





staff mem(e)s (ased on )e\$ommendat#ons made ( a !ane" \$om!osed of sen#o) UN\*C+ staff mem(e)s@no8n as t'e P)omot#ons Pane" , -Pane" ./ #nsofa) as !)omot#ons to t'e P02 "e3e" a)e \$on\$e)nedk 8 '#\$' fo""o8s t')ee )ounds of e3a"uat#ons of e"#g#("e staff mem(e)s.

6. : n 2 A!)# 2012k UN\*C+Ds D#3s#on of \*uman +esou)\$es Aanagement , -D\*+A. / #nfo)med t'e A!!"#\$ant t'at s'e 8as e"#g#("e to (e \$ons#de)ed fo) !)omot#on to t'e P02 "e3e" du)#ng t'e 2011 P)omot#ons 4ess#on.

7. : n 2 Aa 2012k t'e D\*+A #nfo)med t'e A!!"#\$ant t'at s'e 'ad met t'e )e6u#)ements to ad3an\$e f)om t'e =)#st +ound to t'e 4e\$ond +ound of t'e P)omot#ons P)o\$edu)e.

%. =)om 21 Ju" to 25 Ju" 2012k t'e e#g't Pane" mem(e)s gat'e)ed #n Gene3a to \$ondu\$t t'e#) #nd#3#dua" \$om!a)at#3e assessment of t'e \$and#dates 8'o 'ad ad3an\$ed to t'e 4e\$ond +ound. T'e #nd#3#dua" )an@#ngs g#3en ( ea\$' Pane" mem(e) 8)e)t'en agge)ated ( t'e D\*+A k and \$onso"#dated "#sts of assessment )an@#ngs 8)e)e \$om!#"edk se!a)ate" k fo) fema'e and ma'e \$and#dates.

>. T'e Pane" mem(e)s ga3e t'e A!!"#\$ant t'e fo""o8#ng -)an@#ngs. among t'e fema'e \$and#dates fo) !)omot#on to t'e P02 "e3e"E 111k 11%k 11>k 121k 125k 125k 111 and 111. T'e D\*+A \$a"\$u"ated t'at t'e a)#t'met#\$ mean of t'e e#g't #nd#3#dua" )an@#ngs 8as 122.61 and esta("s'ed t'at t'e A!!"#\$ant )e\$e#3ed a \$onso"#dated )an@#ng of 122 out of 1%7 fema'e \$and#dates fo) !)omot#on to t'e P02 "e3e". As 'e) \$onso"#dated \$om!a)at#3e )an@#ng d#d not !"a\$e 'e) among t'e to! 120 fema'e \$and#datesk t'e A!!"#\$antDs \$and#da\$ d#d not ad3an\$e to t'e T'#)d +ound.

10. : n 2 Ju" 2012k name" to8a)ds t'e end of t'e 4e\$ond +ound \$om!a)at#3e assessmentk t'e \*#g' Comm#ss#one) announ\$ed t'at 220 s"ots 8ou'd (e a3a#"a("e

11. B memorandum dated 17 : \$to(e) 2012 and d#st#(uted to a"" t'e UN\* C+ staff mem(e)s 3#a ema#" on 20 : \$to(e) 2012k t'e \*#g' Comm#ss#one) !u("s'ed t'e "#st of !)omoted staff mem(e)s. T'e A!!"#\$ant 8as not among t'em.

12. B ema#" of 2% : \$to(e) 2012k t'e A!!"#\$ant )e6uested t'e D\*+A to !)o3#de 'e) -a"" t'e ne\$essa) do\$umentat#on to su(m#t t'e )eSou)se #n\$"ud#ng do\$umentat#on su(m#tted to and \$ons#de)ed ( t'e Pane"..

11. : n 2> : \$to(e) 2012k t'e D\*+A !)o3#ded t'e A!!"#\$ant 8#t' a \$o! of 'e) fa\$t s'heet as )e3#e8ed ( t'e Pane". T'e D\*+A a"so )e#te)ated t'e ste!s of t'e !)omot#ons !)o\$essk as des\$)#(ed #n t'e P)omot#ons Po"#\$ k and stated t'at -t'e 4e\$ond +ound #nd#3#dua" e3a"uat#ons ( t'e e#g't FPane"G Aem(e)s H )esu"ted #n an o3e)a"" )an@#ng t'at !"a\$ed F'e)G outs#de t'e g)ou! of \$and#dates 8'o !)o\$eeded to t'e T'#)d +ound H F8 '#\$'G \$o))es!onded to 150 I of t'e num(e) of

20. The Applicant filed the application for the review of the Tribunal's decision on 20 August 2015.

21. The respondent submitted the reply on 2 October 2015.

22. From 21 to 26 January 2016 the Tribunal held a hearing on the merits of the instant case. The Tribunal's decision was announced on 2 February 2016.

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UN\* C+ to !ut #n !"a\$e effe\$t#3e& fa#) and t)ans!a)ent !o\$edu)es fo)



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##.



staff mem(e)s a! !o#nted ( t'e \*#g' Comm#ss#one) u! on nom#nat#on ( t'e D\* +A and t'e 4taff Coun\$#& 8'o )e"#ed on set \$)#te)#a and 8e) e ! )o3#ded 8#t' \$"ea) gu#dan\$eJ

e. 4e\$ond" & t'e A!!"#\$ant fa"#ed to demonst)ate an ! )o\$edu)a" e))o) #n t'e #m!"ementat#on of t'e P)omot#ons Po"#\$ t'at 8ou"d 8a))ant jes\$#ss#on of t'e \$ontested de\$#s#onJ #n !a)t#\$u"a)E

#. T'e Pane" mem(e)sD \$ondu\$t of t'e Som!a)at#3e assessment and )an@#ng (ased on t'e na)at#3e !a)t of t'e e0PADs as )e!)odu\$ed on t'e \$and#datesD fa\$t s'heet& to t'e eC"\$us#on of t'e )at#ngs \$onta#ned #n t'e e0PADs& 8as \$ons#stent 8#t' se\$. 5.>.1 of t'e P)omot#ons Po"#8 (o)-0.960221(6.3252( )-1(D)



g. The respondent's submissions are based on the fact that the respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization.

h. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization.

i. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization.

j. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization.

k. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization.

27. Before the Commission, the respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization. The respondent's actions were taken in good faith and in the interest of the Organization.







1>. Ao)e s!e\$#f\$Sa"" & t'e A!!ea"s T)#(una" 'e"d #n

22. \*a3#ng )e3#e 8ed t'e 9u)#s!)uden\$e and t'e su(m#ss#ons of t'e !a)t#es! t'e T)#(una" #s of t'e 3#e 8 t'at t'e standa)d of )e3#e 8 fo) de\$#s#ons #n t'e \$onteCt of do8ns#7#ng eCe)\$#ses #s su(stant#a"" t'e same as t'at fo) a!!o#ntments and



22. In 3#e8 of t'e fo)ego#ngl t'e T)(una" 8#" eCam#ne 8 'et 'e)E

a.

esta("s'ed se!a)ate "#sts of \$and#dates fo) fema"e and ma"e \$and#dates 8 '#\$' #t su(m#tted to t'e Pane" mem(e)s fo) t'e#) \$om!a)at#3e assessment du)ng t'e 4e\$ond +ound. T'e Pane" mem(e)s 8e)e #nst)u\$ted to )an@ t'e fema"e and ma"e \$and#dates se!a)ate" ask #n t'e D\* +A!s 3#e 8 -one g)ou! does not \$om!ete 8#t' anot'e)k FandG t'ese a)e se!a)ate eCe)\$#ses..

2>. At t'e 'ea)#ngk t'e \*ead of t'e \*uman +esou)\$es Po"# \$ and P"ann#ng 4e)3#e\$e eC!"a#ned t'at \$and#dates fo) !)omot#on 8e)e se!a)ated ( gende) fom t'e 4e\$ond +ound on 8a)ds as t'e \*#g' Comm#ss#one) 'ad de\$#ded t'at t'e a3a#"a("e s'ots 8ou"d (e e6ua"" s'a)ed (et8een fema"e and ma"e staff mem(e)s. 5n t' #s )es!e\$tk t'e e3#den\$e s'o 8s t'at t'e \*#g' Comm#ss#one)k #ndeedk made t' #s de\$#s#on (ut on" afte) t'e D\* +A 'ad a)ead #nst)u\$ted t'e Pane" mem(e)s to \$ons#de) \$and#dates se!a)ate" ( gende). 5n '#s memo)andum of 2 Ju" 2012 to t'e Co0C'a#)e)sions of t'e Jo#nt Ad3#so) Comm#ttee k t'e \*#g' Comm#ss#one) announ\$ed t'atE

Pend#ng t'e \$on\$"us#on of t'e \$om!)e'ens#3e )e3#e8 of t'e UN\*C+ Gende) Po"# \$ k F'eG 'afdGk t'e)efo)ek de\$#ded t'at t'e a3a#"a("e s'ots fo) !)omot#on t' #s 'ea) s'a"" \$ont#nue to (e e6ua"" s'a)ed (et8een fema"e and ma"e staff mem(e)s k 8 '#\$' #s #n "#ne 8#t' !a)ag)a!' 5.10.2 of t'e FP)omot#ons Po"# \$ G.

50. T'e T)#(una" notes t'at t'e P)omot#ons Po"# \$ k 8 '#\$' esta("s'es t'e met'odo"og fo) a t')ee0)ound e3a"uat#on of \$and#dates and sets out t'e



55. The 'g' Commission's decision to set the number of a3a("e")'s'ots' defined in section 2.1.2 of the P'omotions Po"\$ 8 '\$' '!)o3desE

FT'EG D#s#on of \*uman +esou)\$es Anagement ,D\* +A/ 8#" su(m#t to t'e Jo#nt Ad3#so) Comm#ttee ,JAC/ at "east 10 8o)@#ng da s !)#o) to t'e )e"e3ant !)#omotions sess#on# #ts )e\$ommendat#ons on t'e num(e) of a3a#"a("e !)#omotion s'ots us#ng )e"e3ant stat#st#\$s on !os#tions and staff#ng# #n\$"ud#ng (ut not "#m#ted to# d#st)#(ut#ons ( g)ade "e3e" eC!e\$ted se!)at#on and )e\$u#tment and t)ends #n #nte)0agen\$ eC\$'anges. T'e num(e) of !)#omotion o! !o)tun#tes# )ef"e\$ted 6uant#tat#3e" as !)#omotion s'ots# 8#" (e de\$ided ( t'e \*#g' Comm#ss#one)# ta@#ng #nto a\$\$ount t'e ad3#\$e of t'e JAC.

56. A(sent an )efe)en\$e #n t'#\$ !)#o3s#on to gende) \$ons#de)at#ons# t'e \*#g' Comm#ss#one)Ds d#\$)et#on #s "#m#ted# at t'#\$ stage# to dete)m#n#ng t'e num(e) of a3a#"a("e s'ots fo) !)#omotion at ea\$' "e3e" (ased on t'e UN \*C+Ds staff#ng ta("e and staff mo3ements !)#ognost#\$s. A't'oug' t'e \*#g' Comm#ss#one) ma 'a3e soug't to a\$'e3e gende) !)# #n sett#ng #n ad3an\$e t'e num(e) of s'ots a3a#"a("e fo) ea\$' gende) gou!# 8 '\$' #s most \$e)ta#n" a \$ommenda("e and "a8fu" o(9e\$t#3e #n "#g't of t'e UN C'a)te) and t'e -Po"\$ on A\$'e3#ng Gende) K6u#t #n UN \*C+ staff#ng. ,5: A 01%/2007M=: A 01>/2007/ of % Aa)\$' 2007 , -Gende) Po"\$ ./ ,see "e/touche UNDT/200>/01># !)#a. 17/# 'e ended u! ma@#ng a !)#edete)m#nat#on of #ssues t'at 'ad to (e add)essed at a "ate) stage# t'at #s# at t'e t#me of a8a)d#ng t'e !)#omotions# afte) t'e e3a"uat#on of t'e \$and#dates 'ad a\$tua"" ta@en !"a\$. \*e a"so un"a8fu"" "#m#ted t'e num(e) of !)#omotions s'ots t'at ma 'a3e ot'e)8#se (een a8a)ded to 8omen.

57. In t'#\$ )es!e\$t# t'e T#(una" st)esses t'at t'e P'omotions Po"\$ does not !)#o3#de fo) !)#omotion 6uotas (ased on gende)# as seemed to (e \$ons#de)ed ( t'e \*#g' Comm#ss#one). +at'e)# #t !)#o3#des fo) a minimum of 50 I of t'e a3a#"a("e s'ots to (e a8a)ded to -su(stant#a"" e6ua"" me)#to)#ous fema"e staff.. \*en\$e# t'e num(e) of !)#omotion s'ots t'at a)e to (e a8a)ded to 8omen #s \$"ea)" not "#m#ted to 50 I# and u"t#mate" de!ends on t'e me)#ts of t'e \$and#dates# #n "#ne 8#t' a)t. 101.1 of t'e UN C'a)te)# 8 '\$' '!)o3#des t'at -FtG'e !)#a)amount \$ons#de)at#on #n t'e em!"o ment of t'e staff and #n t'e dete)m#nat#on of t'e \$ond#tions of se)3#\$e s'a"" (e t'e ne\$ess#t of se\$u)#ng t'e '#g'est standa)ds of eff#\$en\$ # \$om!eten\$e# and #nteg)#t .. T'e #ntended \$onse6uen\$e of se\$. 5.10.2 of t'e

Promotions Posts as a result of the failure of #

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62. The same information used for the rating of Somalia's 8 '8' 8e assessed pursuant to the following ss"eE

i. Not of ent	1 & 2
ii. Part of ent	1 & 2 & 5
iii. Part of ent	6 & 7 & %
3. KC's on of ent	> 10

65. The ratings 8e to (e a Somalia ( Comments from the staff mem(e)Ds su(e)3#so) and 8 'e) e a!"\$a("e from mut#0)ate)s ,see se\$. 25 & 20 & 50, (/ of t'e PAA4/.

66. At the 'e)ng t'e \*ead of t'e \*uman +esou)ses Po"\$ and P"annng 4e)3#e test#f#ed t'at t'e eC!)#en\$e 'ad s'o 8n t'at some su(e)3#so)s 8e) e mo)e !one to g#3e 'g' )an@ngs t'an ot'e)s \$ausng 8 'at 'e )efe))ed to as a -)atng #nf"at#on.. \*e eC!)essed t'e 3#e8 t'at t'e )atngs 8e)e -un)#a("e. and meanng"ess #f not su!!o)ted ( Comments. The Adm#n#st)at#on t'e)fo)e \$ons#de)ed t'at on" t'e na))at#3e !a)t of t'e e0PADs s'ou'd (e d#s\$"osed to t'e Pane" mem(e)s fo) t'e#) assessment of \$and#dates du)ng t'e 4e\$ond and T'#)d +ounds & as t'e 8ou'd g#3e a (ette) !\$tu)e of t'e !e)fo)man\$e and a(#)t#es of an staff mem(e) unde) \$ons#de)at#on.

67. The \*ead of t'e \*uman +esou)ses Po"\$ and P"annng 4e)3#e fu)t'e) eC!)#aned t'at t'e UN\*C+ 8as not sat#sf#ed 8#t' t'e a!)a#sa" s stem esta("s'ed ( t'e PAA4 and )e3#e8ed #t #n 2012 & nota(" to mod#f t'e )atng s\$a"e & and to )e6u#)e t'at eC\$e!t#ona" )atngs (e t'e su(9e\$t of )e3#e8 & #n o)de) to )emo3e t'e a)(#t)a#ness \$onta#ned #n t'e !e3#ous a!)a#sa" s stem. \*e a"so stated t'at t'e P)omot#ons Po"\$ 8as d)afted #n t'e "g't of t'e f

6%. The respondent also submitted documents evidencing that from 2008 to 2011, the respondent was not in compliance with the PAA 4(d) requirements among various managers and officers. He is not





of t' e o ("gat#on unde) se\$. 5.>.1,##/ to \$ons#de) mate)#a" #s d#ffe)ent f)om t'at #n  
se\$. 5.>.1,##/. +at'e) t'an )efe))#ng to t'e \$ons#de)at#on of t'e na))at#3e #n (ot' t'e  
e0PAD and t'e fa\$t s' eet# se\$. 5.>.1,##/ \$onta#ns a \$"ea) d#st#n\$#on (et 8een t'at  
8 '#\$' #s )ef"e\$ted #n t'e PA+/e0PAD !e)fo)man\$e e3a"uat#ons and t'at )ef"e\$ted  
#n fa\$t s' eet na))at#3e. T'e 8o)ds - !e)fo)man\$e e3a

ultimate" established at that time as a result of the assessment (

0. Indeed, one staff member's admission of -A's#e3ed. fo) o3e)a"" o(9e\$t#3es #n a -m#ss#on/s'o)t te)m ePAD fo) t'e !e)#od 01/10/2010011/12/2010. 8as)an@ed 2>' . Anot'e) \$and#date 8'o d#d not meet t'e m#n#ma" )e6u#)ement of -A's#e3ed. fo) o3e)a"" o(9e\$t#3es and -P)of#\$ent. fo) o3e)a"" \$om!eten\$#es #n a -m#ss#on/s'o)t te)m ePAD fo) t'e !e)#od 01/01/2011010/02/2011. 8as)an@ed 57'. Aost su!)#s#ng" k g#3en t'e fa#t' t'at 'ad (een !"a\$ed #n t'e \$ons#de)at#on of t'e na))at#3e #n t'e fa\$t s'eets ( t'e D\* + A k ea\$' of t'ese t8o \$and#dates 'ad (een)an@ed num(e) one ( a Pane" mem(e).

1. T'e T#(una" \$ons#de)s t'at t'#s 8'o'e !)o\$ess to 3e)#f \$om!"#an\$e of t'e m#n#mum !e)fo)man\$e )e6u#)ements as de3#sed ( t'e D\* + A k and t'e )esu"ts )ea\$'ed ( t'e Pane" mem(e)s k 8as fundamenta"" !)o\$edu)a"" f'a8ed.

2. =#)st" k #t a!!eas t'at #t 8as not ant#\$#!ated k !)#o) to t'e P)omot#ons 4ess#on k t'at a )e3#e8 of t'e \$and#datesD e0PADs 8as ne\$essa) tok inter alia k 3e)#f #f t'e !e)fo)man\$e standa) 8as met. T'#s k #n tu)n k )a#ses dou(ts a(out 'o8 t'e D\* + A en3#saged unde)ta@ng t'e assessment of t'e e3a"uat#on \$)#te)#on set fo)t' #n se\$. 5.>.1, #/ k 8 '#\$' #s \$e)ta#n" one of t'e most dete)m#nat#3e \$)#te)#on of t'e ent#je !)o\$ess.

1. 4e\$ond" k #t seems t'at t'e Pe)fo)man\$e Aanagement Asso\$#ate 8'o d#d t'e 3e)#f#\$at#on eCe)\$#se used t'e 8)ong #nd\$ato) ( #dent#f #ng t'ose 8'o 'ad an o3e)a"" s\$)e (e"o8 5.1 fo) \$om!eten\$#es and o(9e\$t#3es. 5n t'#s )es!e\$ k t'e PAA4 esta("s'ed a s\$a'e 8'e)e -A's#e3ed. and -P)of#\$ent. \$o))es!onded to a s\$)e of 6 to >, see !a)as. 61 and 62 a(o3e/k 8 '#\$' te\$'n#\$a"" means t'at a staff member must 'a3e a s\$)e of at "east 6 to m#n#ma"" meet t'ese standa)ds. 5n tu)n k AnneC 2 to t'e PAA4 ent#t'ed -Ba\$@g)ound and o3e)3#e8 of t'e PAA4 P)o\$ess. !)o3#des #n #ts se\$. 16 t'at -A's#e3ed. and -P)of#\$ent. \$o))es!ond to a )at#ng (et8een 5.1 and %.0 k 8 '#\$' a"so seems to (e t'e !os#t#on ado!ted ( t'e D\* + A k as !e) t'e )oad\$ast sent on 1% Aa 2011 ,see !a)a. 6> a(o3e/. T'e T#(una" \$annot )e\$on\$#e t'ese t8o a!!a)ent" \$ont)ad#sto) !)o3#s#ons of t'e PAA4 and k g#3en t'at #t #s not dete)m#nat#3e of t'e !)esent a!!"#\$at#on k 8#" "m#t #tse"f to )e\$ommend#ng t'e Adm#n#st)at#on to "oo@ #nto t'e matte). As a )esu"t k #s 8e"

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7. The loss of 1% of female employees to the organization in 2015 was not deemed to be a significant decrease in the number of employees. The organization has taken measures to address the loss, including recruitment and training of new employees. The organization has also implemented measures to improve the retention of existing employees. The organization has also implemented measures to improve the retention of existing employees.

!e)fo)man\$e. )efe)s d#)e\$t" to t'e PAA 4# n 8 '#\$' t'e (est "e3e" of !e)fo)man\$e 8as )ated as -KC\$e!t#ona"" A\$'#e3ed. o) -KC\$e!t#ona"" P)of#\$#ent.. 5f t'e Pane" mem(e)s 'ad (een !)o3#ded 8#t' t'e e0PADs# t'e \$ou"d 'a3e !oss#(" #dent#f#ed outstand#ng \$and#dates ( t'e#) )at#ngs# 8#t' t'e ass#stan\$e of t'e \$omments !)o3#ded ( t'e su!)e)3#so). A"t'oug' t'e)e ma (e some \$on\$e)ns as to t'e )e"#a(#"t of t'e )at#ngs# t'e ne3e)t'e'ss \$onst#tuted t'e essen\$e of t'e a!)a#sa" s stem at t'e )e"e3ant !e)#od# and !)o3#ded 6uant#tat#3e 3a"ues !oss#(" usefu" to d#st#ngu#s' \$and#dates #n a !oo" of 1%7.

>1. =u)t'e)mo)e# t'e T)#(una" #s of t'e 3#e8 t'at 8 '#e t'e Adm#n#st)at#on ma 'a3e found #t mo)e a!)o!)#ate not to d#s\$"ose t'e \$and#datesD !e)fo)man\$e )at#ngs to t'e Pane" due to t'e so0\$a""ed -)at#ng #nf"at#on.# !)o3#d#ng t'e Pane" on" !a)t of t'e \$and#datesD !e)fo)man\$e a!)a#sa" !e)esented mo)e #m!o)tant #nt)#ns#\$ dange)s.

>2. Unde) t'e PAA 4# staff mem(e)s 8e)e essent#a"" e3a"

Panel members gave them an opportunity of the dates of the former's  
reputation.

2. The Tribunal cannot emphasize enough the importance of the Promotions  
Policy (being the best argument for the former's alleged "loss" at the  
time under review in the context of the UN \*C+Ds\$u))ent Promotion mechanism  
due to the fact that the Promotion is essential (based on the former's  
during the first few years. L'inst t'e \*ead of t'e \*uman +esou)\$es Po"\$  
and Planning 4e)3#Se attempted to establish the decision not to disclose the ratings  
(reference) to factors in the PAA4 and the tenfold increase of a new





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s!e\$#f#\$ @no8"edge of t'e : )gan#7at#onDs needs at t'e P02 "e3e" at t'at !a)t#\$u"a)  
t#me and 8#t'#n t'e : )gan#7at#on as a 8 'o'e.

106. T'e T#(una" does not 6uest#on t'e a!)o!)#ateness of ta@#ng #nto a\$\$ount  
o)gan#7at#ona" )e6u#)ements #n t'e g)ant of !)omot#ons. \*o8e3e)k #t st)esses t'at  
t'e P)omot#ons Po"# \$ sets #n !"a\$e a !)o\$ess 8'e)e( k #n t'e \$onteCt of t'e  
UN\*C+Ds )an@ #n !e)son s stemk staff mem(e)s a)e a8a)ded \$ond#t#ona"  
!)omot#ons !u)e" (ased on me)#tsk and t'en effe\$t#3e" !)omoted 8'en t'e#)  
!)of#e \$o))es!onds to a !a)t#\$u"a) need of t'e : )gan#7at#on. T'#s #s e3#den\$ed  
f)om t'e fa\$t t'at t'e \*#g' Comm#ss#one) #s (ound to set a 6uant#tat#3e num(e) of  
!)omot#on s"otsk 8#t'out an )efe)en\$e to s!e\$#f#\$ a)eas of eC!e)t#se)k and f)om t'e  
e3a"uat#on \$)#te)#a fo) ea\$' of t'e t')ee )ounds of e3a"uat#onk 8 '#\$' so"e" )e"ate

that the respondent (the "Respondent") stated that this was a "policy" of the respondent.

Use of "Policy" at the Edge

10. The Applicant's issue is that the Panel's decision on the "Policy" at the edge of the dates of the respondent's activities is not supported by the evidence. The respondent's activities at the edge of the dates of the respondent's activities are not supported by the evidence. The respondent's activities at the edge of the dates of the respondent's activities are not supported by the evidence.

10. The respondent's issue is that the Panel's decision on the "Policy" at the edge of the dates of the respondent's activities is not supported by the evidence. The respondent's activities at the edge of the dates of the respondent's activities are not supported by the evidence. The respondent's activities at the edge of the dates of the respondent's activities are not supported by the evidence.

111. The Promotions Policy states that at sections 5.1 and 5.2, the Panel members must (a) conduct a thorough assessment of the candidates on the basis of their resumes and CVs. In turn, section 2.7 states that the Panel's assessment must be



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> \$and#dates num(e) 61& 12 \$and#dates num(e) 70& 22 \$and#dates num(e) %2&  
15 \$and#dates num(e) 105& 25 \$and#dates num(e) 11%& 1 \$and#date num(e) 11>&  
22 \$and#dates num(e) 121 and 20 \$and#dates num(e) 1

122.

addition of the earnings of each Sand#date and deducting the total ( earnings that deducted that ( s#C. The#s entered that a number of Sand#dates )e#3ed a Sonso#dated )an#ng 'g'e) t'an 1%7t 8 '#\$' #s an #m!oss#(##t g#3en t'at t'e) 8e) 1%7 Sand#dates. The#t t'e Pane" mem(e)s 8e) as#ed to s#gn t'e Sonso#dated )an#ng ta("ek 8 '#\$' t'e a!!a)ent" d#d 8t'out an fut'e) 6est#on#ng.

122. The T#(una" #s dee!" Son\$)ned 8#t' t'e met'odolog used ( t'e Pane" mem(e)s to )an@ t'e Sand#dates# and t'e e))os t'e \$omm#tted #n t'#s !)\$ess# 8 '#\$' )ema#ned undete\$ted ( t'e D\* + A. At t'e outset# t'e s#temat# \$)ou!#ng of Sand#dates ( a"" Pane" mem(e)s a!!e)s to (e #nd#\$at#3e of d#ff#\$u"t#es #n d#ffe)ent#at#ng Sand#dates (ased on t'e \$)#te)#a set fo)t' #n t'e P)omot#ons Po"# \$ and 8#t' t'e #nfo)mat#on !)\$o3#ded to t'em# an #ssue 8 '#\$' t'e T#(una" 8#" mo)e fu"" add)ess (e"o8. 5t ma 8e"" (e t'at a "a)ge num(e) of Sand#dates 8e)ek #ndeed# -und#st#ngu#s'a ("e. and t'at an attem!t to )an@ t'em one afte) t'e ot'e)k as en3#saged #n t'e P)omot#ons Po"# \$ k 8as not !oss#("ek es!e\$a"" g#3en t'e "a)ge num(e) of Sand#dates and t'e "#m#ted s\$ole of e3a"uat#on \$)#te)#a on t'e 4e\$ond +ound.

125. The a(o3e (e#ng sa#d# t'e T#(una" )e\$a""s t'at t'e P)omot#ons Po"# \$ !)\$o3#des fo) a -\$om!a)at#3e assessment and )an#ng. of t'e Sand#dates. The !"a#n

ne\$essa) to get !)ofess#ona" ad3#Se g#3en t'e !otent#a" #m!a\$t of t'e !)o!osed met'odo"og on t'e \$and#datesD o3e)a"" )an@#ng.

126. T'e T)#(una" \$annot (ut 8onde) 'o8 and 8' se3en of t'e e#g't Pane" mem(e)s ended u! g)ou!#ng a"most a"" \$and#dates 8#t'#n a g)ou! of 10 o) t'e)ea(out. L as #t ag)eed u!onP 5f notk 8'at 8e)e t'e \$)#te)#a used to d#3#de t'e \$and#dates #nto su\$' g)ou!sP T'e)e #s a d#ffe)en\$e (et8een ass#gn#ng t'e same )an@#ng to t8o o) mo)e \$and#dates 8'o a)e -und#st#ngu#s'a("e.k as suggested ( t'e D\* +A& and engag#ng #n a g)ou!#ng eCe)\$#se. T'e )an@#ng !)o\$ess t'at most of t'e Pane" mem(e)s unde)too@ suggests t'at t'e a!!"#ed add#t#ona" \$)#te)#a o) a d#ffe)ent met'odo"og & 8'#\$' )ema#n un@no8n and uneC!'a#ned& t'e)e( "ead#ng to a"a\$@ of t)ans!a)en\$ of t'e )an@#ng !)o\$ess. L '#e #t #s a)gua( " not eC\$"uded t'at Pane" mem(e)s Sou"d)an@ one o) mo)e \$and#date t'e same 8#t'out 3#o"at#ng t'e s!#)#t of t'e P)omot#ons Po"#\$ & su\$' met'odo"og Sou"d not (e )easona(" #nt)odu\$ed 8#t'out an adm#n#st)at#3e #ssuan\$e t'at def#nes #ts !a)amete)s& and afte) due \$ons#de)at#on of #ts !otent#a" stat#st#\$a" #m!a\$t on t'e \$onso"#dated )an@#ng of \$and#dates.

127. K6ua"" 8o))#some #s t'e fa\$t t'at t'e D\* +A de3e"o!ed t'e \$onso"#dated "#st of \$and#dates 8'o ad3an\$ed to t'e T'#)d +ound (ased on t'e num(e)s !)o3#ded ( t'e Pane" mem(e)s& 8'#\$' d#s!"a ed& on t'e#) fa\$e& ("atant e))o)s& and #tse"f \$omm#tted e))o)s #n us#ng t'e 8)ong d#3#d#ng fa\$to). Amongst ot'e)s& t'e s stemat#\$ g)ou!#ng of \$and#dates ( se3en Pane" mem(e)s s'ou'd 'a3e )easona(" \$aused \$on\$e)n as to t'e !)o\$edu)es ado!ted& as s'ou'd 'a3e t'e #m!oss#("e )an@ of 1>1 g#3en ( one Pane" mem(e).

12%. Aost s#gn#f#\$ant" & t'e D\* +A s'ou'd 'a3e (een a'e)ted to a !oss#("e a)(#t)a eCe)\$#se #n t'e fa\$e of )an@#ngs att)#(uted ( a!"'a(et#\$a" o)de). T'ese s'ou'd )easona(" 'a3e \$aused some \$on\$e)n to t'e D\* +A and "ead to fut'e) en6u#)es. 5n t'is )es!e& t'e T)#(una" notes t'at se\$. 6 of t'e P)omot#ons Po"#\$ !)o3#des t'at -\$om!"#an\$e 8#t' t'is !o"#\$ 8#" (e mon#to)ed ( t'e D#)e\$to) of D\* +A& as a!!)o!)#ate.. Aost su!)#s#ng" & t'e e3#den\$e (efo)e t'e T)#(una" d#s\$"oses t'at no one f)om t'e D\* +A made an )e3#e8 of t'e \$onso"#dated ta("e.

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111. 4'e 8as una("e to ! )o3#de an fu)t'e) eC!"anat#on du)#ng 'e) test#mon  
(efo)e t'e T)#(una".

112. T'e !)o("em 8#t' t'#s \$o))e\$t#on eCe)\$#se #s t'at #t assumes t'at t'e  
met'odo"og fo) )an@#ng -und#st#ngu#s'a("e. \$and#dates suggested ( t'e D\* + A

\* whether the applicant was given fair and adequate consideration for promotion

A)(#t)a !)o\$ess

112. T'e A!!"#\$ant a)gues t'at t'e 8 'o"e !)o\$ess 8as a)(#t)a duei inter aliai to t'e "a\$@ of o(9e\$t#3e e3a"uat#on \$)#te)#a and t'e s\$a"e of t'e tas@ t'e Pane"

116. At the time that the... (a)ds some... out...  
out...s. => #nstan\$ek one \$and#... 8as )an@ed (e"o8... ( se3en-Pane"  
mem(e)s\$ (ut num(e) 121 ( t'e e... 'Pane" mem(e)... t'e \$and#... 8as



11. In order to fulfil the same functions of the staff members of



defined. That (e)ng sa#d# t'e T#(una" 8 '#\$' 'as ( no8 eCam#ned t'e 4e\$ond  
+ound )e3#e8 unde)ta@en ( t'e 4en#o) P)omot#ons Pane" ,see# e.g.# Rodriguez-  
Viquez fo) ma"e \$and#dates fo) !)omot#on to t'e P05 "e3e"J Spannuth Verma  
UNDT/2016/021 fo) fema"e \$and#dates fo) !)omot#on to t'e P05 "e3e"/& and# 8#t'  
t's \$ase# t'at ( t'e Pane" #s '#g'" \$on\$e)ned t'at #t ma (e s#m!" #m!oss#("e#  
#n !)a\$#Se# to fa#)" and ade6uate" \$om!a)e and )an@ t'e P01 \$and#dates aga#nst  
t'ese \$)te)#a# g#3en t'e num(e) of \$and#dates and t'e #fo)mat#on a3a#a("e.

126.

12>. The Panel members are also encouraged to -annotate an o(see)at#ons  
t'at 'g'g't t'e me)ts of t'e staff mem(e) on t'e tem!"ate !)o3#ded to fa\$#"tate  
t'e )an@#ng. as -FtG'ese o(se)3at#ons ma !)o3e usefu" fo) futu)e )efe)en\$ek e#t'e)  
8 'en dete)m#n#ng t'e f#na" #nd#3#dua" )an@#ng of staff mem(e)s o) du)#ng t'e 1<sup>d</sup>  
)ound )e3#e8.. Aost su!)#s#ng" t' t'e Panel mem(e)s 8e) a"so ad3#sedk (ased on  
t'e "essons "ea)ned f)om t'e 4en#o) P)omot#ons 4ess#onk to -Fdge\$#de on \$)#te)#a  
(efo)e sta)t#ng t'e )e3#e8.. The Panel mem(e)s 8'o 8e) e)n#t#a" a"o\$ated t')ee  
da s fo) t'e#) o3e)a" )e3#e8 !"us an addt#ona" one #f neededk a!)ea) to 'a3e  
\$om!"eted t'e#) )e3#e8 8#t'n f#3e12.397( 8 8(s)-5.37099( )- 80.419\$6523(3099( )- 80.4)0.40204. 874347(n).





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16>. 5n O!dei#n 20120UNAT0201& t'e A!!ea"s T#(una" st)essed t'e o("#gat#on fo) t'e Adm#n#st)at#on to !o3#de )easons fo) #ts de\$#s#on 8 'en a )e6uest #s made -as !a)t of a fo)ma" )e3#e8 !o\$ess.& as -a fa#"u)e ( t'e Adm#n#st)at#on to )es!ond 8ou"d se)#ous" 'am!e) o) !e\$"ude t'e staff mem(e)& t'e Aanagement K3a"uat#on Un#t& and t'e T#(una"s f)om )e3#e8#ng adm#n#st)at#3e de\$#s#ons affe\$t#ng t'e \$ont)a\$tua" )#g' ts of staff mem(e)s.. \*o8e3e)& t'e A!!ea"s T#(una" d#d not \$eate an #nde!endent& !os#t#3e o("#gat#on fo) t'e Adm#n#st)at#on to d#s\$"ose )easons fo) #ts de\$#s#on (e)fo)'and un'ess ot'e) 8#se s!e\$#f#s#" !o3#ded fo) #n adm#n#st)at#3e #ssuan\$es. Aost \$e)ta#n" & t'e A!!"#\$ant 8as u"t#mate" not !e3ented f)om mean#ngfu"" \$'a""eng#ng t'e \$ontested de\$#s#on.

170.

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172. The finding of a violation of the Convention (under article 1 of the Convention) is not based on the fact that the respondent failed to take any measures to address the situation.

171. The Tribunal notes that the Applicant's claim is based on the fact that the respondent failed to take any measures to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation.

#### Remedies

172. The Tribunal finds that the respondent has failed to take any measures to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation.

#### Remedies sought by the Applicant

175. The Tribunal finds that the respondent has failed to take any measures to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation. The Tribunal is not satisfied that the respondent has taken any steps to address the situation.

176. The A!!"#Sant 8as e"#g#("e fo) \$ons#de)at#on fo) !)omot#onk and met t'e )e6u#)ement a""o8#ng 'e) to ad3an\$e f)om t'e =#)st to t'e 4e\$ond +ound of e3a"uat#ons. As t'e 4e\$ond and T'#)d +ound #n3o"3ed a \$om!a)at#3e assessment of t'e \$and#datesk )at 'e) t'an e"#m#nato) \$)#te)#ak t'e A!!"#Sant 'ad a \$'an\$e to (e u"t#mate" !)omoted. T'e a\$tua" !)o(a(#"t of (e#ng !)omoted de!ended ent#)e" on 'o8 s'e 8ou"d 'a3e \$om!a)ed 8#t' t'e ot'e) \$and#dates #n t'e \$ou)se of t'e 4e\$ond and T'#)d e3a"uat#on )ounds.

177. 5n t'#s )es!e\$tk t'e \$)eat#on of t8o se!a)ate !oo"s of \$and#datesk ma'e and fema"ek \$)eates a f#)st d#ff#\$u"t #n assess#ng t'e A!!"#SantDs u"t#mate \$'an\$e fo) !)omot#on. Be\$ause fema"e \$and#dates ,tota""#ng 1%7/ and ma'e \$and#dates ,tota""#ng 212/ 8e)e ne3e) \$om!a)ed aga#nst ea\$' ot'e)k #t #s d#ff#\$u"t to assess 'o8 t'e A!!"#Sant 8ou"d 'a3e !e)fo)med #n a 8#de) !oo" of 221 \$and#datesk 8'e)e on" 220 8e)e to ad3an\$e to t'e T'#)d +oundk and 15% 8e)e u"t#mate" to (e se"e\$ted.

17%. T'e +es!ondentDs suggest#on t'at t'e A!!"#Sant 8ou"d not 'a3e (een se"e\$ted g#3en t'at s'e 8as )an@ed 122<sup>t</sup> out of 1%7 #s !u)e" s!e\$u"at#3ek as t'e \$and#dates a)e not g#3en a s\$o)e (ut a )an@. Ao)eo3e)k (e\$ause of t'e 8#de d#3e)gen\$e of o!#n#on among t'e Pane" mem(e)s #n t'e#) assessment of \$and#datesk t'e )an@ngs t'at t'e A!!"#Sant )e\$e#3ed #n a !oo" of 1%7 fema"e \$and#dates does not !)ed#\$ate t'e one s'e 8ou"d 'a3e )e\$e#3ed #n a "a)ge) !oo" of 221 \$and#datesk no) t'e one s'e 8ou"d 'a3e )e\$e#3ed #f 'e) \$and#da\$ 'ad (een \$o""e\$tk3e" )e3#e 8ed ( t'e Pane" mem(e)s 8#t' #n a !oo" of 220 \$and#dates #n t'e T'#)d +ound.

17>. Aost #m!o)tant" k t'e T)#(una" #s of t'e 3#e8 t'at t'e A!!"#SantDs \$onso"#dated )an@ng as esta("s#ed ( t'e D\*+A k as 8e"" as t'e #nd#3#dua" )an@ngs !)o3#ded ( t'e Pane" mem(e)s k a)e so un)e#a("e t'at t'e \$annot se)3e as a (as#s fo) \$ons#de)at#on of t'e A!!"#SantDs \$'an\$e fo) !)omot#on. \*o8 8ou"d t'e A!!"#Sant 'a3e (een \$om!a)ed aga#nst t'e ot'e) \$and#dates #f t'e Pane" mem(e)s 'ad (een !)o3#ded 8#t' 'e) e0PADsk and #f t'e 'ad not (een to)d to ta@e #nto \$ons#de)at#on #nfo)mat#on t'e ma @no8 a(out \$e)ta#n \$and#dates and t'e#) su#ta(#"t fo) !"a\$ement #n P02 !os#t#onsP L 'at 8ou"d 'e) o3e)a"" )an@ng

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1%2. T'e T)(una" 'as \$on\$"uded t'at t'e Pane" 'ad not fa#)" and ade6uate" \$ons#de)ed t'e A!!"#\$antDs \$and#da\$ fo) !)omot#on to t'e P02 "e3e" 8'en \$om!a)#ng 'e) 8#t' t'e ot'e) \$and#dates. T'e \*#g' Comm#ss#one)k 8'o #s t'e \$om!etent de#\$s#on0ma@e)k 'as not )e\$e#3ed a !)o!e) and mean#ngfu" )e\$ommendat#on fo) ma@#ng 's de#\$s#on as to 8 'et'e) o) not to a8a)d one of t'e 15% a3a#"a("e s'ots fo) !)omot#on to t'e P02 "e3e" to t'e A!!"#\$ant. Unt#" t'#\$ eCe)\$#se 'as (een !)o!e)" !e)fo)medk #ts out\$ome )ema#ns o!en fo) t'e A!!"#\$ant. 5f t'e T)(una" 8e) to g)ant t'e A!!"#\$ant a !)omot#onk #t 8ou'd (e tantamount to !)e9udg#ng t'e out\$ome of t'e \$om!a)at#3e assessment of a"" e"#g#("e \$and#dates en3#saged #n t'e P)omot#ons Po"#\$ k and su(st#tut#ng #ts assessment fo) t'at of t'e Pane" and t'e \*#g' Comm#ss#one)k somet'ing t'at t'e T)(una" #s ne#t'e) a""o8ed no) #n a !os#t#on to do.

1%5. As to t'e A!!"#\$antDs a"te)nat#3e )e6uest fo) 's \$and#da\$ to (e )emanded fo) fut'e) \$ons#de)at#on 8#t' st)#\$t gu#dan\$ek t'e T)(una" notes t'at #t fo""o8s f)om #ts de#\$s#on to )es\$nd t'e \$ontested de#\$s#on t'at t'e A!!"#\$antDs \$and#da\$ fo) !)omot#on s'ou'd (e eCam#ned ane8 and \$om!a)ed aga#nst t'at of t'e ot'e) \$and#datesk t'us enta#"#ng to \$ondu\$t t'e 2011 P)omot#ons 4ess#on ane8 f)om t'e 4e\$ond +ound on 8a)ds.

1%6. \*o8e3e)k t'e T)(una" )e#te)ates t'at #t does not '

A"te)nat#3e \$om !ensat#on

1%%. A)t. 10.5,a/ of t'e T)#(una"Ds 4tatute !)o3#des t'a



1>2. Among the same "next the A! !ea's T)(una" )e\$ent" a8a)ded U4D10:000 fo) "oss of \$'an\$e of !)omot#on as \$om!ensat#on #n "eu of )es\$#ss#onk #n a \$ase 8'e)e #t found t'at t'e !a)t#\$u)a \$)#\$umstan\$es )ende)ed t'e assessment mo)e \$om!"#\$ated t'an usua". T'e T)(una" \$on\$"uded t'at #t - 'ad to assess t'e matte) #n t'e )ound and a))#3e at a f#gu)e t'at F8asG deemed ( F#tG to (e fa#) and e6u#ta("e# 'a3#ng )ega)d to t'e num(e) of #m!onde)a("es. , ( iedermayr 20150UNAT0601/.

1>1. Cons#de)#ng t'e eCt)eme d#ff#\$u"t#es #n as\$e)ta#n#ng t'e A! !"#\$antDs \$'an\$es fo) !)omot#onk t'e fa\$t t'at s'e 8as e"#g#("e aga#n fo) !)omot#on #n t'e 2012 sess#onk and t'e !e3#ous dete)m#nat#ons of t'e A! !ea's T)(una" as 8e"" as of t's

1>6. L 'e)eas t'e T)#(una"Ds 'o"d#ng t'at !a ment of t'e amount a8a)ded fo)  
\$om!ensat#on #n "#eu of )es\$#ss#on a!"#es to t'e !)esent \$asek #ts f#nd#ng t'at  
)es\$#ss#on ma enta#" )et)oa\$t#3e g)ant of !)omot#on and \$om!ensate an "oss of

Ao)a" damages

1>>. ?ast" & t'e A!!"#Sant as@ed \$om!ensat#on fo) mo)a" #n9u) #n t'e amount of one mont' net (ase sa"a) fo) g)a3e ( )ea\$'es of staff )#g'ts and emot#ona" d#st)ess.

200. B )eso"ut#on 6>/201& ado!ted on 1% De\$em(e) 2012 and !u("s'ed on 21 Janua) 2015& t'e Gene)a" Assem(" amended a)t. 10.5 of t'e T)#(una"Ds 4tatute to )ead as fo""o8sE

As !a)t of #ts 9udgement& t'e D#s!ute T)#(una" ma only o)de) one o) (ot' of t'e fo""o8#ngE

,a/ +es\$#ss#on of t'e \$ontested adm#n#st)at#3e de\$#s#on o) s!e\$#f#\$ !e)fo)man\$e& !)o3#ded t'at& 8'e)e t'e \$ontested adm#n#st)at#3e de\$#s#on \$on\$e)ns a!!o#nt

the respondent did not attend the hearing. The Commission's decision is final and not subject to appeal. The respondent stated that the contested decision was based on the fact that the respondent had not submitted a request for a review of the decision by 1 August 2015.

201. The Tribunal finds that the respondent's appeal is unfounded and dismisses it. The respondent's appeal is based on the fact that the respondent's appeal was not submitted in time. The respondent's appeal is based on the fact that the respondent's appeal was not submitted in time. The respondent's appeal is based on the fact that the respondent's appeal was not submitted in time.

The staff member's appeal is unfounded and dismisses it. The staff member's appeal is based on the fact that the staff member's appeal was not submitted in time. The staff member's appeal is based on the fact that the staff member's appeal was not submitted in time. The staff member's appeal is based on the fact that the staff member's appeal was not submitted in time.

202. The Tribunal finds that the staff member's appeal is unfounded and dismisses it. The staff member's appeal is based on the fact that the staff member's appeal was not submitted in time. The staff member's appeal is based on the fact that the staff member's appeal was not submitted in time.

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20%. The Tribunal understands from the Applicant's testimony that the respondent should have been informed from the fact that a staff member has sustained a fundamental breach of his or her substantial or due diligence obligations. The Tribunal has found that the respondent has ultimately neglected that the respondent should have been informed from the fact that a staff member has sustained a fundamental breach of his or her substantial or due diligence obligations.

212. The Tribunal stresses that the requirement to adduce evidence of motivation

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,Signed/

Judge +o 8an Do 8n#ng

Dated t'#s 6<sup>t</sup> da of Aa 2016

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