

Affaire n° : UNDT/GVA/2016/078
Jugement n° : UNDT/2017/074

10. Ng" 48 o ctu 4237." ng" Ej gh" f w" Ugt xleg" f g" i guvkqp" f gu" cej cwu." uwr²tkgw"
j k²tcej ks wg" f kt gev' f w' tgs w²tcpv." c" ²cdrik' ng" tcr r qt v' cppwgn' f øcrr t²ekvkqp" f w'
eqo r qt vgo gpv' r tqhgukqppgn' f g" egmk/ek" lwi gcpv's w²ki" è" t²r qpf jckv_ "cwz" cwgpvgu' i 0Jug²XW

11. Ng" 6" lwp" 4237" uøguv' vgpwg" wpg" t² wkpqp" « rcs wmg" qp v' r ctvk²kr² pqwco o gpv' ng"
J cw/Eqo o kuuckt g." ng" J cw/Eqo o kuuckt g" cuukvcpv' gp" ej cti g" f gu" qr² tcvkqpu." r"
F kt gev' k²g" f g" r" F kxkukqp" f gu" wt i gpegu." ng" Ej gh" f w" Ugt xleg" f g" i guvkqp" f gu" cej cw' gv'
egmk' f w' Ugt xleg" f g" r" rqi k²ks wg" gv' f g" r" i guvkqp" f gu" cr r tqxkukqppgo gpv' *è ng Ugt xleg"
f g" r" rqi k²ks wg ì +0F cpu" wp" eqwt tkgn' f cv²pf w³" H "

xqwf tgl "r gw/´tg"eqpuwmg"jO O'U_ "f g"r "Uge vkp "f gu"chck kgu"lwkf ls wgu."qw'
r tqr qugt"s wø

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recti terj g" 42" fg" r" xgtukqp" t² xk² g" fg" r" *Politique et des procédures
d'affectation et de la politique relative à la parité dans les effectifs du HCR*"

f0 Nc"tgs w' g"fgxtckv" v g"t glgv² g0

nøzco gp" f g" n" ecplkf cwt g" eqpukf² t² g0' ki' r gw' { " cxqkt" eqphrk' f øp² t' w' p qvco o gpv." o clu" r cu" gzenwukx go gpv." nqtus wg" n" r tqo qvqp" gp² xkuci² g" guv' egmg" f g" nwp" f gu" o go dtgu' f w' lwt { " f g" uqp" *uc+ " eqplqkv* g+ " f g" uqp" *uc+ " r ct vgpck g" qw' f g" nwp* g+ " f g" ugu' uwdqtf qpp² *g+u0

48. Ng" Vtkdwpn' hck' qdugt xgt" s wg" o ' o g" uk' egwg" f kur qukkqp" pg" uøc r r nks wg" r cu" < " nqdlgv' f g" nøgur³ eg" *u² ngevkqp" cwz " hpu" f g" tget wgo gpv+ " kn' pg" hck' c wewp" f qwg" s wg" ng" r tkpek g" p qpe² " o nqdrki c vkp" r qwt " ng" o go dtg' f øwp" lwt { " f øgpvt gvkp" f g" ug" t² ewugt " gp" ecu" f g" eqphrk' f øp² t' w' o' xcw" r qwt " vqu" ngu" r tqeguuwu" f g" u² ngevkp0' F g" hckv. " ng" f² hgpf gw" c" eqpe² f² " s wg" nqtus wwp" o go dtg' f øwp" lwt { " ug" vt qwckv' gp" ukwcvkqp" f g" eqphrk' f øp² t' w. " kn' pg" r qwckv' r tgpft g' r ct v' cw' r tqeguuwu" f g" u² ngevkp0

49. Nøcnp² c" o + " f g" nøct vkneg" 304 " f w' Ucvw' f w' r gt uqppgn' f² hpkv' ng" eqphrk' f øp² t' w' eqo o g' uwk' <

Ki' { " c" eqphrk' f øp² t' w' nqtus wg. " f w' hck' f g' s wgn wg" cevkqp" qw' qo kuukqp" f g' uc" r ct v. " nkp² t' v' r gt uqppgn' f w' hqpevkppck g" xkpv' pwt g" < " nøzgteleg" f g" ugu' hqpevkpu" qw' < " nkp² i tk² . " nkp² r gpf cpeg" gv' nko r ct vkrk² " s wg" nmk' kør qug" uc" s wcrk² " f g" hqpevkppck g" kpvt pcvkpcn0' Ng" hqpevkppck g" eqpegt² " uki pcrg" vqw' eqphrk' f øp² t' w. " qw' t kus wg" f g" eqphrk' f øp² t' w. " cw' ej gh' f w' dwt gcw' f qp' kn' tgr² xg. " nQti cplucvkp" f gxcpv' pgwctkrugt" eg" eqphrk' gv' ng" t² uqwf tg" cw' o kgwz " f g" ugu' kp² t' w' r tqr tgu0

50. Cw' uwtr nnu. " ng" Vtkdwpn' tcr r gmg" s wg" ng" Vtkdwpn' f øc r gn' c" f² hpk' f cpu" nøctt' v' Finniss" *4236/ WP CV/5; 9+ " ng" etk² tg" < " cr r nks wgt " cwz " hpu" f g" f² vgt o kpgt " uøni' { " cxck' r ct v' r tku" qw' eqphrk' f øp² t' w' f g" n" r ct v' f g" o go dtgu' f øwp" lwt { " f øgpvt gvkp" qw' f g" u² ngevkp. " eqpukf² t cpv' s wkn' hcnck' ug" f go cpf gt " uk" cw' xw' f gu' hcku. " wp" qdugt xcvgw" qdlgevk' eqpenmtck' s wkn' gz kucv' wpg' r quukdkrk² " t² gmg" s wg' ng" lwt { " ck' f gu' r t² xgpvkpu0

51. Rct" clnrgwtu. " ng" Vtkdwpn' cf o kplutcvk' f g" nQti cplucvkp" kpvt pcvkpcrg" f w' Vtcxckn' f cpu" uqp" lwi go gpv' p^q

s w'ugwu'pg'r gto gwgpv'r cu'f g'eqpenw'g'tckuqppcdrgo gpv'« n'gzkvgpeg'f'owp'r ct'k'r tku"
t² gn'q'w'uw'r qu² 'f w'Ej gh'f w'Ugtxk'eg'eqpvt'g'ng'tgs w² tcpv0

Nc'r rckpv'g'r qwt'j cte³ ngo gpv'

61. Ng"Vtkdwp'cn'pq'v'g's wg"ng": f² ego dtg 4236."ng"tgs w² tcpv'c"uckuk'ng"Dwtgcw'f'g"
n'Kpur ge'v'w't'² p² tcn'f'ow'pg'r rckpv'g'r qwt'j cte³ ngo gpv'eqpvt'g'ng'Ej gh'f w'Ugtxk'eg'f'g"
i gu'v'k'p'f'gu'cej cw.'cxge'eqr'kg'cw'Dwtgcw'f'g'nc'f² qp'v'q'ni'kg'0T² r'q'p'f'cpv'« wp'g's w'gu'v'k'p'
« ncw'f'kg'peg."ng"tgs w² tcpv'c"eqphk'0² s w'k'n'cxck'r'gw'cr't³ u'f'go'cpf² cw'Dwtgcw'f'g"
n'Kpur ge'v'w't'² p² tcn'f'g'bw'g'w'nc' rckpv'g'p'cw'gp'v'g.'r'gpucpv's w'g'nc's w'gu'v'k'p'ug't' i'ng'tck'
r'ct'wp'g'k'p'v'g't'x'p'v'k'p'f'g'nc'f'k'g'v'k'p'0'k'i'c"² i'c'rgo'gpv't'ge'q'p'p'w's w'k'n'p'cxck'« cw'ew'p'
o'qo'gpv'f'go'cpf² cw'Dwtgcw'f'g'n'Kpur ge'v'w't'² p² tcn'f'g't'q'w't'k'ng'f'qu'uk'g't.'g'v's w'g'nc'
r'ckpv'g'cxck'g'p'u'w'k'g'² v² t'g'p'f'w'g'ecf'w's w'g'r'ct'ng'u"² x² p'go'gp'w."e'gu'v'</f'k'g'nc'
t'g'v't'w'w'c'v'k'p'g'v'nc'p'q'p't'ge'q'p'f'w'v'k'p'f'g'u'q'p'r'q'u'v'g'0Ng'Ej gh'f w'Ugtxk'eg'f'g'i'gu'v'k'p'f'gu'
cej cw'c"eqphk'0² r'q'w't'uc'r'ct'v's w'g'r'g't'u'q'p'p'g'p'g'nc'cxck'k'p'h'q'to² f'g'nc'r'ckpv'g'f² r'qu² g'
eqpvt'g'nc'pk'ng'Dwtgcw'f'g'n'Kpur ge'v'w't'² p² tcn' s w'k'g'v'v'gp'w'« nc"eqphk'g'p'v'k'ck'². 'pk'
r'g't'u'q'p'p'g'f'cw't'g'0

62. Ng" Vtkdwp'cn' eqpuk'³ t'g' f'q'pe" s'wg" nc" r'ckpv'g."² v'cpv' f'q'p'p² u'q'p" ectce'v³ t'g'
eqphk'g'p'v'k'n'p'g'r'g'w'w'v'g'r't'k'ug'g'p'eqo'r'v'g'r'q'w't'f² v'g't'o'k'p'g't'uk'w'p'q'd'ug't'x'c'v'w'q'd'l'g'e'v'k'h'
c'w't'ck'eq'pen'w's w'k'n'ug'o' d'nc'k'f'cx'q'k'w'p't'k'us w'g'f'g'eq'p'h'k'f' k'p'v² t'w'0

Nc'f'go'cpf'g'f'g'eqpvt'1/2'j'k² t'c'tej'k's w'g'f'c'q'Âv'4237

63. Ng"Vtkdwp'cn'pq'v'g"² i'c'rgo'gpv's w'g'ng'Ej gh'f w'Ugtxk'eg'f'g"i'gu'v'k'p'f'gu'cej cw'c"
eqphk'0² n'q'tu'f'g'uc'f² r'q'uk'k'p's w'c'w'o'qo'gpv'f'g'nc'p'v'g'v'k'p.'k'n'cxck'eq'p'p'ck'u'c'p'eg'f'g"
nc'f'go'cpf'g'f'g'eqpvt'1/2'j'k² t'c'tej'k's w'g'h'ck'g'r'ct'ng"tgs w² tcpv'gp'c'q'Âv'4237'0'k'i't'c'r'g'm'g'
s'wg'f'cpu'eg'w'g'f'go'cpf'g'f'g'eqpvt'1/2'j'k² t'c'tej'k's w'g."ng"tgs w² tcpv'k'p'v'f'gu'r't'q'r'qu'cu'ugl"
t'w'f'gu'g'p'x'g'tu'ng'Ej gh'f w'Ugtxk'eg."ng" s'w'k'n'h'c'p'v'f'g'o'gp'v'w'g."eq'w'c'd'ng'f'g"ë i't'c'x'g'u'
o'c'p's w'go'gp'w'c'w'² t³ i'ng'u'f'g'f² qp'v'q'ni'kg'g'v'f'g'eqo'r'q't'v'go'gpv'r't'q'h'g'u'k'p'p'g'n'ì'g'v'f'g'
ë j'c'te³ ngo'gpv'ì."g'v'k'p'f'k's w'cpv'cx'q'k'c'r'r'g'r'nc'w'g'p'v'k'p'f'w'Uk³ i'g'uw'ë w'p'g'u² t'k'g'f'g"
nc'ew'p'g'u't³ u' i't'c'x'g'u'gp"o'c'v'k³ t'g'f'æ'ej'c'v'ì'cw'Uk³ i'g.ë'eq'p't'g'x'g'p'c'p'v'c'w'z'r't'k'p'ek'g'u'
² n'f'o'gp'v'ck'g'u'f'g'nc'r'c'u'uc'v'k'p'f'gu'o'c'tej'² u'r'w'd'n'k'eu'ì'0

64. P'g'h'w'eg's w'c'w'x'w'f'g'eg'u'h'q't'v'g'u'et'k'k's w'g'u'h'q'to'w'² g'u'f'cpu'nc'f'go'cpf'g'f'g'eqpvt'1/2'j'
j'k² t'c'tej'k's w'g."q'p'r'q'w'c'k't'c'k'u'q'p'p'cd'rgo'gpv'f'q'w'g't's w'g'ng'Ej gh'f w'Ugtxk'eg'f'g"i'gu'v'k'p'
f'gu'cej cw'r'w'ku'g'² x'c'n'w'g't'gp"v'q'w'g'ko'r'c't'v'k'ck'² nc"ec'p'f'k'f'c'w't'g'f'w't'gs w² tcpv'0 Ng"
Vtkdwp'cn' eqpuk'³ t'g' s'wg" eg'v"² v'v'f'g' ej'q'ugu'g'v'ng'u" f² u'c'ee'q't'f'u" r't'q'h'g'u'k'p'p'g'n'ì'
u'w'uo'gp'v'k'p'p² u'w'w'h'k'uck'g'p'v.'c'w't'g'i'c't'f'f'w'et'k³ t'g'² p'q'p'e² f'cpu'h'c'tt'v'Finniss."« l'w'w'k'h'g't"
s'wg'ng'Ej gh'f w'Ugtxk'eg'ug"t² e'w'ug'0'U'g'm'p'eg"o'´o'g'et'k³ t'g."ng'u't'g'u'q'w't'eg'u'j'wo'c'k'p'g'u'
c'w't'c'k'g'p'v'd'k'g'p'h'c'k'f'g'h'g't'go'r'nc'eg't'r'ct'w'p'g'c'w't'g'r'g't'u'q'p'p'g'c'w'ug'k'p'f'w'l'w't'{'0'Nc'F'k'g'e'v'k'eg'
f'g'nc'F'k'k'uk'p'f'gu'w'i'g'p'eg'u."s'w'k'cxck'eq'p'p'ck'u'c'p'eg'f'gu'v'g'p'uk'p'u'c'c'p'v'c'd'q'w'k'« nc"
f'go'cpf'g'f'g'eqpvt'1/2'j'k² t'c'tej'k's w'g."c'w't'ck'f'Â'g'm'g'c'w'u'k'r'nc'k'f'g't'r'q'w't'ng't'go'r'nc'ego'gpv'
f'w'Ej gh'f w'Ugtxk'eg'c'w'ug'k'p'f'w'l'w't'{'n'q't'us w'g'm'g'c'r'c't'r'f'cx'ge'nc'w'k'g'v'cx'ge'nc'F'k'g'e'v'k'eg'f'g'
nc'F'k'k'uk'p'f'g'nc'i'gu'v'k'p'f'gu't'g'u'q'w't'eg'u'j'wo'c'k'p'g'u'0

65. î' eg'v"² i'c't'f."ng"Vtkdwp'cn'pq'v'g"s w'« ncw'f'kg'peg."nc'F'k'g'e'v'k'eg'f'g'nc'F'k'k'uk'p'f'gu'
w'i'g'p'eg'u'g'v'ng'Ej gh'f w'Ugtxk'eg'f'g"i'gu'v'k'p'f'gu'cej cw'q'p'v'q'w'u'f'g'w'z'eq'p'h'k'0² s'w'k'n'
c'w't'ck'² v² ko'r'q'u'uk'd'ng'q'w'g'z'v'´o'go'gpv'f'k'h'k'k'ng'f'g't'go'r'nc'eg't'ng'u't'q'ku'0'go'dt'g'u'f'w'l'w't'{'
f'q'p'v'ng"tgs w² tcpv'cxck'f'go'cpf² nc"t² e'w'uc'v'k'p."o'c'k'u's'w'k'n'c'w't'ck'v'v'r'q'u'uk'd'ng'ó'd'k'g'p'
s'wg'p'q'p'k'f² c'n'ó'f'g'p'g't'go'r'nc'eg't's w'g'ng'Ej gh'f w'Ugtxk'eg'f'g"i'gu'v'k'p'f'gu'cej cw'0

Ng" f² uceeqt f "c w' uwl g' v' f g' r' c' t' g' u' t' w' e' w' t' c' v' k' q' p'

72. Gp"eg"s wk'eqpegtpg"ngu" f² uceeqt f u"gpw" g"ng" tgs w² tcpv'gv'ng"Ej gh'f w'Ugtxleg" f g" i guvkqp" f gu"cej cw. "r" F kt gevteleg" f g" r" F kxkukqp" f gu"wti gpegu" gv'ng"Ej gh'f w'Ugtxleg" f g" r" nqi kuxs wg" c w' uwl g' v' f g' r' c' t' g' u' t' w' e' w' t' c' v' k' q' p'. "ng" Vtdwpcn' t cr r gmg" s wg" n Cf o kpkwt c v' k' q' p" lqwk' f wp" nti g" r qwxqk" f kuet² v' k' q' p' p' c' k' g" gp" eg" s wk' eqpegtpg" r" t² qti c' p' k' u' c' v' k' q' p" f g" u' g" u' g' t' x' l' e' g' u. "r" o' kug" gp" ð wxtg" f gu" d' q' p' p' g' u' r' t' c' v' s' w' g' u' f' g' i' guvkqp" g' v' h' o' w' k' u' c' v' k' q' p" f' a' q' w' k' u' f' g" i' guvkqp" r' nu" gh' h' e' c' e' g' u' 0' i' e' q' p' f' k' k' q' p" f' g" p' g' r' c' u' ' v' t' g' ' c' t' d' k' t' c' k' t' g' u' p' k' f' ² t' c' k' u' q' p' p' c' d' r' g' u' g' v' f' g" t' g' u' r' g' e' v' t' e' g' t' c' l' p' g' u' t' ³ i' n' g' u' g' v' p' q' t' o' g' u' h' q' p' f' c' o' g' p' w' c' r' g' u' f' ² s' w' k' ² g' v' f' g' l' w' u' k' e' g. "ng" u' f' ² e' k' u' k' q' p' u" gp" r" o' c' v' k' ² t' g" u' q' p' v' w' p' g" r' t' ² t' q' i' c' v' k' x' g" g' z' e' n' w' u' k' x' g" f' g" n' C' f' o' k' p' k' u' t' c' v' k' q' p. " o' ' o' g" u' k' g' m' g' u" p' g' o' r' q' t' v' g' p' v' r' c' u' h' c' f' j' ² u' k' q' p" f' g' u' h' q' p' e' v' k' q' p' p' c' k' t' g' u' 0

73. Ego o g" ng" Vtdwpcn' n' c' f' k' f' c' p' u' ng" l' w' i' g' o' g' p' v' Loeber" *WPF V142391295+ " r" t' g' u' t' w' e' w' t' c' v' k' q' p' f' w' U' g' t' x' l' e' g' f' g' i' g' u' v' k' q' p' f' g' u' c' e' j' c' w' ² v' c' k' / d' l' g' p' t' ² g' m' g' 0' N' c' f' ² e' k' u' k' q' p' g' p' c' x' c' k' v' ² v' ² r' t' k' u' g' r' c' t' " n' g" J' c' w' / E' q' o' o' k' u' c' k' t' g' c' w' z' " f' t' q' k' u' f' g" n' j' q' o' o' g' g' v' p' g' u' c' w' t' c' k' l' g' p' c' w' e' w' p' g" o' c' p' k' ² t' g' r' g' t' o' g' w' t' g' f' g' e' q' p' e' n' w' t' g" « n' g' z' k' u' g' p' e' g' f' w' p' e' q' p' h' r' k' v' f' k' p' v' t' ' w. " t' ² g' n' q' w' u' w' r' q' u' ² . " g' p' w' t' g' ng" E' j' g' h' f' w' u' g' t' x' l' e' g' g' v' ng" t' g' s' w' ² t' c' p' v' 0' k' q' p' u' e' q' p' _ \$ t p q (n' i' f' g"

La Directrice de la Division des urgences

74. Ng" Vtdwpcn' f' q' k' c' w' u' k' f' ² v' g' t' o' k' p' g' t' u' k' r' g' u' h' c' k' u' u' w' x' g' p' w' u' c' x' c' p' v' f' ² e' g' o' d' t' g' 4237" c' w' t' c' k' g' p' v' r' w' t' c' k' u' q' p' p' c' d' r' g' o' g' p' v' c' o' g' p' g' t' " w' p' q' d' u' g' t' x' c' v' g' w' " ² s' w' k' x' d' n' g' g' v' q' d' l' g' e' v' k' h' « e' q' p' e' n' w' t' g" s' w' g' r' c' F' k' t' g' e' v' t' e' l' e' g' f' g' r' c' F' k' x' k' u' k' q' p' f' g' u' w' t' i' g' p' e' g' u' c' x' c' k' l' f' g' u' t' ² x' g' p' v' k' q' p' u' e' q' p' w' t' g' ng" t' g' s' w' ² t' c' p' v' 0

75. Nc" F kt gevteleg" c" f² erct² « n' c' w' f' k' p' e' g' s' w' e' g' m' g' t' g' c' k' l' e' q' p' u' k' f' ² t' ² " r" f' g' o' c' p' f' e' g' d' l' g' ' f' g' l' w' u' k' k' / O' l' w' u' k' k' q' (

80.

Le requérant a-t-il droit à réparation ?

86.