassment, the Organisation cannot be held liable.

III. THE TRIBUNAL'S ASSESSMENT

35. As a preliminary point, the Tribunal states that the decision at issue is the decision of 18 June 2024 taken by the Director of Human Resources of the Council of Europe to take no further action on the appellant's formal complaint of harassment (the "contested decision"), as confirmed by the Secretary General's subsequent decision of 2 August 2024 dismissing the administrative complaint against that decision (for comparison, see ATCE, Appeals Nos. 761/2024 and 762/2024, L. D. (I and II) v. Secretary General of the Council of Europe, [judgment of 25 March 2025](#), §§ 86-88).

36. While the decision on how to deal with a complaint of harassment can only be taken following an investigation, which in this case was entrusted to external investigators, the fact remains that the Administration, in the person of the Director of Human Resources, retains full discretion as to the action to be taken on the investigation report, irrespective of the conclusions reached by the investigators. This point, which is not disputed by the Secretary General (see paragraph 32), was recently reiterated by the Tribunal, which stated in that regard that "the Director of Human Resources has a degree of discretion to deduce from the [investigation] report [drawn up following a complaint of harassment] either that there was no disrespectful behaviour or that the report discloses behaviour that is contrary to the Policy on Respect and Dignity. To hold otherwise would mean that the Organisation would be delegating some of its

responsibilities to an external body not subject to its authority, which would contravene the whole idea of creating an international organisation” (see ATCE, Appeal No. 766/2024, L. D. (III) v Secretary General of the Council of Europe, [judgment of 24 June 2025](#), § 76).

37. In the present case, the Director of Human Resources was therefore in no way bound by the investigation report’s conclusions and, in the exercise of her discretion regarding the existence and legal characterisation of the facts, she was free to depart from the conclusions if necessary, provided she gave specific reasons for doing so. The very point that the appellant seeks to make is that, in her case, the Director should have found that there was harassment, thereby departing from the external investigators’ conclusions (see paragraphs 19 to 22).

38. As with any decision within the Administration’s wide discretion, this discretion is not exempt from judicial review. The Tribunal can thus ascertain whether the challenged decision was taken by a competent authority, that it was in due form and that it was adopted following the applicable procedure. It is also for the Tribunal to assess, with regard to the internal legality, whether the administrative authority’s assessment took account of all relevant facts and whether it was not vitiated by a manifest error of assessment (see, in particular, ATCE, Appeal No. 650/2020, Levertova v. Governor of the Council of Europe Development Bank, [judgment of 12 February 2021](#), § 51; ATCE, Appeal No. 766/2024, L. D. (III) v Secretary General of the Council of Europe, [judgment of 24 June 2025](#), § 102).

39. In this connection, the appellant relies on both grounds relating to the procedural irregularity of the decision and complaints relating to its merits. With regard more specifically to the procedural defects, the appellant essentially claims that, due to the circumstances in which she had access to the investigation report, she was deprived of the opportunity to challenge its conclusions effectively, whether before the Director of Human Resources, in the context of the examination of her complaint, or before the Secretary General, to whom the matter was subsequently referred by way of her administrative complaint (see paragraph 24).

40. The Tribunal notes that the primary objective of the Council of Europe’s anti-harassment rules is to ensure that staff members and other relevant persons are treated with dignity and to encourage a positive and harmonious working environment that is free of harassment or any other disrespectful behaviour (see paragraph 1.1 of the Policy on Respect and Dignity in the Council of Europe).

41. When a staff member lodges a formal complaint of harassment in accordance with the relevant regulatory framework, the procedure thus initiated is specific in nature: it involves, on the one hand, the person complaining of the facts, and, on the other hand, the Organisation as the entity responsible for preventing and, where necessary, putting an end to any violation of the dignity of its staff members. That being so, the procedure must be designed to focus on the alleged victim, in line with a victim-centred approach. In this respect, the ILO Administrative Tribunal has clearly stated that “[a] claim of harassment is a claim addressed to the organization the resolution of which only involves two parties, the organization and the reporter of the harassment” (ILOAT, [Judgment 4207](#), § 14). It is thus fundamentally different from the procedure that could be initiated to establish the culpability of the staff member in question, particularly in disciplinary matters, a procedure in which the parties are the Organisation and the staff member in question (ibid, § 14).

42. As a party to the proceedings, the alleged victim benefits from procedural guarantees aimed at ensuring the fairness of the proceedings, foremost of which are the rights to help

establish the facts and to be heard, both during the investigation (see ATCE, Appeal No. 766/2024, L. D. (III) v. Secretary General of the Council of Europe, [judgment of 24 June 2025](#), § 67) and before the authorities responsible for ruling on her complaint.

43. With regard to the scope of these guarantees, case law has recognised the alleged victim's right to receive a copy of the investigation report. This right arises from the principle that an official must, as a general rule, have access to the evidence on which an authority bases or intends to base a decision that adversely affects them (see ATCE, Appeal No. 766/2024, L. D. (III) v. Secretary General of the Council of Europe, [judgment of 24 June 2025](#), § 28 and the case law cited), while taking into account the need to respect the confidential nature of certain information in the report (*ibid.*, § 32).

44. Exercising the right of access to the investigation report must enable the alleged victim to put forward their point of view on the information likely to influence the decision to be taken. As the Tribunal noted, "the right to be heard guarantees every person the opportunity to make known their views during an administrative procedure and before the adoption of any decision liable to affect their interests adversely (...) In the case in point, that means the right to be heard had to be guaranteed in proceedings before the Director of Human Resources, and, at the latest, before she took a decision", if necessary in the context of a review carried out at the request of the complainant (*ibid.*, § 66 and the case law cited).

45. In effect, the right to be heard provides a guarantee for the person concerned, but the exercise of that right at the same time enables the Administration to adopt a decision in full knowledge of the facts and to correct errors (*ibid.*, § 64, referring to CJEU, [judgment of 4 June 2020](#), European External Action Service v. De Loecker, C-187/19P, paragraph 69; CJEU, [judgment of 25 April 2024](#), NS v. European Parliament, C-218/23P, paragraph 49).

46. It follows that, in addition to the rights explicitly granted to her under the regulatory framework, the appellant was entitled to receive a copy of the investigation report in time to enable her to effectively put forward her observations, i.e. before the competent authority – the Director of Human Resources in this case – ruled on her complaint.

47. In the present case, the appellant was only given access to the investigation report in response to her administrative complaint and only after the then Secretary General had taken a decision on that complaint, that is to say after the contested decision had been taken by the Director of Human Resources. She was therefore not afforded the opportunity to effectively put forward her observations on the content of the report before the decision on the handling of her complaint was taken. The fact that the appellant subsequently had access to the report before bringing proceedings before the Tribunal cannot remedy this procedural irregularity. The Tribunal's powers in the context of such an appeal are limited, since it may only censure a decision to take no further action on a complaint of harassment where there has been a manifest error of assessment from the standpoint of the Organisation's own rules (see ATCE, Appeal No. 766/2024, L. D. (III) v. Secretary General of the Council of Europe, [judgment of 24 June 2025](#), § 102 and the case law cited). By contrast, before deciding on the appellant's complaint, the Director of Human Resources had the discretion to consider whether further investigation or a more in-depth review of certain elements of the case file was appropriate (see *ibid.*, §§ 36-37).

48. It follows that sending a copy of the investigation report to the appellant only once a response had been given to her administrative complaint did not satisfy the requirements of her right to be heard.

IV. CONCLUSION

49. In view of all the foregoing considerations concerning procedural obligations, the Tribunal concludes that the first limb of the second ground is founded and that the contested decision must be set aside. Having reached this conclusion, it is not necessary for the Tribunal to rule on the appellant's other grounds of appeal.

V. CLAIMS FOR DAMAGES AND COSTS

50. Without prejudice to the Administration's discretion as to the manner of execution of a judgment, the Tribunal notes that, given that the contested decision must be set aside, it will be incumbent on the Administration to restore the appellant's rights and to resume the procedure for examining her complaint of harassment at the stage preceding the identified irregularity, namely, prior to the Director of Human Resources issuing her decision on that complaint.

51. In view of these circumstances, and in the absence at this stage of any final decision on the merits of the complaint of harassment, the Tribunal considers that the alleged non-pecuniary damage has not been established. The claim made by the appellant for compensation in this regard must therefore be dismissed.

52. Lastly, the appellant seeks the reimbursement of her costs and expenses, amounting to 9 000 euros. Bearing in mind the nature and importance of this dispute, the Tribunal awards this sum.

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Declares the appeal admissible and founded, and sets aside the contested decision;

Dismisses the claim for compensation for non-pecuniary damage;

Orders the Council of Europe to pay the appellant the sum of 9 000 euros (nine thousand) in respect of costs and expenses.

Delivered on 23 September 2025, the French text being authentic.

The Registrar of the
Administrative Tribunal

The Chair of the
Administrative Tribunal

Christina Olsen

Paul Lemmens