



Governing Body

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Programme, Financial and Administrative Section
Personnel Segment

PFA

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TWELFTH ITEM ON THE AGENDA

Matters relating to the Administrative Tribunal of the ILO

Status of the judges of the Administrative Tribunal of the ILO

(Consideration of this item was deferred to the present session of the Governing Body from its 332nd Session (March 2018)).

1. As a matter of long-standing practice, the status of the judges of the Administrative Tribunal of the ILO has been considered by the Office to be “experts on mission” under the 1947 Convention on the Privileges and Immunities of the specialized agencies and its Annex I relating to the International Labour Organization.
2. In 2009, the UN instituted a two-tier system comprising a first instance Dispute Tribunal sitting on a permanent basis with full-time judges having the status of "officials other than Secretariat officials" and enjoying the same privileges and immunities as UN officials, and an Appeals Tribunal meeting twice a year, composed of judges sitting on a part-time basis and considered to be "experts on mission" for purposes of privileges and immunities under the 1946 Convention on Privileges and Immunities of the United Nations. In 2015, the UN General Assembly decided to extend the status of "officials other than Secretariat officials" to the judges of the Appeals Tribunal for reasons of equity.¹
3. In view of the developments in the UN system, it seems appropriate to harmonize the status of the judges of the ILO Administrative Tribunal with that of their peers in the United Nations justice system.
4. In the interest of harmonization, uniformity and equity and taking into account the independence and standing of the judges of the ILO Administrative Tribunal, the Officers of the Governing Body recommend that they be accorded the status of "officials other than Office officials" and granted the privileges and immunities under Article VI, Section 19 of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies; and that to this end, a resolution be transmitted to the International Labour Conference. Should this

¹ See [A/70/187](#), Annex IV and [A/RES/70/112](#), para. 38.

recommendation be accepted, and in line with the relevant UN General Assembly Resolution, the status of the judges of the ILO Administrative Tribunal should also be reflected in its Statute.

Draft decision

- 5. The Governing Body recommends that the International Labour Conference adopt the following resolution granting the status of “officials other than Office officials” to the judges of the ILO Administrative Tribunal, and that this status be also reflected in the Statute of the ILO Administrative Tribunal.*

Resolution concerning the status of the judges of the Administrative Tribunal of the International Labour Organization

*The General Conference of the International Labour Organization, meeting
in its 108th Session, June 2019,*

*Considering it desirable to extend the privileges and immunities contained in
Article VI, Section 19 of the Convention on the Privileges and Immunities of the
Specialized Agencies to the judges of the Administrative Tribunal of the
International Labour Organization.*

*Noting that United Nations General Assembly Resolution A/RES/70/112 has
harmonized the privileges and immunities of the judges of the United Nations
Dispute and Appeals Tribunals so that the judges of both Tribunals are considered
officials other than Secretariat officials.*

*Considering it appropriate to align the status of the judges of the
Administrative Tribunal of the International Labour Organization with that of the
judges of the United Nations Dispute and Appeals Tribunals.*

*Decides that the judges of the Administrative Tribunal of the International
Labour Organization shall be considered as officials other than Office officials
and thereby benefit from the privileges and immunities specified in Article VI,
Section 19 of the Convention on the Privileges and Immunities of the Specialized
Agencies;*

*Decides to amend the Statute of the Administrative Tribunal by inserting a
second sentence in paragraph 1 of Article III as follows:*

*“The judges shall be considered officials of the International Labour
Organization other than officials of the International Labour Office under the
Convention on the Privileges and Immunities of the Specialized Agencies.”*