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UNITED NATIONS OFFICE ON DRUGS AND CRIME

Division for Management
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Information circular*

Implementation of Secretary-General's bulletin ST/SGB/2004/4 of 20 January 2004 on family status for purposes of United Nations entitlements

1. The attention of the staff is drawn to Secretary-General's bulletin ST/SGB/2004/4 of 20 January 2004 on family status for purposes of United Nations entitlements, which was circulated to the staff in Vienna on 2 February 2004. Additional guidelines from the Office of Human Resources Management on implementation of the new policy are provided in the annex to the present document.

2. Staff members wishing to apply for recognition of their marriage or partnership under the terms of the bulletin should submit their request with supporting documentation to the Chief, Staff Administration Unit, Human Resources Management Service, who will forward it to the Office of Human Resources Management.

* Expiry date: 31 December 2004.

Annex

Implementation of Secretary-General's bulletin ST/SGB/2004/4 of 20 January 2004 on family status for purposes of United Nations entitlements

1. Determination of the family status of staff members, including treatment of a same-sex spouse or domestic partner as an "eligible family member" of a staff member, is made by reference to the law of nationality of that staff member

1. If a staff member has more than one nationality, the determination will be made by reference to the law of the nationality recognized by the Organization under staff rule 104.8 (b).

2. If both same-sex spouses or domestic partners are staff members but of different nationalities, determination of the family status will be made by reference to the national law of the staff member who is entitled to make a claim on account of the spouse or domestic partner under applicable rules.

2. Determination that a same-sex spouse or domestic partner is an "eligible family member" of a staff member

3. Initially, in all cases, requests to treat a same-sex spouse or a domestic partner of either sex as an eligible family member should be forwarded, with supporting documentation translated into English or French, to the Director, Operational Services Division/Office of Human Resources Management. The Office of Human Resources Management will ask the permanent mission to the United Nations of the country of nationality of the staff member to confirm that the laws of that country recognize same-sex marriages or have given legal status to the type of domestic partnership entered into by the staff member and that the marriage or domestic partnership in question is valid under those laws.

4. For a staff member of Netherlands nationality who has entered into a marriage under the Same-Sex Marriage Act, adopted in the Netherlands with an effective date of 1 April 2001, the documentation required will be the original marriage certificate with an appropriate translation into English or French.

3. Benefits and entitlements

5. A staff member whose same-sex spouse or domestic partner has been recognized as an eligible family member will be entitled to the benefits given in respect of a spouse under applicable rules, such as travel to and from the duty station on appointment, assignment, transfer and repatriation, home leave travel, dependency benefits and health insurance.

6. Issuance of visas is governed by the General Convention on Privileges and Immunities. Some host countries may decline to issue an entry visa of the type normally granted to spouses of United Nations officials if a same-sex spouse or a domestic partner is not recognized as a "spouse" under their own laws. The Organization will do its best to assist the staff member and to obtain an appropriate visa but cannot guarantee that it will be possible in every case.

4. Effective date of benefits and entitlements

7. Secretary-General's bulletin ST/SGB/2004/4 defines the applicable principles and the procedures to be followed as at 1 February 2004 and extends to legally recognized domestic partnerships the consistent practice followed by the Organization to determine family status by reference to the law of nationality of staff members.

8. Accordingly:

(a) For same-sex marriages or domestic partnerships concluded on or after 1 February 2004, United Nations entitlements will be payable from the date when the marriage or domestic partnership is recognized by the law of the country of nationality of the staff member, provided the staff member submits his or her request within one year of that date, in accordance with staff rule 103.15 (ii);

(b) United Nations entitlements were not payable to domestic partners before 1 February 2004. Those entitlements will be payable as from that date, provided the staff member submits or re-submits his or her request no later than 31 January 2005;

(c) Claims submitted by several Netherlands staff members having concluded a same-sex marriage under the 2001 Netherlands legislation have been held in abeyance pending the issuance of the more general policy on family status. However, those claims were fully consistent with the existing practice of the Organization to recognize the validity of a "legal marriage" by reference to the law of nationality of a staff member. As a result, United Nations entitlements may be paid in those cases as from the date of the marriage, provided the staff member submitted his or her request within one year of that date.