Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2122 (2018)[1]

Jurisdictional immunity of international organisations and the rights of their staff

Parliamentary Assembly

1. Referring to its Resolution 2206 (2018) on jurisdictional immunity of international organisations and the rights of their staff, the Parliamentary Assembly calls on the Committee of Ministers to:

1.1. encourage the international organisations to which the member States of the Council of Europe belong to look at whether "reasonable alternative means of legal protection" are available in the event of disputes between international organisations and members of their staff;

1.2. invite those international organisations to guarantee transparency of their staff policies and to ensure that information on employment disputes is available to their staff;

1.3. initiate reflection on:

1.3.1. ways to guarantee that the Administrative Tribunal of the Council of Europe is also accessible to trade unions;

1.3.2. whether the Administrative Tribunal of the Council of Europe should be complemented by an appellate judicial body, either within the Council of Europe itself or by pooling resources with other international organisations in order to create a joint appeals body for several administrative tribunals;

1.4. carry out a comparative study on the extent to which the internal remedy systems in international organisations are compatible with Article 6 of the European Convention on Human Rights (ETS No. 5) – Right to a fair trial – and with other relevant human rights (including social rights), and, where appropriate, make recommendations on how these systems can be improved with a view to attaining a higher level of protection of these rights.

2. The Assembly welcomes the work carried out by the Council of Europe's Committee of Legal Advisers on Public International Law (CAHDI) on the jurisdictional immunity of international organisations and encourages it to look into these issues in greater detail, in particular in the context of disputes between international organisations and their staff.

1. *Assembly debate* on 26 January 2018 (9th Sitting) (see Doc. 14443, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Volker Ullrich; and Doc. 14487, opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 26 January 2018 (9th Sitting).