

UNDT/2010/055, Abbasi

UNAT Held or UNDT Pronouncements

Outcome: The applicant succeeds. Compensation ordered for distress and loss of career development and associated benefits.

Decision Contested or Judgment/Order Appealed

The applicant, a former staff member with the United Nations Children's Fund (UNICEF), alleges that she should have been selected for one of three vacant posts of operations officer in the Pakistan office of UNICEF. She considers that she was not given full and fair consideration by UNICEF and that she was discriminated against because of her sex.

Legal Principle(s)

Disclosure and discovery of documents: Given the difficulties of proving discrimination the staff member is entitled to have the opportunity of looking at such material which is in the possession of the employer and which will be necessary to enable the Tribunal to consider the allegations and to arrive at a reasoned and just decision. The judgment discusses various principles of document discovery. Selection process and gender parity: Staff members are to be appointed on merit. Selection decisions must be made in accordance with the Charter of the United Nations and any relevant provisions governing staff selection. In a selection or promotion decision those involved in recruitment on behalf of the Organization must have regard to its policies on gender parity. Principles applicable in cases of discrimination: The judgment discusses various principles relating to cases of discrimination.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Abbasi

Entity

UNICEF

Case Number(s)

UNDT/NY/2009/107

Tribunal

UNDT

Registry

New York

Date of Judgement

31 Mar 2010

Duty Judge

Judge Meeran

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Gender

Staff selection (non-selection/non-promotion)

Interview

Selection decision

Written test

Applicable Law

Staff Regulations

- Regulation 4.2
- Regulation 4.3
- Regulation 4.4