

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

P. (No. 3)

v.

UNESCO

140th Session

Judgment No. 5051

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr C. V. P. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 19 September 2022, UNESCO's reply of 21 December 2022, the complainant having chosen not to file a rejoinder;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the decisions to close his harassment complaints following their preliminary assessment.

Facts relevant to the present dispute are set out in Judgment 4886, delivered on 8 July 2024, concerning the complainant's second complaint. Suffice it to recall that the complainant joined UNESCO on 1 June 2005 as a grade G-3 supernumerary security officer, assigned to the Security Unit within the Security and Safety Section. From 16 October 2007 he held a two-year fixed term appointment, which, since then, was renewed several times.

On 16 February 2018 he asked the Ethics Adviser, Ms T., and the Director of the Bureau of Human Resources Management (HRM) to open an investigation into the decision of the Chief of the Security and Safety Section, Mr D., to defer his application for clearance to carry a service weapon, on the basis, inter alia, of allegations of harassment and retaliation. Following a preliminary assessment of this complaint, on 23 July 2018 Ms T. recommended that the Director-General close the complaint, which she did. The second complaint for harassment filed by the complainant, also against Mr D., on 21 August 2018, met the same fate, on the grounds that it was based on the same elements as those already addressed in the first.

On 18 June 2018 the complainant filed a formal complaint of “repeated harassment”^{*} in the workplace against the Deputy Head of his group in the Security and Safety Section, Mr G., and the Head of Group, Mr P., concerning an exchange of emails on instructions for the parking of lorries in front of the Organization’s Headquarters. He referred in particular to an email from Mr G. of 13 June accusing him of “refus[ing] to take instructions” that day, to which he had replied with an “initial amicable request”^{*} to stop harassing him. Considering that Mr G.’s email contained “contemptuous remarks that undermine[d] [his] professional reputation [and his] health and [were] inconsistent with the Standards of Conduct [for the International Civil Service] and UNESCO’s anti-harassment policy”, he asked him to “immediately cease all deliberate, offensive and undesired conduct towards [him]” and to “do everything possible to create an environment free from discrimination, harassment and abuse of authority”^{*}. The following day, Mr P. – who was copied on the request sent to Mr G. – replied that “there [was] no intention whatsoever to harass”^{*} on the part of management against him, which the complainant disputed by criticizing him for replying instead of Mr G. and for giving credence to Mr G.’s assertions. On 19 June 2018 the Ethics Office met with the complainant and Mr G. On 18 July the Ethics Adviser, Ms T., recommended that the Director-General close the complaint on the grounds that, on completion

^{*} Registry’s translation.

of its preliminary assessment, there was no *prima facie* evidence of harassment by Mr G. or Mr P.

On 21 August 2018 the complainant submitted another formal complaint of “harassment in various forms” against the Assistant Chief of the Security and Safety Section, Mr M., referring to several incidents occurring between the end of January and the end of April 2018, which, in his view, constituted “abuse of authority, intimidation, humiliation, threats [and] exclusion”*. He was interviewed by the Ethics Office on 29 August. On 4 September Ms T. recommended that the complaint be closed for want of evidence that might lead to the conclusion that the complainant had been subject to harassment by Mr M. However, she acknowledged the existence of a hostile work environment and a mutual lack of trust within the Security and Safety Section, and expressed regret that no steps had been taken by management to resolve the situation.

A final complaint for “repeated acts of harassment by exclusion and sidelining from the activities of the [Security and Safety] Section”* against Mr M. was sent to the Director-General on 15 October 2018. The complainant alleged that Mr M. had withdrawn him from the security arrangements for an event, offering him a less well remunerated mission, in order to favour Mr G. He also alleged that he was not given sufficient notice of a change in working hours in connection with this change of assignment, which, in his view, was done intentionally so that he would arrive late and be sanctioned. On 31 October 2018 the Ethics Adviser – who had interviewed the complainant on 25 October – drew the same conclusions as concerning the previous complaint against Mr M.

By letters of 23 October and 14 November 2018, the complainant was informed by the Ethics Office that, on the basis of the preliminary assessments conducted by Ms T. and of her recommendations, the Director-General had decided to close his harassment complaints.

On 22 November 2018 he submitted a protest to the Director-General against the decisions to close his five complaints, which was dismissed on 21 December 2018. On 2 January 2019 he filed a notice

* Registry’s translation.

of appeal, then, on 14 and 22 January, he requested HRM to provide him as soon as possible with “the full copies of the preliminary assessments prepared by the Ethics Office following [his] complaints”*. He received redacted copies of these documents on 24 January. On 25 March 2019 he filed five detailed appeals against the decision of 21 December 2018, insofar as it related, respectively, to the various disputed initial decisions, asking inter alia that decisions to close his complaints be set aside and claiming compensation in the amount of 20,000 euros for the moral injury he considered he had suffered.

In its opinion of 3 June 2022 – issued after hearing the parties – the Appeals Board concluded that the preliminary assessment of the complaints had been carried out in accordance with the applicable rules and procedures and the Tribunal’s case law. It recommended that all the complainant’s claims be rejected, apart from the claim relating to the setting aside of the decision to defer his application for clearance to carry a service weapon, against which a previous appeal had been filed and the challenge of which before the Tribunal had given rise to the aforementioned Judgment 4886. Nevertheless, the Board considered that it would have been desirable for the parties to resort to an informal method for the resolution of disputes, such as mediation, in an attempt to resolve the dispute. Lastly, it invited the Administration to work to improve communication within the Security and Safety Section in order to foster a peaceful working environment.

By a letter of 24 June 2022, the complainant was informed of the Director-General’s decision to follow the Appeals Board’s recommendation to dismiss his appeals as unfounded. That is the impugned decision.

The complainant filed a complaint before the Tribunal on 19 September 2022, specifying that his complaint concerns only three of the five appeals reviewed by the Appeals Board, namely those against the closure of the complaints filed on 18 June, 21 August and 15 October 2018 against Mr G., Mr P. and Mr M. He states that the two remaining appeals, concerning the dismissal of his complaints against

* Registry’s translation.

Mr D. relating to the deferral of his application for clearance to carry a service weapon, are the subject of another complaint before the Tribunal, namely, his second complaint, dealt with in the aforementioned Judgment 4886. The complainant asks the Tribunal to set aside the impugned decision and to recognize, on the one hand, that his internal appeals are well founded and that he has a cause of action and, on the other hand, that all the disputed decisions constitute “harassment in various forms by abuse of authority, dominant position, humiliation, threats, harm to [his] personal and professional reputation, [his] health and [his] well-being”*. In this regard, he relies in particular, on the basis of the Headquarters Agreement concluded between UNESCO and France, on the application of certain provisions of national law on harassment. Lastly, he claims damages, for all the injuries which he considers he has suffered as a result of the alleged harassment, in an amount set *ex aequo et bono* at 30,000 euros.

UNESCO asks the Tribunal to dismiss the complaint as unfounded.

CONSIDERATIONS

1. The complainant impugns before the Tribunal the decision of 24 June 2022 whereby the Director-General of UNESCO, in accordance with the recommendation of the Appeals Board, dismissed his internal appeals against the decisions that closed the five complaints of moral harassment he had filed, in the course of 2018, against various of his supervisors in the Security and Safety Section. It should be noted that, in all cases, these complaints were closed from the preliminary assessment stage, on the basis of the Ethics Adviser’s findings to that effect.

The complainant specifies in his complaint that he seeks to challenge the impugned decision only insofar as it relates to three of the five complaints in question, namely those that he had filed, respectively, on 18 June, 21 August and 15 October 2018 against the Deputy Head of his group, Mr G., and the Head of Group himself, Mr P., with regard to the first of these three complaints, and against the Assistant Chief of

* Registry’s translation.

Section, Mr M., with regard to the other two. The complaints which the complainant had also filed against the Chief of Section, Mr D., on 16 February and 21 August 2018, which essentially related to the deferral of his application for clearance to carry a service weapon – a decision the challenge of which gave rise to Judgment 4886, delivered on 8 July 2024 – therefore do not fall within the scope of the present dispute.

2. In support of his claims against the decision of 24 June 2022, the complainant submits in particular that “[n]either the Administration [...] nor the Appeals Board replied to [his] queries”^{*} concerning the merits of the Ethics Adviser’s findings. While this argument relates more specifically to certain of the harassment allegations, the Tribunal considers – as did UNESCO in its reply – that it must be construed as encompassing, more generally, the manner in which all the complaints in question were dealt with.

This argument is well founded.

It results from the Appeals Board’s opinion of 3 June 2022 that this body, implicitly deeming it necessary to accept the arguments to this effect presented before it by UNESCO, essentially considered that it was not for it to rule on the merits of the disputed closure decisions but only to verify whether they were taken in accordance with the rules on the handling of harassment complaints derived from the texts in force within the Organization and the case law of the Tribunal. This opinion does not, therefore, beyond making a few general remarks that work-related conflicts do not necessarily constitute harassment and that the measures criticized by the complainant were not disciplinary, include any assessment of the relevance of Ethics Adviser’s findings with regard to the specific facts set out by the complainant in support of his complaints.

By thus almost entirely failing to review the merits of the disputed closure decisions, the Appeals Board committed an error of law. It is in principle the responsibility of an appeals body to verify both the

^{*} Registry’s translation.

correctness and the merits of the administrative decisions before it and there was no rule, in this case, preventing this power from being fully exercised.

3. It is true that, according to well-established case law to which the Appeals Board referred in its opinion, it is not the Tribunal's role to reweigh the evidence before an investigative body and the findings of such a body are entitled, unless established improperly or in the case of manifest error, to considerable deference (see, for example, Judgments 4703, consideration 8, 4291, consideration 12, 4091, consideration 17, or 3593, consideration 12). However, this case law – which cannot in any event be interpreted as excluding all review of the merits of decisions on harassment complaints – concerns the role of the Tribunal itself, and not that of an appeals body such as the Appeals Board.

Given the fact that the Tribunal's role is not to carry out investigations similar to those of an investigative body and the idea that it is not in the best position to assess the reliability of the statements of persons interviewed by such a body, the case law in question refers, more generally, to the distinctive features and limits of the judicial role assigned to the Tribunal. These specific features do not apply to appeals bodies and, as the Tribunal has repeatedly stated, it is a mistake for such a body, when defining its own role, to refer to the restrictions that apply, in certain circumstances, to the judicial review of administrative decisions (see, for example, Judgments 4923, consideration 5, 3161, consideration 5, or 3077, consideration 3). While the Tribunal's only task is to verify the lawfulness of these decisions, and it rules in principle exclusively in law, it is for the appeals bodies, which, for their part, are vested with a power of review that extends to the full re-examination of appeals, to determine whether the decision under appeal was, in their view, the correct decision or whether, based on the facts, some other decision should have been made (see, for example, Judgments 5003, consideration 5, 3161, consideration 6, or 3032, consideration 10). The only exception to this is if the rules governing the appeals body provide for such restrictions (see, in particular, Judgments 3318, consideration 5, and 3077, consideration 3), which is

not the case of UNESCO's Appeals Board with regard to decisions relating to the examination of harassment complaints.

4. Hence, the Appeals Board wrongly considered that it should almost entirely limit its review of the closure decisions before it to verifying their compliance with the applicable procedural rules. Beyond this error of law in itself, the fact that the Board consequently dispensed itself from addressing, in its opinion, the specific allegations on which the complainant's complaints were based makes the statement of reasons for this opinion incomplete, which constitutes another flaw in the opinion. Furthermore, it should be emphasized that its failure to carry out a substantive review of the relevance of the closure of the complaints in question effectively deprived the complainant of his right to have the merits of his internal appeals duly examined by the Board.

5. To the extent that the impugned decision of 24 June 2022 was based on the Appeals Board's opinion, which the Director-General endorsed, it is tainted with unlawfulness as a result of the flaws in this opinion.

It follows that this decision must be set aside, insofar as it concerns the aforementioned harassment complaints of 18 June, 21 August and 15 October 2018, without there being any need to rule on the other arguments against it.

At this stage of its findings, the Tribunal should in principle remit the case to UNESCO for the complainant's internal appeals to be properly examined by the Appeals Board. However, in view of the time that has elapsed since the facts to which they relate occurred, the Tribunal will not do so in this case and will therefore rule itself on the lawfulness of the decisions to close the three complaints in question.

6. According to the Tribunal's case law, the question of whether harassment occurred must be determined in the light of a careful examination of all the objective circumstances surrounding the act complained of, bearing in mind that an allegation of harassment has to be borne out by specific facts and the burden of proof is on the person

who asserts that he has been a victim of harassment (see, for example, Judgments 4884, consideration 5, 4820, consideration 8, 4344, consideration 3, or 3871, consideration 12). While it is also clear from the case law that harassment may be constituted even if the person accused did not act intentionally, the Tribunal has, however, specified that the unlawfulness of an administrative decision or inappropriate behaviour is not enough to establish a case of harassment (see, in particular, Judgments 4241, consideration 9, 3233, consideration 6, and 2861, consideration 37). In addition, behaviour cannot, in principle, be considered as constituting harassment if there is a reasonable explanation for it (see, in particular, Judgments 4265, considerations 7 and 9, 3447, consideration 9, and 2524, consideration 25).

7. At the material time, item 18.2 of the Human Resources Manual, concerning the “[a]nti-[h]arassment [p]olicy”, provided that in the event that a formal harassment complaint is lodged, the Ethics Adviser will conduct a preliminary assessment in order to determine whether to recommend that the Director-General send the complaint to the Internal Oversight Service (IOS) for investigation or declare the case closed at this stage.

According to the Tribunal’s case law, when such a stage is provided for in the procedure for examining a harassment complaint, the sole purpose of the preliminary assessment is to determine whether the allegations made in support of the complaint appear, *prima facie*, sufficiently substantiated to warrant the opening of an investigation (see, in particular, Judgments 4883, consideration 7, 4746, consideration 9, and 3640, consideration 5).

It should also be noted that, in applying the case law cited in consideration 3 above, the Tribunal will interfere with the findings of the body responsible for conducting a preliminary assessment of a complaint – in the same way as those of a fact-finding body – only in the case of a manifest error (see, in particular, Judgments 4996, consideration 10, and 4344, consideration 8).

8. In support of the challenge to the closure of his complaints, the complainant relies on the case law of the French *Cour de cassation*, relating to the application of section 222-33-2 of the Criminal Code, criminalizing harassment, according to which the burden of proof for accusations in such matters is not borne by the complainant alone but is shared between the parties.

This argument will be rejected.

It is well established in the Tribunal's case law that the conditions of employment of the staff members of an international organization are, in general, subject exclusively to the Staff Rules and Regulations of the organisation and to the general principles of the international civil service law, and that national law – such as that of the host State of the organization concerned – applies only where there is express reference thereto (see, in particular, Judgments 4882, consideration 2, 4401, consideration 6, 3915, consideration 4, and 3484, consideration 12).

Contrary to the complainant's apparent assumption, the provisions of Article 5 of the Headquarters Agreement concluded between UNESCO and France in no way depart from the principles emerging from this case law. While Article 5(3) provides that "the laws and regulations of the French Republic shall apply at Headquarters", that is only the case, in its words, "[s]ubject to the provisions of [...] paragraph [2]", according to which "[t]he Organization shall have the right to make internal regulations applicable throughout Headquarters in order to enable it to carry out its work". UNESCO has of course adopted regulations governing the conditions of service of its staff members, which thus precludes any direct application of the host State's law in this area (see, on this point, Judgment 2193, consideration 8). Furthermore, these regulations make no reference to national law regarding harassment claims procedures. French law therefore does not apply in the present case. Lastly, the Tribunal is in no way bound in the development of its case law by that of a national court, such as the French *Cour de cassation*.

It follows that, consistent with the case law recalled in consideration 6 above, the complainant bears the burden of proving the facts in support of his allegations of harassment – even if this burden is

limited, at the preliminary assessment stage, to providing some simple evidence to show that these allegations were sufficiently substantiated.

9. On these bases, the Tribunal will review below the merits of the disputed decisions to close the various complaints.

10. The complainant's complaint of 18 June 2018 against Mr G. and Mr P. was based on an incident that occurred on 13 June concerning a new instruction, issued by the Chief of Section at the behest of the Director-General, aimed at restricting the parking of delivery lorries in front of one of the entrances to the Organization's Headquarters, in Paris. Following a verbal exchange which resulted, according to an email from Mr G. to the complainant, in the complainant's "refusal to take instructions"* that day, this supervisor sent him in writing the instruction given by Mr D., in order to ensure that he was well aware of it. Considering that the email in question contained "contemptuous remarks" against him and admonishing Mr P. for sending him, the following day, a message in which he defended the action of Mr G., the complainant further complains that he was given "contradictory instructions [which] could have misled him and caused him to commit professional misconduct"*. This last allegation is based on the fact that the subject-line of the email referred to the Headquarters entrance on *Avenue de Saxe*, whereas the instruction in question in fact related to another entrance, located on *Avenue de Suffren*.

This line of argument must fail. While the content of the email in question – which consisted of one brief sentence – does demonstrate the conflictual relationship between the complainant and Mr G., the Tribunal considers that sending the email cannot reasonably be viewed as an act constituting harassment. The error in the subject-line of the email, which was clearly made inadvertently and not with any malicious intent, and which, besides, the recipient of the message could not fail to correct himself upon reading the document attached thereto, does not in any way affect this assessment. Furthermore, while the complainant

* Registry's translation.

alleges that Mr G. addressed him “harshly”^{*} when speaking with him prior to sending the email in question, this grievance cannot in any event be taken as established, particularly given the widely diverging versions of the two protagonists, in the file, concerning their respective behaviour during the incident.

11. The complaint of 21 August 2018 against Mr M., alleging “harassment in various forms”, referred to five separate events. However, only three of them will be considered below, since no arguments regarding the two others, which relate to the deferral of the complainant’s application for clearance to carry a service weapon and were closely linked to the complaints filed against Mr D., are made before the Tribunal.

12. Firstly, the complainant cites an incident that occurred in March 2018 concerning a training, known as “PIC-F”, for the Section members who carried out training assignments – as he did – for other officers. The complainant finds fault with Mr M. for having wrongly denied him the benefit of that training.

In this regard, the complainant, who was not among those to whom the message announcing the PIC-F training was addressed, submits that his name was removed from the distribution list “at the express request of Mr [M.]”^{*}. However, the evidence shows that the organizer of this training, who was also the author of the message in question, expressly denied, when heard as a witness during the preliminary assessment stage, having received an instruction from Mr M. to this effect. Furthermore, as Mr D. explained, it was in fact because the complainant himself had indicated on several occasions that he considered that he did not need any such trainings, in view of his qualifications, that he had not been included in the message distribution list. The Ethics Adviser accepted the information thus gathered as reliable. Under the case law recalled in consideration 3 above, it is not for the Tribunal to call into question the assessment made in this regard by the competent fact-finding body.

^{*} Registry’s translation.

It is true that, when the complainant became aware that this training was being organized, he asked to attend, and that Mr M. turned down his request, which might give the impression that he was somewhat inflexible towards him. However, the evidence shows that the complainant was scheduled for duty on the day on which the training took place and that although he had nevertheless proposed to participate in part of the training in his free time, this was not considered a viable solution in terms of educational effectiveness. Since there is thus a reasonable explanation for the denial of the complainant's request, the Tribunal considers, in accordance with the case law recalled in consideration 6, that the acts in question cannot in this case be construed as constituting harassment.

13. Secondly, the complainant alleges that when changes were made to the composition of Security Unit groups, following the issuance of a memorandum of 10 April 2018 by Mr M., aiming to "revitalize group dynamics and synergies" and "combine skills and good practices",* he was transferred from one of the two groups to the other as part of the new distribution of officers.

However, the composition of such teams as may be established within an administrative unit is at the discretion of the competent supervisors. Furthermore, the evidence shows that the group changes that were decided pursuant to the disputed memorandum concerned six staff members, that is nearly a quarter of the total number of security officers, so that the change to which the complainant was subject by no means appears to constitute, as he submits, a measure adopted specifically against him with a view to harming him.

Lastly, the complainant's contention that his name was spelt without capital letters in the list of officers attached to the memorandum cannot be construed as harassment, since this typographical error, unfortunate as it may be, clearly did not originate from the desire to "humiliate[e]" or from the "lack of respect"* that he believes he can identify.

* Registry's translation.

14. Thirdly, the complainant submits that Mr M. denied an ad hoc request for modification of working hours that he submitted on 25 April 2018, proposing, consistent with an existing practice in the Service, to switch his schedule with that of a colleague, with her agreement.

However, an exchange of emails provided by the complainant himself as an annex to the complaint indicates that this request was in fact dealt with directly, as soon as it was filed, by the Chief of Section, who had decided to allow it. The Tribunal therefore fails to see how these acts might be construed as any kind of harassment on the part of Mr M., who, in view of the evidence on file, does not even appear to have been involved in dealing with the request in question.

15. The complaint of 15 October 2018, also directed against Mr M., was based on an incident that occurred in the days prior to the lodging of the complaint, concerning the performance of an overtime assignment. The incident relates to the fact that while the complainant had been offered, on 5 October 2018, to participate in the security arrangements for an event scheduled for 11 October and had shown interest in this offer, he was informed in the meantime that he would not be entrusted with this assignment and that the plan was to place him, instead, to watch over a meeting of the Organization's Executive Board – which was a less well remunerated overtime assignment.

It appears from the file that the initial offer made to the complainant was indeed called into question by Mr M., who gave an instruction to this effect to the staff member responsible for scheduling security officers' working time. However, it may be concluded from clarifications on the matter provided by the staff member during an interview with the complainant, on 12 October 2018, that the reason for the decision taken by Mr M. was the fact that Mr G. had also applied for the security assignment for the event concerned. It had appeared to Mr M., that, in view of the conflictual relationship between the complainant and Mr G., as evidenced by the complaint filed against him, it would have been inappropriate to place them on the same assignment. The Tribunal considers this to be a legitimate reason from the standpoint of the interests of the service. Furthermore, the choice to prioritize, in the

circumstances, the application of Mr G. appears understandable, given his higher grade and his managerial role. Since the conduct in question can, once again, be reasonably explained, it cannot, under the above-mentioned case law, be construed as constituting harassment.

Lastly, while the complainant contended in his complaint that the Administration deliberately failed to draw his attention to a half-hour time difference between the two aforementioned assignments so that he would arrive late and therefore be liable to a disciplinary sanction, this assertion is clearly implausible. The Tribunal also notes that the information provided by the complainant himself indicates that the precise time of the proposed new assignment was communicated to him on 8 October, that is sufficiently well in advance of the date of the assignment, and that, besides, it would scarcely have been possible to notify him earlier, as the previous two days fell on a weekend.

16. Overall, the Tribunal concludes that there was no manifest error in any of the disputed closure decisions and that the evidence in no way supports the complainant's criticisms that his complaints were handled with a "lack of rigour" and in an "offhand"* manner by the competent authorities.

In this regard, the fact, on which the complainant relies, that the Ethics Adviser and the Appeals Board recognized that there was a climate of interpersonal tensions in the Safety and Security Section cannot, in this case, alter this conclusion. As the Tribunal has previously had occasion to note with respect to the examination of a harassment complaint from a colleague in the same section as the complainant, the existence of such a climate – of which there is scarcely any doubt in this case – plainly does not, in itself, imply that actions towards staff members in this section necessarily constitute harassment (see Judgment 4884, consideration 8).

* Registry's translation.

17. It follows from the foregoing that the complainant's claims against the decisions to close his complaints of 18 June, 21 August and 15 October 2018 must be dismissed.

18. The complainant's claims for damages based on allegations of various injuries linked to the alleged acts of harassment must, therefore, also be dismissed.

19. However, the flaws – identified above – in the handling of internal appeals by the Appeals Board led, as stated, to effectively deprive the complainant of his right to have the merits of his appeals duly examined by the Board. As a result, they breached his right to an effective means of redress, causing him moral injury, which will be fairly redressed by awarding him compensation of 5,000 euros.

20. The complainant's other claims must all be dismissed.

In this regard, the Tribunal notes in particular that, while the complainant appears to seek compensation for the injury resulting from the allegedly excessive time taken to deal with his complaint against Mr D. of 16 February 2018, this claim cannot be allowed in any event, since the complaint in question does not fall, as stated above, within the scope of the present dispute. Furthermore, while the complainant contends that some allegations of harassment which he had made against Mr M. before filing his formal complaints were not duly taken into consideration at the time, that argument is irrelevant here as it has no direct bearing on the lawfulness of the decisions to close these complaints.

Lastly, the various claims in the complaint seeking declarations of law by the Tribunal are, inherently, irreceivable (see, for example, Judgments 4700, consideration 2, or 3876, consideration 2).

DECISION

For the above reasons,

1. The decision of the Director-General of UNESCO of 24 June 2022 is set aside insofar as it concerns the harassment complaints of 18 June, 21 August and 15 October 2019.
2. UNESCO shall pay the complainant moral damages of 5,000 euros
3. All other claims are dismissed.

In witness of this judgment, adopted on 16 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLÉMENT GASCON

RENÉ M. VARGAS M.