



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/058
Order No.: 127 (NBI/2017)
Date: 20 July 2017
Original: English

Before:

Introduction

1. The Applicant is a Senior Advisor to the Director of Programme at the headquarters of United Nations Women (UN Women) in New York. He previously served as country Representative for United Nations Women (UN Women) in Jordan. He is on a fixed -term appointment at the P-5 level.

2. On 14 July 2017 he filed an application for suspension of action (SOA), pending management evaluation, challenging the to cancel the selection process for UN Women Regional Director, Europe and Central Asia and to initiate a new selection process. He filed an amended version of the application later the same day.

3. As part of his application, the Applicant has filed a Motion requesting the Tribunal to order the Respondent to produce the following documents:

- a. All relevant documents in the possession of the Respondent which are directly concerned with his candidacy for the post.
- b. Any reports of the interview panels and the signed recommendation of the Appointment and Promotion Committee (APC) to the Executive Director.
- c. Any correspondence from the Executive Director to the APC regarding the rejection of their recommendation.

He submits that this information is needed to demonstrate that the selection process was fully concluded in a correct and confidential manner but for the approval of the Executive Director and would establish a time frame for any reasons allegedly put forward by the Respondent for cancelling the process.

4. The Respondent filed a reply on 17 July 2017.

Case No. UNDT/NBI/2017/058

Order No.:127 (NBI/2017)

11. On 12 July 2017, the Permanent Mission of the Republic of Albania informed UN Women that the designation of the Applicant as the Representative of UN Women in the Republic of Albania met the approval of the Ministry of Foreign Affairs of the Republic of Albania.

12. On 13 July 2017, the Applicant submitted a management evaluation request of the decision to cancel the original selection process and to undertake a new selection exercise.

Submissions

Applicant

Prima facie unlawfulness

13. The UN Women administration has violated staff regulations 4.3 and 4.4 and art. 101.3 of the United Nations Charter which prohibit discrimination on the basis of sex in the selection process whilst mandating carrying out competitive recruitment processes with fullest regard to requisite qualifications and experience of persons already in service of the United Nations. The UN Women administration likewise violated the UNIFEM Selection Guidelines, which mandate that, should the Executive Director not endorse the ranking of the candidates for the position, specific reasons should be recorded and shared with the interview panel. The guidelines also provide that the selection process must be consistent with the United Nations Staff Rules.

14. The decision not to carry out a selection process involving a potential promotion for a staff member to its conclusion is non (dmi)-3(nist)-4(ra)7(ti)-3(ve)4()929(de)4(c)4(isi).

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confirmed.

Urgency

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position imminently, the Tribunal is requested to suspend all action on filling the post pending management evaluation.

Irreparabl~~le~~*End ction on filling*

Guidelines, the final selection decision rested with the Executive Director who was obliged to cancel the selection process due to concerns about the integrity of the selection process.

22. The Applicant indicated in the communication of 18 May 2017 and in greater

concerns regarding the integrity of the selection process.

27. The assignment of the Applicant as the Representative of UN Women in Albania is within the authority of the Executive Director on the basis of the best interests of the Organization and this has no bearing whatsoever on his application for the post in question.

Urgency

28. There is no urgency since all the candidates, including the Applicant in this case, have also been informed of the cancellation of the selection process, that the post will be re-advertised and have all been encouraged to re-apply.

Irreparable harm

29. There is no risk of irreparable harm as there are no damages resulting from the

1. The Dispute Tribunal shall order a suspension of action on an

Case No. UNDT/NBI/2017/058

Order No.:127

