1. ! a" "#\$%at\$on f\$#ed on 28 August 2015 t ' e A" "#\$%ant a staff mem(e) of

")omotsons to t'e P02 #e3e# a)e %on%e)ned& 9's%' fo##o9s t')ee )ounds of e3a#uatsons of e#sgs(#e staff mem(e)s.

5.

t'e P02 #e3e#k 9'\$%'k 'e de%\$dedk 9<br/>ou#d (e e6ua##!

1<. ! memo)andum dated 2 ; a)% ' 2015 and d\$st)(uted to a## t'e UN\*C+ staff mem(e)s 3\$a ema\$# on 1 ; a)% ' 2015&t'e \*\$g' Comm\$ss\$one) announ%ed '\$s de%\$s\$ons fo##o9\$ng t'e )e%ou)se sess\$on. T'e A""#\$%ant 9as not among t'e %and\$dates ")omoted u"on )e%ou)se.

20. =n 1 ; a! 2015 t'e A" "#\$%ant su(m\$tted to t'e De"ut! \*\$g' Comm\$ss\$one)
a) e6uest fo) management e3a#uat\$on of t'e de%\$s\$on not to ")omote 'e) to t'e P02
#e3e#.

21. =n 1 June 2015k t'e A" "#\$%ant )e%e\$3ed an \$nte)\$m )es"onse \$nfo)m\$ng 'e)
t'at 'e) )e6uest fo) management e3a#uat\$on 9 as st\$## unde) %ons\$de)at\$on. 4 'e d\$d not )e%e\$3e an! fu)t'e) )es"onse.

22. T'e A""#\$%ant f\$#ed 'e) a""#\$%at\$on 9\$t' t'e +eg\$st)! of t'\$s T)\$(una# on 28 August 2015.

21. T'e +es"ondent su(m $ted '\s)e"$ #! on 2 =%to(e) 2015.

22. 8) om 21 to 26 Janua)! 2016k t'e T)\$(una# 'e#d a 'ea)\$ng on t'e me)\$ts of t'e \$nstant %asek :o\$nt#! 9\$t' s\$F ot'e) %ases % 'a##eng\$ng %ontem"o)aneous de%\$s\$ons and )a\$s\$ng s\$m\$#a) \$ssuesk name#! Cases Nos. UNDT/GVA/2015/076 ,Tsone3a/k UNDT/GVA/2015/112 ,Natta/k UNDT/GVA/2015/157 ,De #a Va)ga 8\$to/k UNDT/GVA/2015/161 ,4"annut' Ve)ma/ UNDT/GVA/2015/165 ,+od)\$gue70 V\$6ue7/ and UNDT/GVA/2015/166 , ; uft\$%/. 8\$3e 9\$tnesses f)om t'e D\*+ ; 9e)e 'ea)dA t'e \*ead of t'e \*uman +esou)%es Po#\$%! and P#ann\$ng 4e)3\$%ek t'e C'\$ef of t'e Ass\$gnments and P)omot\$ons 4e%t\$onk t'Cemgut

mee\$3%e43395-0.

26. Du)\$ng t'e %ou)se of t'e ")o%eed\$ngs& t'e +es"ondent f\$#ed a num(e) of do%uments ex parte& 9 '\$%' %onta\$n %onf\$dent\$a# \$nfo)mat\$on. T'e T)\$(una# made a## t'ese a3a\$#a(#e to t'e A""#\$%ant& 9\$t')eda%t\$ons as ne%essa)! and on an unde) sea# (as\$s.

- 27. T'e A" "#\$%ant@s ")\$n%\$"a# %ontent\$ons a)eA
  - a. T'e UN\*C+ ")omot\$ons me%'an\$sm enta\$#s t'at t'e UN\*C+ staff

?. T'e UN \* C+ fasHed to %onssde) t'e mat'ematsmaH and s

staff and d\$d not ")e3ent se"a)ate )e3\$e9 of fema#e and ma#e %and\$dates du)\$ng t'e 4e%ond +ound. H3en \$f t'\$s %onst\$tuted a

2<.

,\$\$/ 80) ")omot\$on to an! #e3e# and "a)t\$%u#a)#! to t'e P05 #e3e# and a(o3ek a staff mem(e)

%o))e%t#! a""#\$ed. I 'e)eas t'e)e \$s no dou(t t'at t'e T)(una# 'as no aut'o)\$t! -to amend an! )egu#at\$on o) )u#e of t'e =)gan\$7at\$on. , \$ e#touche 20100UNAT0025& "a)a. 11/& a de%\$s\$on ma! (e )es%\$nded \$f \$t \$s ta?en "u)suant to a "o#\$%! 9'\$%' does not %om"#! 9\$t' a '\$g'e) no)m. 5n t'\$s %onteFt& t'e T)(una# ma! a#so - "o\$nt out 9'at \$t 1256(m)-0.0858734(a)-35nu#

se"a)ate#! f)om t'e 4e%ond +ound on 9a)ds as not'\$ng \$n t'e P)omot\$ons Po#\$% !
")e3ented \$t.

50. 5t 'as (een esta(#\$s'ed t'at fema#e and ma#e %and\$dates fo) ")omot\$on 9e)e %ons\$de)ed \$n t9o se"a)ate g)ou"s \$n t'e 4e%ond and T'\$)d +ounds& #ead\$ng t'e Pane# to )e%ommend& and u#t\$mate#! t'e \*\$g' Comm\$ss\$one) to se#e%t& an e6ua# num(e) of fema#e and ma#e staff mem(e)s. ; o)e s"e%\$f\$%a##!& \$t a""ea)s t'at afte) 'a3\$ng \$dent\$f\$ed t'e %and\$dates 9'o 'ad "assed t'e 8\$)st +ound& t'e D\*+;

9 'e)e se%. 5.10.2 ")o3\$des t'at -BaCt g)ade #e3e#s 9 'e)e gende) "a)\$t! 'as not !et (een a% '\$e3ed& at #east 50E of t'e ")omot\$on s#ots 9\$## (e a9a)ded to su(stant\$a##! e6ua##! me)\$to)\$ous fema#e staff..

51. 4\$gn\$f\$%ant#!& t'e P)omot\$ons Po#\$%! %ons\$stent#! )efe)s to t'e %om"a)at\$3e assessment and )an?\$ng of a s\$ng#e "oo# of %and\$dat

g)ou" \$n t'e 4e%ond +ound to ")odu%e a #\$st of -su(stant\$a##! e6ua##! me)\$to)\$ous. %and\$dates fo) %ons\$de)at\$on (! t'e Pane# \$n t'e T'\$)d +ound.

56. 8u)t'e)mo)e& t'e T)\$(una# \$s of t'e 3\$e9 t'at t'e \*\$g' Comm\$ss\$one)@s de%\$s\$on to set t'e a3a\$#a(#e num(e) of ")omot\$on s#ots fo) fema#e and ma#e %and\$dates (efo)e t'e a%tua# ")omot\$ons sess\$on 9as %om"#eted& )at'e) t'an at t'e t\$me of a9a)d\$ng ")omot\$ons& a#so )a\$ses some %on%e)ns.

57. T'e \*\$g' Comm\$ss\$one)@s "09e) to set t'e num(e) of a3a\$#a(#e ")omot\$on s#ots \$s def\$ned \$n se%. 2.1.2 of t'e P)omot\$ons Po#\$% !& 9 '\$% ' ")o3\$desA

BT 'eC D\$3\$s\$on of \*uman +esou)%es ; anagement ,D\*+; / 9\$## su(m\$t to t'e Jo\$nt Ad3\$so)! Comm\$ttee ,JAC/k at #east 10 90)?\$ng da!s ")\$o) to t'e )e#e3ant ")omot\$ons sess\$onk \$ts )e%ommendat\$ons on t'e num(e) of a3a\$#a(#e ")omot\$on s#ots us\$ng )e#e3ant stat\$st\$%s on "os\$t\$ons and staff\$ngk \$n%#ud\$ng (ut not #\$m\$ted tok d\$st)\$(ut\$ons (! g)ade #e3e#k eF"e%ted se"a)at\$on and )e%)u\$tment and t)ends \$n \$nte)0agen%! eF% 'anges. T'e num(e) of ")omot\$on o""o)tun\$t\$esk )ef#e%ted 6uant\$tat\$3e#! as ")omot\$on s#otsk 9\$## (e de%\$ded (! t'e \*\$g' Comm\$ss\$one)k ta?\$ng \$nto a%%ount t'e ad3\$%e of t'e JAC.

58. A (sent an! )efe)en%e \$n t'\$s ")o3\$s\$on to gende) %ons\$de)at\$onsk t'e \*\$g' Comm\$ss\$one)@s d\$s%)et\$on \$s #\$m\$tedk at t'\$s stagek to dete)m\$n\$ng t'e num(e) of a3a\$#a(#e s#ots fo) ")omot\$on at ea% ' #e3e#k (ased on t'e UN \* C+@s 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) "a)\$t! \$n sett\$ng \$n ad3an%e t'e num(e) of s#ots a3a\$#a(#e fo) ea% ' gende) g)ou"k 9 '\$%' \$s most %e)ta\$n#! a %ommenda(#e and #a9fu# o(:e%t\$3e \$n #\$g't of t'e UN C'a)te) and t'e -Po#\$%! on A% '\$e3\$ng Gende) H6u\$t! \$n UN \* C+ staff\$ng. ,5= ; 018/2007 J 8= ; 01</2007/ of 8 ; a)% ' 2007 ,-Gende) Po#\$%!./, see \$e#touche UNDT/200</01<k "a)a. 17/k 'e ended u" ma?\$ng a ")edete)m\$nat\$on of \$ssues t'at 'ad to (e add)essed at a #ate) stagek t'at \$sk at t'e t\$me of a9a)d\$ng t'e ")omot\$onsk afte) t'e e3a#uat\$on of t'e %and\$dates 'adta\$gt@af#s92f200ega'}#a6648@69#\$sd6(1@fa9)fof#939\$g

5<. 5n t'\$s )es"e%t& t'e T)\$(una# st)esses t'at t'e P)omot\$ons Po#\$%! does not ")o3\$de fo) ")omot\$on 6uotas (ased on gende)& as seemed to (e %ons\$de)ed (! t'e \*\$g' Comm\$ss\$one). +at'e)& \$t ")o3\$des fo) a

61. 5n 3\se9 of t'e fo)ego\sgk t'e T)\sum (una# f\shds t'at t'e se"a)at\son of fema#e and ma#e \sand\sdates fo) t'e\sum (som "a)at\sec3e assessment and )an?\sum at t'e 4e\sum ond

t'e s%o)es fo) ea%' o(:e%t\$3e 9e)e t'en %om(\$ned (! t'e s!stem to gene)ate an o3e)a## 9o)? "e)fo)man%e )at\$ng on 9o)? o(:e%t\$3esÅ

- \$. Not A% '\$e3ed 1& 2
- \$\$. Pa)t\$a##! A% '\$e3ed 11 21 5

75. 5n tu)nk se%. 5.<.1,\$\$/ states t'at -BmCanage)\$a# a% '\$e3ements s'a## (e demonst)ated (! t'e\$) )ef#e%t\$on \$n t'e PA+/e0PAD "e)fo)man%e e3a#uat\$ons and 8a%t 4'eet na))at\$3e.. T'e "e)fo)man%e e3a#uat\$on \$s 9\$t'out an! dou(t t'e one found \$n t'e e0PADk 9'\$%' %ons\$sts not on#! of t'e na))at\$3ek (ut a#so of t'e )at\$ngs of 9o)? o(:e%t\$3es and %om"eten%\$es. T'e T)\$(una# notes t'at t'e st)u%tu)e 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'eetk se%. 5.<.1,\$\$/ %onta\$ns a %#ea) d\$st\$n%t\$on (et9een t'at 9'\$%' \$s )ef#e%ted \$n t'e PA+/e0PAD "e)fo)man%e e3a#uat\$ons and t'a )ef#e%ted \$n fa%t s'eet na))at\$3e. T'e 9o)ds -"e)fo)man%e e3a#uat\$on. atta%' to t'e PA+ and t'e e0PADk 9'\$#e t'e 9o)d -na))at\$3e. atta% 'es to t'e fa%t s'eet. C#ea)#!k \$n #\$g't of t'e unam(\$guous 9o)d\$ng of t'\$s ")o3\$s\$onk \$t \$s f)om (ot' t'e e0PAD "e)fo)man%e e3a#uat\$ons and t'e fa%t s'eet na))at\$3e t'at t'e assessment 'ad to (e made \$n )es"e%t of t'e -manage)\$a# a% '\$e3ements..

76. T'e +es"ondent@s a)gument t'at se%. 5.<.1 s'ou#d (e \$nte)")eted \$n su%' a 9a! t'at t'e e0PAD and t'e fa%t s'eet )efe) to t'e same do%ument& name#! t'e fa%t s'eet a#one& must (e )e:e%ted as \$t 'as (een %#ea)#! esta(#\$s'ed t'at t'e fa%t s'eet does not ent\$)e#! )ef#e%t t'e e0PADs (e%ause \$t does not )e")odu%e t'e )at\$ngs %onta\$ned \$n t'e #atte). 5f \$t 'ad (een \$ntended to )efe) on#! to t'e na))at\$3e& t'en t'e P)omot\$ons Po#\$%! 'ad to (e d)afted to so s"e%\$f! t'\$s. 5t \$s a#so %#ea) f)om t'e P)omot\$ons Po#\$%! t'at t'e \$nfo)mat\$on %onta\$ned \$n t'e e0PADs& \$n%#ud\$ng t'e )at\$ngs& 9 as d\$)e%t#! )e#e3ant to t'e Pane# mem(e)s@ assessment du)\$ng t'e 4e%ond +ound.

77. 8\$)st#!& se%. 5.<.1,\$/ )e6u\$)ed t'e Pane# mem(e)s to assess 9 'et'e) t'e staff mem(e)@s "e)fo)man%e met t'e m\$n\$mum t')es'o#d of -A% '\$e3ed. o) \$ts e6u\$3a#ent fo) o3e)a## 9 o)? o(:e%t\$3es& and -P)of\$%\$ent. o) \$ts e6u\$3a#ent fo) o3e)a## %om"eten%\$es. T'ese "e)fo)man%e t')es'o#ds d\$)e%t#! )efe) to t'e )at\$ngs )ef#e%ted \$n t'e e0PADs& as "e) t'e PA ; 4. I \$t'out (e\$ng ")o3\$ded su%' )at\$ngs& t'e Pane# mem(e)s 9 e)e not \$n a "os\$t\$on to 3e)\$f! \$f t'e m\$n\$mum )e6u\$)ements set fo)t' \$n se%. 5.<.1,\$/ 9 e)e met.

81. 5t \$s a""a)ent f)om t'e %onso#\$dated ta(#es of )an?\$ngs of %and\$dates fo)

")o3\$des \$n \$ts se%. 16 t'at -A%'\$e3ed. and -P)of\$%\$ent. %o))es"ond to a )at\$ng (et9een 5.1 and 8.0& 9 '\$%' a#so seems to (e t'e "os\$t\$on ado"ted (! t'e D\*+; & as "e) t'e ()oad%ast sent on 18 ; a! 2011 ,see "a)a. 71 a(o3e/. T'e T)\$(una# %annot )e%on%\$#e t'ese t9o a""a)ent#! %ont)ad\$%to)! ")o3\$s\$ons of t'e PA ; 4 and& g\$3en t'at \$t \$s not dete)m\$nat\$3e of t'e ")esent a""#\$%at\$on& 9\$## #\$m\$t \$tse#f to

88. T'e se#e%t\$on (! t'e Pane# mem(e)s of t9o %and\$dates 9 'o d\$d not meet t'e m\$n\$mum t')es 'o#d %)\$te)\$on \$n se%. 5.<.1, $\frac{1}{7}$  of t'e P)omot\$ons Po#\$%! to ad3an%e to t'e T'\$)d +ound e3a#uat\$on %onst\$tutes a ")o%edu)a# e))o) \$n t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$%! t'at \$m"a%ted on a## t'e e#\$g\$(#e %and\$dates as \$t de")\$3ed t9o of t'em of t'e "oss\$(\$#\$t! to ad3an%e to t'e T'\$)d +ound. T'\$s matte) a#so )a\$ses mo)e fundamenta# 6uest\$ons as to t'e 9 'o#e ")o%ess.

8<. \*o9 \$s \$t "oss\$(#e t'at among a "oo# of 187 fema#e e#\$g\$(#e %and\$datest t90 %and\$dates 9 'o d\$d not e3en meet t'e m\$n\$mum )e6u\$)ement 9e)e se#e%ted to ad3an%e to t'e T'\$)d +ound and e3en %ons\$de)ed to (e t'e (est ones (! t90 Pane# mem(e)sM I as t'e \$nfo)mat\$on %o##e%ted (! t'e Pe)fo)man%e ; anagement Asso%\$ate du#! %on3e!ed to t'e Pane# mem(e)sM 5s \$t due to t'e fa%t t'at t'e Pane# mem(e)s 9e)e not a(#e to 3e)\$f! %om"#\$an%e 9\$t' t'e )e6u\$)ement t'emse#3es& as t'e! 9e)e not ")o3\$ded t'e e0PADsM 5s \$t t'at t'e )e6u\$)ement set out \$n 5.<.1,\$/ 9as tota##! \$gno)ed o) m\$s\$nte)")etedM I e)e t'e Pane# mem(e)s )e%?#ess \$n t'e\$) )e3\$e9 and )an?\$ng of t'e %and\$datesM D\$d t'e na))a</p>

\$dent\$f! st)engt's and 9ea?nesses \$n t'e 3a)\$ous staff mem(e)s@ %and\$da%!& and %om"a)e t'em aga\$nst one anot'e).

<2. 80) \$\nstan\%e\k at\\$\ngs of -HF\%e"t\\$\nambda nambda#! A\% '\\$e3ed. 0) -HF\%e"t\\$\nambda nambda#! P\)of\\$\%\\$ent. 9e\)e most \%e\]ta\\$\nt ! eBaant to t'e Pane#\\$ %\ns\\$\dagged at\\$\no f\k inter aliak 9 'et'e) \%and\\$\dates 'ad -\%ons\\$tent#! demonst\}ated eF\%e"t\\$\nambda nambda# "e\)fo\]man\%e and do\%umented eFem"#a\]! se\]3\\$\%e.\k as "e\] se\%. 5.<.1,\$\/ of t'e P\]omot\\$\nos Po#\\$\%!. As t'e +es" ondent a\%?\no9#edged \$\n '\\$\stars \end{s} eF\"!\k t'e eF"\]ess\\$\no -eF\%e"t\\$\nambda nambda# "e\)fo\]man\%e and do\%umented eFem"#a\]! se\]3\\$\%e.\k as "e\] se\%. 5.<.1,\$\/ of t'e P\]omot\\$\nos Po#\\$\!. As t'e +es" ondent a\%?\no9#edged \$\n '\\$\stars \end{s} eF\"!\k t'e eF"\]ess\\$\no -eF\%e"t\\$\nambda nambda# "e\)fo\]man\%e. \end{s} eF\\$\end{s} eF\\$\end{s}

<1. 8u)t'e)mo)e& t'e T)\$(una# \$s of t'e 3\$e9 t'at 9'\$#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\$dates@ "e)fo)man%e )at\$ngs to t'e Pane# due to t'e so0%a##ed -)at\$ng \$nf#at\$on

<8. >ast#!& t'e T)\$(una# notes 9\$t' su)")\$se t'at t'e Pane# mem(e)s 9e)e ")esented& fo) t'e\$) s\$gnatu)e& 9\$t' a %o"! of t'e %onso#\$dated #\$st of %and\$dates unde) )e3\$e9 du)\$ng t'e 4e%ond +ound. T'\$s 9as ")e"a)ed (! t'e D\*+; and %onta\$ns t'e fo##o9\$ng %e)t\$f\$%at\$onA -5 'e)e9\$t' %onf\$)m t'at 5 'a3e )e3\$e9ed t'e fa%t s'eets and "e)fo)man%e a"")a\$sa#s of t'e staff mem(e)s %onta\$ned \$n t'e a(o3e )an?\$ng& 9'\$%' )ef#e%ts m! %om"a)at\$3e assessment of t'em \$n #\$ne 9\$t' "a)ag)a"' 5.<.1 of t'e BP)omot\$ons Po#\$%!C.. 5neF"#\$%a(#!& t'e Pane# mem(e)s a## s\$gned t'\$s do%ument des"\$te not 'a3\$ng (een ")o3\$ded t'e e0PADs. T'e T)\$(una# f\$nds t'at t'\$s a""a)ent#! \$n%o))e%t %onf\$)mat\$on %)eated an a""ea)an%e of %om"#\$an%e 9\$t' t'e P)omot\$ons Po#\$%!.

<<. 5n 3%e 9 of t'e fo)ego\$ngk t'e T)\$(una# f\$nds t'at t'e eF%#us\$on of t'e e0PADs f)om t'e Pane# mem(e)s@ %om"a)at\$3e assessment of t'e %and\$dates du)\$ng t'e 4e%ond +ound %onst\$tutes anot'e) fundamenta# ")o%edu)a# e))o) \$n t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$%!. T'e eF%#us\$on of t'e %and\$dates@ nume)\$% )at\$ngsk 9'\$%' 9e)e %ent)a# to t'e a"")a\$sa# s!stem f)om 200< to 2011k de")\$3ed t'e Pane# mem(e)s of essent\$a# \$nfo)mat\$on fo) t'e\$) %ons\$de)at\$on of t'e "e)fo)man%e and manage)\$a# a%'\$e3ements %)\$te)\$a unde) se%. 5.<.1 of t'e P)omot\$ons Po#\$%!. 5t a#so ")e3ented t'em f)om "e)sona##! assess\$ng 9'et'e) t'e m\$n\$mum "e)fo)man%e standa)d set fo)t' \$n se%. 5.<.1,\$/ 9as metk as t'e! 9e)e )e6u\$)ed to do. Aga\$nk \$t a""ea)s t'at t'e D\*+; soug't to a""#! t'e P)omot\$ons Po#\$%! \$n t'e 9a! \$t t'oug't \$t 9as \$ntended to (e andk as su%'k \$t %ont)a3ened \$ts a%tua# "#a\$n 9o)d\$ng. 8u)t'e)mo)ek t'e \$n%#us\$on of %and\$dates 9 'o d\$d not meet t'e m\$n\$mum "e)fo)man%e )e6u\$)ement among t'ose 9 'o ad3an%ed to t'e T'\$)d +ound %onst\$tutesk \$n \$tse#fk anot'e) e))o) \$n t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$%!.

## Hsta(#\$s'ment of an add\$t\$ona# e3a#uat\$on %)\$te)\$on

100. T'e A" "#\$%ant su(m\$ts t'at t'e D\*+; \$nt)odu%ed an add\$t\$ona# e3a#uat\$on
%)\$te)\$on.D D)aD'DDa#D(1)e#\$(e)-3.66653()-14934345(()-1.44944(e)-3.66653())2.5788(s)-5.37099(e))

Case No. UNDT/GVA/2015/158

mem(e)@s se%t\$on& 'e 9ou#d 'a3e& o) not& a (ette) % 'an%e of )e%e\$3\$ng a '\$g'
)an?\$ng. 5n t'\$s )es"e%t& \$t \$s fu)t'e) noted t'at fou) Pane# mem(e)s 9e)e se#e%ted
(! t'e Adm\$n\$st)at\$on and fou) (! t'e staff mem(e)s

of 9'et'e) o) not t'e Pane# mem(e)s d\$d a%tua##! %ons\$de) t'\$s %)\$te)\$on \$n t'e\$) %om"a)at\$3e assessment of t'e %and\$dates. T'e ")esum"t\$on of )egu#a)\$t! atta% 'ed to t'e a%ts of t'e Adm\$n\$st)at\$on 'as (een )e(utted& and \$t 9as fo) t'e +es"ondent to addu%e e3\$den%e t'at t'e Pane# mem(e)s d\$d not ta?e \$nto a%%ount t'\$s \$))e#e3ant e3a#uat\$on %)\$te)\$on. Not on#! t'e +es"ondent d\$d not addu%e e3\$den%e \$n t'\$s )es"e%t& (ut 'e )at'e) \$ns\$sted t'at t'\$s 9as a ")o"e) fa%to) fo) %ons\$de)at\$on.

## Use of "e)sona# ?no9#edge

110. T'e A""#\$%ant ta?es \$ssue 9\$t' t'e fa%t t'at t'e D\*+; \$n3\$ted t'e Pane# mem(e)s to ta?e \$nto %ons\$de)at\$on t'e\$) "e)sona# ? 112. Aga\$n& t'e T)\$(una# \$s not \$n a "os\$t\$on to as%e)ta\$n 'o9 t'e ad3\$%e g\$3en (!
t'e D\*+; \$nf#uen%ed t'e Pane# mem(e)s@ assessment of t'e %and\$dates.

111. T'e P)omot\$ons Po#\$% ! eF"#\$%\$t#! states& at se%. 5.<,\$/ and ,\$\$/& t'at t'e Pane# mem(e)s must (ase t'e\$) %om"a)at\$3e assessment of t'e %and\$dates on t'e #atte)@s fa%t s'eets and e0PADs. 5n tu)n& se%. 2.7 states t'at -BtC'e Pane#s s'a## ensu)e t'at %on%#us\$ons a)e not \$nf#uen%ed (! an! unsu(stant\$ated \$nfo)mat\$on ")o3\$ded o)a##! o) \$n 9)\$t\$ng (! an! "e)son o) aut'o)\$t! eFte)na# o) \$nte)na# to t'e UN \*C+& \$n%#ud\$ng (!& o) on (e'a#f of& staff mem(e)s 9'ose %ases a)e unde) )e3\$e9.& t'e)e(! s"e%\$f\$%a##! ")e3ent\$ng t'e ta?\$ng \$nto %ons\$de)at\$on of \$nfo)mat\$on not )ef#e%ted \$n t'e do%uments ")o3\$ded to t'e 9'o#e Pane#. >\$?e9\$se& t'e P)omot\$ons Po#\$% ! does not en3\$sage an! )o#e fo) t'e D\*+; to ")o3\$de add\$t\$ona# \$nfo)mat\$on to Pane# mem(e)s (ut so#e#! to ")o3\$de te% 'n\$%a# ad3\$%e and gu\$dan%e on t'e a""#\$%a(#e)u#es ,see se%. 2.2.5/.

112. T'e T)\$(una# f\$nds t'at t'e)e \$s no )oom \$n t'e P)omot\$ons Po#\$%! fo) t'e Pane# mem(e)s to \$nfo)m t'e\$) )an?\$ngs 9\$t' add\$t\$ona# \$nfo)mat\$on t'e! ma! ?no9 a(out (ut t'at \$s not )ef#e%ted \$n t'e do%uments su(:e%t to t'e\$) )e3\$e9. =t'e)9\$sek %and\$dates ma! (e ad3antaged o) d\$sad3antaged (ased on t'e fa%t t'at t'e! a)e ?no9n to some of t'e Pane# mem(e)sk o"en\$ng t'e doo) to ne"ot\$sm and (\$as. T'e T)\$(una# a%?no9#edges t'at Pane# mem(e)s 115. 5n 3\$e9 of t'e fo)ego\$ng& t'e T)\$(una# %on%#udes t'at& \$))es"e%t\$3e of 9 'et'e) o) not t'e Pane# mem(e)s a%tua##! used \$nfo)mat\$on t'at 9as not )ef#e%ted \$n t'e %and\$dates@ fa%t s'eet& t'e D\*+; @s ad3\$%e to ta?e \$nto a%%ount \$nfo)mat\$on not )ef#e%ted \$n t'e do%uments su(m\$tted to t'e %o##eg\$a# )e3\$e9 of t'e Pane# 9as \$m")o"e) and %onst\$tutes a ")o%edu)a# \$))egu#a)\$t! \$n t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$%!.

## +an?\$ng met 'odo#og!

116. T'e A""#\$%ant 'as '\$g'#\$g'ted s\$gn\$f\$%ant \$ssues 9\$t' t'e )an?\$ng met'odo#og! ")o"osed (! t'e D\*+; & t'e \$nd\$3\$dua# )an?\$ngs ")o3\$ded (! t'e e\$g't Pane# mem(e)s and t'e\$) t)eatment (! t'e D\*+; 9'en \$t -%)un%'ed t'e data.& as one 9\$tness stated. T'e +es"ondent a)gues t'at t'e met'odo#og! used 9as ")o"e) (ut a%?no9#edges t'at t'e)e 'a3e (een some m\$sta?es %omm\$tted (! t'e Pane# mem(e)s \$n a""#!\$ng t'e suggested met'odo#og!. \*e a)gues& 'o9e3e)& t'at t'ese 'ad no \$m"a%t on t'e A""#\$%ant@s %and\$da

121. A t'\$)d Pane# mem(e) a#so s!stemat\$%a##! )an?ed %and\$dates 9\$t'\$n a g)ou" and \$ndeed ass\$gned t'e same )an?\$ng to u" to 25 %and\$dates. \*e )an?ed 10 %and\$dates num(e) 1½ 11 %and\$dates num(e) 11½ 11 %and\$dates num(e) 22½ 8 %and\$dates num(e) 1½ 10 %and\$dates num(e) 21½ 10 %and\$dates num(e) 51½ < %and\$dates num(e) 61½ 12 %and\$dates num(e) 70½ 22 %and\$dates num(e) 82½ 15 %and\$dates num(e) 105½ 25 %and\$dates num(e) 118½ 1 %and\$date num(e) 11<½ 22 %and\$dates num(e) 121 and 20 %and\$dates num(e) 162. \*e a#so %omm\$tted e))o)s \$n ass\$gn\$ng t'e neFt )an?\$ng fo##o9\$ng a g)ou"\$ng½ fo) \$nstan%e½ (! )an?\$ng 25 %and\$dates num(e) 118 and t'en ass\$gn\$ng t'e neFt %and\$date num(e) 11<½ \$nstead of num(e) 121. A#so½ t'\$s Pane# mem(e) d\$d not ass\$gn a )an?\$ng '\$g'e) t'an 162 to an! %and\$date. ! not ass\$gn\$ng t'e #ast )an?\$ngs to an! %and\$dates½ t'\$s Pane# mem(e) ne%essa)\$#! 'ad a d\$ffe)ent \$m"a%t on t'e %and\$dates@ a3e)age.

122. A fou)t' Pane# mem(e) a#so )an?ed a#most a## %and\$dates n a g)ou" of 10.5n "a)t\$%u#a)& t'\$s Pane# mem(e) )an?ed 11 %and\$dates num(e) 1& 10 %and\$dates num(e) 11& 5 %and\$dates num(e) 21& 10 %and\$dates num(e) 27& 11 %and\$dates num(e) 17& 10 %and\$dates num(e) 28& 10 %and\$dates num(e) 2<& 10 %and\$dates num(e) 5<& 6 %and\$dates num(e) 6<& 6 %and\$dates num(e) 75& 10 %and\$dates num(e) 81& 16 %and\$dates num(e) 6<& 6 %and\$dates num(e) 107& 12 %and\$dates num(e) 117& 10 %and\$dates num(e) 111& 8 %and\$dates num(e) 107& 12 %and\$dates num(e) 117& 10 %and\$dates num(e) 111& 8 %and\$dates num(e) 121& 2 %and\$dates num(e) 12<& 10 %and\$dates num(e) 152 and 16 %and\$dates num(e) 162. 5n t'\$s ")o%essk 'e %omm\$tted se3e)a# e))o)s n t'e a""#\$%at\$on of t'e suggestedmet'odo#og!& (! not ass\$gn\$ng %o))e%t#! t'e neFt )an?\$ng. Amongst ot'e)sk 'e)an?ed 10 %and\$dates num(e) 28 and t'e neFt ten %and\$dates num(e) 2<& a#t'oug't'e! s'ou#d 'a3e (een )an?ed num(e) 58. ; ost s\$gn\$f\$%ant#!& t'\$s Pane# mem(e))an?ed 128 %and\$dates (e#o 9 120& 9 '\$%' \$s t'e t')es'o#d to ad3an%e to t'e T'\$)d+ound. \*e ga3e t'\$s (enef\$t to mo)e %and\$dates t'at t'e Po#\$%! a##o9ed '\$m to do.>\$?e t'e ")e3\$ous Pane# mem(e)& 'e )an?ed no %and\$date '§g'e) t'an 162.

121. A f\$ft' Pane# mem(e) a#so )an?ed %and\$dates \$n g)ou"s of a m\$n\$mum of t90 "eo"#ek g)ou"\$ng u" to 11 "eo"#e toget'e). 5n t'\$s ")o%essk 'e a#so %omm\$tted a num(e) of e))o)s \$n ass\$gn\$ng t'e neFt )an? fo##o9\$ng a g)ou"\$ng. 8u)t'e)mo)ek

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

128. T'e T)\$(una# %annot (ut 9onde) 'o9 and 9'! se3en of t'e e\$g't Pane# mem(e)s ended u" g)ou"\$ng a#most a## %and\$dates 9\$t'\$n a g)ou" of 10 o) t'e)ea(out. I as \$t ag)eed u"onM 5f not& 9 'at 9e)e t'e %)\$te)\$a used to d\$3\$de t'e %and\$dates \$nto su% ' g)ou"sM T'e)e \$s a d\$ffe)en%e (et9een ass\$gn\$ng t'e same )an?\$ng to t9o o) mo)e %and\$dates 9 'o a)e -und\$st\$ngu\$s'a(#e.& as suggested (! t'e D\*+; & and engag\$ng \$n a g)ou"\$ng eFe)%\$se. T'e )an?\$ng ")o%ess t'at most

111. 4'e 9as una(#e to ")o3\$de an! fu)t'e) eF"#anat\$on du)\$ng 'e) test\$mon!
(efo)e t'e T)\$(una#.

112. T'e ")o(#em 9\$t' t'\$s %o))e%t\$on eFe)%\$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\*+; 9as (\$nd\$ng o) at (est t'at t'e Pane# mem(e)s \$ntended to fo##o9 \$t. 8\$)st#! as t'ese -\$nst)u%t\$ons. 9e)e not t'e su(:e%t of an adm\$n\$st)at\$3e \$suan%e t'e! %annot (e %ons\$de)ed as (\$nd\$ng u"on t'e Pane# mem(e)s. =ne 9\$tness \$ndeed b)efe))ed to t'e met'odo#og\$%a# suggest\$on as \$n fa%t (e\$ng no mo)e t'an t'at a suggest\$on k as \$t %ou#d not (e mo)e. 4e%ond#! k a(sent an! e3\$den%e f)om t'e Pane# mem(e)sk 9 'o 9e)e not \$n3o#3ed \$n t'e %o))e%t\$on eFe)%\$sek \$t %annot (e ")esumed t'at t'e! \$ntended to fo##o9 t'e D\*+; \$s suggested a"")oa%'. 5ndeedk most of t'em d\$d not k nota(#! 9 'en t'e! e#e%ted to ")o%eed (! g)ou"\$ng. 5n t'ese %\$)%umstan%esk t'e +es"ondent%s post factum )e%onst)u%t\$on \$s "u)e#! s"e%u#at\$3e and of no ass\$stan%e. T'e T)\$(una# \$s t'e)efo)e not \$n a "os\$t\$on to assess t'e \$m"a%t of t'e nume)ous e))o)s and du(\$ous met'odo#og! ado"ted (! some Pane# mem(e)s on t'e A""#\$%ant%s 'an%es fo) ")omot\$on.

115. 5n 3%e9 of t'e fo)ego%ng& t'e T)%(una# %on%#udes t'at t'e )andom a" "#\$%at\$on of a g)ou"\$ng met'odo#og! (! ! n gsuggeston gf)om t'e

118. At ot'e) t\$mesk t'e ta(#e "o\$nts to9a)ds some %onsensus (ut 9\$t' s\$gn\$f\$%ant out#\$e)s. 80) \$nstan%ek one %and\$date 9as )an?ed (e#o9 27 (! se3en Pane# mem(e)sk (ut num(e) 121 (! t'e e\$g't' Pane# mem(e).

121. T'e A""#\$%ant a#so a##uded to ot'e) "oss\$(\$#\$t\$est mo)e s"e%\$f\$%a##! to t'e Pane# mem(e)s ta?\$ng \$nto %ons\$de)at\$on t'e\$) "e)sona# ?no9#edge of %and\$datest to a fa\$#u)e to suff\$%\$ent#! def\$ne t'e e3a#uat\$on %)\$te)\$a and to t'e s%a#e of t'e tas?. T'e T)\$(una# 'as a#)ead! add)essed t'e f\$)st fa%to)& 9 '\$%' \$ndeed %ou#d "oss\$(#! eF"#a\$n some out#\$e) )an?\$ngs and demonst)ate t'at t'\$s ad3\$%e (! t'e D\*+; gene)ated tang\$(#e ")o(#ems. T'e T)\$(una# 9\$## no9 eFam\$ne t'e t9o add\$t\$ona# suggested fa%to)s \$n tu)n.

122. As )e%a##ed a(o3ek ts not t'e T)(una#@s)o#e to

def§ned. T'at (e§ng sa§d& t'e T)\$(una#& 9'\$%' 'as (! no9 eFam§ned t'e 4e%ond +ound )e3§e9 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#6 !pannuth Verma UNDT/2016/021 fo) fema#e %and\$dates fo) ")omot\$on to t'e P05 #e3e#/& and& 9\$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%t\$%e& 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 \$nfo)mat\$on a3a\$#a(#e.

128. Tu)n\$ng mo)e s"e%\$f\$%a##! to t'e tas? t'at t'e Pane# mem(e)s 9e)e as?ed to unde)ta?ek t'e T)\$(una# notes t'at t'e)e \$s #\$tt#e gu\$dan%ek \$f an !k \$n t'e P)omot\$ons Po#\$%! a(out t'e ")o%edu)e o) met'odo#og! to (e used to fu#f\$# t'e '\$g'#! %om"#eF eFe)%\$se t'at t'e 4e%ond +ound e3a#uat\$on \$n3o#3es. No adm\$n\$st)at\$3e \$ssuan%e 9as ")o3\$ded e\$t'e). 5nsteadk t'e D\*+; attem"ted to de3\$se t'e met'odo#og! to (e fo##o9ed.

12<. 5t 'as (een esta(#\$s'ed t'at on 26 June 2012& t'e D\*+; %on3ened t'e Pane# to t'e P)omot\$ons 4ess\$on to (e 'e#d \$n Gene3a f)om 21 Ju#! 2012 to 1 August 2012& fo) %ons\$de)at\$on of a## e#\$g\$(#e %and\$dates fo) ")omot\$on to t'e P0 2 #e3e#& ma#e and fema#e. T'e)e 9e)e 187 fema#e and 212 ma1e e#\$g\$(#e %and\$dates fo) ")omot\$on to t'e P02 #e3e#. T'e Pane# mem(e)s 9e)e& at t'at t\$me& g\$3en a%%ess to a## t'e %and\$dates@ fa%t s'eets. 8)om 21 Ju#! to 25 Ju#! 2012& t'e Pane# mem(e)s gat'e)ed \$n Gene3a to %ondu%t t'e\$) \$nd\$3\$dua# assessment of a## t'e %and\$dates& \$n a %ont)o##ed en3\$)onment& a9a! f)om an! d\$st)a%t\$on. U"on a))\$3a#& t'e Pane# mem(e)s 9e)e ")o3\$ded 9\$t' a %om"ute)& a 'a)d %o"! of a## t'e fa%t s'eets& d\$3\$ded (! gende) and g)ade #e3e#& and t'e fou) #\$sts of %and\$dates to use as a tem"#ate fo) t'e\$) )an?\$ng.

150. T'e D\*+; ")o3\$ded t'e Pane# mem(e)s 9\$60221()-378.863(04T(+)-4.4992e)-3.665219(\$)0.8

151. T'e Pane# mem(e)s 9e)e a#so en%ou)aged to -annotate an! o(se)3at\$ons t'at 'g'#g'tt'e me)\$ts of t'e staff mem(e) on t'e tem "#ate ")o3\$ded to fa%\$#\$tate t'e) an?\$ng. as -BtC'ese o(se)3at\$ons ma! ")o3e usefu# fo) futu)e )efe)en%e& e\$t'e) 9 '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\$e9.. ; ost su)")\$s\$ng#!& t'e Pane# mem(e)s 9e)e a#so ad3\$sed& (ased on t'e #essons #ea)ned f)om t'e 4en\$o) P)omot\$ons 4ess\$on& to -BdCe%\$de on %)\$te)\$a (efo)e sta)t\$ng t'e )e3\$e9.. T'e Pane# mem(e)sk 9 'o 9e)e \$n\$t\$a#! a##o%ated t')ee da!s fo) t'e\$) o3e)a## )e3\$e9 "#us an add\$t\$ona# one \$f needed& a""ea) to 'a3e %om"#eted t'e\$) )e3\$e9 9\$t'\$n f\$3e da!s. T'e f\$ft' da! 9as \$n\$t\$a##! )ese)3ed fo) t'e D\*+; to %onso#\$date t'e data& so t'e T'\$)d +ound %ou#d ")o%eed t'e fo##o9\$ng 9ee?& (ut t'e data ")o%ess\$ng a""ea)s to 'a3e (een done du)\$ng t'e 9ee?end.

152. T'e)e \$s no dou(t t'at t'e Pane# mem(e)s@ tas? 9as eno)mous and '\$g'#! %om"#eF& %ons\$de)\$ng t'e #a)ge num(e) of %and\$dates t'at 'ad to (e assessed \$n a %om"a)at\$3e fas '\$on and t'e do%uments at t'e\$) d\$s"osa#. Com"a)\$ng and )an?\$ng 187 %and\$dates& 9 '\$% ' s'ou#d \$n fa%t 'a3e (een 221& (ased on t'e\$) "e)fo)man%e and manage)\$a# s?\$##s 9as& (! natu)e& a '\$g'#! %om"#eF eFe)%\$se. T'e A""#\$%ant@s fa%t s'eet& fo) \$nstan%e& %onta\$ns 21 "ages of dense#! %ondensed \$nfo)mat\$on a(out 'e) #anguages s?\$##s& a%adem\$% (a%?g)ound& em"#o!ment )e%o)d& "e)fo)man%e e3a#uat\$ons& and de3e#o"ment and #ea)n\$ng e3ents.

151. T'e T)\$(una# )e%a##s t'at t'e fa%t s'eet %onta\$ns no 6uant\$tat\$3e 3a#ue su%' as "e)fo)man%e )at\$ngs (! a su"e)3\$so). 8o) t'e )e#e3ant "e)\$od& t'e fa%t s'eet me)e#! %onta\$ns& \$n t'e -Pe)fo)man%e H3a#uat\$ons. se%t\$on& t'e staff mem(e)@s 9o)? o(:e%t\$3es and t'e %omments of '\$s o) 'e) su"e)3\$so) d\$3\$ded as fo##o9sA

a. - ; anage) Comments on Va#ues& Co)e Com"eten%\$es& and ; anage)\$a# Com"eten%\$es6

(. -; anage) Comments on C)oss08un%t\$ona# and 8un%t\$ona# Com"eten%\$es.6 and

%. - ; anage) =3e)a## Com"eten%\$es Comments..

152. T'ese )u()\$%s a)e 3e)! gene)a# and t'e)e a)e no s"e%\$f\$% %ommentsk fo) \$nstan%ek on manage)\$a# a% '\$e3ements. T'e %ommentsk 9 '\$%' 9e)e not meant to se)3e as a s"e%\$f\$% a"")a\$sa# of t'e %and\$dates@ %a"a%\$t! to "e)fo)m at t'e P02 #e3e#k a)e e\$t'e) 3e)! gene)a# o)k at t\$mesk fo%us on "a)t\$%u#a) ")o:e%ts t'at a)e not d\$)e%t#! )e#e3ant fo) t'e ")esent eFe)%\$se. T'e Pane# mem(e)s 9e)e )e6u\$)ed to %om"a)e 187 fa%t s'eets 9\$t'\$n a da! o) t9ok and to do t'e same fo) t'e 212 ma#e %and\$dates to t'e P02 #e3e# T'e 9'o#e )e3\$e9 of t'e 221 %and\$dates 9as %om"#eted 9\$t'\$n f\$3e da!s.

155. \*a3\$ng )e3\$e9ed t'e A""#\$%ant@s fa%t s'eet and some ot'e)s \$n s\$m\$#a) a""#\$%at\$ons (efo)e \$t& t'e T)\$(una# %annot (ut 9onde) 'o9 t'e Pane# mem(e)s %ou#d "oss\$(#! fa\$)#! and ade6uate#! %ons\$de) and %om"a)e t'e 187 fema#e %and\$dates@ "e)fo)man%e and manage)\$a# a% '\$e3ements \$n t'e fa%e of t'e \$nfo)mat\$on d\$s"#a!ed \$n t'e\$) fa%t s'eet a#one& and unde)ta?e t'e same tas? fo) t'e 212 ma#e %and\$dates \$n su% ' a s'o)t "e)\$od and 9\$t'

158. T'e T)\$(una# 'as se)\$ous dou(ts t'at e3en 9\$t' t'e e0PADs& \$t ma! not 'a3e (een feas\$(#e fo) t'e Pane# mem(e)s to unde)ta?e t'e qualitative %om"a)at\$3e assessment en3\$saged \$n t'e P)omot\$ons Po#\$%! 9'en fa%ed 9\$t' 'und)eds of

to t'e '\$g'est. None of t'e 9\$tnesses ")esented (! t'e +es"ondent %ou#d ")o3\$de an! %ogent eF"#anat\$on as to 9'! t'\$s met'odo#og! 9as %'osen. T'e e3\$den%e d\$s%#osed t'at no stat\$st\$%a# ad3\$%e 9as soug't o) o(ta\$ned \$n )es"e%t of t'e a"")o")\$ate met'odo#og! to (e used.

162. T'e T)\$(una#)e%a##s t'at t'e ne9 3e)s\$on of t'e P)omot\$ons Po#\$%!& a" "#\$ed fo) t'e 2011 P)omot\$ons 4ess\$on& \$s su(stant\$a##! d\$ffe)ent f)om t'e ")e3\$ous "o#\$%! as \$t enta\$#s a )an?\$ng ")o%ess )at'e) t'an a s%o)\$ng one. T'e %onso#\$dat\$on

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and t'e T)\$(una#s f)om )e3\$e9\$ng adm\$n\$st)at\$3e de%\$s\$ons affe%t\$ng t'e %ont)a%tua# )\$g'ts of staff mem(e)s.. \*o9e3e)& 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 (efo)e'and un#ess ot'e)9\$se s"e%\$f\$%a##! ")o3\$ded fo) \$n adm\$n\$st)at\$3e \$ssuan%es. ; ost %e)ta\$n#!& t'e A""#\$%ant 9as u#t\$mate#! not ")e3ented f)om mean\$ngfu##! %'a##eng\$ng t'e %ontested de%\$s\$on.

170. T'e T)\$(una# o(se)3es t'at t'e Adm\$n\$st)at\$on@s #a%? of %ons\$sten%! \$n d\$s%#os\$ng t'e )an?\$ngsk %ou"#ed 9\$t' t'e o"a%\$t! \$n t'e ")o%edu)es fo##o9ed (! t'e D\*+; and t'e Pane#k ma! 'a3e %aused t'e A""#\$%ant not to fu##! unde)stand t'e de%\$s\$on )ea% 'ed and t'e o3e)a## ")o%ess. To a##e3\$ate t'\$s ")o(#emk t'e T)\$(una# st)ong#! en%ou)ages t'e Adm\$n\$st)at\$on to ado"t %#ea) and t)ans"a)ent ")o%edu)es fo) t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$% !.

- onclusion in respect of the legality of the decision

171. T'e T)\$(una# 'as \$dent\$f\$ed a(o3e se3e)a# s\$gn\$f\$%ant ")o%edu)a# e))o)s \$n t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$%! du)\$ng t'e 2011 P)omot\$ons 4ess\$on& 9 '\$% ' ma! (e summa)\$sed as fo##o 9 sA

a. T'e \*\$g' Comm\$ss\$one) de%\$d\$ng \$n ad3an%e of t'e P)omot\$ons 4ess\$on t'at an e6ua# num(e) of a3a\$#a(#e s#ots fo) ")omot\$ons 9ou#d (e a##o%ated to fema#e and ma#e %and\$dates& and t'us #\$m\$t\$ng t'e s#ots a9a)ded to 9 omen to 50 E6

(. T'e D\*+; se"a)at\$ng t'e %and\$dates (! gende) fo) t'e 4e%ond +ound e3a#uat\$on6

%. T'e D\*+; fa\$#\$ng to ")o3\$de t'e Pane# mem(e)s 9\$t' t'e e0PADs )at\$ngs6

d. T'e Pane# mem(e)s not assess\$ng %om"#\$an%e 9\$t' t'e m $$n\mum "e)fo$ man%e t')es'o#d unde) se%. 5.<.1,\$/ of t'e P)omot\$ons Po#\$%!6

180. T'e e))o)s \$n t'e \$m"#ementat\$on of t'e P)omot\$ons Po#\$%! a)e so s\$gn\$f\$%ant t'at t'e\$) \$m"a%t on t'e A""#\$%ant@s % 'an%e fo) ")omot\$on %annot (e measu)ed.; ost %e)ta\$n#!& t'e A""#\$%ant 'ad a )ea# % 'an%e fo) ")omot\$on.

181. T'e)efo)e& t'e T)\$(una#)es%\$nds t'e de%\$s\$on.

## 4"e%\$f\$% "e)fo)man%e

182. T'e A""#\$%ant )e6uests )et)oa%t\$3e g)ant of ")omot\$on& 9\$t' attendant "a!ment of \$n%)eased sa#a)! and (enef\$ts. A#te)nat\$3e#!&s'e)e6uests t'e T)\$(una# to)emand 'e) %and\$da%! fo) fu)t'e) %ons\$de)at\$on& 9\$t' st)\$%t gu\$dan%e& as s'e %ons\$de)s t'at t'e P)omot\$ons Po#\$%! %u))ent#! \$n "#a%e does not ")o3\$de fo) )easona(#e %ons\$de)at\$on s\$n%e \$t de"ends on t'e su(:e%t\$3e 3\$e9 of a #\$m\$ted num(e) of t'e UN \*C+ manage)s.

181. T'e T)\$(una#)e\$te)ates t'at t'e %ontested de%\$s\$on \$s d\$s%)et\$ona)! \$n natu)e& and t'at \$t \$s not \$ts )o#e to eFe)%\$se t'e d\$s%)et\$ona)! aut'o)\$t! 3ested on t'e Pane# and t'e \*\$g' Comm\$ss\$one) (! su(st\$tut\$ng \$ts o9n assessment fo) t'at of t'e %om"etent off\$%\$a#,see !anwidi 20100UNAT00826 "##assi 20110UNAT0110/. 5t \$s "a)t of t'e %on%e"t of d\$s%)et\$on t'at \$ts eFe)%\$se ma! #a9fu##! )esu#t \$n de%\$s\$ons t'at a)e d\$ffe)ent f)om t'ose t'e T)\$(una# m\$g't 'a3e ")efe))ed. T'e)efo)e& 9'e)e t'e :ud\$%\$a# )e3\$e9 %on%e)ns t'e eFe)%\$se of d\$s%)et\$on& t'e T)\$(una# %an o)de) s"e%\$f\$% "e)fo)man%e& su%' as \$t 'as (een )e6uested \$n t'e ")esent %ase& so#e#! \$n t'e )a)e '!"ot'es\$s 9'e)e t'e )esu#t of t'e eFe)%\$se of d\$s%)et\$on %an (e na))o9ed do9n \$n su%' a 9a! as to on#! 'a3e one #ega##! %o))e%t out%ome ,see "demagic et al' UNDT/2015/115/. T'\$s \$s not t'e %ase \$n t'e a""#\$%at\$on at 'and.

182. T'e T)\$(una# 'as %on%#uded t'at t'e Pane# 'ad not fa\$)#! and ade6uate#! %ons\$de)ed t'e A""#\$%ant@s %and\$da%! fo) ")omot\$on to t'e P02 #e3e# 9'en %om"a)\$ng 'e) 9\$t' t'e ot'e) %and\$dates. T'e \*\$g' Comm\$ss\$one)& 9'o \$s t'e %om"etent de%\$s\$on0ma?e)& 'as not )e%e\$3ed a ")o"e) and mean\$ngfu# )e%ommendat\$on fo) ma?\$ng '\$s de%\$s\$on as to 9'et'e) o) not to a9a)d one of t'e 158 a3a\$#a(#e s#ots fo) ")omot\$on to t'e P02 #e3e# to t'e A""#\$%ant. Unt\$# t'\$s eFe)%\$se 'as (een ")o"e)#! "e)fo)med& \$ts out%ome )ema\$ns o"en fo) t'e A""#\$%ant. 5f t'e T)\$(una# 9e)e to g)ant t'e A""#\$%ant a ")omot\$onk \$t 9ou#d (e tantamount to ")e:udg\$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'\$ng t'at t'e T)\$(una# \$s ne\$t'e) a##o9ed no) \$n a "os\$t\$on to do.

185. As to t'e A""#\$ant@s a#te)nat3e )e6uest fo) '\$ %

1<1. Cons\$de)\$ng t'e eFt)eme d\$ff\$%u#t\$es \$n as%e)ta\$n\$ng t'e A""#\$%ant@s %'an%es

9 ou#d not automat\$%a##! )e%e\$3e )et)oa%t\$3e "a!ment of sa#a)! at t'e '\$g'e) #e3e# f)om 20 =%to(e) 2012& e3en \$f ")omoted and& as a )esu#t& )es%\$ss\$on of t'e %ontested de%\$s\$on 9 ou#d not fu##! %om"ensate a #oss of sa#a)!. T'e T)\$(una# must t'e)efo)e eFam\$ne \$f t'\$s "oss\$(#e #oss of sa#a)!& \$n %ase t'e +es"ondent does not e#e%t to "a! %om"ensat\$on \$n #\$eu of )es%\$ss\$on& :ust\$f\$es a9a)d\$ng mate)\$a# As "a)t of  $t : udgement t' \in D\s"ute T)(una ma! only o)de) one o) (ot' of t' e fo##09 ngA$ 

,a/ +es%\$ss\$on of t'e %ontested adm $\st)at$ 3e de%\$s\$on o) s"e%\$f\$% "e)fo)man%e& ")o3\$ded t'at 9'e)e t'e %ontested adm $\st)at$ 3e de%\$s\$on %on%e)ns a""o $\t'e$  %ontested adm $\st)at$ 3e de%\$s\$on %on%e)ns a""o $\t'e$  %ontested adm $\st)at$ 3e de%\$s\$on o) te)m $\stat$ \$on t'e D $\st'e$  T)\$(una# s'a## a#so set an amount of %om"ensat\$on t'at t'e )es"ondent ma! e#e%t to "a! as an a#te)nat\$3e to t'e )es%\$ss\$on of t'e %ontested adm $\stat$ 3e de%\$s\$on o) s"e%\$f\$% "e)fo)man%e o)de)ed& su(:e%t to su("a)ag)a"', (/ of t'e ")esent "a)ag)a"'6

,(/ Com"ensat\$on for harm supported #y evidence& 9 '\$% ' s'a## no)ma##! not eF%eed t'e e6u\$3a#ent of t9o !ea)s@ net (ase sa#a)! of t'e a" #\$%ant. T'e D\$s"ute T)\$(una# ma!& 'o9e3e)& \$n eF%e"t\$ona# %ases o)de) t'e "a!ment of a '\$g'e) %om"ensat\$on& and s'a## ")o3\$de t'e )easons fo) t'at de%\$s\$on. ,em" 'as\$s added/

201. T'e 6uest\$on a)\$ses as to 9'et'e) t'e \$nstant %ase \$s go3e)ned (! t'\$s amended 3e)s\$on of t'e T)\$(una#@s 4tatute g\$3en t'at t'e \*\$g' Comm\$ss\$one)@s de%\$s\$on not to ")omote t'e A""#\$%ant ")edates t'e amendment& 9'e)eas '\$s de%\$s\$on to )e:e%t t'e A""#\$%ant@s )e%ou)se and t'e ")esent a""#\$%at\$on 9e)e \$ssued and f\$#ed& )es"e%t\$3e# !& afte) t'e amendment.

202. T'e A""#\$%ant a)gued t'at 'e) )\$g't to %#a\$m %om"ensat\$on fo) mo)a# damages a%%)ued at t'e t\$me of t'e fundamenta# ()ea%' of 'e) su(stant\$3e ent\$t#ements& 9'\$%' o%%u))ed 9'en t'e \*\$g' Comm\$ss\$one) de%\$ded not to ")omote 'e). T'e A""#\$%ant a#so su(m\$tted du)\$ng t'e 'ea)\$ng t'at t'e %'a##enged de%\$s\$on \$s t'e \*\$g' Comm\$ss\$one)@s de%\$s\$on of 20

206. T'e A""#\$%ant@s )e6uest fo) mo)a# damages \$s (ased on an asse)ted fundamenta# ()ea% ' of 'e) due ")o%ess )\$g'ts& 9 '\$% ' s'e %#a\$ms does not need to (e su""o)ted (! e3\$den%e (ased on "sariotis 20110UNAT010<& e3en \$f t'e

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212. T'e T)(una#s mndfu#of t'e 9e##0sett#ed ")n%"#e t'at nagesn #a9 ma! not (e)et)oat a" "#e ,see Ro#ineau 20120UNAT01<66 \* ogueira 20120 UNAT020<6 (unt-\$ at thes 20120UNAT0222/. T's ")n%"#e 'as (een a" "#e (! t'e A" "ea#s T)(una# to a30d t'at su(stant3e)g'ts (e affet (! amendments to t'e)u#es. T'e st at the s df end to the state of the state

218. 5n 3%e9 of t'e fo)ego%ng& t'e T)%(una# DHC5DH4A

a. T'e %ontested de%\$s\$on den!\$ng t'e A""#\$%ant a ")omot\$on to t'e P02
#e3e# \$s 'e)e(!)es%\$nded6

(. 4 'ou#d t'e +es"ondent e#e%t to "a! f\$nan%\$a# %om"ensat\$on \$nstead of effe%t\$3e#! )es%\$nd\$ng t'e de%\$s\$on& 'e s'a## "a! t'e A""#\$%ant C \* 86&000G

%. T'e afo)ement\$oned %om"ensat\$on \$n #\$eu of )es%\$ss\$on s'a## (ea) \$nte)est at t'e Un\$ted 4tates ")\$me )ate 9\$t' effe%t f)om t'e date t'\$s Judgment (e%omes eFe%uta(#e unt\$# "a!ment of sa\$d %om"ensat\$on. An add\$t\$ona# f\$3e "e) %ent s'a## (e a""#\$ed to t'e Un\$ted 4tates ")\$me )ate 60 da!s f)om t'e date t'\$s Judgment (e%omes eFe%uta(#e6 and

d.