

# The Parliamentary Assembly of the Council of Europe Calls for Changes to the Internal Remedy Mechanisms for Staff Members of International Organizations

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On 26 January 2018, the Parliamentary Assembly of the Council of Europe adopted Resolution 2206 and Recommendation 2122 on the jurisdictional immunity of international organizations and rights of their staff, in which the Assembly was critical of the current availability of internal remedy mechanisms for staff members and recommended several measures to strengthen staff members' right of access to a court and a fair trial.

A [motion for a resolution](#) on the jurisdictional immunity of international organizations and the rights of their staff members was introduced in 2015 at the Parliamentary Assembly of the Council of Europe ('Assembly'), citing a concern for the right to be heard of staff members of international organizations. This motion was followed by a [report](#) in which the Assembly's Committee on Legal Affairs and Human Rights looked at the structure of the internal justice systems of certain international organizations and concluded that "the applicability of the [European] Convention [on Human Rights] remains limited in employment disputes in the international civil service".

In line with this conclusion of the Committee, the Assembly showed itself critical of international organizations' handling of employment disputes with their staff members in [Resolution 2206](#). The Assembly took note of the jurisdictional immunity of international organizations which, in the context of employment disputes with their staff members, can only be lifted if there are no reasonable alternative means for staff members to protect their rights. Stressing the human rights and fundamental freedoms enjoyed by staff members, the Assembly noted that "there is frequently a lack of democratic and media scrutiny of the functioning of international organizations, which can result in the concealment of certain abuses, especially in the context of employment disputes".

In this context, the Assembly made five recommendations: it recommended Member States of the Council of Europe and the international organizations to which they are parties (i) to introduce reasonable alternative means for enforcing the rights of staff if this is not yet available within the organization, (ii) to ensure that those reasonable alternative means are also open to trade unions or other groups, (iii) to introduce an appeal procedure against decisions of internal tribunals if this is not yet available, (iv) to ensure that internal remedy mechanisms are independent and impartial, respect the principle of equality of arms and issue reasoned decisions, and (v) to provide more transparency of the work of international organizations and their internal remedy mechanisms.

Alongside Resolution 2206, the Assembly adopted [Recommendation 2122](#) in which it called on the

Committee of Ministers of the Council of Europe to encourage the international organizations to which the Member States of the Council of Europe are parties to verify whether reasonable alternative means of legal protection are available to their staff members, to invite these organizations to provide more transparency on their staff policies, and to initiate a comparative study on the compatibility of internal remedy mechanisms with the rights of access to a court and a fair trial as protected by Article 6 of the [European Convention on Human Rights](#) and other relevant human rights. The Assembly further called on the Committee of Ministers to reflect on how to make the Administrative Tribunal of the Council of Europe accessible to trade unions and on whether to create an appeals procedure for decisions taken by the Administrative Tribunal.

The measures recommended by the Assembly are quite far-reaching, but it remains to be seen whether this call for action will result in actual changes being made to the internal remedy mechanisms of international organizations.