

Cases No.:

UNITED NATIONS DISPUTE TRIBUNAL

Cases No. UNDT/GVA/2014/01/R1
UNDT/GVA/2015/11/R1

Reference No. UNDT/2015/104

Introduction

1.

1. On 10 September 2014, the Commission of Enquiry (CoE) (also referred to as the Commission of Enquiry) issued its report on the alleged sexual harassment of a staff member by a senior official of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva. The report was issued in accordance with the mandate of the CoE established by the Commission of Human Rights in its 2002 resolution and the Commission's 2003 resolution. The report also contains the Commission's recommendations to the Secretary-General.

11. On 24 March 2011, the Panel (UNDT/2011/028) in the case of *Mullick, Gurudutta, Jaishankar, Varghese, Berry* (UNDT/2011/028) and *Bharati* (UNDT/2011/04) found that the respondents had acted in violation of article 2.1 of the ILO Convention on the Elimination of All Forms of Discrimination Against Women (CERD) and article 2.1 of the ILO Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Panel found that the respondents had acted in violation of article 2.1 of the ILO Convention on the Elimination of All Forms of Discrimination Against Women (CERD) and article 2.1 of the ILO Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

12. In the case of *Jaishankar* (UNDT/2011/04) and *Bharati* (UNDT/2011/04), the Panel found that the respondents had acted in violation of article 2.1 of the ILO Convention on the Elimination of All Forms of Discrimination Against Women (CERD) and article 2.1 of the ILO Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

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On 10 October 2011, the Panel was informed by the complainant that the respondent had been appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011. The respondent stated that he had been appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011.

Consideration

21. The Panel notes that the respondent was appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011. The respondent stated that he had been appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011. The Panel notes that the respondent was appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011.

22. The Panel notes that the respondent was appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011. The respondent stated that he had been appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011. The Panel notes that the respondent was appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011.

Applicability of the principle of proportionality

23. In the case of UNDT/GVA/2011/104, the Panel found that the respondent was appointed as a member of the Pedicelli & Co. (Pedicelli) on 10 October 2011.

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1. Base of the Tribunal's findings on the facts and law