

**Repertory of Practice of United Nations Organs**  
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*Repertory of Practice of United Nations Organs*)  
**Volume I**

**ARTICLE 8**

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## 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. At the outset of the period, the Fourth World Conference on Women was held in Beijing, China. The Conference led to the adoption of the Beijing Declaration and Platform for Action which gave a fresh and strong impetus to the improvement of the status of women within the United Nations system. From 1995 to 1999, the advancement of women in the United Nations system was not only a policy priority but became an integral part of human resources management, policies and procedures and of the overall efforts of the Organization to achieve gender equality, development and peace. Full compliance with Article 8 in all aspects of the work of the Organization was considered as an imperative, not only for reasons of equality, but also to enhance Secretariat effectiveness and the credibility and the leadership role of the United Nations in advancing the status of women worldwide.<sup>1</sup> The present study follows the structure of past Supplements and focuses on the work of the principal organs of the United Nations and the Secretary-General.

### I. GENERAL SURVEY

2. The financial crisis faced by the United Nations, low staff turnover, recruitment freezes and the downsizing of the Organization had a continuing<sup>2</sup> negative impact on recruitment at all levels.<sup>3</sup> However, efforts were made to ensure that women were not disproportionately affected.

3. During the period under review, the relevant paragraphs of the Beijing Declaration and the Platform for Action were the conceptual framework for actions towards the advancement of women and were reaffirmed in several documents.<sup>4</sup>

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<sup>1</sup> E/CN.6/1995/7, para. 19; E S C resolution 1995/28; G A resolution 50/164; A/51/304, para. 33; ST/SGB/282, para. 1.

<sup>2</sup> See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 2.

<sup>3</sup> E/CN.6/1996/7, para. 9; A/51/180, para. 4; A/51/304, paras. 3 and 11; E/CN.6/1997/7, para. 8; A/52/408, para. 19; E/CN.6/1998/3, para. 42.

<sup>4</sup> A/50/691, para. 45; A/53/30, para. 291 (a); G A resolutions 50/164, 51/67; 52/96; 53/119; 54/139.

4. The Secretary-General continued<sup>5</sup> to report annually to the Commission on the Status of Women (CSW)<sup>6</sup> and to the General Assembly<sup>7</sup>. The Assembly continued to pass at least one resolution on the improvement of the status of women in the Secretariat every year<sup>8</sup>.

5. The Fourth World Conference on Women<sup>9</sup> called on the Secretary-General to establish a high-level post to help ensure the system-wide implementation of the Platform for Action. In March 1997, the Special Advisor of the Secretary-General on Gender Issues and Advancement of Women was appointed at the level of an Assistant Secretary-General. One of the functions of that position was to provide advice to women staff members on contractual and career development issues and matters pertaining to the workplace.<sup>10</sup>

6. The Steering Committee for the Improvement of the Status of Women in the Secretariat continued to provide support and guidance as an advisory body to the Secretary-General.<sup>11</sup> To reaffirm the importance of the principle of gender equality, revised terms of reference were issued for the Steering Committee (in June 1999).<sup>12</sup>

7. The authority of the Focal Point for Women in the Secretariat was increased to enable the development and further monitoring of the implementation of the Strategic Plan of Action.<sup>13</sup> The Focal Point was transferred from the Office of Human Resources Management to the Office of the Special Adviser on Gender Issues.<sup>14</sup> Since 1994, a network of departmental focal points assisted the Focal Point for Women in the Secretariat. The departmental focal points worked with department heads to monitor policy implementation and alert the Focal Point to problems encountered by women in their respective departments<sup>15</sup> and participated in departmental panels to advise the heads of departments on the selection of staff in the Professional category.

8. In 1996, the Focal Point for Women started issuing the newsletter NETWORK. It provided a forum for discussion on issues of gender and communicated the latest news,

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<sup>5</sup> See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 4.

<sup>6</sup> E/CN.6/1995/7; E/CN.6/1996/7; E/CN.6/1997/7; E/CN.6/1998/8; E/CN.6/1999/5.

<sup>7</sup> A/50/691; A/51/304; A/52/408, A/53/376; A/54/405.

<sup>8</sup> G A resolutions 50/164, 51/67, 52/96, 53/119, 54/139.

<sup>9</sup> A/CONF.177/20, para. 326 (a new high-level post should be established in the Office of the Secretary-General).

<sup>10</sup> A/53/376, para. 48; A/54/405, para. 38.

<sup>11</sup> See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 6; A/50/691, para. 22.

<sup>12</sup> ST/SGB/1999/9; the Committee is formed by 12 senior staff members and chaired by the Special Adviser on Gender Issues: A/54/405, para. 26; ST/SGB/1999/9, para. 4.1.

<sup>13</sup> E/CN.6/1995/7, para. 4.

<sup>14</sup> E/CN.6/1997/7, para. 4; A/52/408, para. 22:

<sup>15</sup> Revised terms of reference for the departmental focal points were issued in December 1999: ST/SGB/1999/19.

regulations, statistics, post availability, and other developments to staff of the global Secretariat.<sup>16</sup> The Focal Point for Women was also made a member of ORIGIN, a network of senior human resource management and specialists on gender issues within and outside the United Nations system. It provided a forum for exchanging ideas and was used to circulate vacancy announcements and to identify women for senior positions.<sup>17</sup>

9. The Administrative Committee on Coordination (ACC) decided to establish the Inter-Agency Committee on Women (IACWGE) as a standing committee<sup>18</sup>, to address, on a system-wide basis, all aspects of the implementation of the Platform for Action, as well as questions relating to the improvement of the status of women within the United Nations system.<sup>19</sup>

10. The Fourth World Conference on Women called on the United Nations to achieve overall gender equality, particularly at the Professional level and above, by the year 2000.<sup>20</sup> The primary goal of the Secretary-General continued to be the achievement of 50/50 gender balance in professional posts subject to geographical distribution by the year 2000, as established by the Strategic Plan of Action.<sup>21</sup> In 1998, the Assembly decided to extend this goal to all categories of posts and not only to those subject to geographical distribution, especially at the D-1 level and above.<sup>22</sup>

11. During the period under review, it was emphasized that gender equality signified not only the pursuit of numerical targets (quantitative aspect) but also the establishment of a

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<sup>16</sup> Issued quarterly and distributed system-wide: E/CN.6/1997/7, para. 20; A/52/408, para. 41; A/53/376, para. 34.

<sup>17</sup> A/52/408, para. 36; A/53/376, para. 35. Another effective means of reaching a broad audience was the creation of the website WomenWatch ([www.un.org/womenwatch](http://www.un.org/womenwatch)), launched by the Division for the Advancement of Women, UNIFEM and INSTRAW, providing links to websites containing information on all external vacancies maintained by the Secretariat and other organizations of the common system: A/53/376, para. 36.

<sup>18</sup> See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 8.

<sup>19</sup> ACC/1996/4, para. 48; first session held in October 1996 (ACC/1996/22). In 1998, the International Civil Service Commission (ICSC), under its standing mandate to review the status of women, analyzed information and made proposals to improve the situation: A/53/30, paras. 275 and 292.

<sup>20</sup> A/CONF.177/20, para. 193 (a) and (c). In para. 190 (j) of the same document, Member States were called upon to aim at gender balance on the lists of national candidates nominated for election or appointment to United Nations bodies.

<sup>21</sup> Section IV of the Secretary-General's report A/49/587, para. 32; confirmed in G A resolution 51/67, para. 3; E/CN.6/1997/7, para. 10. Also compare *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 11.

<sup>22</sup> In its resolution 52/96, para. 2; reaffirmed in G A resolutions 53/119, para. 2; 54/139, para. 2; E S C resolution 1998/11, para. 8; A/53/376, para. 1. At the end of the period, it became clear that this target has been very useful in keeping up the momentum, but it would not be met by 2000: G A resolution 54/139, para. 3; A/54/405, para. 6.

gender-sensitive work environment (qualitative aspect), free from harassment and conducive to the equal participation of women and men in the Organization.<sup>23</sup>

12. With respect to the United Nations system, the Platform for Action called for the integration of a gender perspective into all policies and programs through mainstreaming actions.<sup>24</sup> Soon a link between the institutional dimension of gender balance and the policy and programme dimension of gender mainstreaming was realized.<sup>25</sup> Gender mainstreaming required an institutional culture conducive to implementation of this strategy. Consequently, the status of women in the Secretariat became an essential indicator for mainstreaming a gender perspective into all programs.<sup>26</sup>

13. During the period under review, the Strategic Plan of Action<sup>27</sup> remained the guiding program for the advancement of women, formed part of a comprehensive approach requiring major changes in the United Nations' management culture. The integrated human resources management strategy, built around hiring, placing, promoting and maintaining the best staff for the Secretariat, was the most effective means of improving the status of women.<sup>28</sup>

14. The special measures continued to be important tools.<sup>29</sup> In 1996, the work of an interdepartmental task force resulted in the issuance of a new administrative instruction that consolidated in a streamlined format all existing measures on achieving gender balance.<sup>30</sup> To further strengthen their applicability, a working group reviewed and revised the special measures. In 1999, a revised administrative instruction was issued, clarifying the provisions, including enhanced mechanisms for monitoring their implementation and for ensuring accountability of managers.<sup>31</sup>

15. In 1998, the Secretary-General decided that heads of departments and offices should develop departmental action plans to supplement the Strategic Plan of Action. This decision was made in view of the importance of managerial commitment and accountability to the

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<sup>23</sup> A/52/408, para. 6; A/53/376, para. 32; including policies for flexible working time, childcare and elder-care needs, more comprehensive information on spouse-employment opportunities, and the expansion of gender-sensitivity training – G A resolutions 52/96, para. 7; 54/139, para. 15.

<sup>24</sup> A/CONF.177/20, paras. 308, 309 and 326; A/50/744, para. 38.

<sup>25</sup> E/CN.6/1997/7, para. 21.

<sup>26</sup> E/CN.6/1997/7, para. 27. See also E/CN.6/1997/2.

<sup>27</sup> Section IV of the report of the Secretary-General A/49/587.

<sup>28</sup> E/CN.6/1995/7, para. 3.

<sup>29</sup> E/CN.6/1996/7, para. 12.

<sup>30</sup> ST/AI/412 on special measures for the achievement of gender equality; at the same time, the Secretary-General's bulletin ST/SGB/282 on policies to achieve gender equality in the United Nations was issued.

<sup>31</sup> A/53/376, para. 25 as implemented in ST/AI/1999/9.

achievement of gender equality.<sup>32</sup> The objective of these plans would be to develop concrete and practical strategies on a department by department basis for implementing the goal of gender balance in the global Secretariat.<sup>33</sup>

16. Managerial accountability was identified as a key component in the improvement of the status of women. Therefore, during the institutionalisation of the new performance appraisal system, gender targets were identified as a mandatory performance dimension to be taken into account.<sup>34</sup> In addition, the establishment and implementation of gender action plans would also provide the Secretary-General with an important tool for ensuring the accountability of individual managers.<sup>35</sup>

17. It became clear that the cooperation of Member States was one of the most important elements in the pursuit of gender balance.<sup>36</sup> The Special Adviser and the Focal Point regularly requested the assistance of Member States in identifying women candidates, in particular from developing countries.<sup>37</sup> The Assembly encouraged Member States to support the efforts of the United Nations system to achieve the goal of 50/50 gender distribution, especially at the D-1 level and above;<sup>38</sup> Member States were also encouraged to identify women candidates for peacekeeping missions.<sup>39</sup>

## **II. ANALYTICAL SUMMARY OF PRACTICE**

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

#### **1. PROVISIONS CONCERNING RECRUITMENT, APPOINTMENT AND PROMOTION UNDER CONDITIONS OF EQUALITY**

18. The participation of women in policy level and decision-making positions was an issue under consideration during the period.<sup>40</sup> Statistics revealed that the largest number of women

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<sup>32</sup> A/53/376, para. 30; A/54/405, para. 40; as requested in G A resolution 53/119, para. 7.

<sup>33</sup> E/CN.6/1999/5, para. 23; A/54/405, para. 27; implemented in ST/AI/1999/9, para. 4.1.

<sup>34</sup> A/50/691, para. 27; E/CN.6/1997/7, para. 14; A/52/408, para. 28. Regarding the importance of accountability see A/53/30, para. 289; or the requests in G A resolutions 52/96, para. 6; 53/119, para. 5; 54/139, para. 9; heads of departments will be accountable for the implementation of the special measures: ST/AI/1999/9, para. 4.1

<sup>35</sup> A/53/376, para. 30; E/CN.6/1999/5, para. 23; A/54/405, para. 27.

<sup>36</sup> E/CN.6/1995/7, para. 1; A/50/691, para. 56; A/52/408, para. 45; A/53/376, para. 63; also see the Beijing Platform for Action: A/CONF.177/20, para. 190 (j).

<sup>37</sup> A/54/405, para. 31.

<sup>38</sup> G A resolutions 50/164, para. 11; 51/226, para.8; 52/96, para. 9; 53/119, para. 11; 54/139, para. 18.

<sup>39</sup> G A resolutions 53/119, para. 12; 54/139, para. 19; A/54/405, para. 30.

<sup>40</sup> See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 16.

was found at the P-3 level, whereas for men it was at the P-4 level.<sup>41</sup> While progress had been made, however, the representation of women at the senior levels remained low.

19. As of June 1999, women's representation had increased to 38.1 per cent of staff on posts subject to geographical distribution. At the D-1 level and above, women's representation had increased to 29.1 per cent. In the larger population of staff on appointment of one year or more, the percentage of women in the Professional and higher categories was 35.8 per cent, and at the D-1 level and above, it was 24.4 per cent.<sup>42</sup>

20. To expand the pool of women candidates for selection to higher-level positions, in February 1998, the external circulation of all vacant posts at the P-5 to D-2 levels was required.<sup>43</sup> Another measure to increase the pool of women candidates remained the eligibility of women for internal vacancies. Women holding an appointment of any type at the P-3/L-3 or P-4/L-4 levels (also if serving with a specialized agency) and who had been in the service of the Organization for a cumulative period of at least one year accrued over the two years preceding the application, could apply and be considered as internal candidates.<sup>44</sup> To further increase the number of women considered for promotion, the cumulative seniority provisions were reaffirmed.<sup>45</sup>

21. In general, the special measures provided that vacancies in the Professional category and above should be filled by a female candidate if her qualifications met the requirements for the post and were substantially equal to those of competing male candidates. When the qualifications of a woman candidate matched the requirements and the department recommended a male candidate, it had to document in writing how the qualifications of the candidate were superior to those of the female candidate.<sup>46</sup> This policy also applied to temporary assignments to higher-level posts<sup>47</sup> and to mission service<sup>48</sup>. Moreover, in the case of recruitment over the normal maximum desirable range for a given country, such exceptional cases should be considered more favourably when a woman had been recommended.<sup>49</sup>

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<sup>41</sup> A/53/376, para. 11; A/54/405, para. 11.

<sup>42</sup> A/54/405.

<sup>43</sup> A/53/376, para. 31; ST/AI/1999/9, para. 1.3 (with the exception of the P-5 language posts).

<sup>44</sup> ST/AI/1999/9, para. 1.4. See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 16.

<sup>45</sup> ST/AI/1999/9, para. 1.6. See, *Repertory, Supplement No. 8*, vol. I, under Article 8, para. 17.

<sup>46</sup> ST/AI/1999/9, para. 1.8.

<sup>47</sup> ST/AI/1999/9, para. 2.2.

<sup>48</sup> ST/AI/1999/9, para. 2.3.

<sup>49</sup> ST/AI/1999/9, para. 1.8. (f).

22. In 1999, women comprised 54.9 per cent of the General Service category;<sup>50</sup> by then, most of the Organization's programs of staff development and training were available to Professional and General Service staff (e.g. information technology, language, collaborative negotiation skills, United Nations administration).<sup>51</sup> In 1996, on a trial basis, general service staff members were allowed to take the P-3 national competitive exam when they met the requirements as to education, experience and nationality.<sup>52</sup>

## 2. PROVISIONS CONCERNING EQUALITY IN THE WORK ENVIRONMENT

23. During the period under review, the qualitative aspect of gender equality was also considered important. The Assembly repeatedly requested the Secretary-General to continue his work to create a gender-sensitive work environment supportive of the needs of his staff, including through the development of policies for flexible working time/workplace, family leave, child-care and elder care needs, as well as through training, and through further development of a policy against sexual harassment.<sup>53</sup>

24. In January 1995, a Joint Advisory Committee Task Force on Harassment in the workplace was established to examine the effectiveness of the Organization's policies aimed at eliminating sexual harassment. The task force recognized that the creation of a safe work environment required that the concept be expanded to address all forms of harassment in the workplace.<sup>54</sup> The task force found that insufficient data was available on incidents of harassment in the workplace. To fill that gap a survey questionnaire was developed to assess staff members' perceptions of their workplace and to ascertain their knowledge of existing policies for dealing with harassment.<sup>55</sup>

25. As part of the effort to create a gender-sensitive work environment, in 1996, an inter-agency task force was established to address work/life issues (flexible working time/workplace, childcare and elder care, family leave policies, domestic partnership issues).<sup>56</sup> To reconcile the issues of work and family responsibilities, the Secretary-General endorsed a family leave program, with the following provisions: sick leave to be used to

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<sup>50</sup> A/54/405, para. 21.

<sup>51</sup> E/CN.6/1997/7, para. 24.

<sup>52</sup> ST/AI/412, para. 12.

<sup>53</sup> G A resolutions 51/226, para. 2; 52/96, para. 7; 53/119, para. 8; 54/139, para. 15; also see the commitment of the Secretary-General: ST/SGB/282, para. 3; E/CN.6/1997/7, para. 3; A/53/376, para. 32; ST/SGB/1999/9, para. 2.1.(c).

<sup>54</sup> A/50/691, para. 28; A/52/408, para. 31; also see the General Assembly requested policies against harassment, including sexual harassment, in its resolutions: 53/119, para. 9; 54/139, para. 16.

<sup>55</sup> A/50/691, para. 29; A/52/408, para. 32;

<sup>56</sup> E/CN.6/1997/7, para.12; A/52/408, para. 34; A/54/405, para. 35.

attend to family-related emergencies; partial conversion of maternity leave to paternity leave in dual-career families where both spouses are Secretariat staff members; special leave as a parental leave for up to two years; and provisions for special unpaid leave for staff members to respond to serious family matters.<sup>57</sup>

26. In addition, gender training was considered as critical. Specific training on gender issues and gender mainstreaming were increasingly incorporated into the Secretariat's programs of training and staff development, including training tailored to the needs of the departments/offices/regional commissions. Moreover, gender training was designed to help develop greater awareness regarding gender balance and a gender-sensitive work environment. These initiatives were designed to change the organizational culture and to enhance its ability to better address issues of gender-based discrimination and sexual harassment.<sup>58</sup>

## **B. Participation of men and women in other United Nations organs**

27. Most of the relevant documents continued to refer to the United Nations system and not only to the Secretariat.<sup>59</sup> In fact, efforts to achieve gender balance were under way in many parts of the common system.<sup>60</sup> During the period under review, the members of the ACC reaffirmed their commitment in this regard twice.<sup>61</sup> In 1995, they recommitted themselves to ensuring that the advancement of women was a policy priority;<sup>62</sup> emphasis would be placed on clear, short-term targets, preferably at the level of organizational units.<sup>63</sup> With respect to the promotion of a supportive work environment, organizations would consider the introduction of measures related, inter alia, to work/family issues and those organizations, which had not already done so,

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<sup>57</sup> Amending staff rules 105.2; 106.2; 106.3; A/52/438; A/52/574, para. 5; E/CN.6/1998/8, para. 10; as requested in G A resolution 51/226, para. 3 (without creating supplementary leave entitlements).

<sup>58</sup> E/CN.6/1997/7, para. 22; A/54/405, para. 32; ST/AI/1999/9, para. 3.1.

<sup>59</sup> See, *Repertory, Supplement No.8*, vol. I under Article 8, para. 23; e.g. G A resolution 52/96, para. 2; E/CN.6/1997/7, para. 27; G A resolutions 53/119, para. 2; 54/139, para. 2; E S C resolution 1998/11, para. 8 referring to the United Nations system.

<sup>60</sup> A/52/408, para. 21; A/53/30, para. 276.

<sup>61</sup> See the statements by the ACC in the Annex to A/50/691; and in Annex I to A/53/376.

<sup>62</sup> Annex to A/50/691, para. 1.

<sup>63</sup> *Ibid.*, para. 3.

<sup>64</sup> *Ibid.*, paras. 6 and 7.

<sup>65</sup> Annex I to A/53/376, para. 2.

<sup>66</sup> G A resolutions 52/96, para. 10 and 53/119, para. 13; see also E/CN.6/1997/2.

<sup>67</sup> A/54/405, para. 25. Furthermore, the ICSC – as decided in A/53/30, para. 290(a) – issued a booklet containing data for the common system as of December 1996: A/54/405, para. 25.

were encouraged to introduce appropriate procedures to combat sexual harassment.<sup>64</sup> In 1998, the members of ACC reiterated their commitment to uphold the principles of the Charter by promoting gender equality.<sup>65</sup>

28. The Economic and Social Council and the General Assembly requested that statistics on the number and percentage of women in all organizational units and at all levels throughout the United Nations system, be provided to intergovernmental bodies.<sup>66</sup> Consequently, at the end of the period, the report of the Secretary-General also contained statistics on gender distribution of staff at the Professional and higher levels in all organizations of the United Nations system.<sup>67</sup>