

UNDT/2022/129, Applicant

UNAT Held or UNDT Pronouncements

The Tribunal held that as clearly confirmed by the Permanent Mission of Denmark, the Applicant is not recognized as female under the Danish Passport Law, which would have been indicated as “F” in the passport. The Tribunal concluded that there was no violation of international standards. As a person non-compliant with their biological sex, the Applicant has the right to an outward expression of gender identity, respect for their identification and should be protected against improper discrimination on this basis. This does not however translate to automatic access to entitlements or policies attaching to female sex or legal gender.

Decision Contested or Judgment/Order Appealed

The decision to deny the Applicant's request to “have [their] gender in United Nations administrative systems reflect [their] gender identity”.

Legal Principle(s)

The Tribunal is bound by norms expressing international standards and is competent to refuse to apply a provision that would contradict them. The question of gender identity is not necessarily coterminous with legal gender, the first being a personal conception of oneself and/or a societal concept, and the latter being a legal category belonging to personal status.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNSOS

Case Number(s)

UNDT/NBI/2022/071

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

6 Dec 2022

Duty Judge

Judge Milart

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Gender

Discrimination and other improper motives

Applicable Law

Administrative Instructions

Laws of other entities (rules, regulations etc.)

Secretary-General's bulletins

- ST/SGB/2004/13/Rev.1

Related Judgments and Orders

UNDT/2011/047

2012-UNAT-227