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**FOLLOW-UP TO DECISIONS AND RESOLUTIONS ADOPTED BY THE EXECUTIVE BOARD
AND THE GENERAL CONFERENCE AT THEIR PREVIOUS SESSIONS**

PART IV

HUMAN RESOURCES ISSUES

ADDENDUM

COMMENTS OF THE INTERNATIONAL STAFF ASSOCIATION OF UNESCO (ISAU)

SUMMARY

D. Report by the Director-General on the activities of the Appeals Board

Pursuant to item 9.2.7 of the UNESCO Human Resources Manual, the International Staff Association of UNESCO (ISAU) submits its comments on human resources issues (document 222 EX/4.IV.D).

1. ISAU welcomes the publication of the first annual report of the Appeals Board, pursuant to [220 EX/Decision 18](#) of the Executive Board and Recommendation 5 of the Report of the Joint Inspection Unit (JIU) ([JIU/REP/2023/2](#)) on the internal pre-tribunal-stage appeal mechanisms available to staff of the United Nations system organizations. This report represents an important step towards better institutionalization of UNESCO's internal justice system.

2. However, we express our deep concern at the **substantial changes** made by the Directorate to the initial version of the report, forwarded as an advance copy to the staff associations by the Secretariat of the Appeals Board. These alterations, which are more than mere editorial adjustments, have the effect of **reducing the analytical scope of the report, weakening the transparency of**



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the Appeals Board's operations, **minimizing the value of its work**, and **limiting the ability of Member States to fully exercise their oversight role**.

Part I – Nature and consequences of changes to the report of the Appeals Board

3. The table below provides an overview of the nature and scope of the changes made to the Appeals Board report.

Deleted or modified items	Content	Implications for Member States' debates and harmonized procedures
Detailed annex with 37 cases processed in 2024 (CAP 506 to CAP 540)	Case summaries, recommendations, reasons for rejection or acceptance.	Prevents identification of systemic trends (e.g. Security and Safety Section (ADM/SEC), limits States' ability to formulate targeted recommendations.
The Appeals Board's general recommendations	Transparency, access to case law, review of regulatory framework.	Weakens the role of the Appeals Board as a proposing body, reduces the impact of reforms expected by Member States.
Graphics	Evolution of the number of cases handled, breakdown by unit, grade, gender, language, alignment of the Directorate with the recommendations of the Appeals Board.	Reduces report readability, limits comparative analysis.
Explicit mention of malfunctions in certain units	ADM/SEC: 35% of cases in 2024.	Deletes data essential for monitoring internal practices and preventing abuse.
Analysis of Appeals Board human resources	Chronic understaffing, call for structural reinforcement.	Minimizes issues of institutional viability, prevents Member States from supporting corrective measures in line with JIU standards.

4. This approach raises several major problems:

- (i) **Undermining the independence of the Appeals Board**
Any modification of the report initially drafted by the Appeals Board, and not validated by it, constitutes interference contrary to the principles of good governance.
- (ii) **Impeding informed debate by Member States**
Member States have asked for disaggregated and accurate data. Their removal prevents a rigorous assessment of how the appeals system is working.
- (iii) **Risk of weakening the internal justice system**
By weakening the recommendations of the Appeals Board, the Directorate is compromising the credibility and work of this independent body.

(iv) Erosion of the accountability of the Administration

The removal of concrete cases and recommendations made by the Appeals Board makes it impossible to measure the real impact of the Director-General's decisions, particularly in cases of non-alignment.

5. By means of a decision taken at its 220th session, the Executive Board "Request[ed] the Director-General in line with Recommendation 5 of document [JIU/REP/2023/2](#) to report to it annually, starting in 2025, on the functioning of UNESCO's formal internal appeal mechanisms, including the specialized recourse mechanisms, with details on the number, subject matter and outcome of appeals, including cases deemed irreceivable, information on the demographics of applicants and information on whether the appealed decisions were upheld or revised, disaggregated by type of procedure, as applicable;"¹ This decision gives the Director-General responsibility for submitting the report, but in no way calls into question the principle of independence of the Appeals Board. The latter must therefore retain the right to prepare its own report, without interference. This principle is essential to ensure the credibility of the internal justice system and the confidence of stakeholders.

6. It is legitimate for the Directorate to wish to make observations or comments on the report. On the other hand, it should not intervene in its drafting or modify its content before transmission to the Member States. Such a practice compromises the transparency and independence of the Appeals Board, and risks pre-empting intergovernmental debate by directing information from a one-sided perspective.

7. The information contained in the report is of a factual and procedural nature. It must come from the Appeals Board, which is the only body capable of collecting, analysing and presenting it. Any alteration or deletion of this data by an outside entity, even the Directorate, constitutes a breach of the integrity of the reporting process.

8. To dispel any doubts or suspicions of interference, it would be advisable for the Directorate to clarify the procedures that led to the publication of an amended version of the report. Like the annual reports of other independent bodies such as the Ethics Office and the Division of Internal Oversight Services (IOS), whose editorial independence is presumed, the Appeals Board's report must enjoy the same level of institutional protection.

9. It is therefore essential that this report be transmitted in its original, unaltered version, in order to preserve the transparency and functioning of the internal justice system.

Part II – Specific comments on the initial Appeals Board document

10. ISAU hereby submits its observations on the **initial** report as forwarded to the staff associations as an advance copy. This analytical commentary does not reproduce the content of the original report, nor does it contain any confidential information.

11. ISAU congratulates the Appeals Board on the presentation of this first annual report, and the neutrality with which the information is presented therein. This approach helps reinforce stakeholders' confidence in the impartiality of the Appeals Board. This exercise in transparency is not only useful, but necessary for the defence of staff rights and the credibility of UNESCO's internal justice system. The report provides a solid basis for informed institutional dialogue on issues of internal justice, transparency and governance.

12. We welcome the comprehensiveness of the report, and in particular its annex, which makes a valuable contribution to the transparency of the internal justice system. It responds directly to the requests made by ISAU in its previous comments, in particular on the occasion of the examination of the Director-General's report on judgments issued by the International Labour Organization Administrative Tribunal (ILOAT).

¹ [220 EX/Decision 18.7](#)

13. The inclusion of detailed data – such as the number of appeals submitted, reasons for rejection and recommendations that are favourable or unfavourable to staff – represents a significant step forward. These long-awaited elements finally enable rigorous monitoring of the effectiveness of appeal mechanisms, and strengthen the ability of stakeholders to assess their operation objectively. We are pleased to note significant improvements over the past two years, both in the number of cases handled, and in the quality and relevance of the Appeals Board's recommendations.

14. ISAU fully supports the Appeals Board's request to strengthen its human resources. Staffing is an essential investment to consolidate progress and enable the Appeals Board to respond effectively and sustainably to the Organization's expectations.

15. This need for resources is all the more necessary as significant improvements must be made in terms of compliance – with procedural deadlines over the reporting period:

- The average interval of 474 days between the Administration's response and the holding of hearings, i.e. over 15 months, far exceeds the statutory six-month period provided for in the texts. This situation gives cause for concern in terms of the right of access to an effective remedy. Corrective measures should be considered to reduce these delays and ensure that the principles of speed and fairness are respected in the handling of appeals.
- In addition, nine cases exceeded the statutory 60-day deadline for transmitting the Appeals Board's report to the Directorate, in some cases being more than one month late. While these delays can be explained in part by the limited availability of the Chairperson and Board members, it would be advisable to anticipate these constraints through organizational adjustments. In particular, ISAU encourages better planning of schedules and a wider pool of available members, to ensure strict compliance with the Statutes and preserve the quality of the deliberative process.

16. We welcome the initiative to build up a body of case law by archiving the decisions of the Appeals Board. However, the publication of simple summaries would not be enough to meet the requirements of transparency and predictability. To improve access to legal information, all the Board's recommendations should be made available in anonymized form via a dedicated, regularly updated online platform. Such a system would contribute to a better understanding of staff rights, while encouraging more realistic management of their expectations of the internal justice system. It would also strengthen the Administration's accountability and consistency of practice.

17. Furthermore, ISAU notes a notable discrepancy in the Director-General's rate of alignment with the Appeals Board's recommendations: 60% for staff-friendly recommendations, compared with 94% alignment overall. This imbalance can undermine staff confidence in the internal justice system and increase recourse to ILOAT, with all the financial and institutional implications this entails. It is essential that the recommendations of the Appeals Board, as an independent body, are fully taken into account in the Administration's decision-making process.

18. We also note the disproportionate concentration of appeals from the Security and Safety Section (ADM/SEC), accounting for over a third of cases. This abnormally high rate suggests persistent structural malfunctions that need to be investigated and corrected by the Administration. Other units (Division of Operations (ADM/OPS), Natural Sciences Sector (SC), Office of International Standards and Legal Affairs (LA)) also appear on a recurring basis and warrant special attention. These observations are in line with the testimonials received by ISAU from colleagues.

19. In order to enable Member States to assess the robustness of the internal justice system, a **clear and systematic link** needs to be established between Appeals Board decisions and ILOAT judgments.

20. The establishment of a structured, transparent and systematic mechanism would make it possible to:

- (i) **Trace cases** which, after being examined by the Appeals Board, were brought before ILOAT.
- (ii) **Compare** Appeals Board recommendations with Directorate decisions and ILOAT rulings on the same cases.
- (iii) **Document discrepancies** between Appeals Board positions and final ILOAT decisions.

21. This formal link could take the form of:

- a **dedicated table** in the Director-General's report on ILOAT judgments concerning UNESCO;
- a **comparative analysis** of the Board's recommendations and ILOAT decisions, to identify areas of convergence and divergence;
- a **monitoring indicator** on the rate of alignment between the two bodies;
- or an **anonymized database for tracking individual appeals**, accessible to all staff members and Member States, thus facilitating the tracking of appeals between their initial handling by the Appeals Board and the eventual judgment handed down by ILOAT.

22. The introduction of such a mechanism would help strengthen the Administration's accountability, while enhancing the role of the Appeals Board as a reference body. It would also make it possible to reduce recourse to external procedures that are often costly and complex, while promoting greater predictability of decisions, to the benefit of the staff and therefore the Organization as a whole.

Conclusion

23. ISAU would like Member States to have access to all the information they need to carry out their supervisory duties, and for the Appeals Board's contributions to be fully taken into account in the Organization's decision-making processes.

24. In view of the above, it would be desirable for the Executive Board to specify in its decision that the Appeals Board itself must submit its annual report, and to ask the Directorate:

- to publish the Appeal Board's 2024 report in its entirety, unaltered by the Directorate;
- to ensure access to Appeals Board data and case law via a dedicated platform;
- to analyse the link between cases handled by the Appeals Board and those brought before ILOAT.