

Appeal No. 767/2025

F

v.

Secretary General of the Council of Europe

JUDGMENT

22 January 2026

The Administrative Tribunal, composed of:

Lenia SAMUEL, Chairing Judge,
Thomas LAKER, Judge,
Yves GOUNIN, Deputy Judge,

assisted by:

Christina OLSEN, Registrar,

has delivered the following judgment.

INTRODUCTION

1. The present appeal concerns the decision of the Director of Human Resources not to order an investigation into the harassment complaint lodged by the appellant.

THE FACTS

2. The appellant is a staff member of the Council of Europe since 2004.

3. By email of 2 September 2024 addressed to the Director of Human Resources, the appellant lodged a harassment complaint pursuant to Article 7.4 of the Policy on Respect and Dignity in the Council of Europe (the “Policy”) against X, a staff member of the Council of Europe. In the complaint, the appellant alleged that on 6 August 2024, X, with whom the appellant was involved at the time in a personal relationship, had subjected them to physical assault, racist comments and physical abuse while they were both teleworking from the same location away from their duty station. The appellant alleged also that X had kicked their work PC and made a secret recording during the incident without their knowledge or consent. Furthermore, in this complaint, the appellant also sought the advice of the Director of Human Resources on any protective measures or support services that may be available in pursuance of the Council of Europe policies.

4. By email of 5 September 2024 the Director of Human Resources acknowledged receipt of the complaint and invited the appellant to meet with her to discuss in more detail the allegations and the next steps in the procedure. The Director of Human Resources advised the appellant that in the meantime, they could seek the support of the Organisation’s medical service or psychologist.

5. On 12 September 2024, the appellant, accompanied by their manager, met with the Director of Human Resources and another staff member of the Directorate of Human Resources (the “DHR”) to discuss in more detail on a confidential basis the facts and circumstances that had led to the formal harassment complaint.

6. By email dated 1 October 2025, the Director of Human Resources informed the appellant that, after examination of the situation and having consulted confidentially all relevant stakeholders, she had reached the conclusion that the situation complained of did not fall within

the remit of the Policy and, therefore, did not warrant opening an investigation into the alleged harassment. The relevant passages of the email were worded in the following terms:

“Having taken [the] advice [of the relevant internal interlocutors as well as the external investigations we rely on for the investigation of harassment allegations], I have reached the conclusion that the situation you have described to me does not fit the Organisation’s definition of harassment, as set out in the Policy on Respect and Dignity, as it arose in the context of your personal life rather than at work. Although you and [X] happen to have the same employer, the situation did not occur in the workplace or in the context of a working relationship between the two of you. As such, it would not be appropriate for me to order an investigation into alleged harassment. That being said, should [X] behave in an unwanted, offensive, or abusive manner towards you in future, in the workplace or in connection with your working life, (...) then I would encourage you to contact me again.

Furthermore, I note that you had immediately following the incident reported the situation to the (...) police and I would like to ask you to keep me informed of the progress and results of your complaint. If [X] were to be convicted of a criminal offence by the [national] authorities, this could be grounds for the Organisation instituting disciplinary proceedings against [X].

Also, in our meeting you mentioned (...). This aspect of [X’s] behaviour could amount to wrongdoing, which should be reported to the Directorate of Internal Oversight (DIO) for their follow-up, which also – depending on the outcome of any preliminary assessment or investigation – may result in the institution of disciplinary proceedings.

Finally, we discussed the potential need for protective measures, but you did not see a need for these (...). Again, I would encourage you to contact me again if the situation changes or if you should, in future, feel that there is need for protective measures. We also spoke about other support that you may need (...). I would nevertheless like to reiterate the availability of the following services at the Council of Europe, who can refer you to relevant resources externally, whether medical specialists, mental health services, domestic violence experts, etc.”

7. By email dated 3 October 2024 the appellant requested a management review of the Director of Human Resources’ decision not to order an investigation. In that request, the appellant expressed concern about the risk of being subjected to new incidents of violence on the part of X and asked the Organisation to “at least issue an injunction to [X] to refrain from approaching [them] for any reason in the Council of Europe premises”.

8. By email dated 8 October 2024 the Director of Human Resources sought confirmation from the appellant on two points before proceeding further. Firstly, she asked whether the appellant agreed that the Organisation could inform X of the harassment complaint for the purposes of issuing the requested injunction. Secondly, she invited the appellant to confirm that their wish to keep certain elements of the case strictly confidential would not prevent the transmission of the request for management review to her direct manager, namely the Director General of Administration, in accordance with the relevant rules.

9. On 9 October 2024 the appellant confirmed their wish that the request for management review be transmitted to the Director General of Administration and explained that they preferred to wait for the outcome of the management review before proceeding with a request for protective measures.

10. On 11 October 2024 the Director of Human Resources transmitted the appellant’s request for management review to the Director General of Administration.

11. On 28 October 2024 the Director of Human Resources acknowledged receipt of the appellant's email of 9 October 2024 and informed them that their request for management review had been forwarded to the Director General of Administration on 11 October 2024.

12. On 2 December 2024, in the absence of notification of the outcome of the request for management review, the appellant lodged with the Secretary General a formal complaint against the decision of the Director of Human Resources not to order an investigation into their formal harassment complaint.

13. In response to the appellant's request for management review, the Director General of Administration sent an email to the appellant on 4 December 2024, explaining that he had prepared a timely reply to it but had inadvertently failed to send it. He offered his apologies for this oversight and forwarded the reply in question, by which he confirmed the Director of Human Resources' earlier decision not to order an investigation. The Director General of Administration further indicated that the appellant's formal complaint of 2 December 2024 was deemed withdrawn, without prejudice to their right to submit a new formal complaint within the statutory time-limit.

14. On 12 December 2024 the appellant replied that they did not wish to withdraw their formal complaint and supplemented it by an addendum.

15. On 14 January 2025 the Secretary General replied to the appellant's formal complaint and rejected it in its entirety on the grounds that it was unfounded.

16. By e-mail dated 4 February 2025, the Director of Human Resources informed the appellant of the protective measures applied to them in pursuance of the Council of Europe Policy on reporting wrongdoing and protection from retaliation (the "Speak Up Policy"), in light of their implication as a witness in an investigation carried out by the Directorate of Internal Oversight (the "DIO") concerning misconduct allegedly committed by X.

PROCEEDINGS

17. The appellant lodged their appeal on 12 March 2025. On 13 March 2025, the Chairing Judge granted the appellant's request for a greater anonymity than that normally afforded. On 19 March 2025, the appeal was registered under number 767/2025.

18. On 13 June 2025 the Secretary General forwarded his observations on the appeal.

19. On 28 July 2025 the appellant filed submissions in reply.

20. On 1 September 2025 the Secretary General submitted a rejoinder.

21. On 2 September 2025, acting in pursuance of Rule 7.1 of its Rules of procedure, the Tribunal invited the Secretary General to submit to it the report of the DIO relating to the aforementioned investigation (paragraph 16).

22. On 8 September 2025 the Secretary General submitted to the Tribunal the DIO investigation report, as well as the recommendations of the Director of Internal Oversight relating to the investigation report (paragraph 16). The Secretary General requested the Tribunal to uphold the confidentiality of these documents and not to share them with the appellant, in

accordance with Article 10.6 of the Tribunal's Statute and Rule 7.2 (b) and (c) of its Rules of procedure.

23. The hearing of this appeal was held *in camera* at the Palais de l'Europe in Strasbourg on 15 October 2025. The appellant was represented by Giovanni Palmieri. The Secretary General was represented by Benno Killian, Head of the Legal Advice and Litigation Department, assisted by Sania Ivedi, Head of the Litigation Division, assisted by Suzanne Paulus, Legal Advisor for this division.

24. By emails dated 19 and 22 December 2025, the appellant sought the Chairing Judge's authorisation to include in the file a series of documents relating to procedures involving them and X before the judicial authorities of the country where the alleged acts of harassment occurred. This request was rejected by a decision of the Chairing Judge notified to the appellant on 5 January 2026 on the grounds that the documents in question were not relevant to the determination of the dispute.

THE LAW

I. THE APPLICABLE LAW

25. The relevant provisions of the regulatory framework read as follows:

- as regards the modalities for challenging an administrative decision adversely affecting a staff member, insofar as relevant to the present case:

Staff Regulations Article XIV – Grievance procedures

(...)

14.3. Staff members who consider that an administrative decision is prejudicial to their interest and conflicts with their terms and conditions of appointment, or with any pertinent provisions of the Staff Regulations, Rules, Instructions or Policies, may initiate the process of management review, allowing for the correction of an improper decision or, where a decision was properly taken, its confirmation along with a reasoned explanation. The modalities of the review shall be set out in Staff Rules adopted by the Secretary General.

14.4. After pursuing management review, staff members who are not satisfied with the outcome thereof may lodge a formal complaint with the Secretary General against the contested administrative decision adversely affecting them, provided that they have a direct and existing interest in doing so. The modalities of the complaints procedure shall be set out in Staff Rules adopted by the Secretary General.

Staff Rule on Grievance Procedures Article 1440

1440.2 A request for management review must be filed with the original decision-maker within 30 days from the date on which the contested administrative decision was notified to the staff member (...).

(...)

1440.3 A request for management review must be made in writing, submitted electronically and contain a brief explanation of the reasons for the request. The original decision-maker must acknowledge receipt of the request and promptly transfer it to the reviewer.

1440.4 If, having reviewed the administrative decision, the reviewer finds that it was improperly taken, the reviewer must correct it. If the reviewer concludes that the administrative decision was properly taken,

a reasoned explanation for this finding must be provided to the staff member. The reviewer must notify the staff member of the outcome of the management review, in writing, within 30 days from the date on which the request was received by the original decision-maker.
(...)

Article 1450

1450.2 The complaint must be lodged within 30 days from the date on which the outcome of the management review was notified or, in the absence of notification, within 30 days from the date on which the notification was due.

(...)

1450.5 The complainant shall be notified of a reasoned decision on the complaint within 30 days from the date on which the complaint was received by the Director of Human Resources. Failure to notify the complainant within the time limit is deemed to be a rejection of the complaint by the Secretary General.

- as regards the prevention and handling of harassment:

Staff Regulations Article II – Rights

2.1 The Council of Europe shall at all times act with fairness and due care in its relations with staff members. In particular, the Organisation shall guarantee staff members' rights to:

2.1.1 the protection of human dignity at work, including the right to a workplace free from harassment;
(...)

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

1. Introduction

1.1. The Council of Europe, both as an employer and as an international organisation which promotes human rights, places the utmost value on the inherent dignity of every person. Everyone has the right to be treated with respect and dignity and the right to expect a positive and harmonious working environment that is free of harassment or any other disrespectful behaviour. Everyone has the corollary obligation to treat others in the same manner, and to uphold the same working environment and culture. The Council of Europe's Staff Regulations enshrine the Organisation's duty to ensure the protection of human dignity at work, including the right to a workplace free of harassment. As such, the Council of Europe will not tolerate disrespectful behaviour between its staff; by any other person involved in its activities; or by or towards its staff.

2. Purpose and scope

2.1. The purpose of this Policy is to describe measures put in place by the Council of Europe to ensure respect for and protection of human dignity. It sets out the standards of conduct expected from Secretariat members (permanent and temporary staff; seconded officials; trainees; and study visitors) of the Council of Europe and all those involved in its activities, as well as the behaviour or actions which are considered to be unacceptable by the Organisation. It furthermore sets out the roles and responsibilities of all those concerned; the avenues of support available to those in need of them; and the procedures which may be followed in certain cases.

2.2. This Policy applies in all Council of Europe premises, as well as any other place in which Secretariat members may find themselves in connection with their work for the Organisation, and any place in which Council of Europe activities occur. It also applies to online activity, including the use of social media.

2.3. The Policy applies to Secretariat members of the Council of Europe, as well as to other relevant persons. (...)

3. Expected standards

3.1. The standards of conduct which are expected of Secretariat members and other relevant persons by the Council of Europe, and which they have the right to expect of others with whom they interact in their professional life, whether colleagues or non-Secretariat members, are outlined below. These standards

flow from the Council of Europe's Staff Regulations and its Code of Conduct, as well as the values – respect and integrity – which all Secretariat members and other relevant persons are expected to share and to uphold.

(...)

4. Disrespectful behaviour

4.1. Disrespectful behaviour, which will not be tolerated by the Organisation, is any form of conduct, whether physical, verbal or non-verbal, which takes place on- or off-line, including actions, words written or spoken, and gestures, which is abusive, offensive, humiliating, degrading, or intimidating towards another person and infringes upon their dignity. All Secretariat members should be aware that there is no impunity for disrespectful behaviour, in the context of their professional life, towards fellow members of the Secretariat or others. Secretariat members found to be in violation of this Policy will be liable to measures appropriate to the nature and severity of the violation, which in the case of staff members may include disciplinary sanctions, in accordance with Articles 1.5 and 12 of the Staff Regulations, up to and including dismissal. Other relevant persons who violate this Policy will be liable to actions appropriate to their status and the severity of the violation.

(...)

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

All Secretariat members

5.1. All Secretariat members are expected to be aware of this Policy and must abide by it. No Secretariat members should tolerate disrespectful behaviour on the part of others, whether it is directed against them or third persons.

5.2. All Secretariat members must treat all those with whom they are in contact in the course of their working life with respect and dignity at all times. This entails ensuring that they communicate in a polite and respectful manner and behave in a way that is consistent with the "Expected standards" set out above.

(...)

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.

(...)

6. Available support

6.1 Any Secretariat member or other relevant person who requires advice regarding a possible situation of harassment or other disrespectful behaviour, or wishes to talk about any matter that affects them concerning interpersonal relations in the context of the Council of Europe, should feel free to consult any of the following persons for advice:

- A Human Resources Advisor;
- The Welfare Officer;
- The Equal Opportunities Officer;
- A Confidential Counsellor;
- The Mediators; or
- The staff of the Medical Service.

(...)

7. Procedures

7.4 Formal complaint

(...)

Procedure following a formal complaint

7.4.5. Where an allegation of harassment reaches the Director of Human Resources, either directly by way of a formal complaint from the alleged victim, or via another person where the alleged victim has

confirmed to the Director of Human Resources their wish to pursue a formal complaint, 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. (...)

Protective measures

7.4.9. In cases of alleged harassment, where the alleged victim opts to lodge a formal complaint, there is the possibility of protective measures. Such measures aim to protect the alleged victim and prevent them from suffering further harm, whether as a result of further harassment; the stress involved in having to interact with their alleged harasser; or the risk of detrimental action in retaliation for having made a complaint. Protective measures can include (but are not limited to) paid leave for the victim; transfer of the victim to a different service; and monitoring of the victim's situation by a Human Resources Advisor. Where the alleged perpetrator is not a Secretariat member but another relevant person, protective measures may also include barring the alleged perpetrator from accessing the Organisation's premises.

7.4.10. Protective measures may be ordered by the Director of Human Resources, if appropriate, at the request of the victim; the suggestion of one of the persons listed above under "Available support"; or on the Director of Human Resources' own initiative, where there is prima facie evidence of harassment.

7.4.11. No protective measure which impacts upon the alleged victim will be imposed without first seeking their views.

9. Protection against retaliation

9.1. Anyone who makes, in good faith, an allegation of harassment, whether against them or another person, will be protected by the Organisation. Specifically, protection will be given against retaliatory action or the risk thereof by, or on behalf of, the person against whom the allegations were made. It is strictly prohibited to commit or threaten any detrimental action in retaliation against a person who has made an allegation of harassment or other disrespectful behaviour and doing so may lead to disciplinary sanctions.

9.2. A person who reports harassment to the Director of Human Resources, whether or not they are the victim of such harassment, will be treated as a "reporting person" for the purposes of *Speak Up: Council of Europe Policy on reporting wrongdoing and protection from retaliation*, and will be protected in line with that policy. This means that they may ask the Directorate of Internal Oversight to recommend that steps be taken to mitigate the risk of retaliatory action against them, where they feel that such a risk exists. A person who has reported harassment or other disrespectful behaviour may also, in the event that they consider that they have been subject to retaliation, lodge a formal complaint with the Director of Internal Oversight, which will be looked into and may lead to a disciplinary sanction against the person who has carried out the retaliatory action.

(...)

- as regards teleworking:

Rule No. 1346 on teleworking adopted by the Secretary General on 25 May 2012¹

Article 2 – Definition

1. The term "teleworking" refers to an arrangement whereby a Secretariat member performs work away from the Council of Europe premises on an occasional or regular basis.

(...)

Article 4 – General principles

1. Teleworking may only be organised on a voluntary basis and with the mutual consent of the Council of Europe and the Secretariat member concerned. A Secretariat member may not be compelled to telework.

(...)

3. Teleworking Secretariat members shall enjoy all rights and obligations set out in the Organisation's internal regulatory instruments, except those which depend upon physical presence in the Council of Europe premises, including overtime.

¹ Rule No 1346 of 25 May 2012 on teleworking was in force until 31 August 2024 and was repealed and replaced by Article 8110 on Telework of the Staff Rule on working hours and leave, which entered into force on 1 September 2024.

4. Teleworking Secretariat members shall not be subjected to any form of discrimination by virtue of telework. In particular, the nature and duration of employment, remuneration, professional responsibilities, career development, appraisal, social and medical cover, privileges and immunities (to the extent permitted by the teleworking place), access to training, opportunities for promotion and staff participation remain the same as those of staff working exclusively on Council of Europe premises.

(...)

6. Teleworking, as a means to reconcile professional and private life, remains working time for the Organisation. Direct hierarchical superiors shall pay attention to the working hours of teleworking Secretariat members in order that their private life and health is not prejudiced by telework. The private life, home and correspondence of teleworking Secretariat members shall be respected.

(...)

Article 13 – Teleworking place

1. (...) Occasional teleworking may be carried out at a place other than the Secretariat member's residence, provided that the Secretariat member concerned is accessible both by telephone and e-mail.

2. The teleworking place shall be specified in the regular teleworking agreement and in a request for occasional teleworking.

(...)

Article 15 – Considerations pertaining to health and security

1. The teleworking Secretariat member is responsible for ensuring that the teleworking environment is safe and secure and that it conforms to the applicable health and safety norms. (...)

2. The teleworking Secretariat member shall remain covered by the social and medical scheme of the Council of Europe.

(...)

7. The Organisation shall not be liable for material damage, loss or theft resulting directly or indirectly from teleworking. (...)

- as regards conduct which is expected from staff members in accordance with the values of professionalism, integrity and respect:

Code of conduct adopted by the Secretary General on 21 December 2022

Guiding principles

(...)

This Code of Conduct sets out the values and standards of conduct which emanate from our shared ethos. It defines what is expected of staff members and of all those working with the Council of Europe in various capacities. On an individual level, the Secretariat of the Organisation and those persons involved with its activities are expected to act with the highest degree of **integrity** and **respect**, by conducting themselves in accordance with these core values and with the values that underpin them: namely **independence, trustworthiness, responsibility, dignity, diversity, and discretion**. These values are overlapping and interwoven, and in many situations, more than one of them may inform the standards of conduct expected.

It is of the utmost importance that the conduct of all Council of Europe staff members, at all times, not only meets the standards expected of us, but is perceived by all – colleagues, stakeholders, interlocutors and the public – to meet these standards. The Code of Conduct is legally binding upon all staff members, and breaches may lead to disciplinary sanctions. (...)

Staff Rule on discipline adopted by the Secretary General on 21 December 2022

1210.INSTIGATION OF DISCIPLINARY PROCEEDINGS

1210.1 Reports of alleged wrongdoing made to the Directorate of Internal Oversight (DIO) pursuant to Speak Up: Council of Europe Policy on reporting wrongdoing and protection from retaliation will be handled by that entity in accordance with the aforementioned Policy and the Rule on investigations. Where an investigation report resulting from such a report, or from an allegation of wrongdoing which has come to the attention of the DIO by a different means, discloses misconduct on the part of a Secretariat member, the report shall be transmitted by the DIO to the Secretary General for possible disciplinary follow-up.

1210.2 Formal complaints of harassment made to the Director of Human Resources pursuant to the Policy on respect and dignity in the Council of Europe will be handled in accordance with the aforementioned Policy. Any investigation into such a complaint will be conducted by external investigators in compliance with the Rule on investigations. Where an investigation report resulting from such a formal complaint discloses misconduct on the part of a Secretariat member, the report shall be transmitted by the Director of Human Resources to the Secretary General for possible disciplinary follow-up.

(...)

1280. PARALLEL CRIMINAL PROCEEDINGS

1280.1 Where the person concerned is subject to criminal proceedings before the relevant national authorities for the same acts, omissions or conduct that gave rise to proceedings under this Staff Rule, the Secretary General may decide to suspend the proceedings under this Staff Rule until such time as the criminal proceedings have reached their conclusion.

- as regards the protection which is accorded by the Organisation to those who report wrongdoing affecting the public interest:

**Council of Europe Policy
on reporting wrongdoing and protection from retaliation
("Speak Up Policy")
adopted by the Secretary General on 31 May 2023**

Introduction

1. This Policy sets out the Council of Europe's internal framework for the reporting of wrongdoing affecting the public interest and the protection which will be accorded by the Organisation to those who report such wrongdoing. Together with the Code of Conduct and the Policy on respect and dignity in the Council of Europe, this Policy forms part of the Organisation's ethical framework. It should also be read in conjunction with the Staff Regulations and Staff Rules. (...)

II. PRELIMINARY PROCEDURAL CONSIDERATION

26. In accordance with Article 10.6 of the Statute of the Tribunal and paragraph 2.a of its Rules of procedure, any document communicated to the Tribunal by a party shall be sent without delay by the Registrar to the other party, subject to the confidentiality requirements inherent in certain documents. Paragraph 2.b of the Rules of procedure provides further that "where a party to the proceedings relies on the confidential nature of a document to oppose its disclosure to the other party, it is for the Tribunal to determine whether the document in question is relevant to the determination of the dispute and, if so, whether the document or some of its elements are effectively of a confidential character".

27. Having examined the DIO investigation report and the related recommendations (paragraph 22), the Tribunal determines that it does not need to rely on these documents for the purposes of ruling on the arguments, in fact or in law, raised by the parties. Therefore, it was not necessary to share these documents with the appellant.

III. THE PARTIES' POSITIONS

A. The appellant

28. In their appeal, the appellant asks the Tribunal to annul the decision of 14 January 2025 rejecting their administrative complaint against the decision not to order an investigation into their formal harassment complaint, which the Secretary General declined to pursue on the ground that the reported facts related to the appellant's personal life rather than the workplace

and therefore did not meet the definition of harassment set out in the Policy. The appellant further requests the Tribunal to order the Secretary General to award them 45 000 euros as compensation for the moral harm, as well as the payment of 9 000 euros in reimbursement of the costs incurred.

29. In support of their appeal, the appellant advances essentially two grounds. First, they allege the Organisation's failure to properly implement the Policy, read together with the applicable rules on teleworking, which entailed a breach of its duty of assistance and protection. Second, they invoke a series of procedural irregularities which, in their view, amounted to a breach of the Organisation's duty of care.

1. First ground: violation of the Policy on respect and dignity in the Council of Europe and of Rule No. 1346 of 25 May 2012 on teleworking

30. Under this ground, the appellant reiterates that the acts of harassment complained of occurred during working hours and in the teleworking location shared by themselves and another staff member of the Organisation. As such, these acts fell entirely under the scope of application of the Policy and warranted the opening of an investigation. The contested decision, which denied the appellant the benefit of such an investigation, was therefore taken in violation of the Policy.

31. The appellant stresses the need to interpret the Policy in accordance with the general principles of law and the relevant conventional standards on preventing and combating harassment. The appellant refers in particular to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the "Istanbul Convention") and the International Labour Organization ("ILO") Convention No. 190 on violence and harassment in the world of work. They consider that they were unduly denied the protection afforded by these instruments, despite the Council of Europe's obligation to uphold their standards.

32. The appellant argues that the circumstances invoked in the contested decision, namely the nature of their relationship with X, the personal motives behind X's actions, and the private context in which those actions took place, were not such as to exclude the applicability of the Policy to their case. Moreover, the decision in question should have taken into consideration the appellant's perception of the reported violent behaviour and its effect was to shift the responsibility for that behaviour onto the appellant.

33. Under this ground, the appellant further develops arguments aimed at demonstrating that the Secretary General unduly delayed the examination of the reported facts by relying on the competence of the national authorities where the incident occurred to investigate any criminal conduct. They claim that the existence of a national criminal investigation did not relieve the Secretary General from the duty to investigate the alleged harassment. The appellant also underlines that the relevant rule, namely paragraph 1280.1 of the Staff Rule on discipline, introduces an exception to the principle that investigations in disciplinary matters should be carried out by the Organisation itself and in no way prevented the Secretary General from conducting such investigations. In support of this argument, the appellant refers to the investigation initiated by the Organisation (paragraph 16), which was inextricably linked to the harassing behaviour X displayed towards them.

34. The appellant submits that the contested decision also violates Rule No. 1346 of 25 May 2012 on teleworking, by considering that acts of harassment committed while teleworking do not qualify as acts of harassment committed in the workplace for the purposes of the Policy. Such an interpretation disregards staff members' right to protection, regardless of their workplace, and undermines the principle of legal certainty.

35. By failing to act in accordance with the applicable rules, the appellant contends that the Organisation breached its duty of assistance. In the light of the evidence provided concerning the effective occurrence of such an incident in their case, they argue that the refusal to open an investigation into their complaint constituted a manifest breach of the Organisation's duty of protection.

2. *Second ground: violation of the duty of care*

36. In addition, the appellant alleges a breach of the duty of care on account of several procedural irregularities.

37. The first alleged irregularity relates to the eight-day delay with which the Director of Human Resources transmitted the appellant's request for management review to the Director General of Administration. In the appellant's view, by delaying this transmission, the Director of Human Resources failed in her duty to promptly transfer the request to the reviewer, as required by paragraph 1440.3 of the Staff Rule on Grievance Procedures.

38. The second alleged irregularity concerns the failure by the Director General of Administration to reply to the appellant's request for management review within the statutory deadline. In the absence of an explicit reply to their request, the appellant submits that they were obliged to lodge an administrative complaint without being informed of the reasons for the rejection of that request. The appellant further contends that this procedural deficiency was compounded by the Director General's decision to consider their complaint as withdrawn, without their consent and contrary to their wish.

39. Under this ground, the appellant further complains of a lack of adequate follow-up in relation to the protective measure that was put in place in pursuance of the Speak Up Policy.

B. The Secretary General

40. The Secretary General, for his part, upholds that the decision not to open an investigation into the appellant's harassment complaint was taken in full compliance with the applicable rules and principles and is not tainted by any excess or abuse of discretionary power, nor by a manifest error.

41. The Secretary General therefore requests the Tribunal to declare the appeal unfounded and to dismiss it, together with all related claims. With regard to the appellant's claim for compensation of non-material damage, the Secretary General observes that this claim is inadmissible owing to the appellant's failure to raise it in their formal complaint. Without prejudice to such inadmissibility, the Secretary General argues that he did not commit any irregularity that could give rise to the Organisation's liability. He adds that, in any event, the alleged damage is neither justified nor substantiated, and it could be remedied by ordering an investigation should the Tribunal annul the contested decision. The Secretary General also

requests that the appellant's claim for reimbursement of legal costs be dismissed on the ground that the appeal is unfounded.

1. *On the violation of the Policy on respect and dignity in the Council of Europe and of Rule No. 1346 of 25 May 2012 on teleworking*

42. The Secretary General maintains that the Director of Human Resources correctly interpreted and applied the relevant rules in the exercise of her discretionary power to determine whether the acts complained of by the appellant warranted opening an investigation. In this regard, he recalls that decisions falling within the discretionary power of international organisations are subject to only limited judicial review, and can be quashed only if they were taken by an incompetent authority, are vitiated by a formal or procedural defect, are based on an error of fact or law, fail to take account of all the relevant facts, are vitiated by a misuse of power or draw manifestly erroneous conclusions from the file.

43. Referring to both the purpose and the wording of the Policy, the Secretary General submits that an interpretation in good faith of this instrument commands limiting its scope to disrespectful behaviour arising in the context of staff members' professional lives and not covering behaviour occurring exclusively in the context of their personal lives. In the present case, however, the facts set out in the harassment complaint bore no connection to the professional duties of either the appellant or X, nor to their working environment. They stemmed solely from their personal relationship and their private lives. In the absence of a real and substantial link between the conduct alleged and the workplace, the Secretary General therefore upholds that the Policy did not apply to the situation complained of by the appellant.

44. As to the circumstances invoked by the appellant to the contrary, namely that the alleged harassment occurred between Council of Europe staff members who were teleworking in the same location, the Secretary General observes that these circumstances are insufficient to bring the alleged acts within the scope of the Policy. He reiterates that the decision by the appellant and X to telework from the same location was a personal choice made in the context of their private lives, and did not involve the Organisation in any way.

45. While not expressly denying that the Policy may apply in situations involving teleworking, the Secretary General submits that the Organisation can only adopt measures proportionate to its degree of control in order to prevent harassment related to the professional life of its staff members. It cannot reasonably be expected to ensure the safety or suitability of all locations from which staff members may choose to telework and for which they remain responsible under the applicable rules.

46. In excluding the qualification of the acts complained of as harassment for the purposes of the Policy, the Secretary General nonetheless recognises the possibility that such acts may amount to criminal wrongdoing, for which national authorities, and not the Council of Europe, have the necessary investigative powers. Any criminal liability established by those authorities may, however, justify the opening of disciplinary proceedings.

2. *On the violation of the duty of care*

47. The Secretary General explains that the delay on the part of the Director of Human Resources in forwarding the appellant's request for management review was due to her wish to

ensure that the appellant did not object to sharing the sensitive information contained in their complaint with the Director General of Administration.

48. As to the appellant's argument that they suffered procedural prejudice on account of the Director General of Administration's failure to reply to their request for management review within the statutory deadline, the Secretary General notes that they were offered the possibility to submit a new formal complaint but declined to do so.

49. With respect to protective measures, the Secretary General recalls the Director of Human Resources' reiterated availability to reassess the need for such measures after the appellant initially declined them.

IV. THE TRIBUNAL'S ASSESSMENT

50. It is well established that an international organisation has a duty to provide a safe and adequate working environment for its staff members, and that such a duty extends to protecting them against acts of harassment (Administrative Tribunal of the International Labour Organization (ILOAT), [Judgment No. 4207 of 10 February 2020](#), G. M. v. IAEA, consideration 15).

51. In the Council of Europe, this duty is enshrined in Article 2.1 of the Staff Regulations. That provision states that the Organisation must act at all times with fairness and due care in its relations with staff members, and that it must protect their human dignity at work and provide them a workplace free from harassment. The scope of this duty is further specified in the Policy, whose primary aim is to prevent any form of disrespectful behaviour, including harassment, in relations between staff members.

52. In the present case, the Director of Human Resources justified the decision on the ground that, based on information set out in the complaint, the acts in question did not qualify as harassment within the meaning of the applicable provisions of the Policy and therefore did not warrant opening an investigation. In circumstances such as these, the Tribunal must determine whether the Organisation erred in its assessment of the facts in the light of the definition of harassment referred to in those provisions. Indeed, the case at hand raises a question of interpretation of the relevant norms and is therefore subject to the Tribunal's full review (Court of Justice of the European Union (CJEU), [judgment of 6 December 2023](#), QI v. European Commission, T-807/21, § 105).

53. It is in the light of these considerations that the Tribunal must examine the facts relied upon by the appellant to argue that the Organisation erred in finding that harassment had not occurred and in rejecting their complaint.

1. On the violation of the Policy on Respect and Dignity in the Council of Europe and of Rule No. 1346 of 25 May 2012 on teleworking

54. The Tribunal notes that the object of the present dispute is whether the facts complained of, as they were set out in the appellant's complaint, fell within the remit of the Policy and qualified as harassment for the purposes of the Policy. It is not disputed that, if established, such facts might qualify as reprehensible conduct under national law; nor does the defendant contest that in such a case, they could amount to misconduct warranting the opening of disciplinary proceedings vis-à-vis of X.

55. At the outset, the Tribunal recalls that, under the Staff Regulations, the Council of Europe's obligation in the area of harassment prevention is framed as a corollary of its duty to ensure a healthy and safe working environment (emphasis added), as set out in Article 2.1.1 of the Staff Regulations. As for any employer, the safety obligation incumbent on the Council of Europe is aimed at preventing occupational risks and at ensuring both the safety of staff members and the protection of their health. This is clearly an obligation rooted in the employment relationship and one which operates in relation to staff members' performance of duties or in connection thereto. As regards harassment, the Organisation's safety obligation entails the duty to maintain working conditions free from harassment and, where harassment occurs, to react promptly and to take appropriate protective measures for the victim.

56. Insofar as the provisions of the Policy relate to the Organisation's safety obligation, their scope of application must be understood as concerning the working environment, as well as any disrespectful behaviour which may occur in connection thereto. This is reflected in the introductory provisions of the Policy, which state that its purpose is to uphold the "right to expect a positive and harmonious working environment that is free of harassment or any other disrespectful behaviour", from which derives the "corollary obligation to treat others in the same manner, and to uphold the same working environment and culture" (see paragraph 1.1 of the Policy – emphasis added).

57. When interpreting the notion of harassment contained in paragraph 4.6 of the Policy, that notion must therefore be understood in the light of the context of the Policy, which - as noted above - is linked to the Council of Europe's safety obligation towards its employees.

58. In this respect, the Tribunal recalls that, as regards the interpretation of legal norms, it is a primary rule of interpretation that words are to be given their obvious and ordinary meaning and must be construed objectively in their context and in keeping with their purport and purpose (ILOAT, [judgment No. 5071 of 3 July 2025](#), S. (No. 2) v. EPO, consideration 7; ATCE, Appeal No. 766/2024, L. D. (III) v. Secretary General of the Council of Europe, [judgment of 24 June 2025](#), § 60).

59. In the light of the foregoing, the Tribunal considers that acts of harassment falling within the scope of the Policy are those that display a substantial connection with the employment relationship. It is such acts alone that fall within the ambit of the Organisation's duty to ensure a safe and healthy working environment and are, as a consequence, capable of engaging its responsibility under its safety obligation towards its staff members. If one were to adopt a strictly literal reading of paragraph 4.6 of the Policy, the Council of Europe would find its responsibility engaged with regard to any act of harassment affecting the dignity, integrity or well-being of those concerned, including acts bearing no connection whatsoever to the working environment within the Organisation. Such an interpretation would not only render it materially impossible for the Council of Europe to discharge its safety obligations but would also run counter to the very object of the safety obligation, which concerns only the working environment.

60. The Tribunal must now examine whether, in the present case, the acts complained of fall within the scope of the Policy, as the appellant contends, or whether they pertain entirely to the private sphere and are therefore of no relevance for the purposes of the Policy.

61. It is not in dispute that both the appellant and X are staff members of the Council of Europe and, as such, fall within the category of Secretariat members for the purposes of paragraph 2.3 of the Policy. That being so, the Tribunal observes that, at the time of the events at issue, the appellant and X had no professional relationship in the sense that their respective duties within the Organisation did not require them to interact or to engage in any work-related exchanges.

62. It is also common ground that, at the material time, the appellant and X were both teleworking from the same locality. Without it being necessary for the Tribunal to determine whether that location may qualify as a “workplace” for the purposes of paragraph 2.2 of the Policy, the evidence on file indicates that the appellant and X had no professional reason to share the same place of work. To the extent that they agreed to be present there, this was for reasons essentially pertaining to their private sphere.

63. Moreover, the conduct described in the harassment complaint bore no relation to the professional obligations of either the appellant or X, in that it neither arose in the context of the performance of their functions nor was related thereto. The fact that such conduct may have damaged the appellant’s work equipment is not sufficient to call this finding into question. Nor does this conclusion detract from the fact that, if established, such conduct would be liable to affect the appellant’s dignity and health and to have repercussions on their ability to perform their duties.

64. In the light of the foregoing, the Tribunal considers that the acts alleged by the appellant do not display a substantive connection with the appellant’s and X’s employment relationship or professional life and, as such, do not fall within the scope of the Policy. It is evident that the conduct complained of could have occurred even if the appellant and X had not been staff members and even if, at the material time, they had not been teleworking, inasmuch as such conduct stemmed entirely from their private relationship. In this respect, the Tribunal notes that one of the objectives of the teleworking regulations is to enable staff members to better balance their professional and personal lives. In the present case, the choice to telework in the same location was entirely shaped by considerations inherent to the personal lives of the appellant and X. In these circumstances, the Director of Human Resources was correct in concluding that there was no basis for opening an investigation in response to the appellant’s harassment complaint, since the alleged facts fell outside the scope of the Policy.

65. To the extent that the rules of the Policy did not apply, the Tribunal concludes that no violation of such rules occurred, nor did the Director of Human Resources’ decision not to apply them entail a violation of the appellant’s rights under the rules on teleworking.

66. Moreover, the appellant cannot rely on the duty of care to assert that the Administration was under an obligation to investigate their harassment complaint, in the absence of any such obligation arising under the Organisation’s duty to ensure a safe working environment. The Tribunal recalls that in principle, the duty of care which an international organisation owes to its officials does not extend to the obligation to grant them a benefit to which they are not entitled or to take special steps to exempt them from the normal application of rules (see ILOAT, [judgment No. 4882 of 8 July 2024](#), K. (No. 7) v. UNESCO, consideration 6).

67. In view of the alleged risk of repeated violent behaviour, the Organisation’s duty of care could nevertheless come into play insofar as it could not be excluded that the appellant might be exposed to acts of harassment by X occurring in connection in the context of the performance

of their functions at the Council of Europe. In this respect, the Organisation was therefore under an obligation to ensure that the appellant benefited from a safe working environment, free from any risk of violence. It was thus entirely appropriate that the Director of Human Resources repeatedly reminded them of the available support and counselling services, as well as of the protective measures to which they could have recourse upon request. Despite the feelings of insecurity expressed by the appellant in their exchanges with the Administration, they did not wish to avail themselves of such measures and, on the one occasion they requested them, ultimately chose to decline them (see the exchanges between the appellant and the Director of Human Resources, paragraphs 7 to 9).

68. As regards the protective measures that were implemented in the context of the investigative procedure carried out by the DIO (paragraph 16), the Tribunal notes that this procedure falls outside the scope of the present appeal. The Tribunal therefore has no cause to rule on the adequacy of those measures.

69. In these circumstances, the Tribunal is satisfied that the Organisation took the measures reasonably required of it in terms of protective measures and therefore finds no violation of its duty of care towards the appellant.

70. Under this ground of appeal, the appellant further submits that the Administration erred in declining to pursue an investigation into X's misbehaviour on the basis that parallel criminal proceedings were pending before the national authorities (see paragraph 33).

71. In this respect, it is not disputed that X's conduct, if established, could amount to a breach of the Council of Europe's Code of Conduct and might, as such, render X liable to disciplinary sanctions.

72. That said, it must be emphasised that the decision not to initiate an investigation under the disciplinary rules is distinct from the decision not to investigate the acts of harassment complained of. In the present case, the subject matter of this appeal concerns only the decision of the Director of Human Resources not to pursue an investigation into the appellant's harassment complaint (a procedure in which the appellant is a party), and not any decision regarding a possible inquiry into conduct that might justify the opening of disciplinary proceedings against X (a procedure in which the appellant would not be a party).

73. In this respect, the case law has established that disciplinary relations between an organisation and one of its staff members do not directly concern other staff members or affect their legal position. Consequently, a decision concerning a disciplinary inquiry or a disciplinary measure relating to a staff member will not, as a rule, adversely affect other staff members, who therefore have no cause of action to challenge such a decision (ILOAT, [judgment No. 5084 of 3 July 2025](#), D. M. (No. 8) v. EPO, consideration 6).

74. It follows that this argument is ineffective, as it does not fall within the scope of the present appeal and is in any event inadmissible for lack of a cause of action.

75. In the light of the foregoing, the first ground of appeal has to be rejected.

2. *On the violation of the duty of care*

76. Under the second ground of appeal, the appellant alleges that procedural irregularities occurred in the handling of their request for management review.

77. The Tribunal must therefore determine, first, whether any such irregularities were in fact committed and, second, whether they were capable of causing prejudice to the appellant. It is settled case law that non-compliance with procedural time limits does not render a decision unlawful in the absence of demonstrable prejudice (ATCE, appeal No. 747/2024, M.-L. L. v. Secretary General, [judgment of 30 January 2025](#), § 51).

78. As to the first alleged irregularity (paragraph 37), the circumstances described by the respondent (paragraph 47) may explain a brief delay in transmitting the request for management review. Without needing to determine whether that transmission complied with the requirement of promptness laid down in paragraph 1440.3 of the Staff Rule on Grievance Procedures, the Tribunal fails to see how this alleged delay could have caused any prejudice to the appellant. The appellant themselves does not claim to have suffered such prejudice.

79. As to the second irregularity relied upon by the appellant (paragraph 38), the respondent acknowledges that the requirement set out in paragraph 1440.4 of the Staff Rule on Grievances - according to which “[t]he reviewer must notify the staff member of the outcome of the management review, in writing, within 30 days from the date on which the request was received by the original decision-maker” - was not complied with.

80. While this irregularity is established, the Tribunal does not reach the same conclusion as regards the alleged prejudice. First, the appellant could have lodged a fresh complaint following the late communication of the rejection of their request for management review but chose not to follow the suggestion made to that effect. Secondly, the appellant had the opportunity to supplement their complaint by adding an addendum in which they were free to respond to the arguments set out in the decision rejecting their request. Although the ambiguities surrounding the handling of the management review request may have created a sense of uncertainty for the appellant, the Tribunal discerns no violation of their procedural rights and, consequently, no prejudice on which the appellant could rely in the present proceedings.

81. In the absence of any irregularity capable of causing prejudice to the appellant, the second ground of appeal is unfounded.

V. CONCLUSION

82. In conclusion, the present appeal is unfounded and must be dismissed.

83. In view of the foregoing, the claims for annulment of the challenged decision must be rejected, as must the claims for compensation, without it being necessary for the Tribunal to rule on their admissibility.

FOR THESE REASONS, THE ADMINISTRATIVE TRIBUNAL:

Declares the appeal unfounded and rejects it;

Decides that each party will bear its own costs.

Delivered on 22 January 2026, the English text being authentic.

The Registrar of the
Administrative Tribunal

Christina Olsen

The Chairing Judge of the
Administrative Tribunal

Lenia Samuel