



Introduction

1. By a decision rendered on 12 April 2014, the Administrative Tribunal (the Tribunal) was asked to review the decision of the Director of the Office of the High Commissioner for Human Rights (OHCHR) to appoint a consultant to provide technical assistance in the area of human rights monitoring and reporting to the OHCHR, in the context of the OHCHR's mandate under the United Nations Charter and the Universal Declaration of Human Rights.

Facts

2. The Administrative Tribunal was established on 4 June 2011, after 25 years of its existence under the mandate of the United Nations. It is a permanent institution of the United Nations, established by the General Assembly in 1992.

4. In 2011 and 2012, the Administrative Tribunal was asked to review the decision of the Director of the OHCHR to appoint a consultant to provide technical assistance in the area of human rights monitoring and reporting to the OHCHR, in the context of the OHCHR's mandate under the United Nations Charter and the Universal Declaration of Human Rights.

4. In 2014, the Administrative Tribunal was asked to review the decision of the Director of the OHCHR to appoint a consultant to provide technical assistance in the area of human rights monitoring and reporting to the OHCHR, in the context of the OHCHR's mandate under the United Nations Charter and the Universal Declaration of Human Rights.

5. The Administrative Tribunal was asked to review the decision of the Director of the OHCHR to appoint a consultant to provide technical assistance in the area of human rights monitoring and reporting to the OHCHR, in the context of the OHCHR's mandate under the United Nations Charter and the Universal Declaration of Human Rights.

The Administrative Tribunal was established on 4 June 2011, after 25 years of its existence under the mandate of the United Nations. It is a permanent institution of the United Nations, established by the General Assembly in 1992. The Administrative Tribunal was established by the General Assembly in 1992, after 25 years of its existence under the mandate of the United Nations. It is a permanent institution of the United Nations, established by the General Assembly in 1992.

for the period of the year (the period of a 30-day period) payment  
of amount-s0 in the amount of 125 days actually observed  
'!! (effective).

6.

11. 3 n 25 No+em(e\$ 2014% t&e A !"#ant \$e: uested manage

16. A &ea\$ng "n t&e \$esen#e of t&e a\$t'es ' as &e!d on 2C 3#to(e\$ 2014. Du\$ng t&e &ea\$ng% and (y 3\$de\$ No. 195 -GVA/20140 of 2C 3#to(e\$ 2014% t&e T\$(una! \$e: uested t&e \*es ondent to \$o+"de add"t"ona! eA !anat"ons% inter alia% ' "t& \$es e#t to t&e fa#t t&at "n &"s ema"! of 1C No+em(e\$ 2014 to t&e A !"#ant% t&e C&"ef% CT2% &ad stated t&at .t&e C&"nese T\$ans!at"on 2e\$+"#e "n DGAC , &ad d"s#ont"nued use of tem o\$a\$y on)(oa\$d f\$ee)!an#e #ont\$a#ts "n +"e ' of #ont\$a#tua! t\$ans!at"on/ and t&e \*es ondent<s adm"ss"on "n t&e f\$ame ' o\$B of t&e \$esent \$o#eed"ngs t&at "n fa#t s"A f\$ee!an#e\$s% out of ' &"#& fou\$ ' e\$e \$et"\$ees% &ad (een em !oyed "n De#em(e\$ 2014.

19. T&e \*es ondent f"led t&e \$e:u"\$ed eA !anat"ons on 1 De#em(e\$ 2014% and t&e A !"#ant \$es onded t&e\$eto on 15 De#em(e\$ 2014.

#### Parties' contentions

1;.

d. The C&EF CT2 a !es su#& d"ffe\$ent"a! t\$eatment of Set"\$ees also ' "t& \$es e#t to t&e t"m"ng of #ont\$a#ts a##o\$d"ng to e\$sona! needs and t&e #om !eA"ty of t&e ass"gnment

e. The a\$gument t&at &e 'as g\$anted a #ont\$a#t (y t&e C&EF CT2 "n 2012 and 2014 does not s&o ' t&at t&e !atte\$ t\$eats &"m e:ua!!y \$at&e\$ "t s&o 's t&at t&e C&EF CT2 'anted to a+o"d any #&a\$ges of sta\$B d"s#\$"m"nat"on

f. The \*es ondent<s a\$gument of #ost)effe#t"+eness does not stand s"n#e on t&e #ont\$a\$y Set"\$ees ' &o a\$e !ess \$odu#t"+e! eff"#ent and :ua!"f"ed t&an t&e A !"#ant &a+e (een g\$anted t&e maA"imum of 125

od\$eas .84125(-3.81746(")0.96024.76.

treatment of the staff to the extent of the employment contracts and assignment of documents and to take a note on the status of the staff of the United Nations.

1C. The respondent's arguments are:

a. The Applicant's letter of appointment states that following the settlement of the appointments of the United Nations staff to the conditions that the staff must meet and those applying in general on the appointments as such and as such to a maximum of 125 days actually observed. The letter of appointment further notes under the staff appointments that to the extent of the provisions of the rules of the employment organization governing the term of the staff rules and the appointment of the staff as provided by the Agreement between the United Nations System/Chief Executive Board for Coordination and the Association internationale des traducteurs de conférence regulating the conditions of employment of short term translators and persons serving in related functions (CEB)ATC agreement on the status of the staff and the Applicant did not take any effective step of the staff to be granted 125 working days per year.

(. The Applicant's argument that he had a legitimate reason to take

&ad no o(!"gat"on to offe\$ t&e A !"#ant s&o\$t)te\$m #ont\$a#ts% su o\$ted t&e  
A !"#ant<s a o"ntments "n 2012 and 2014G

d. T&e (a#B!og "n CT2 ' as "ns"gn"f"#ant as of 14 No+em(e\$ 2014 and  
#ou!d (e \$o#essed ."n)&ouse/ and no "m o\$tant meet"ngs ' e\$e to (e &e!d "n  
De#em(e\$G t&e\$efo\$e% "n +"e ' of \$o!e#ted ' o\$B!oad t&e A !"#ant<s se\$+"#e  
' as no !onges\$ needed and t&e \$easons \$o+"ded to &"m ' e\$e su o\$ted (y  
t&e fa#tsG

e. T&e \*es ondent adm"ts t&at &"s \$efe\$en#e to .Segu!a\$ staff/ (e"ng a(!e  
to \$o#ess t&e ' o\$B!oad e+en "f "t ' e\$e s"gn"f"#ant% #onta"ned "n t&e \$es onse  
to t&e sus ens"on of a#t"on% ' as "na##u\$ateG &o ' e+e\$% t&"s ' as @ust an .e+en  
"f/ eAt\$a o!at"on% and t&e \$e#o\$d s&o ' s t&at "n fa#t% t&e C&"ef% CT2% &ad  
#ons"stent!y &e!d t&at t&e ' o\$B!oad #ou!d (e \$o#essed (y t&e .stand"ng  
#a a#"ty/"n)&ouse/% ' &"#& &as a d"ffe\$ent mean"ng t&an .Segu!a\$ staff/G

f.



19. The nature of the status of the issue at stake is the right to be heard and to be given an additional 10 days in 2014 and four in 2012. In fact, the applicant was granted 121 days in 2012 and 106 in 2014. The amount of the award is not to be seen as a remedy and the applicant's action is a (us) + e.

20. The applicant should be satisfied in its entirety.

### Consideration

20. According to the longstanding EU's jurisprudence of the Appeals Tribunal (unaffected) terms and conditions of appointments do not satisfy any essentiality of the applicant's action to any other type of appointment - eudry

22. The employment of Settees is frustrated (y Adm"n"stSat"+e nst\$u#"on 2T/A8/2004/;/Amend.2 -\*etent"on "n se\$+"#e beyond t&e mandato\$y age of se a\$at"on and em loyment of Settees) ' &"#& \$o+"des t&atF

5.1 Some staff mem(e)s a(o+e t&e mandato\$y se a\$at"on age of 60% o\$ 62 fo\$ staff a o"nted on o\$ afte\$ 1 Janua\$y 1CCO% s&a!! not (e em loyed (y t&e 3\$gan"Hat"on% un!essF

-a0 T&e o e\$at"ona! \$e:u"\$ements of t&e 3\$gan"Hat"on #annot (e met (y staff mem(e)s ' &o a\$e :ua!"f"ed and a+a"!a(!e to e\$fo\$m t&e \$e:u"\$ed fun#"onsG

-(0 T&e \$o used em loyment 'ou!d not ad+e\$se!y affe#t t&e #a\$ee\$ de+e!o ment o\$ \$ede loyment o o\$fun"t"es of ot&e\$ staff mem(e)s and \$e \$esents (ot& a #ost)effe#"t"+e and o e\$at"ona!!y sound so!ut"on to meet t&e needs of t&e se\$+"#e.

and t&at

6.1 Em loyment of fo\$me\$ staff ' &o a\$e "n \$e#e" t of a ens"on (enef"t f\$om t&e Un"ted Nat"ons Jo"nt 2taff Pens"on 7und s&a!! (e su(\$e#t to t&e fo!lo "ng \$est\$#"t"onsF

D

-(0 1 language se\$+"#es staff may not (e \$e)em loyed fo\$ mo\$e t&an 125 days a#tua!y ' o\$Bed du\$ng a #a!enda\$ yea\$

24. 2e#"on 9 of t&e same adm"n"stSat"+e "nst\$u#"on \$o+"des t&atF

\*et"\$ees f\$om anot&e\$ #ommon system o\$gan"Hat"on may eA#e t"ona!ly (e em loyed "n t&e a(sen#e of :ua!"f"ed and a+a"!a(!e non)\$et"\$ee #and"dates% as 'e!! as of :ua!"f"ed and a+a"!a(!e Un"ted Nat"ons \$et"\$ee #and"dates% \$o+"ded t&e #ond"t"ons "n se#"ons 5 and 6 of t&e \$esent "nst\$u#"on a\$e met.

24. The !"m"tat"on offset fo\$t& "n se#. 6.1-(0 "s #onf"\$med (y t&e A !"#ant:s lette\$ of a o"ntment on f!e% ' &"#& notes unde\$ s e#"a! #ond"t"ons% inter alia% t&at .t&"s offe\$ and #onse:uent a o"ntments a\$e su(\$e#t to a maA"mum !"m"t of 125 days a#tua!y ' o\$Bed e\$ #a!enda\$ yea\$/.

25. It "s #lea\$ f\$om t&e a#tua! ' o\$d"ng of t&e a(o+e):uoted \$o+"s"ons t&at \$et"\$ees ' &o a\$e em loyed as !anguages se\$+"#es staff do not &a+e an ent"t!ement o\$ a /\$g&t/ to (e em loyed fo\$ a maA"mum of 125 ' o\$B"ng daysG \$at&e\$% t&e a !"#a(!e \$ules I #onf"\$med (y t&e s e#"a! #ond"t"on #onta"ned "n t&e A !"#ant:s







Conclusion

4;. 8n + "e ' of t&e fo\$ego"ng% t&e T\$" (una! DEC8DE2F

T&e a !"#at"on "s \$e#ted.

-Signed0

Judge T&omas 1aBe\$

Ente\$ed "n t&e \*eg"ste\$ on t&"s 1C<sup>t&</sup> day of D 2( )-5.808160( )-5.808169 11.28 T f D-155.698 664.56 T