

## Resolution No. 6

### RESOLUTION ON THE RIGHTS OF INTERNATIONAL CIVIL SERVANTS

#### Preamble

The Federation of International Civil Servants' Association,

Considering that the international civil servants of the United Nations system have the same rights and freedoms which have been recognized for all human beings in the United Nations Charter, the Universal Declaration of Human Rights and the other international instruments concerning human rights adopted under the auspices of the United Nations.

Recalling that the civil servants of the United Nations system subscribe to a declaration, by which they undertake to exercise their functions in all loyalty, discretion and conscience and to regulate their conduct with the interests of their organization only in views,

Taking into account the relevant provisions of the United Nations Charter, the constitutions and the staff regulations and rules of the organizations belonging to the United Nations system,

Aware of the high mission of the civil servants of the United Nations system in the service of the community of nations and of their peoples,

Adopts the present resolution on the rights of international civil servant of the United Nations system in order that the civil servants, their associations and unions, their organizations and the Member States may seek by all appropriate means to apply and to enforce its provisions:

#### **Article 1 – Right to personal Security**

1. International civil servants have the right in all circumstances to the protection of their personal safety, that of their family and of their property.

2. The authorities of the country where a civil servant is for official reasons shall provided all necessary protection, in accordance with international law, against any act of violence on the part of agents of government or private individuals.
3. The organization to which the international civil servant belongs shall assure the safety of the place of work and take all necessary measures, in collaboration with national and local authorities, for special protection during emergency situations endangering his or her life or property.
4. Any civil servant who is arbitrarily arrested or detained by national or local authorities, or submitted to torture or cruel, inhuman or degrading treatment or punishment by such authorities has the right to the most vigorous intervention at the highest level of his or her organization in order to obtain his or her release, in addition to other forms of protection to which he or she is entitled in any case by virtue of the principle of functional protection under international law.

#### **Article 2 – Independence**

1. The independence of international civil servants and the international character of their functions shall be respected in all circumstances.
2. International civil servants are entitled to the protection of their organization against any interference or attempts to interfere in the exercise of their functions or in their relations with the administration from the authorities of any country, including the country of which they are or have been a national.
3. International civil servants who are or become stateless, within the meaning of the Convention of the Status of Stateless Persons of 28 September 1954, or refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 1967, shall not suffer in their career development because of their change in status and shall be defended by their organization against any measures one or several governments may take concerning them, in particular by attempting to influence the Executive head to put an end to their contract.

#### **Article 3 – Non Discrimination**

1. In their recruitment, promotion and relations with their administration, international civil servants shall be treated without discrimination based on sex, colour, race, social origin, religion, wealth, political opinion or any other situation unrelated to the exercise of their professional responsibilities.

2. The criterion of nationality may be taken into account only at the level of recruitment and exclusively with a view to achieving as broad as geographical distribution of secretariat members as possible, provided, however, that overriding importance be given to the criteria of the highest standards of efficiency, competence and integrity.
3. The nationality of an international civil servant shall not be a consideration in any decisions affecting his or her career.

#### **Article 4 – Right to an effective Remedy**

1. International civil servants have a right to an effective remedy for the protection of their rights as recognized in the Charter of the United Nations, the General Convention of privileges and Immunities, the Constitution and Headquarters agreements and the staff rules and regulations of their organizations and in the present resolutions and other relevant instruments. This remedy may be provided through judicial or other organs created within their organization.
2. Whenever staff members wish to contest an administrative decision, they have a right to appeal before an internal body, in accordance with the organization's staff rules and regulations and, after exhausting all internal remedies, before the competent administrative tribunal.
3. Staff rules and regulations, the statutes of international appeals bodies and all other pertinent texts shall recognize as a minimum the following principles, the right for the staff members to communication of all documents bearing upon the decision appealed against, the free choice by the staff member of his or her representative, and the right of the interested staff association or union to intervene.

#### **Article 5 – Right to respect of privacy**

1. International civil servants have the right to respect of their privacy and of the confidential nature of their relations with the administration of their organization, as well as of their personal correspondence, medical matters and telephone conversations.
2. There can be only one personal file on each international civil servant which must contain all documents concerning his or her administrative situation. No decision can be made concerning him or her on the basis of documents not in

this file or on oral testimony. The staff member must be able to consult his or her file even after separation or retirement. Only those supervisors requiring the file for evaluations purposes, internal appeals bodies and administrative tribunals can examine it, and must guarantee full respect for its confidentiality. No mention can be made in the file of whatever bears essentially on the private life of the staff member. The documents bearing on the staff member's private file which are necessary for the various benefits to which he or she may be entitled may not under any circumstances be communicated with the personal file to the authorized to examine this file for other purposes.

3. Information requested on applications for employment may only concern the identity and professional qualification of the prospective staff member.

#### **Article 6 – Right of correction**

1. The staff member shall be notified of any new document added to his or her file and of any information included in a data bank or other data retrieval system.
2. The staff member has a right to request rectification of any errors in any data bank or the personal file and withdrawal of documents not related to his or her professional life. The decision taken on such a request may be appealed.

#### **Article 7 – Freedom of opinion**

1. International civil servants have the right to freedom of opinion, conscience and religion, including the right not to suffer in their career because of their opinions or beliefs and the right to express their opinions by voting in their country of origin, as well as the right to belong to the political party of their choice.
2. The exercise of this right is limited by the duty of loyalty which the international civil servant has to the organization, and by virtue of which he or she is prohibited from accepting any instructions from any other authority or exercising any political rights in a way manifestly prejudicial to the organization.
3. International civil servants have freedom of religion, which implies that their organization shall provide the necessary conditions for them to be able to observe religious holidays and to respect ritual obligations.

**Article 8 – Freedom of expression**

1. International civil servants have the rights to freedom of expression; this right includes freedom to seek, receive and impart information and ideas through any oral, written, printed, artistic or other medium.
2. The exercise of the right to freedom of expression is limited by the duty of discretion, according to which international civil servants may not divulge without authorization information known to them by reason of their official position of which has not already been made public, as well as by the general duty of tact and reserve which obliges them to abstain from any act incompatible with their status.

**Article 9 – Security of tenure and career rights**

1. International civil servants whose work is satisfactory in the light of applicable criteria have the right to security of tenure and, provided they have the requisite qualifications, the right to successive promotions enabling them to accede to positions of greater responsibility.
2. In the organizations which distinguish between categories of staff, particularly between the Professional and the General Service categories, the consequences of such distinction which hinder career development shall be eliminated as far as possible.
3. Male and female international civil servants have the right in full equality to jobs corresponding to their qualifications.

**Article 10 – Conditions of work**

1. International civil servants have the right to satisfactory conditions of work as regards, in particular hours of work, working hours, paid annual leave, home leave, official holidays, weekly rest, rest periods and compensation for overtime work, night work on official holidays and accumulated leave.

**Article 11 – Just remuneration**

2. International civil servants have the right to just remuneration corresponding to the level of their responsibilities and the difficulties of the tasks they perform.

3. Male and female international civil servants have the right to equal pay for work of equal value.

#### **Article 12 – In-service training – Study-time entitlement**

1. International civil servants are entitled to the necessary time and facilities for in-service training and for the development of their knowledge and skills, including in fields which are not directly related to their work, and for personal enrichment.
2. They have the right, subject to the requirements of service, to study leaves, without jeopardizing their position in the organization on return.

#### **Article 13 – Family responsibilities**

1. International civil servants have the right to working conditions, facilities and benefits which will enable them to discharge their family duties to their children and other dependants, and in particular to maternity and paternity leave, to leave in case of sickness of children or other dependants, to access for their children to nurseries, day-care centres, schools and universities, to family allowances and to an equitable compensation of the additional expenditures incurred because of their family responsibilities.

#### **Article 14 – sickness**

2. International civil servants have the right to adequate security against the effects of sickness or accident.
3. This right includes the right to sick leave and the prohibition of non-renewal of a contract during or because of sickness, except in case of permanent incapacity. In the latter case, the incapacitated staff member is entitled to adequate compensation.
4. International civil servants and pensioners have the right to an adequate health insurance scheme. This scheme must apply to the international civil servants of all categories and to pensioners, as well as to their dependants.

**Article 15 – Pension on retirement**

1. Upon reaching retirement age, the international civil servant has a right to a pension based on length of service and the responsibilities assumed, to the protection of purchasing power in the place of retirement and protection against the effects of inflation and fluctuations in the unit of account.
2. The international civil servant has the right to an early retirement in accordance with the rules established jointly between the administration and the representatives of active and retired staff.

**Article 16 - Freedom of assembly and association**

1. International civil servants have the right to freedom of assembly and associations: this right includes the right to form and join the staff association or union of their choice.
2. In exercise of their right to freedom of association, international civil servants are entitled, insofar as their functions allow:
  - a) to have at their disposal free and adequate premises and other facilities for the activities of their association or union, and
  - b) To have the necessary time and facilities to hold meetings during working hours and to attend meetings and participate in activities, including union training, away from the duty station.

**Article 17 – Collective bargaining and participation**

1. International civil servants have the right to participate in decision-making relating to their working conditions.
2. Administrations shall encourage joint consultations and make provision for the establishment of suitable procedures for negotiations, conciliation and arbitration of work disputes.
3. International civil servants' associations and unions have the right of access to the governing bodies of their organizations, which may include the right to speak and to distribute documents setting forth their views.

**Article 18 – Collective action**

1. International civil servants have the right to take collective action in case of dispute with the administration.
2. The collective action mentioned in the previous paragraph may not be undertaken until all possible recourse and attempts at a friendly settlement have been exhausted and in no case can they involve violent action or measures which endanger or might endanger the life and safety of others.

**Article 19 – Duties**

1. In the exercise of their rights and in the enjoyment of their freedom, international civil servants shall always keep in mind their duty to maintain the highest standards of efficiency, competence and integrity and their mission to serve the peoples of the United Nations in accordance with the aims and purposes of the organization.

**Article 20 – Interpretation**

2. Nothing in the present resolution may be construed as limiting or affecting human rights which may be recognized as applicable to international civil servants by conventions, regulations or other instruments of a local, national or international character.
3. The limitations of the rights of international civil servants stipulated in the present resolution shall be interpreted as restrictively as possible.
4. In case of doubt as to the interpretation of any of the provisions in the present resolution, the Universal Declaration of Human Rights, the International Covenants on Human Rights, international labour standards and other human rights instruments already existing or adopted after the proclamation of the present resolution, shall be used as guidance in determining the rights of international civil servants.