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Arbitration Commission: Decision

Subject: *Appeal submitted on May 19, 2009 on behalf of Force Intersyndicale by Mr. Xavier Campos and Ms. Norma Alicia Roulin-Hernández concerning the elections of 17-18 March 2009 to the Coordinating Council.*

Appeal received: 25 May 2009
Date of decision: 9 June 2009
Receipt of last piece of information requested: 8 June 2009

Decision

The appellants challenge the status of the Office of the High Commissioner for Human Rights (OHCHR) staff body and its eligibility to participate in the elections and to be represented in the Coordination Council, as well as the eligibility of the International Civil Servants Mutual Association (MEC) staff to participate as electors in the Staff Coordinating Council elections. Consequently, the appellants request that the elections to the Coordination Council (held in March 2009) be declared null and void.

The appeal is **rejected** on the following grounds:

1. The Arbitration Commission requested clarification on the status of the staff body of the OHCHR. Confirmation was received from the Assistant Secretary-General, Deputy High Commissioner for Human Rights concerning the exact function of the OHCHR Staff Council. This council does not constitute "a statutory body representing the staff" under the scope of Paragraph 1, Article 1 of Annex I of the Regulations on the Representation of the Staff of the United Nations Office at Geneva. The Arbitration Commission therefore considers that the OHCHR Staff Council performs the same role and functions as a Sectoral Assembly and is therefore eligible for the elections and to be represented in the UNOG Coordination Council. Nevertheless, the Arbitration Commission recommends that the OHCHR modify the misleading term Council in the name of its staff body without delay.
2. The Arbitration Commission requested that the President of the Polling Board confirm the contractual status of the MEC staff. Following the information received, the Arbitration Commission can attest that the staff of the MEC are staff members of the United Nations holding UN staff contracts issued by UNOG and that they have the same privileges and duties. They are therefore entitled to vote under Paragraph 1, Article 1 of Annex I of the Regulations on Representation of the Staff of the United Nations at Geneva.

Geneva, 9 June 2009

[signed]

Enrique FERNÁNDEZ-VERNET
President

Christel ADAMOU
Member

Vanessa BUCHOT
Member

Evelina RIOUKHINA
Member

Raoul SÁNCHEZ
Member

