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## **Executive Board**

**Two hundred and twenty-second session**

### Item 4 of the provisional agenda

## **REPORT BY THE DIRECTOR-GENERAL ON THE JUDGMENTS CONCERNING UNESCO ISSUED BY THE INTERNATIONAL LABOUR ORGANIZATION ADMINISTRATIVE TRIBUNAL (ILOAT)**

### **ADDENDUM**

### **COMMENTS OF THE INTERNATIONAL STAFF ASSOCIATION OF UNESCO (ISAU)**

#### **SUMMARY**

Pursuant to Item 9.2.7 of the UNESCO Human Resources Manual, the International Staff Association of UNESCO (ISAU) submits its comments on the report of the Director-General (document 222 EX/4.IV.A.INF.).

1. ISAU takes note of the report submitted at the 222nd session, which presents detailed data on ILOAT judgments and Appeals Board decisions. It should be emphasized that in 92% of cases, the Director General has fully followed the recommendations of the Appeals Board, which testifies to the generally consistent operation of this internal body, whose work and independence ISAU supports and promotes.
2. We note that the period covered (137th to 140th ILOAT sessions) partly overlaps with that of the previous report (135th to 138th ILOAT sessions). We are therefore pleased to note that, in accordance with [220 EX/Decision 5.IV.A](#) (para. 8), “the report will be provided on an annual basis from 2026 onwards”, thus enabling more rigorous monitoring.

#### **Judgments issued by ILOAT**

3. We note with concern that the number of judgments concerning UNESCO continues to rise: six in 2022, six in 2023, 11 in 2024 and already 18 in 2025. This trend is all the more surprising given the Administration’s emphasis on strengthened procedures and internal policies that are deemed effective. This paradox calls for in-depth reflection on the real effectiveness of conflict prevention mechanisms.
4. The Director General’s report clearly sets out the reasons for the adverse ILOAT rulings: non-compliance with internal rules, errors of law and procedural shortcomings. These factors are a



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cause for concern, especially as they point to avoidable malfunctions. It is essential, therefore, that the Organization does not confine itself to noting these judgments, but engages in in-depth reflection on the systemic causes underlying them.

5. However, it is not clear from the report whether any **accountability measures or internal investigations** were carried out following these adverse rulings. If the administrative decision is deemed irregular by ILOAT, it is legitimate to expect UNESCO to examine the causes and the people behind the error, in order to understand the shortcomings and improve processes.

6. It would therefore be desirable for future reports to include a **systematic table** of remedial action taken following unfavourable judgments. This would provide Member States and all staff with a clear view of the Organization's efforts to prevent the recurrence of errors. Such transparency would reinforce the credibility of the internal justice system, as well as the soundness of decisions taken by the Directorate, and would ultimately contribute to restoring staff confidence.

7. Secondly, ISAU strongly urges that the very form of the report be questioned. The recurrent use of terms such as "success" or "cases won" gives the document an agonistic tone, hardly compatible with the nature of a factual report. This vocabulary suggests that the main objective is to "prevail" against complainants, rather than to **understand the causes of disputes** and learn from them. Such a stance is difficult to reconcile with the principles of good governance and internal justice, not to mention the values of peace and dialogue promoted by our Organization.

8. It is imperative that our work and human resources management culture evolve. Accountability is not about lamenting mistakes, but recognizing them as **learning opportunities**. To brandish as a trophy the fact that the Organization has "won" more cases than it has "lost" betrays an administrative culture where performance is measured in terms of confrontation and humiliation, not in terms of process quality and respect for people's dignity. This reveals a **deep-rooted shortcoming in the culture of responsibility** that needs to be corrected.

9. It is imperative that UNESCO adopt a more rigorous, transparent and constructive approach to reporting on litigation.

This means:

- an improved document structure, with clear tables of remedial actions to be taken;
- a change of tone, avoiding hostile language;
- explicit recognition that every adverse ruling is an opportunity to strengthen internal procedures.

### **Overview of grounds of ILOAT judgments**

10. Table 2 of the report shows a clear increase in judgments against UNESCO, from just one in 2024 to seven in 2025. The reasons given are recurrent and worrying: non-compliance with internal rules and procedures (60% of cases), errors of law in handling complaints of harassment and retaliation, and procedural shortcomings. These shortcomings, that are avoidable, reflect the Administration's inadequate grasp of the rules. It is therefore paradoxical – and serious – that UNESCO is failing to meet the standards it has itself set and is supposed to uphold.

11. This situation calls for an examination of the underlying causes. ISAU's experience, particularly through the requests for assistance it has received, suggests a reluctance on the part of the Administration to challenge head-on decisions taken by supervisors. In several cases, the Administration seems to unreservedly accept the positions of these officials, even when the grievances raised by the complainants are based on clear and indisputable regulatory provisions. This hierarchical bias, if true, compromises the fairness of the internal justice system.

12. The result is alarming in human and institutional terms: staff members, rightly relying on written regulations, can spend years trying to obtain recognition of the legitimacy of a point that is nevertheless known to all parties. This irrationality, based on a logic of protecting authority rather than applying the law, generates unnecessary suffering and a lasting loss of trust. This leads to an absurd situation in which clear rules guarantee neither respect nor recognition.

13. A mature administrative culture does not consist in systematically defending decisions taken, but in questioning them, recognizing mistakes and learning from them. It is based on the ability to distinguish authority from legitimacy, and to give precedence to law over power relationships. On this basis, UNESCO will be able to restore the confidence of its staff and strengthen the credibility of its internal justice system.

### **Financial consequences**

14. The financial consequences are particularly severe: compensation awarded by the Tribunal has risen from \$16,340 in 2024 to \$271,106 in 2025. In this respect, the report limits itself to describing four judgments, those involving the highest awards. However, for the sake of transparency and in order to identify recurring reasons and avoid their reproduction, all adverse rulings should be summarized anonymously.

15. It should be pointed out that in addition to these substantial costs, there are also expenses relating to amicable settlements amounting to \$76,700 over the period. These amicable settlements, although mentioned, are unfortunately not accompanied by any substantial information (reason for the dispute, stage at which the amicable settlement was reached, etc.) that would enable effective monitoring of the cases referred to ILOAT.

### **Infringement of due process**

16. ISAU is currently being consulted within the framework of the revision of the Statutes of the Appeals Board in order to implement the recommendations made by the Joint Inspection Unit (JIU) on internal pre-tribunal-stage appeal mechanisms available to staff of the United Nations system organizations<sup>1</sup> aimed at improving the Organization's internal justice. In this context, we deem it important to reiterate the importance of:

- “introduc[ing] into their regulatory frameworks a provision for suspension of action of contested decisions at the pre-tribunal stage, ex officio or upon the appellant's request, in cases of prima facie unlawfulness of the decision, error of fact, particular urgency or when implementation of the decision could cause irreparable damage; or propose the introduction of this provision for decision to their legislative organs or governing bodies” (Recommendation 2) (emphasis added). Such a measure would also help to reduce the number of cases brought before ILOAT, as well as the amount of compensation, and prevent the damage suffered by staff from being aggravated by the immediate execution of decisions subsequently deemed illegal.
- “remov[ing] all restrictions regarding legal representation of their staff in internal justice processes, with the aim of allowing staff to choose their legal counsel freely and without restriction” (Recommendation 7) (emphasis added). Indeed, the imbalance between the Administration, represented by experienced lawyers, and the staff, who have no legal assistance within UNESCO, constitutes an infringement of the rights of defence. This situation entails financial and psychological costs for complainants, and fosters a climate of mistrust within the Organization. ISAU also calls for the establishment of a legal aid office for staff and the allocation of resources to associations, along the lines of other international organizations.

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<sup>1</sup> [JIU/REP/2023/2](#).

## **Harassment and the working environment**

17. We are surprised that in paragraph 17, the report relies on the results of the **2021** Global Staff Survey to paint a positive picture of UNESCO's action against harassment. However, the **2024** Global Survey, the results of which were published in May this year, highlights a worrying worsening of the situation. For example:

- Only 54% of respondents believe that bullying and harassment (including sexual harassment) are taken seriously by UNESCO and that there are effective mechanisms in place to deal with them, representing a drop since 2021 (-7 points) and 11 points below the benchmark median.
- Only 44% feel that their case would be treated fairly and that appropriate action would be taken if they reported unethical behaviour. This figure is 23 points below the median.
- Only 40% feel that UNESCO creates an environment in which people can speak out if they observe unethical or disrespectful behaviour, a figure 19 points below the benchmark median.

18. The choice of relying exclusively on old, favourable data, while ignoring more recent, worrying results, raises a serious question as to the objectivity of the presentation. Such a selection, which omits elements that are nevertheless key to assessing the situation, can only weaken the credibility of the report and cast unfortunate doubt on the sincerity of the transparency exercise.

## **Conclusion**

19. ISAU reaffirms that the persistence of legal and procedural errors, the increase in the number of disputes, the lack of individual responsibility and the imbalance of legal means between the Administration and the staff are seriously damaging UNESCO's credibility. This is detrimental to the working environment and significantly compromises the Organization's efficiency in fulfilling its mandate.

20. We ask that a clear and systematic link be established between the annual report of the Appeals Board and that of ILOAT, so that inconsistencies can be identified, the effectiveness of the remedial actions taken by the Director-General assessed and concrete lessons drawn, with a view to strengthening dispute prevention and management within the Organization.

21. Only a transparent and accountable approach will restore staff confidence in the internal justice system and limit the Organization's financial and reputational exposure.



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**REPORT BY THE DIRECTOR-GENERAL ON THE JUDGMENTS  
CONCERNING UNESCO ISSUED BY THE INTERNATIONAL LABOUR ORGANIZATION  
ADMINISTRATIVE TRIBUNAL (ILOAT)**

**SUMMARY**

Further to 220 EX/Decision 5.IV.A, this document aims at providing the Executive Board with information on judgments of the International Labour Organization Administrative Tribunal concerning UNESCO and on in-house amicable financial settlements for the 2024-2025 biennium.



Job: 2500140E

## Introduction

1. UNESCO recognizes the jurisdiction of the Administrative Tribunal of the International Labour Organization (hereinafter referred to as “the ILOAT” or “the Administrative Tribunal”) to consider complaints alleging non-observance of the terms of appointment of officials and of the provisions of the Staff Regulations, after exhaustion of the internal remedies available in the Organization.

2. It is recalled that, under UNESCO’s legal framework, a staff member who wishes to contest an administrative decision may submit a request for administrative review, on which the Director-General makes a ruling. If the staff member wishes to pursue his or her recourse upon receipt of a ruling on the request or in the absence of any ruling within a prescribed time-limit, he or she may lodge an appeal with the UNESCO Appeals Board, which is a body composed of five members, namely a Chairperson appointed by the Executive Board, two members appointed by the Director-General and two members appointed by the Chairperson from a list of staff members elected every two years by all UNESCO staff. After its consideration, the Appeals Board produces a report advising the Director-General on what action he or she should take on the case. The decision by the Director-General is subject to further appeal before the ILOAT. Judgments of the ILOAT are final and without appeal.

3. Pursuant to 220 EX/Decision 5.IV.A<sup>1</sup> and in accordance with 215 EX/Decision 5.IV.A,<sup>2</sup> paragraph 7, this document presents the results, figures and grounds of the judgments issued by the ILOAT at its 137th to 140th sessions during the 2024-2025 biennium. No additional judgments are expected before the 222nd session of the Executive Board. The information contained in this document is based on the judgments, as publicly available on the ILOAT website (<https://www.ilo.org/tribunal/lang-en/index.htm>). Moreover, as requested by the Executive Board, this document presents the number of in-house amicable financial statements in case of disputes and their cost to the Organization during the same reporting period.

## Judgments issued by the ILOAT

### Evolution between 1 January 2024 and 15 July 2025

4. In the period concerned, the ILOAT has issued a total of 29 judgments concerning UNESCO, 19 of which were in favour of the Organization (including one judgment that disposed of two cases), and two were partially in favour (meaning that the impugned administrative decision was upheld by the Administrative Tribunal, which nevertheless awarded compensation on other grounds). The ILOAT found against the Organization in eight judgments.

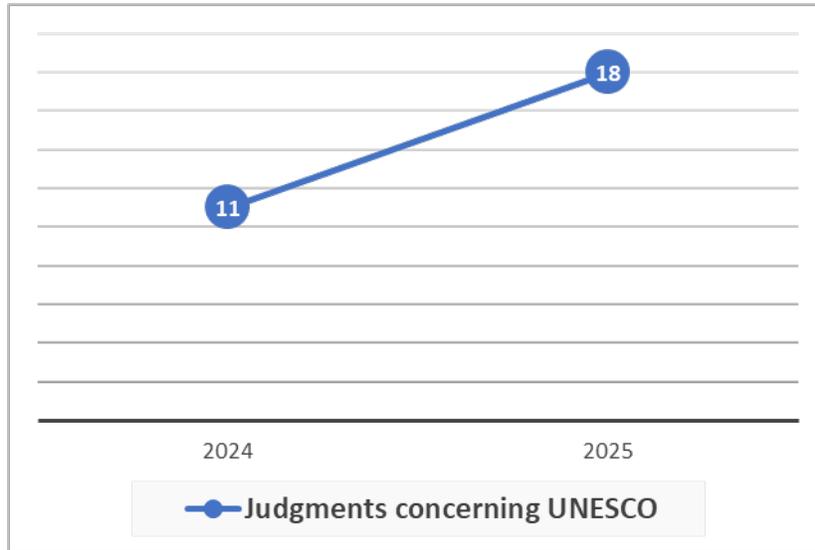
5. Table 1 shows the total number of judgments per year during the course of the biennium. The Administrative Tribunal issued 11 judgments concerning UNESCO in 2024, and 18 judgments concerning UNESCO in 2025 (as at 15 July 2025).

<sup>1</sup> 220 EX/Decision 5.IV.A: “8. Requests the Director-General to provide to it at its 222nd session a report in conformity with 215 EX/Decision 5.IV.A, paragraph 7, for the 2024-2025 biennium, and to provide such a report on an annual basis from 2026 onwards”.

<sup>2</sup> 215 EX/Decision 5.IV.A: “7. Invites the Director-General to report once per biennium in the report on human resources issues, on the judgments concerning UNESCO issued by the International Labour Organization Administrative Tribunal (ILOAT) and measures taken to incorporate the principles from those judgments in the administrative procedures, together with the detailed cost incurred by UNESCO (as in document 215 EX/5.IV INF); also invites the Director-General to report in the same report about the number of in-house amicable financial settlements in case of disputes, and their cost to the Organization”.

**Table 1**

**Evolution of the number of judgments issued (2024-2025)**

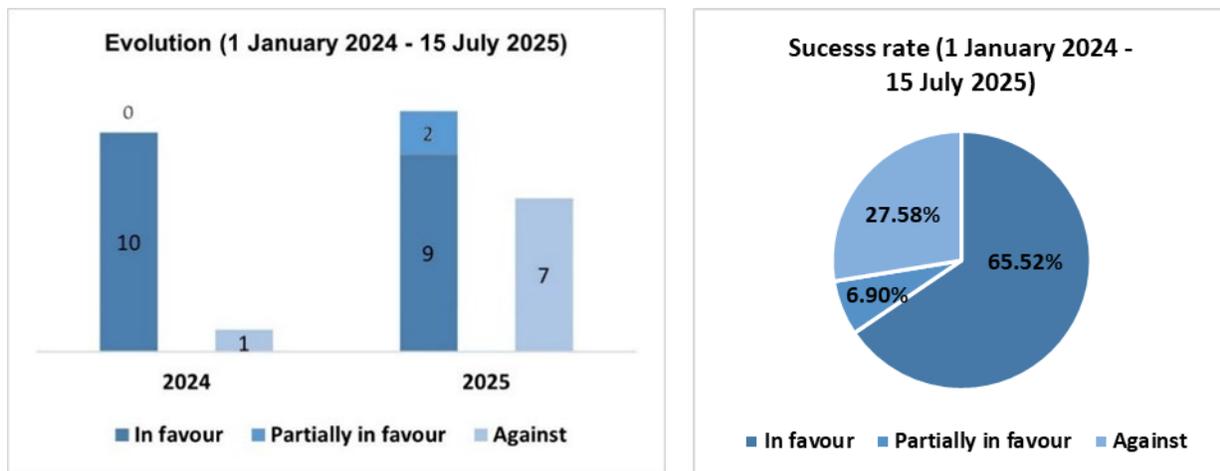


6. The number of complaints currently pending before the ILOAT, as at 15 July 2025, is 28. The number of appeals currently at the Appeals Board stage, as at 15 July 2025, is 28.

7. Table 2 shows the evolution of UNESCO’s success rate before the ILOAT, with reference to the number of judgments during the period concerned.

**Table 2:**

**Evolution of the success rate of the Organization (as at 15 July 2025)**



8. Figures show that, in 2024, UNESCO prevailed or partially prevailed in 90.91% of the judgments and that the Tribunal ruled against the Organization in 9.09% of the judgments. In 2025 (as at 15 July), UNESCO prevailed or partially prevailed in 61.11% of the judgments and the Tribunal ruled against the Organization in 38.89% of the judgments.

9. In 2024, the cases adjudicated by the Administrative Tribunal included: two cases relating to modification of assigned functions; two cases concerning an alleged entitlement to carry firearms; one case involving an alleged conflict of interest in the context of an investigation; one case regarding the closure of a harassment complaint following the preliminary evaluation; one case against a decision rejecting a harassment complaint following an investigation; one case concerning the non-renewal of appointment; one case challenging the rejection of a request for payment of alleged overtime; one case contesting a change in the staff member's immediate supervisor; and one case involving the rejection of a request for payment of compensation for the time required for dressing and undressing of service uniform.

10. In 2025, the Administrative Tribunal disposed of the following cases: two cases related to sick leave; two cases concerning transfers; one case contesting the rejection of a request to postpone a transfer; two cases concerning reclassifications of posts; one case involving the cancellation of the desk audit of a post; one case concerning the refusal to grant a bonus for working on Sunday; two cases concerning disciplinary measures; one case on a complaint for breach of confidentiality; two cases alleging institutional harassment; three cases challenging the closure of preliminary investigations; one case involving the dismissal of a complaint of moral harassment; and one case relating to the closure of a moral harassment complaint.

11. By way of comparison, during the same reporting period, the UNESCO Appeals Board has examined a total of 47 cases. Following the examination by the Appeals Board, the Director-General took final decisions in 38 cases, on which the position of the Organization was confirmed in 36 of those cases (94.74%) and was partially confirmed in two cases (5.26%). In doing so, the Director-General fully followed the recommendations of the Appeals Board in 35 cases (92.11%), partially followed them in two cases (5.26%), and did not follow the recommendation in one case (2.63%). One case was settled amicably and therefore no final decision was taken by the Director-General. As of the date of this report, eight cases remain pending final decision by the Director-General.

### **Overview of grounds and costs of ILOAT judgments**

12. The present section focuses on those judgments in which the Administrative Tribunal has awarded compensation against the Organization (namely, eight cases in which the ILOAT has ruled that the impugned administrative decisions were unlawful and two cases in which the impugned decisions were upheld but compensation was awarded on other grounds).

13. Table 3 presents the main areas in which the Administrative Tribunal has awarded compensation in the reporting period, as well as the amount of compensation and costs.

**Table 3****Level of compensation and costs (in US Dollars) – ILOAT judgments  
from 1 January 2024 to 15 July 2025**

	Compensation and costs in US dollars				
	2024	Number of cases	2025	Number of cases	Total
<i>Transfer</i>			\$584.11	1	\$584.11
<i>Closure of complaint at the end of the preliminary investigation (moral harassment)</i>	\$16,340.00	1	\$17,429.19	1	\$33,769.19
<i>Closure of preliminary investigation (allegations considered defamatory, retaliation, moral harassment)</i>			\$43,919.13	3	\$43,919.13
<i>Dismissal of moral harassment complaint</i>			\$5,841.12	1	\$5,841.12
<i>Institutional harassment complaint</i>			\$10,584.11	1	\$10,584.11
<i>Disciplinary measure</i>			\$192,748.12	2	\$192,748.12
<b>Total</b>	<b>\$16,340.00</b>	<b>1</b>	<b>\$271,105.78</b>	<b>9</b>	<b>\$287,445.78</b>

14. Table 4 indicates the grounds on which the Administrative Tribunal has ruled against the Organization or awarded a payment of compensation.

**Table 4****Breakdown of adverse decisions by grounds from 1 January 2024 to 15 July 2025**

Grounds for compensation awarded by the ILOAT	Number of occurrences	Percentage
Non-compliance with UNESCO rules and procedures	6	60%
Error of law in the preliminary evaluation of a complaint (moral harassment, retaliation)	3	30%
Mistake of law in internal proceedings	1	10%

**Amount of awards**

15. Following is a description of the four judgments in which the Administrative Tribunal awarded the highest amounts of compensation during the period concerned. These are drawn from the total of ten judgments in which the Tribunal ruled against the Organization or awarded a payment of compensation.

- In one case concerning a disciplinary measure of termination taken in 2021, the Organization was ordered to pay compensation of an amount of \$160,598.78. The Organization had imposed this disciplinary measure as it had found that, in filing with IOS a complaint accusing a colleague of making a false statement before the Appeals Board, the Complainant had made a malicious

denunciation and had attempted fraud in the context of a pending internal appeal. In its judgment, the Administrative Tribunal indicated that it had little doubt of the veracity of the statement made by the colleague concerned, and acknowledged that the Complainant's complaint to IOS was insulting, reckless and accordingly abusive, thus being liable to damage the reputation of such colleague and his office. Nonetheless, the Administrative Tribunal found that it had not been proven beyond reasonable doubt that the complaint constituted a malicious denunciation and that the Complainant's actions could be characterized as attempted fraud under the Organization's rules. It also found that the duration of the internal appeal process had been excessive. The Administrative Tribunal rejected the Complainant's request to be reintegrated, as it considered that his behaviour had been abusive and justified the Organization's loss of trust vis-à-vis a staff member who had failed to abide by the strict ethical obligations incumbent upon a security officer. The awarded compensation corresponds to two years of remuneration, plus material and moral damages, and costs.

- In one case concerning a disciplinary measure of summary dismissal taken in 2020 the Organization was ordered to pay compensation of an amount of \$32,149.34. The Organization had imposed this disciplinary measure following the Complainant's repeated refusal to abide by instructions received, particularly his failure to report to his designated duty station. The Administrative Tribunal set aside the disciplinary measure on procedural grounds, finding that the lack of an investigation by IOS prior to the initiation of disciplinary proceedings was in breach of the applicable legal framework. Nevertheless, the Administrative Tribunal found that the Complainant had not taken any concrete steps that would demonstrate any willingness to respect the instructions received, which he was required to comply with, even if he had contested them. It rejected the Complainant's request to be reintegrated and awarded compensation for material damage in terms of remuneration only until the end of his fixed-term contract at the time of dismissal, finding that any expectation of renewal was unrealistic. Taking into account the particular circumstances of the case, the Administrative Tribunal limited the award of compensation for moral damages to \$10,000, and ordered the payment of €1,000 in costs.
- In one case concerning an administrative decision dismissing a complaint for moral harassment filed in 2016, the Organization was ordered to pay compensation of an amount of \$17,429.19. The Administrative Tribunal found that, while the Organization had taken measures to address the situation, it had failed to formally notify the Complainant of its decision to dismiss the complaint before 2020. It also considered that the Organization had erred in that the complaint had been dismissed by the then Ethics Advisor, rather than the Director-General herself in whom the authority rested under the legal framework applicable at the time. While acknowledging the complexity of the case and the impact of the COVID-19 pandemic, the Administrative Tribunal concluded that the overall length of the proceedings was excessive. It therefore annulled the contested decisions and awarded to the Complainant moral damages and costs.
- In one case concerning an administrative decision to close a complaint for harassment following the preliminary evaluation made by the Ethics Advisor in 2018, the Organization was ordered to pay compensation of an amount of \$16,340. The Administrative Tribunal set aside the contested decision, finding that, in view of the alleged facts and the existence of corroborating testimonies, an investigation should have been opened. It did not consider it appropriate to refer the case back to the Organization and awarded moral damages to the Complainant.

### **In-house amicable financial settlements signed between 1 January 2024 and 15 July 2025**

16. During the reporting period, UNESCO settled five cases for a total amount of \$76,700.

### **Remedial actions from the Secretariat**

17. During the reporting period, the following remedial actions were implemented to cover gaps observed from ILOAT judgments:

- With regard to judgments related to allegations of harassment, it should be noted that all of the matters on which the ILOAT has pronounced date back to pre-Strategic Transformation reforms, which have since led to a significant improvement in how UNESCO addresses these matters. In June 2019, and in line with Pillar 2: Strengthening UNESCO's means of action of the Strategic Transformation process, UNESCO issued a new Anti-Harassment Policy and revised its Whistleblower Protection Policy in order to strengthen it and aligned it with international best practices. The results of the Global Staff Survey in 2021 equally highlighted a very positive trend, noting a 12-point increase with regard to the statement that "bullying and harassment (including sexual harassment) is taken seriously by UNESCO and there are effective mechanisms for dealing with it". In more recent years, following IOS' review and overall positive findings of UNESCO's framework to deal with sexual harassment, and sexual exploitation and abuse (SEAH), the Organization has placed increased focus on strengthening internal systems aimed at ensuring that UNESCO's various stakeholders consistently follow a victim-centred approach throughout the process. IOS issue its annual report and include remedial actions in its area.
- The mobility exercise ensures a structured approach to staff transfers, including the formal consultation of staff members prior to any decision to reassign them to a different duty station.
- The IOS' Investigation Office developed guidelines aimed at strengthening the standards for investigations and informing all persons and entities involved in IOS investigations. This document establishes a clear framework on the investigative process, techniques and timelines for the preliminary assessment and investigation of allegations of misconduct, as well as the rights and obligations of participants, and IOS reporting standards. Notably, the guidelines also cover investigations into allegations of harassment in the context of other internal recourse mechanisms such as performance assessment contestations. These guidelines are regularly updated, with the latest version dated August 2024 and available online.