

# 2021-UNAT-1146, Secretary-General of UN

UNAT Held or UNDT Pronouncements

UNDT erred in deciding that Mr. Adriantsehero had been charged solely with sexual harassment, that his behavior towards Vo1 and Vo2 did not constitute sexual harassment, and that his due process rights were violated.

Decision Contested or Judgment/Order Appealed

No. UNDT/2020/195

Legal Principle(s)

Physically enveloping a woman without her permission and against her will constituted sexual harassment, even if it was a single incident that occurred in public. There is no legal basis for suggesting that offensive or humiliating behavior ceases to be sexual harassment if the victim gives the perpetrator no warning or signal that the behavior is unwelcome and reports it to the appropriate authorities only when she feels safe to report it with the support of other victims. Nor does the perpetrator's failure to do what he threatened to do (sleep in the victim's room for the night) or the fact that he stopped accosting the victim change the unwelcome nature of his conduct or exclude his conduct from being sexual harassment.

Outcome

Appeal granted

Outcome Extra Text

Appeal granted; contested decision upheld; and UNDT Judgment reversed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Secretary-General of UN

Entity

ECA

Case Number(s)

2021-1513

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2021

President Judge

Judge Neven

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Sexual harassment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Regulations

- Regulation 1.2

Staff Rules

- Rule 1.2(f)

Related Judgments and Orders

2018-UNAT-819

2017-UNAT-718