



## UN-GLOBE'S POSITION PAPER ON MOBILITY – July 2013

UN-GLOBE asks that any mobility scheme take into account the potential impact on lesbian, gay, bisexual and transgender (LGBT) staff members.

**First**, the classification of duty stations into “family” and “non-family” does not automatically apply for LGBT staff for two main reasons.

One – a staff member can be in a same-sex marriage or partnership that remains unrecognized by the staff member’s employer, simply because a majority of UN system organizations grant recognition only with the consent of the staff member’s country of nationality. If the staff member is from a country which refuses to give that consent, he or she remains single for all administrative purposes (salary, moving allowances, retirement, disability and death benefits, health insurance, etc.). This is not the policy in place for opposite-sex marriages, which are recognized without consultation of the staff member’s country of nationality, even if performed outside that country. If a same-sex spouse or partner is not recognized by the staff member’s employing organization, all duty stations become *de facto* non-family duty stations for that staff member and his or her dependants. As a note by UNAIDS to the meeting of the Human Resources Network of the Chief Executives Board for Coordination (CEB/2009/HLCM/HR/44) states:

“The mechanisms in place to assist staff in relocating with their families cannot be applied to those staff members whose spouses are not officially recognized by the Organization. The additional financial hardship and the difficulty to install a non-recognized spouse when moving from one duty station to another, including obtaining residential permits and providing appropriate security and health care, present considerable obstacles to the staff mobility of all agencies who have such a scheme and impacts the UN System’s competitiveness as an employer.”

Two – In a number of so-called family duty stations, LGBT staff are denied the ability to bring in their UN-recognized spouses or partners because either a) the host country does not recognize the staff member's spouse or partner as a family member and refuses to grant him or her a residence permit, or because b) the country is so hostile to LGBT individuals that safety considerations make it inadvisable for the staff member to be accompanied by a same-sex spouse or partner. Once again, what is supposedly a family duty station becomes a *de facto* non-family duty station for LGBT staff members. The staff member would then be forced to keep dual households.

UN-GLOBE calls for clear procedures, and concerted effort, to ensure that LGBT staff members can bring same-sex spouses or partners recognized by their employers with them to what are classified as family duty stations.

UN-GLOBE calls for recognition that when it comes to so-called family duty stations, LGBT staff members whose spouses or partners are not recognized by the employing organization face mobility problems that their opposite-sex counterparts do not face. LGBT staff members in such situations may be unwilling to suffer physical and emotional separation from their families or, if they are willing to live apart from their families, will do so at considerable financial expense - they may lose out on entitlements, and/or be forced to keep dual households.

**Second**, UN-GLOBE emphasizes that no UN organization should put LGBT staff members or their families in physical danger through excessively rigid enforcement of mobility policies. This can happen when a staff member feels coerced into accepting an assignment to a country hostile to LGBT individuals out of fear that rejection of that assignment could harm or curtail his or her career. A staff member whose sexual orientation or gender identity risks endangering personal or family safety in a particular duty station should not find his or her career advancement damaged by refusal to move to that duty station.

Many LGBT staff members are nevertheless willing to serve in difficult duty stations in the name of service and of career mobility. UN system employers should take account of the fact that those staff members might be at greater personal risk.

**Third**, human resources officers in all duty stations, large or small, should be made fully aware of how administrative policies affect LGBT staff. Lack of knowledge should never lead them to give LGBT staff inaccurate or incomplete information. In keeping with the core values of the United Nations, which include respect for diversity, and with the UN system policies against discrimination and harassment, LGBT staff should also be treated with respect, and never suffer derogatory or discriminatory comments.

Furthermore, UN-GLOBE wishes to caution that administrative dealings regarding the situation of LGBT staff members with the authorities of host countries where homosexuality and/or transsexuality is criminalized or taboo must be handled with care and discretion, so as not to endanger the safety of the staff member, and his or her spouse, partner and/or family.

**Fourth**, UN-GLOBE finds it intolerable that LGBT staff in UN-recognized unions have no automatic assurance that, should the worst happen, their families will receive a survivor pension, rather than just a lump sum. This is entirely due to the practices of the United Nations Joint Staff Pension Fund (UNJSPF), which often disregard the personal status of the staff member, recognized by the employing organization. A staff member considered married, or equivalent to married, by his or her employing organization can be considered

single by UNJSPF, because UNJSPF makes distinctions between a marriage and a partnership, a distinction that the employing Organization does not make. To make a distinction is unfair and unjustified as it does not factor in the fact that a partnership can be the only means for an LGBT individual to officialise his or relationship with a partner. LGBT staff have died in the line of duty, and more will die in the line of duty in future. Their UN-recognized dependants should not be deprived of benefits.

**Fifth**, many peacekeeping missions use off-the-shelf firewall or virus protection software that bars access to certain websites, either by default, or because they have been set up that way. As a result, some LGBT staff members cannot access any website that has the word “gay” in it, even the websites of UN-GLOBE, UN-Cares, or UN-Plus. This risks leaving them feeling isolated and deprived of information. Although in some cases this restriction is imposed by the host country government, more often than not it is the result of the software being in the local control of UN data administrators who take their own decisions. UN-GLOBE asks that such denial of access cease immediately.

**Sixth**, in any evacuation for emergency or security reasons, same-sex partners and other dependants must always be considered as part of the UN family. That a same-sex spouse or partner may have entered the country with his or her own visa, or as household staff— a highly degrading move necessitated by the need to obtain a legal visa— is no excuse.

If all countries honoured their obligations under headquarters agreements to enable staff to bring their families with them if the duty station conditions permitted; if all legal same-sex marriages or partnerships were recognized by the UN system and its Pension Fund; if all UN staff were aware of the content of Secretary-General's Bulletin ST/SGB/2008/5 on discrimination and harassment and its equivalent in other UN system organizations; if all human resources staff knew how administrative policies affected LGBT staff and handled requests from LGBT staff with sensitivity; the effects of mobility for LGBT staff, like their heterosexual counterparts, could be positive.

As it stands, the chances are that they are often negative.

*– UN-GLOBE is a staff group representing lesbian, gay, bisexual and transgender staff in the organizations of the UN system and its peacekeeping operations. –*