

**ADMINISTRATIVE REVIEW**  
**STATISTICAL OVERVIEW 2023**  
**Update on strategic human  
resources management issues**

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UNAIDS INTERNAL JUSTICE SYSTEM  
ADMINISTRATIVE REVIEW PROCESS  
ANNUAL STATISTICAL REPORT 2023

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# PART I

## Introduction

1. This is the 6th annual statistical overview of administrative review processes in the UNAIDS/World Health Organization (WHO) Internal Justice System (IJS) for the period **1 January to 31 December 2023**. This UNAIDS Programme Coordinating Board (PCB) conference room paper provides a statistical analysis, overview of trends and outlines lessons learned, recommendations and further observations on the administrative review process in UNAIDS during 2023.
2. The statistics and descriptions in this overview are based on data collected internally by the HR Policy and Legal Unit (HPL or Unit), People Management Department (DPM), which is responsible *inter alia* for centrally addressing requests for administrative review at UNAIDS.
3. Requests for administrative review (AR) are received and acknowledged via the Director, DPM email address and a dedicated email inbox ([hrmlegal@unaid.org](mailto:hrmlegal@unaid.org)), which is independently overseen and managed by HPL<sup>1</sup>. All incoming requests are logged and monitored by the responsible Legal Officer of the Unit.
4. To recall the functioning of the mechanisms of the UNAIDS IJS and statistical data for previous reporting periods, please refer to the respective annual overviews for the years 2018–2022<sup>2</sup>.
5. Reference is also made to the 2023 Annual Report of the WHO Global Board of Appeal<sup>3</sup>.

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<sup>1</sup> In accordance with paragraph 14 of HRM/IN 2019-7 on Internal Justice System, a signed and dated request for administrative review in UNAIDS must be submitted to Director, DPM.

<sup>2</sup> UNAIDS Internal Justice System. Administrative Review Process. Annual Statistical Report 2022, available on the webpage of the 52nd UNAIDS PCB: [PCB52\\_CRP5\\_UNAIDS\\_Administrative\\_Review\\_Statistical\\_Overview\\_2022\\_EN.pdf](#);  
UNAIDS Internal Justice System. Administrative Review Statistical Overview 2021, available on the webpage of the 50th UNAIDS PCB: [PCB CPR 50 Administrative Review Statistical Overview 2021. Update on strategic human resources management issues \(unaid.org\)](#);

UNAIDS Internal Justice System. Administrative Review Statistical Overview 2020, available on the webpage of the 48th UNAIDS PCB: [https://www.unaid.org/sites/default/files/media\\_asset/PCB\\_48\\_Agenda\\_Item\\_6\\_CRP2.pdf](https://www.unaid.org/sites/default/files/media_asset/PCB_48_Agenda_Item_6_CRP2.pdf);

UNAIDS Internal Justice System. Administrative Review Statistical Overview 2019, available on the webpage of the 46th UNAIDS PCB: [https://www.unaid.org/sites/default/files/media\\_asset/UNAIDS%20Administrative%20Review%20Statistical%20Overview%202019\\_En.pdf](https://www.unaid.org/sites/default/files/media_asset/UNAIDS%20Administrative%20Review%20Statistical%20Overview%202019_En.pdf);

UNAIDS Internal Justice System. Administrative Review Statistical Overview 2018, available on the webpage of the 44th UNAIDS PCB: [UNAIDS\\_PBC44\\_HR\\_Mgt\\_Issues\\_update\\_EN.pdf](#).

<sup>3</sup> [Annual Report 2023 Global Board of Appeal.pdf](#) (internal document).

## Highlights and trends in 2023

Some trends and key indicators worth highlighting in respect of the 2023 reporting year include:

### AR requests

6. In 2023, **10 new AR requests** (Figure 1) were received **from 8 different serving and former staff members**.
7. UNAIDS is currently in the post-Alignment stage. In 2023, the overall numbers of the administrative review requests (10) and appeals (8) decreased comparing to the same reporting period in 2022 (12 AR requests and 12 appeals), the majority of which were directly related to the Alignment. However, over the 2023 reporting period, there has been an increase in the number of conduct cases overlapping at times with parallel processes challenging administrative decisions made within conduct-, integrity-related and disciplinary proceedings. For further information, reference is made to the UNAIDS 54th PCB conference room paper (UNAIDS/PCB (54): CRP5) on corrective administrative actions, including disciplinary measures taken in 2023.
8. Whilst the number of AR requests received in 2023 decreased by 2 compared to 2022, 2023 remains one of the years with the highest number of AR requests submitted during the last five years<sup>4</sup>.

### Appeals before the GBA

9. In 2023, **8 new appeals were submitted** by UNAIDS serving and former staff members before the WHO Global Board of Appeal (GBA)<sup>5</sup> (Figure 10). As at 31 December 2023, 6 appeals remained pending before the GBA. Reference in this regard is made to the Global Board of Appeal annual report for 2023<sup>6</sup>.

### Complaints before the ILOAT

10. As in previous years, the number of complaints submitted before the ILO Administrative Tribunal (ILOAT) increased further in 2023, which required oversight, coordination and follow-up, as necessary and appropriate, in close coordination with the WHO Office of the Legal Counsel handling those cases before the ILOAT. As at 31 December 2023, 20 complaints, submitted by serving or former UNAIDS staff members between 2020 and 2023, remained pending before the ILOAT. Three new complaints were received by ILOAT in 2023 against final administrative decisions made by the UNAIDS Executive Director (or "EXD").

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<sup>4</sup> In 2022, 12 new AR requests were received from 14 different staff members and in 2021 a total of 7 AR requests were submitted.

<sup>5</sup> Reference is made to page 6 of the Annual report of the GBA for 2023.

<sup>6</sup> [Annual Report 2023 Global Board of Appeal.pdf](#) (internal document)

11. Seven (7) AR requests submitted in 2023 concerned the institutional restructuring exercise (Alignment) -related administrative decisions and their implementation (Figure 2).
12. Six (6) out of ten (10) cases could be satisfactorily resolved in favour of the staff members concerned through formal and informal resolution efforts (see paragraphs 27-28, below).
13. Of the 10 AR requests, three (3) were submitted by the same staff member. All three cases could subsequently be settled upon finding a mutual agreement and resolution during the course of 2023.
14. Whilst the AR submissions in 2021 and 2022 originated only from staff members holding fixed-term contracts, in 2023, 8 AR requests were submitted by holders of fixed-term appointments and 2 AR requests were submitted by holders of temporary appointments under Staff Rule 420.4<sup>7</sup> adapted for special needs of UNAIDS<sup>8</sup> (Figure 6).

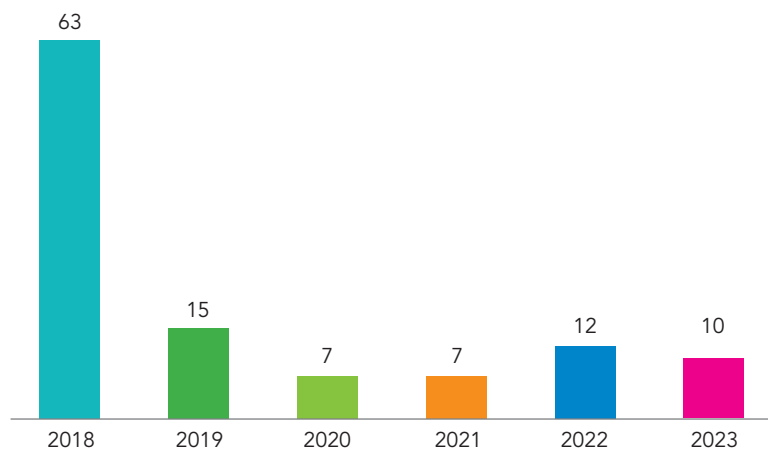
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<sup>7</sup> Staff Rule 420.4 provides as follows: "A "fixed-term appointment" is a time-limited appointment of up to two years. [...]"

<sup>8</sup> The adaptation to Staff Rule 420.4 on Appointment Policies (temporary appointments) for staff members of UNAIDS provides as follows: "A "temporary appointment" is a time-limited of up to two years. New temporary appointment(s) can be issued without a period of non-employment beyond two years to a third year by the discretionary decision of Director, Department of People Management (DPM) and, exceptionally, to a fourth year by decision of the Executive Director. The total duration of uninterrupted service under consecutive temporary appointments with UNAIDS shall not exceed four years."

## AR requests from 2018<sup>9</sup> to 2023

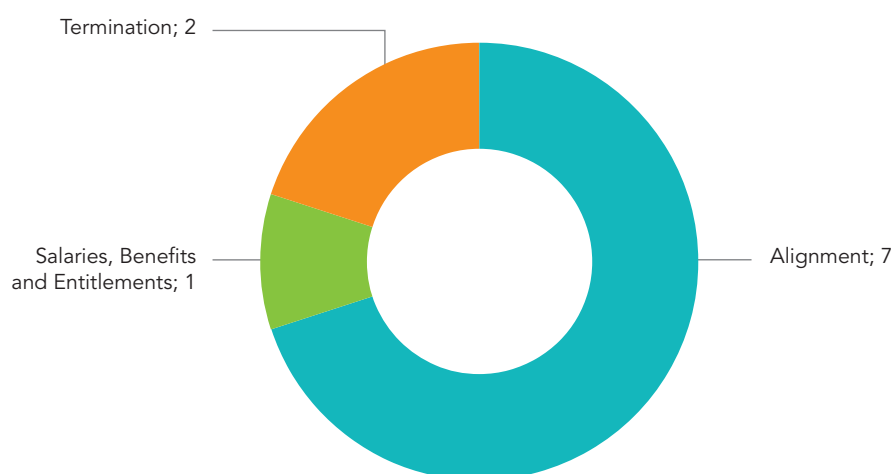
**Figure 1.** Number of AR requests per year from 2018 to 2023



### AR requests by category:

15. Below (Figure 2) is a detailed breakdown of the **10** AR requests received in 2023 across **3** different subject categories:
- Alignment – 7;
  - Salaries, Benefits and Entitlements – 1;
  - Termination – 2
16. AR requests concerning several cross-cutting subject matters have been categorized on the basis of their overarching category.

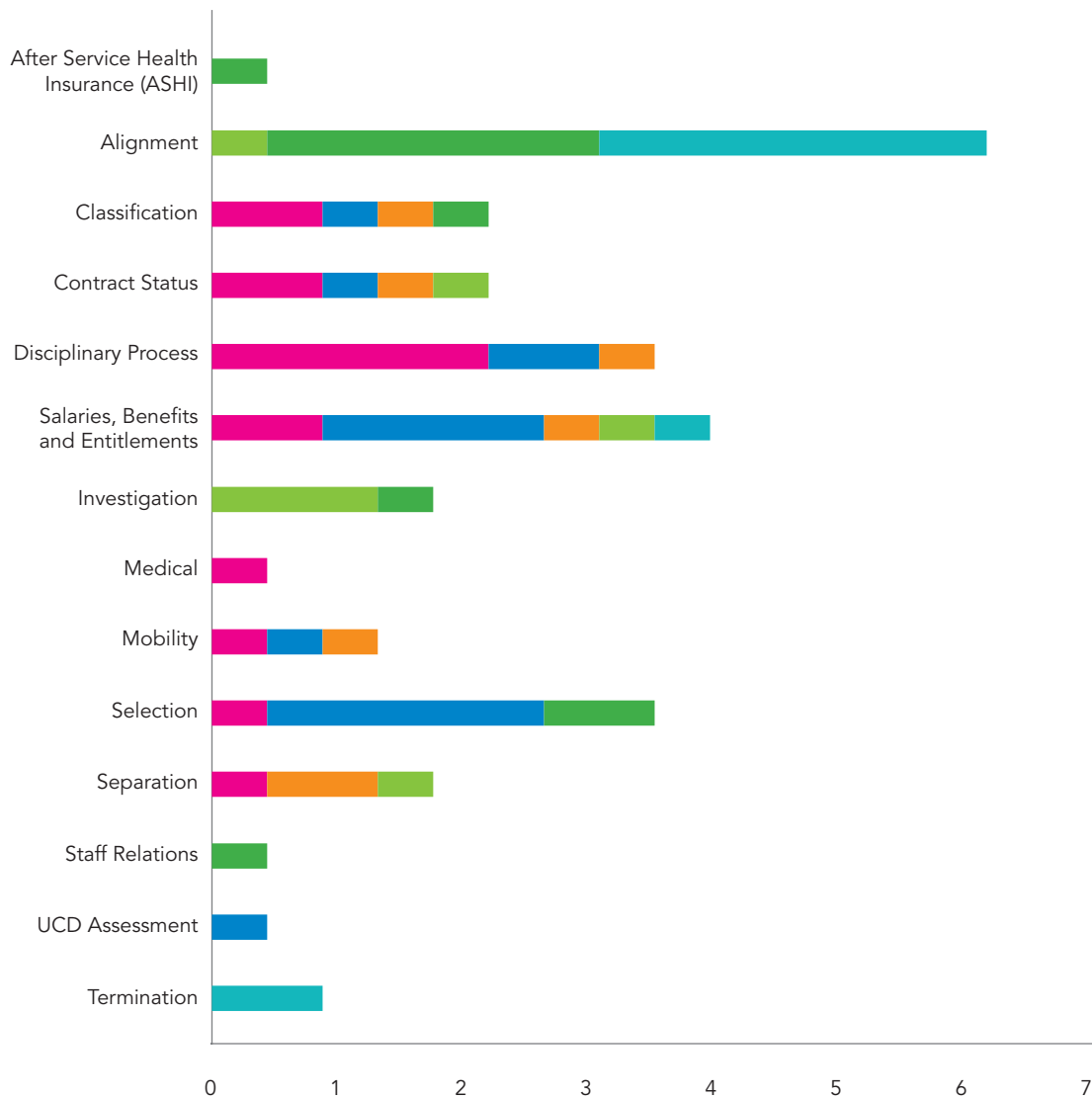
**Figure 2.** 10 AR requests received from 1 January to 31 December 2023



<sup>9</sup> The number of AR requests for the year of 2018 includes 47 AR requests arising in relation to the International Civil Service Commission (ICSC) compensation matters (i.e. Geneva post adjustment and changes to education grant). The Administrative Review Statistical Overview for 2018 is available on the webpage of the 44th UNAIDS PCB.

17. Figure 3, below, displays the categories of all AR requests between 1 January 2018 and 31 December 2023. Alignment-related AR requests emerged as the dominant category alongside AR requests related to Salaries, Benefits and Entitlements, Selection and Disciplinary Process during this period.

**Figure 3.** Categories of AR requests in 2018–2023



	After Service Health Insurance (ASHI)	Alignment	Classification	Contract Status	Disciplinary Process	Salaries, Benefits and Entitlements	Investigation	Medical	Mobility	Selection	Separation	Staff Relations	UCD Assessment	Termination
2023		7				1								2
2022	1	6	1				1			2		1		
2021		1		1		1	3				1			
2020			1	1	1	1			1		2			
2019			1	1	2	4			1	5			1	
2018			2	2	5	2		1	1	1	1			

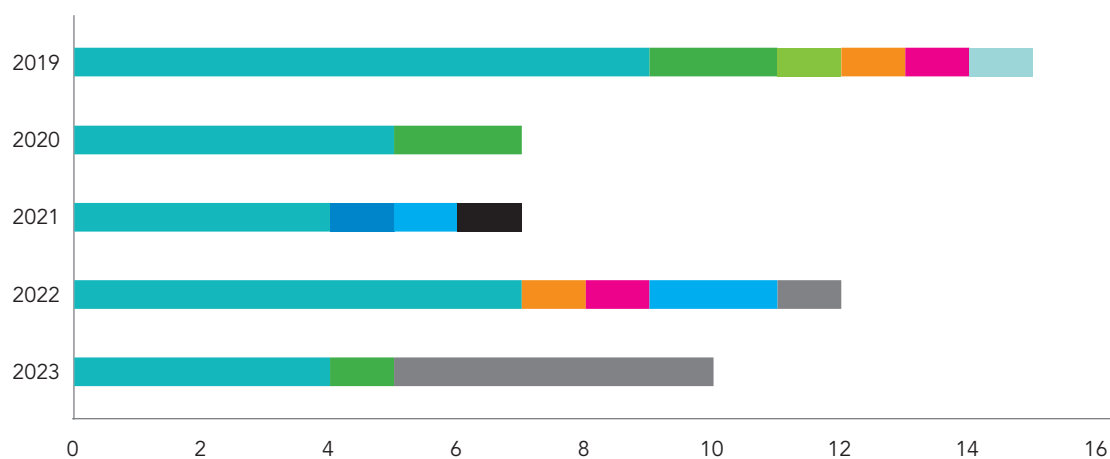


## AR requests by location and structural unit:

18. In 2023, AR requests from staff members based in UNAIDS regional and country offices prevailed (60% of all AR requests), in comparison to previous years where most AR requests had been submitted by staff members serving in the UNAIDS Global Centre (Figure 4). One AR request was submitted by a staff member of a UNAIDS Country Office in the ESA region, whilst 5 ARs originated from staff based in the UNAIDS Regional Support Team (RST) office in the MENA region (Figure 4.1). The latter is *inter alia* related to the closure in 2023 of that RST office.
19. 40 % of all AR requests were received from staff members located in the UNAIDS Global Centre (Bonn, Geneva and Johannesburg):
- 2 AR requests were submitted by staff members located in Policy, Advocacy and Knowledge Management Branch (PAK, UNAIDS Global Centre in Geneva),
  - 1 AR request originated from the Office of the Executive Director (EXO, UNAIDS Global Centre in Geneva), and
  - 1 AR request was filed by a staff member located in the Programme Branch (UNAIDS Global Centre in Geneva).

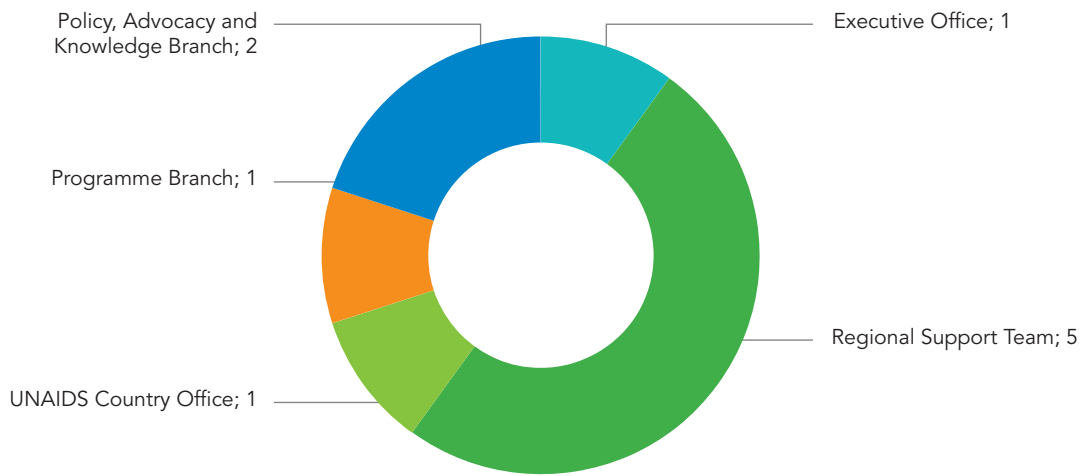
This trend continues to correlate with the institutional changes resulting from the Alignment as well as the fact that the majority of positions abolished in Alignment were located in the UNAIDS Global Centre in Geneva.

**Figure 4.** AR requests by location in 2019–2023



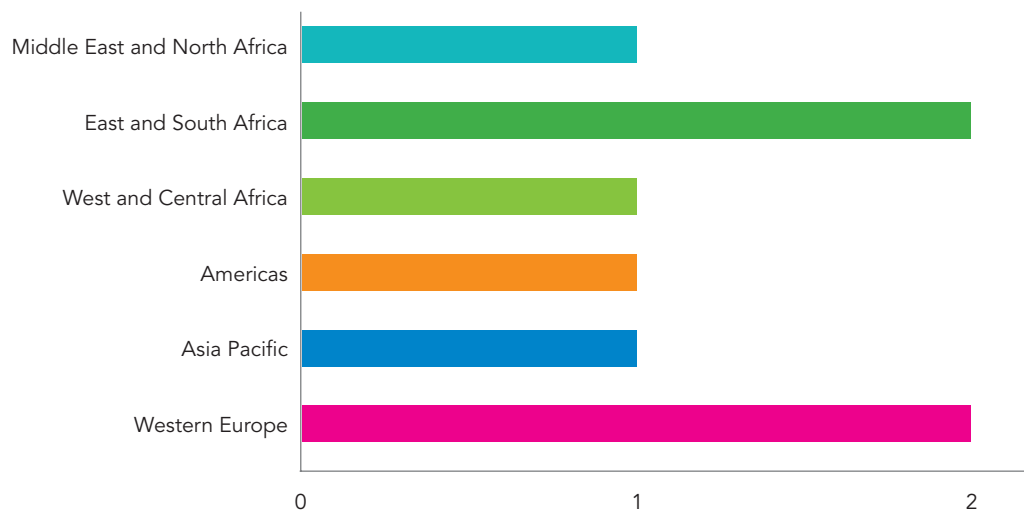
	2019	2020	2021	2022	2023
■ Global Center, Bonn, Geneva, Johannesburg	9	5	4	7	4
■ Eastern and Southern Africa	2	2			1
■ West and Central Africa	1				
■ Latin America and Caribbean	1			1	
■ Eastern Europe and Central Asia			1		
■ Asia and Pacific	1			1	
■ Regional Support Team, Asia and Pacific			1	2	
■ Regional Support Team, Eastern and Southern Africa	1				
■ Regional Support Team, Middle East and North Africa				1	5
■ Liaison Office			1		

**Figure 4.1** 8 staff members filed 10 AR requests in 2023 by branch/practice/support team/department/office/unit



## AR requests by region of nationality of staff members:

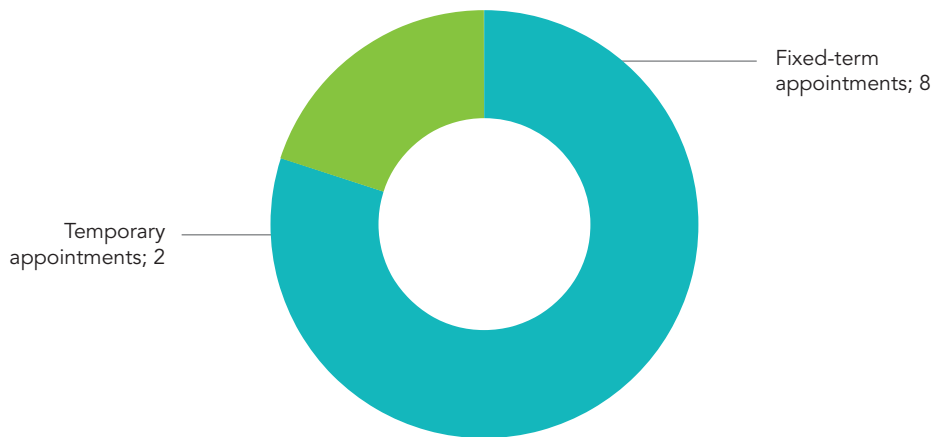
**Figure 5.** 10 AR requests by region of nationality of 8 UNAIDS staff members, who filed their requests in 2023



## AR requests by type of appointment, contract status and category:

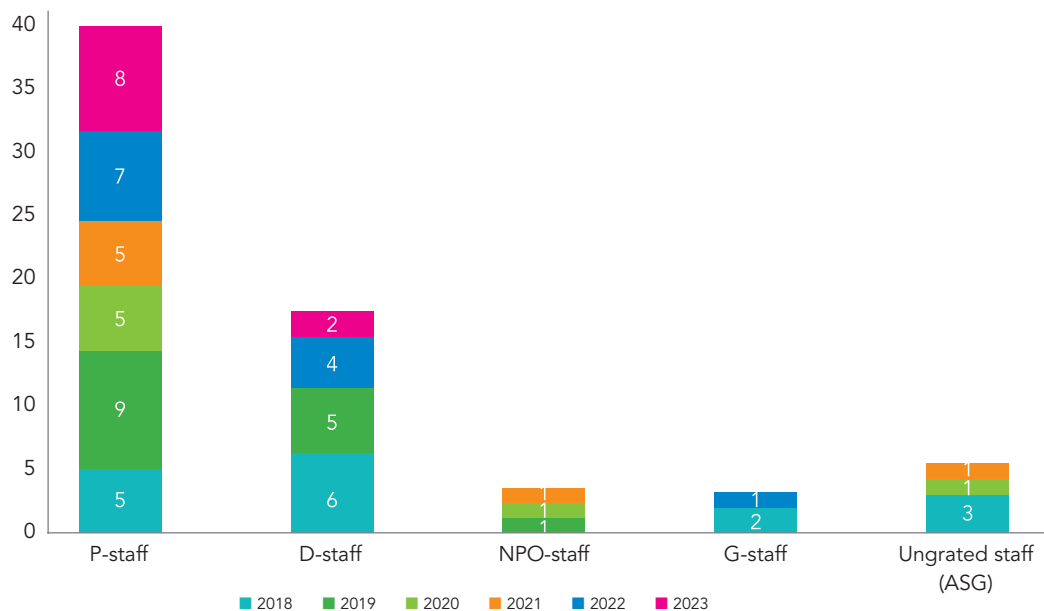
20. Whilst AR requests in previous reporting periods originated predominantly from staff members holding fixed-term appointments, 2 AR requests in 2023 were submitted by holders of temporary appointments and 8 by holders of fixed-term appointments. This may indicate increased awareness about the internal justice system and its recourse mechanisms among staff members holding temporary appointments.

**Figure 6.** AR requests by type of appointment in 2023



21. Requests were predominately submitted by staff members in the Professional and higher category (8 out of 10 AR requests), where two were submitted by staff at the Director level. No AR requests were submitted by locally recruited staff. Reference is made to *Figure 7*.

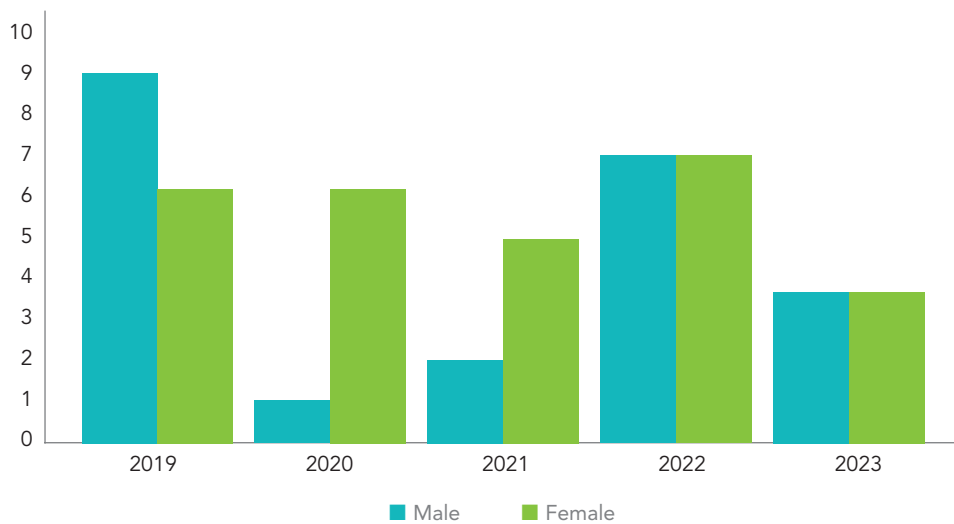
**Figure 7.** 10 AR Requests by staff category in 2018–2023



## All AR requests by gender:

22. Among ten (10) AR requests in 2023, 4 AR requests were submitted by 4 male staff members and 6 AR requests were submitted by female staff members, where one of the claimants submitted three AR requests. This indicates balance in terms of accessibility and use of the available recourse mechanisms by staff members of both genders.
23. In previous years, AR requests had predominantly been submitted by female staff members. In total, 28 AR requests were submitted between 2019 and 2023 by female staff members, as opposed to 23 AR requests which were submitted by male staff members.

**Figure 8.** Gender of staff members in AR requests in 2019–2023



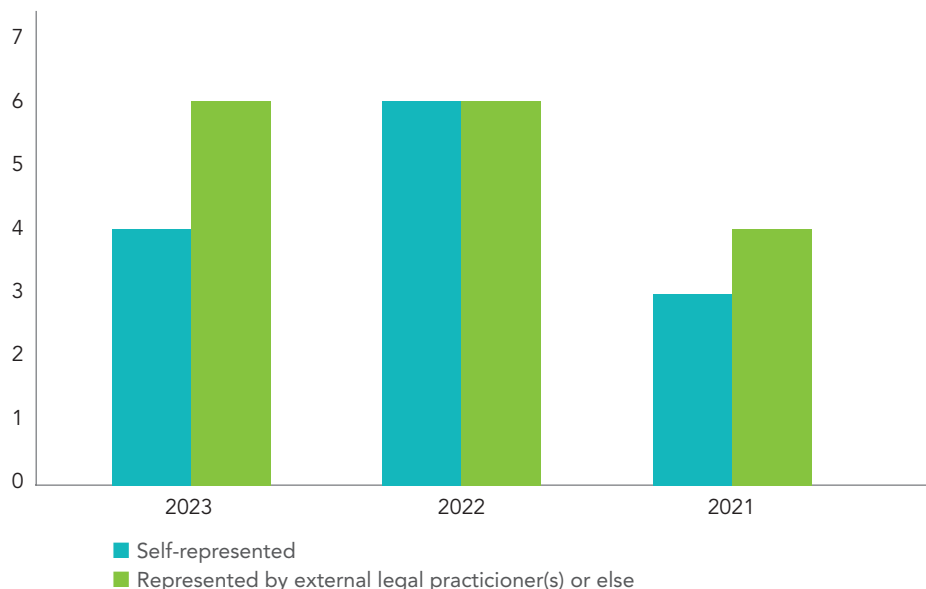
**Figure 8.1** Gender of staff members in AR requests in 2019–2023



## Representation at the stage of administrative review

24. In 2023, staff members chose to be represented by a professional outside legal counsel or a person of choice in 6 AR processes and were self-represented in 4 other cases.

**Figure 9.** Representation in AR requests in 2021–2023



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## Status of review of AR requests submitted at 31 december 2023:

25. In 2023, a total of 10 (ten) final administrative review decisions were issued.
26. One AR request submitted in late November 2023 remained pending as at 31 December 2023; the final administrative review decision in that case was issued in early 2024, within the statutory time limit.
27. In all 10 final administrative review decisions issued in 2023 certain aspects of the requests were found to be manifestly irreceivable. In 9 cases the original final administrative decisions were upheld.
28. Overall, **in 6 out of 10 cases, informal and formal resolution efforts were undertaken** prior to, within the administrative review or following issuance of the final administrative review decision.
29. An amicable resolution was found in 6 cases in 2023:
- 4 AR requests out of 10 submitted in 2023 were resolved by mutual agreement and were subsequently withdrawn by the staff members; and
  - 2 AR requests that were submitted in late 2022, remained under review as at 31 December 2022 but that were subsequently settled.

30. Considering that 4 out of 10 AR requests submitted in 2023 were resolved amicably, that 3 RAR requests were not appealed further following issuance of the final administrative review decisions, only 3 new appeals were lodged in 2023 against the final administrative review decisions made in 2023.
31. In 7 AR processes the extension of the deadline for issuance of the final administrative review was necessary<sup>10</sup> including but not limited for exploring informal resolution efforts or given that other administrative decisions were pending at the material time to ensure a holistic review and coordination with the various stakeholders, as relevant and applicable (managers and supervisors, UNAIDS Ethics, WHO Office of Ombudsman, WHO Staff Health and Wellbeing Services, Department of People Management etc.).
32. The aforementioned extensions increased the average review time of an AR request by 19 calendar days, which was 69 calendar days in 2023.<sup>11</sup>.

## Specialized (or subject-matter specific) review mechanisms

33. In 2023 as in 2022, there was no case filed within the regulatory framework of the UNAIDS Classification Review Standing Committee intended to process cases related to classification review requests or the UNAIDS Global Rebuttal Panel in the context of resolution of disputes related to the outcomes of performance evaluation.

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<sup>10</sup> In accordance with paragraph III.12.3.90 of the WHO eManual “[t]he deadline of sixty (60) calendar days to conduct an administrative review [...] may be extended by the Director, [DPM], including in the event that the staff member submits an amended request for an administrative review, in case of joined administrative reviews, for the purpose of informal resolution, or where additional decisions are pending or expected (e.g. outcome of a reassignment process following abolition of post) or where the extension is based on other reasonable grounds, such as illness.”

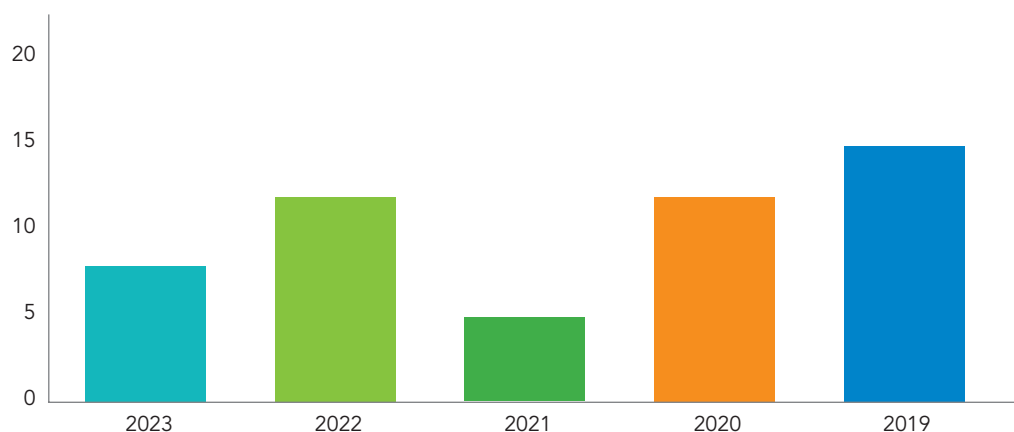
<sup>11</sup> In accordance with Staff Rule 1225.4, the final decision on a request for administrative shall be communicated in writing to the staff member within sixty (60) calendar days of receipt of the complete request for administrative review.

## Decisions further appealed:

### A. Appeals to the Global Board of Appeal in 2023

34. In 2023, a total of 8 (eight) new appeals were submitted before the GBA by UNAIDS staff members<sup>12</sup> (compared to 12 in 2022, 5 in 2021, 12 in 2020 and to 15 in 2019).

**Figure 10.** Appeals submitted by UNAIDS staff members in 2019–2023

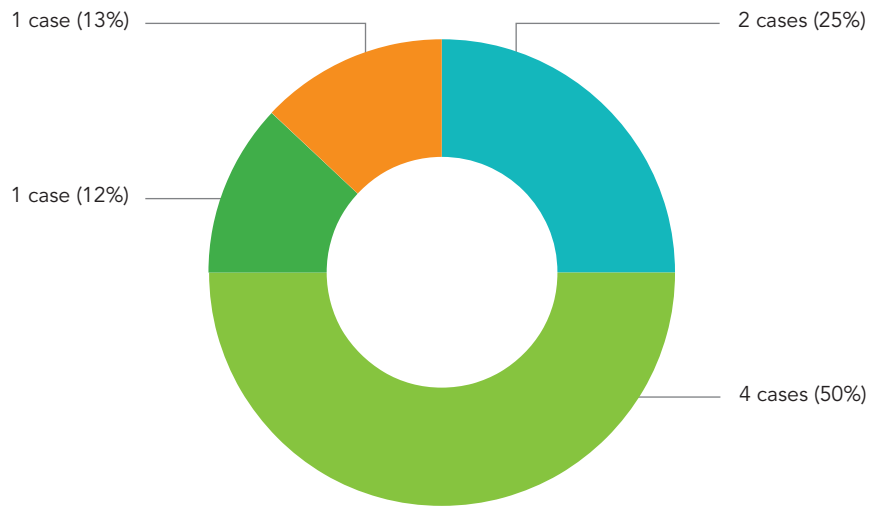


35. In 2023, the appeals were submitted challenging the following decisions as per *Figure 11*, among which 4 new appeals were against the final administrative review decisions issued in 2023; 2 new appeals against final administrative review decisions issued in 2022; 1 new direct appeal to the GBA<sup>13</sup> against the final administrative decision to terminate the staff member’s appointment for misconduct (under Staff Rule 1110.1.6 – dismissal); and, finally, 1 new appeal against final administrative decision of the WHO Director-General following recommendations of the WHO Advisory Committee on Compensation Claims (ACCC).

<sup>12</sup> Please refer to the page 6 of the WHO Global Board of Appeal annual report for 2023 (internal document).

<sup>13</sup> In accordance with paragraph III.12.3.45 of the WHO eManual “Pursuant to Staff Rule 1225.1, the following final administrative decisions shall not be subject to administrative review under Staff Rule 1225 (Administrative Review) and shall be appealable directly before the Global Board of Appeal under Staff Rule 1230 Global Board of Appeal): i. decisions based on recommendations of the Advisory Committee on Compensation Claims (ACCC); ii. decisions based on recommendations of a Classification Review Standing Committee, or otherwise taken under the applicable Procedures; iii. decisions taken pursuant to the WHO policy on Preventing and Addressing Abusive Conduct; and iv. decisions imposing disciplinary measures or written reprimands pursuant to Staff Rule 1110 or Staff Rule 1115.”

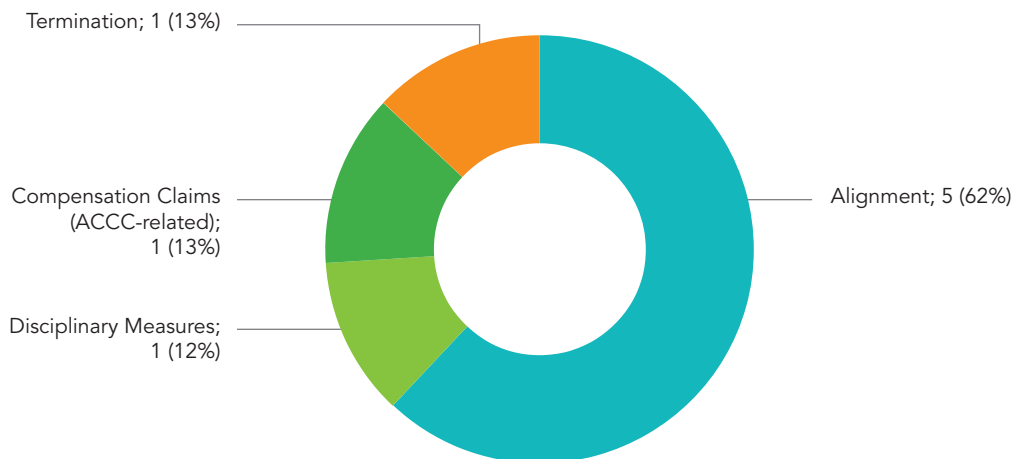
**Figure 11.** Decisions appealed to the GBA in 2023



- Final administrative review decisions issued in 2022.
- Final administrative review decisions issued in 2023.
- Decision, which was based on recommendations of the WHO Advisory Committee on Compensation Claims ("ACCC") (direct appeal to GBA).
- Decision taken following disciplinary proceedings (direct appeal to GBA).

36. In 2023, the appeals were submitted in the following categories:

**Figure 12.** 8 appeals by category in 2023



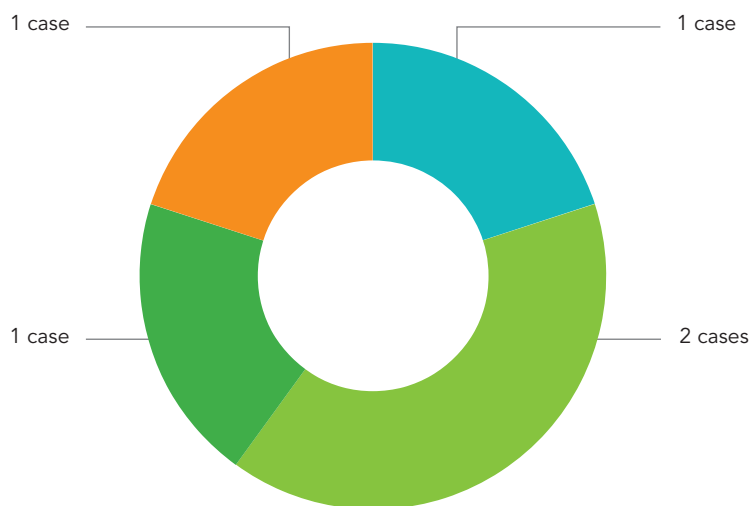
37. As at 31 December 2023, six cases received by the GBA in 2023 were pending before the Board (5) or were under review by the EXD following issuance of the GBA recommendations (1).

38. In 2023, 3 appeals were withdrawn from the GBA following mutually agreed resolution and settlement of the staff member's claims, where 1 appeal was submitted in 2022 and 2 appeals were submitted in 2023.



39. One appeal submitted in 2023 was also subsequently settled in early 2024.
40. In twelve cases received by the GBA in 2022 that were reported to the 52nd PCB as pending before the Board as at 31 December 2022, GBA issued their recommendations in 6 appeals; 2 appeals were withdrawn by the staff member including following formal settlement efforts; 4 cases, where informal settlement efforts were undertaken but where the appeal proceedings resumed, remained pending and under consideration before the GBA as at 31 December 2023.
41. In 2023, the UNAIDS Executive Director made 5 final decisions upon appeals in accordance with Staff Rule 1230.6.1. For details on final decisions by the UNAIDS Executive Director in 2023 on GBA recommendations issued by the Board in 2022 and 2023, please consult *Figure 13*.
42. As of 31 December 2023, 3 final decisions made upon appeal by the Executive Director were contested further before the ILOAT in accordance with Staff Rule 1240<sup>14</sup>.

**Figure 13.** GBA recommendations and EXD decisions on appeals in 2023



- Recommendation to allow appeal in part, pay compensation and costs. Upheld by the EXD in part with payment of compensation.
- Recommendation to allow appeal in part, pay compensation and costs. Rejected by the EXD *inter alia* on the grounds of irreceivability, appeal dismissed in its entirety.
- Recommendation to set aside initial administrative decision and pay costs. Rejected by the EXD on the grounds of irreceivability, appeal dismissed in its entirety.
- Recommendation to set aside initial administrative decision, pay compensation and costs. Upheld by the EXD in part with payment of compensation.

43. The average time for the EXD to review the report of the GBA and to provide the appellants and/or their representatives with the final decision upon appeal increased due to *inter alia* high complexity of the cases and was 95,3 calendar days.

<sup>14</sup> Staff Rule 1240 provides as follows: “Disputes between the Organization and a staff member which cannot be resolved internally may be referred to the Administrative Tribunal of the International Labour Organization, in accordance with the provisions of the Statute of the Tribunal.”

## Representation at the stage of appeals before the GBA

44. In accordance with paragraph III.12.4.180 (GBA Rule 280) of the WHO eManual the Appellant may be self-represented during the appeal process or may be represented by another person, including an external legal counsel at the Appellant's own expense. If he/she is being represented by another person, the Appellant must submit to the Board a duly signed and dated Power of Attorney appointing his or her representative.
45. In 2023, in all 8 (eight) appeals before the GBA staff members were externally represented, as follows:
  - i. by external legal practitioners – in 7 (seven) cases;
  - ii. by another person – in 1 (one) case.

### **B. Complaints filed before the ILOAT**

46. In 2023, 3 (three) new complaints were lodged with the ILOAT challenging the final decisions of the UNAIDS Executive Director made in 2023.
47. As at 31 December 2023, 20 (twenty) outstanding personnel matters (complaints), submitted during the period of 2020-2023, were pending with the ILOAT.
48. Two judgments were delivered by the ILOAT at its 135th session on 1 February 2023 concerning a former UNAIDS staff member.
49. In two cases, one concerning the final administrative decision *inter alia* to abolish the position the former staff member incumbered, reassignment and termination of the former staff member's appointment, the second concerning the final administrative decision to reject the former staff member's claim that their illness be recognized as service-incurred, the ILOAT ordered that the impugned decisions are set aside to the extent characterized in the judgements, and that material and/or moral damages, as relevant and applicable, as well as costs be paid to the former staff member.
50. All judgments were fully implemented without delay. The Tribunal's judgments are publicly available on the website of the ILOAT<sup>15</sup>.

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<sup>15</sup> ILO Administrative Tribunal, please 135th Session of the ILOAT.

## PART II

### Continued practice, trends and lessons learned

#### **Emphasis on efforts of informal resolution of workplace disputes:**

As in previous years, the Department of People Management (“DPM”) made considerable efforts towards *conflict prevention and early resolution* through results-oriented policy and legal advice and dispute resolution efforts at all operational stages, with special focus on Alignment and post-Alignment-related processes and implementation of the administrative decisions made during this transformation period.

Amicable resolutions in the form of a settlement were reached in 40% of AR requests submitted in 2023. These efforts are to be continued and special emphasis on informal dispute resolution and involvement of different stakeholders such as UNAIDS Ethics Office, WHO Ombudsperson Office, Staff Welfare and Wellbeing Counsellor as well as WHO Staff Health and Wellbeing Services has now been made upon issuance of the updated UNAIDS Information Note on Internal Justice System, which was promulgated in the second quarter of 2024. Successful conflict resolution also significantly reduced operational and financial costs as well as human and health impact of formal litigation, with speedy and informal resolution rebuilding trust and satisfaction among staff.

#### **Diligent documentation and record keeping in administrative decision-making processes:**

Several cases during the reporting period highlighted the importance of consistent and diligent record keeping and the need to record comprehensive documentation pertaining to administrative decisions and clear and transparent communication of these reasons to the staff members concerned. Particularly where administrative and decision-making processes are complex, span over a long duration and involve multiple stakeholders, considerations and actions taken should be recorded in a timely, consistent and coherent manner to ensure transparency, accountability and compliance with applicable rules and policies. Adherence to these basic principles of good administration can considerably reduce the risks of formal litigation and dissatisfaction with final administrative decisions made.

#### **Update and revision of existing rules and policies:**

Resulting from lessons learned from the Alignment process, a review of UNAIDS’ provisions concerning inter alia reassignment of eligible staff is currently underway to update the provisions and to ensure they remain in line with good practices and applicable jurisprudence.



