
Article 8

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Article 8

Text of Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Introductory note

1. During the period under review, there was no significant change in either the interpretation or the application of Article 8. The present study, which follows the structure of the past *Supplements*, however, considers those discussions and actions by the principal organs of the United Nations that relate directly to Article 8. Though the present study focuses specifically on the work of the principal organs of the United Nations and that of the Secretary-General, with regard to the principles of Article 8, the mandates of the principal organs encouraged the other bodies within the United Nations system also to work towards this end.

I. General survey

2. During the period under review, the United Nations, as a whole, continued its work on the improvement of the status of women in the Secretariat. In the context of a financial crisis then affecting the Organization, at the forty-first session of the General Assembly the Secretary-General submitted a progress report on the implementation of the action programme for the improvement of the status of women, which explained that the report came: at a time when the Secretariat faced financial difficulties of a magnitude not previously experienced.¹ Certain measures were put in place to address that concern. Of note, the recruitment plans and targets were frozen, and the national competitive examinations suspended. Those measures remained in place throughout the period under review.

3. Even though the United Nations was experiencing financial crisis and the resultant freeze on recruitment, the plans for reform continued. It was repeatedly emphasized that, notwithstanding those setbacks, women's issues, particularly, should remain a priority.² The Economic and Social Council recommended, in its resolution 1988/17, that the Secretary-General take the necessary steps to ensure that the financial restraints and retrenchment measures did not result in disproportionately negative consequences for women.

4. Although Article 8 directly addresses the need to ensure the eligibility of men and women on equal footing in the work of the principal organs and their subsidiary bodies, in practice, the principal organs have advocated the goals of the Article throughout the United Nations system. For example, the Economic and Social Council, by its resolution 1986/19 affirmed that the full participation of women in the work of the organizations of the United Nations system, especially at policymaking levels, in substantive occupations and in technical cooperation activities, was essential as a means of bringing the experience of women to bear on all aspects of the policies

¹ A/C.5/41/18 (para. 1).

² E/1987/15, p. 35 (para. 14).

and programmes of the organizations that shaped global development. It went on to request the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, and, through him, the other executive heads of organizations participating in the United Nations system, to improve the status of women in those organizations, particularly by strengthening their presence in policymaking positions, substantive occupations and technical cooperation activities, and by creating a climate more conducive to the advancement of women, and to establish accountable management practices to that end.

5. During the period under review, the Nairobi Forward-looking Strategies for the Advancement of Women was repeatedly cited throughout the United Nations system as the conceptual framework for actions towards the advancement of women. Paragraph 358 thereof states, inter alia, that all bodies and organizations of the United Nations system should take all possible measures to achieve the participation of women on equal terms with men at all levels by the year 2000. Progress made to implement those measures should be reported to the General Assembly, the Economic and Social Council, and the Commission on the Status of Women on a regular basis.³ The Assembly noted those recommendations and requested the Secretary-General to take the necessary measures to increase the number of women in posts subject to geographical distribution with a view to achieving, to the extent possible, an overall participation rate of 30 per cent of the total by 1990, without prejudice to the principle of equitable geographical distribution of posts.⁴

6. Also in 1985, the Secretary-General decided to establish a Steering Committee for the Improvement of the Status of Women in the Secretariat to facilitate the implementation of the programme of action and to mobilize the participation of all offices and departments so as to achieve a proportion of 30 per cent of women in the Professional category by the end of the decade.⁵

7. By its resolution 42/220 C the General Assembly endorsed the work programme the Secretary-General set out in his report,⁶ particularly the monitoring of the impact of the restructuring and retrenchment of women in the secretariat. The work programme would be carried out by the Office of Human Resources Management in cooperation with the Coordinator, and would involve, inter alia, the implementation of outstanding recommendations outlined in the reports of the Steering Committee, such as: the introduction of the comprehensive monitoring system; the development of a database on skills inventories and career paths for women; and the development of occupational training programmes for General Service staff based on career path analysis.⁷

8. In 1988, in recommending that each organization adopt specific action programmes, which would highlight the steps to be taken towards the improvement of the status of women in the Secretariat, the Council recalled the provisions of Article 8 of the United Nations Charter.⁸ The Council went on to request that the

³ *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

⁴ GA resolution 40/258 B (para. 3).

⁵ A/C.5/40/30 (para. 26); see also ST/SGB/216 of 7 March 1986.

⁶ A/C.5/42/24 (para. 31).

⁷ Ibid.

⁸ ESC resolution 1988/17.

Secretary-General, as Chairman of the Administrative Committee on Coordination (ACC) report biennially to the Commission on the Status of Women on the progress made by the organizations towards the improvement of recruitment levels, conditions of service, career development, and promotion of opportunities for women.⁹

II. Analytical summary of practice

A. Participation of men and women in the United Nations Secretariat

****1. Provisions concerning participation in any capacity**

2. Provisions concerning participation under conditions of equality

9. During the period under review, there were no provisions reflecting a change in the interpretation or application of Article 8. The following, however, demonstrate a sustained endeavour to permit women and men to participate, under conditions of equality, in the work of the United Nations system. For example, on 18 July 1988, the Under-Secretary-General for administration and management issued an administrative instruction regarding part-time employment. Part-time employment was previously reserved for locally recruited General Service staff members. The administrative instruction broadened the scope of part-time employment by extending it to all categories of staff appointed under the 100 series of the Staff Rules, excluding mission service and other appointments of limited duration.¹⁰

10. Those staff members that were approved to work part-time by the Office of Personnel Services were entitled to a number of benefits, including maternity leave. Part-time staff members requesting maternity leave were afforded many of the same benefits as full-time staff members. However, part-time staff received only one-half the salaries and allowances payable to full-time staff during maternity leave.¹¹

11. The Consultative Committee on Administrative Questions reviewed a study of the attitudes regarding adoption leave that had been requested during the Committee's sixty-first session, in July 1984. The study showed that there was a growing awareness of the need for adoption leave, most organizations permitted adoption leave under pre-existing provisions governing special leave, and many employees did not request that form of leave.

12. In response to the outcome of the survey, the Consultative Committee on Administrative Questions agreed that adoption leave within the United Nations should be handled as special leave, the leave should start from the day the child arrived in the adoptive family, staff members had to provide as much notice as possible of the need to utilize the special leave for adoptive purposes, and staff members would not be obligated to deplete their annual leave prior to requesting special leave.¹²

⁹ Ibid.

¹⁰ ST/AI/291/Rev.1 (para. 1).

¹¹ Ibid. (para. 22).

¹² ACC/1988/12 (paras. 91-94). See also ACC/1985/6 (paras. 112-114).

3. Discussion concerning appointment and promotion of women and conditions of equality

13. In 1984 a woman had been appointed by the Secretary-General to act as Coordinator for the Improvement of the Status of Women in the Secretariat. Her role would be to, *inter alia*, review the situation of women in the Secretariat and to make proposals for its improvement, in the framework of a report of the Secretary-General to be submitted to the General Assembly at its fortieth session.¹³

14. Some delegations considered that the Office of the Coordinator was unnecessary, especially in the time of a financial crisis. One representative expressed his delegation's concern regarding the United Nations actions to institutionalize a department for women's affairs. Specifically, that delegation expressed dismay regarding the additional resources requested to sustain the Office for two years when the post had initially been planned for less than one year. Furthermore, it was stated that any attempt to separate the personnel management function into specialized gender units would be detrimental both to the Organization as a whole and to efforts to improve the status of women.¹⁴

15. Other delegations, however, expressed the opinion that the role of the Coordinator was an important measure for ensuring the improvement of the status of women in the Secretariat. In particular, one delegation observed that the appointment of a female Coordinator would play a positive role, provided that her powers within the Office of Personnel Services were clearly defined.¹⁵

16. Some delegations expressed concern, also, that the Office of the Coordinator for the Improvement of the Status of Women in the Secretariat would conflict with the duties of the Office of Personnel Services, thus creating two heads of personnel: one for men and one for women. One representative stated that nothing should be done to duplicate and inhibit the initiative of the Office of Personnel Services.¹⁶

17. The response of the Coordinator to the concerns of that delegation was that the temporary appointment of a Coordinator for the Improvement of the Status of Women in the Secretariat did not imply the establishment of a separate unit for women. The role of the Coordinator was to support the work of the Office of Personnel Services by proposing and monitoring the introduction of a number of special measures and evaluating them throughout the Organization. It was noted that examining the behaviours of the Secretariat as a whole was the only method to solve the problems facing women in the Organization.¹⁷

18. In 1985, the newly appointed Coordinator outlined a three-stage programme to be completed in two years, by 1987. First, efforts would be made to establish specific goals and effective strategies. In the second stage, the necessary policies would be implemented. Finally, a stage of evaluation, adjustment and integration would be established to formalize a self-sustaining system.¹⁸

¹³ GA resolution 39/245 (para. 5).

¹⁴ A/C.5/40/SR.54 (para. 11).

¹⁵ A/C.5/40/SR.50 (para. 63).

¹⁶ A/C.5/40/SR.59 (para. 25).

¹⁷ A/C.5/40/SR.62 (para. 10).

¹⁸ A/C.5/40/SR.43 (para. 25).

19. In 1986, the Steering Committee made several recommendations to ameliorate the situation of women in the Secretariat, among them, the implementation of a mentoring programme whereby women entering the system could be afforded informal counselling from a more senior staff member. That recommendation was discussed by the Secretary-General in a report to the Fifth Committee.¹⁹ He acknowledged that new staff members, particularly women, found difficulty in becoming familiar with the inner workings of the Organization. He went on to say that more emphasis would be paid to newly recruited women, whereby veteran staff members would provide them with informal guidance.²⁰

20. In a note to the Fifth Committee, staff representatives of the United Nations system indicated that a 1978 target of 25 per cent representation of women in Professional posts subject to geographical distribution, set by the General Assembly, had not been realized until 1987. They went on to state that while 43.9 per cent of the staff was made up of women, 81.1 per cent of women staff were in the General Service category. Further, recommendations made by the Steering Committee and approved by the Secretary-General had remained unfulfilled. Finally, they suggested, *inter alia*, that affirmative provisions should be instituted where targets were not being met.²¹

****B. Participation in other United Nations organs**

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¹⁹ A/C.5/41/18 (para. 28).

²⁰ Ibid.

²¹ A/C.5/42/37 (paras. 49-50).