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THE ROLE OF INTERNAL LAW IN PROMOTING AND PROTECTING GENDER EQUALITY WITHIN INTERNATIONAL ORGANISATIONS: CHALLENGES AND EMERGING TRENDS

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ABSTRACT

Gender equality are a fundamental principle of human rights along with efficient global governance, but it is not fully realised in the internal legal frameworks of international organizations. Strong internal law is necessary to protect women's rights and promote diversity in leadership. Internal law is also necessary to demonstrate that policies being externally professed are being transmitted into everyday practice and decision-making. While there have been policy frameworks implemented to promote gender equality, we still do not know how internal regulations—staff regulations, codes of conduct, grievance procedures, etc., help enforce women's rights in practice. This article aims to analyse the effectiveness of internal legal instruments to promote gender equality in selected international organisations. It also aims to map current frameworks, assess the challenges they contain, and analyse potential emerging trends that may bolster inclusive institutional cultures. A qualitative research methodology is employed, comparative approach, drawing from institutional documents, policy reviews, and case studies. The findings show that while most organisations have formal structures around gender equality in place, there are still considerable gaps in their application, transparency, and leadership diversity. There are zero tolerance and quota policies in most organizations, but structural inertia, liability, and not enough women in senior positions means these are largely irrelevant. However, there are some hopeful trends moving forward that will build upon these frameworks including gender mainstreaming, intersectional approaches to gender equality and digital tools for accountability. The findings suggest that improving internal law through a consistent enforcement tool, and more participative policy processes could greatly improve gender equality efforts.

Keywords: internal law, international organisations, gender equality, human rights, gender policy

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INTRODUCTION

Many people agree believe gender equality is an essential human right and an essential component of sustainable development.² Various internationally recognized legal instruments, including the United Nations Charter, promote equal rights for all genders.³ And the Universal Declaration of Human Rights. While international organisations actively promote these values worldwide, they grapple with the same questions as Member States worldwide when it comes to implementing gender equality within their own functioning.

The internal law of an international organisation may be defined as the body of rules governing the functioning of the organisation⁴. It is instrumental in constructing workplace culture and ensuring equality for employees. These rules cover significant issues like hiring, promotions, sexual harassment policies, and how to deal with grievances. Nevertheless, while many organisations have gender equality policies, they are often undermined by factors such as a lack of accountability, systematic enforcement, and institutional immunity.

In recent years, high-profile scandals and movements like #MeToo have also exposed problems of gender discrimination and misconduct within organisations that typically champion equality in the public domain, upon which many institutions have re-evaluated their own internal legal frameworks. The goal of this article is to discuss the contribution of internal law in international organisations regarding gender equality, examine pertinent challenges encountered in its realisation, and highlight interesting trends and reform around making these organisations more inclusive and accountable.

INTERNAL LAW IN INTERNATIONAL ORGANISATIONS:

International organisations operate under 2 spheres – Internal and External. Activities aimed at the effective operation of international organizations are under the domestic sphere. In contrast, the exterior sphere includes actions meant to guarantee proper relations between member states. The internal law governs the internal sphere. As mentioned above, internal law is the body of rules which governs the functioning of international organisations. It includes broader than employment

² Dr Kumari Nitu and Manvendra Kumar Tripathi, ‘The Role of International Law in Advancing Gender Equality Under the Sustainable Development Goal’ (2022)

³ United Nations, ‘Gender Equality’ (United Nations, 2024) <https://www.un.org/en/global-issues/gender-equality>

⁴ Cedric Ryngaert, ‘Immunities of International Organizations’ (October 2006) Max Planck Encyclopedias of International Law <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e503>

relations. It consists of selecting members, creating guidelines for procedure, relations between members, etc. These internal laws are, of course, not the same for every international organisation. They are created based on the structure and constitution of the organisation. These rules help create a more accountable, responsible and neutral working environment. For example, UN Staff Regulations & Rules regulate the staffing and administration of the employees⁵.

The main source of internal law is the charter or the organization's constituent instrument. As stated in Article 38(1) of the Constitution, it is assumed that the sources of internal law are the same as those of public international law ICJ⁶. But there has been tribunal that has accepted this notion. Therefore, the charter is considered the primary source for internal law.

The main element of internal law is the system of internal dispute settlement which allows employees of any organisation to challenge any decisions that has been made⁷ or get justice for his right being violated. Therefore, for all UN employees, it offers an internal system. It is made up of the UN Appeals Tribunal and UN Dispute Tribunal. In the first instance, a staff member can appear before UN Dispute Tribunal. of an organisation can challenge an administrative decision⁸. The UN Appeals Tribunal the is the second-level appeals court that examines and challenges decisions made by the UN Dispute Tribunal⁹.

INTERNAL FRAMEWORKS PROMOTING GENDER EQUALITY

Many international organisations have adopted internal policies that explicitly promote gender equality. Examples of such policies include zero tolerance policies addressing sexual harassment, equal pay policies, and diversity training. For example, the UN has a zero tolerance policy on sexual exploitation and abuse..¹⁰. The International Labour Organisation (ILO) also advocates for equal remuneration policies in organisations through the Equal Remuneration Convention, 1951 (No. 100) so that women's and men's pay is equal for work of equal value¹¹. Internal policies are essential

⁵ United Nations, 'Staff Regulations and Rules, Including Provisional Staff Rules' (UN Policy Portal, 2024) <https://policy.un.org/en/browse-source/staff-regulations-and-rules-including-provisional-staff-rules-united-nations>

⁶ International Court of Justice, 'Statute of the Court' (ICJ, 2024) <https://www.icj-cij.org/statute>

⁷ United Nations Dispute Tribunal, 'About the United Nations Internal Justice System' (UN Internal Justice, 2024) <https://www.un.org/en/internaljustice/>

⁸ United Nations, 'United Nations Dispute Tribunal' (UN Internal Justice System, 2024) <https://www.un.org/en/internaljustice/undt/>

⁹ United Nations, 'United Nations Appeals Tribunal' (UN Internal Justice System, 2024) <https://www.un.org/en/internaljustice/unat/>

¹⁰ United Nations, 'How to Report Sexual Exploitation and Abuse' (UN) <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/how-report>

¹¹ International Labour Organization, 'Equal Remuneration Convention, 1951 (No. 100)' (ILO NORMLEX, 2024) https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312245

for establishing safer and more equitable workplaces and may also provide examples for national governments and private sector organisations worldwide.

In order to further promote gender equality within international organisations, some organizations have implemented quota systems or devised formal targets to increase representation of women in decision-making and leadership positions. The UN Secretary-General's System-wide Strategy on Gender Parity, for instance, provides concrete guidelines for attaining gender parity at all levels in the UN system by 2028¹². Quotas and targets have been effective in addressing the long-standing disadvantage women have experienced and to ensure that gender diversity is a structural (rather than incidental) element of international governance.

Specialised bodies in international organizations are championing gender equality through gender mainstreaming in policy, program along with decision-making processes. Established in 2010, UN Women works with United Nations agencies as a partner for technical assistance and policy advice and capacity-building to help UN agencies turn their gender equality commitments into practices within the UN system¹³. UN Women is also in charge of setting standards for gender equality, monitoring the agency's implementation, and holding them to their gender equality obligations. Similarly, the ILO Gender Equality and Diversity Branch works with the International Labour Organisation to support internal changes around developing standards, promoting inclusive workplace policies, and training programs on ending discrimination in international labour structures¹⁴. These out-of-body experiences for gender mainstreaming establish gender responsive mechanisms as part of the internal day-to-day business of an international organisation so that gender equality is no longer treated as an external advocacy issue, but engrained in the institutional culture.

CHALLENGES

Despite detailed gender-equality policies, United Nations organizations frequently enjoy a regime of privileges and immunities that can inhibit accountability for wrongdoing. According to Article 5, Section 18 of the Convention on the Privileges & Immunities in the UN¹⁵, the Organisation and its officials were afforded protection from legal action. Though immunity is meant to preserve the

¹² United Nations, 'System-wide Strategy on Gender Parity' (UN Gender Parity) <https://www.un.org/gender/content/strategy>

¹³ UN Women, 'UN System Coordination' (UN Women) <https://www.unwomen.org/en/how-we-work/un-system-coordination>

¹⁴ International Labour Organization, 'Gender Equality and Diversity Branch (GED)' (ILO) <https://www.ilo.org/gender/lang--en/index.htm>

¹⁵ United Nations, *Convention on the Privileges and Immunities of the United Nations* (United Nations, 1946) <https://www.un.org/en/ethics/assets/pdfs/Convention%20of%20Privileges-Immunities%20of%20the%20UN.pdf>

independent functioning of the UN, it can leave victims of harassment or discrimination without appeal to anything outside the UN internal justice system¹⁶. Many reports have shown that staff do not feel confident that they would be protected or justice would be served to them¹⁷. Such barriers make it difficult for the staff members to file a report.

Institutional inertia and ingrained cultural norms continue to obstruct progress toward gender equality¹⁸. Stereotypes about women's leadership roles along with capabilities affect recruitment, promotion and daily operations. While the UN has committed to gender parity in all UN system senior leadership roles by 2028, as of March 2025, women only hold 46.16% of these roles overall, across the UN system¹⁹ which is getting closer to the goal but there are difficulties.

While organizations such as the UN have established formal channels for workplace complaints, issues remain. Cases are often subject to long delays, with decisions made with little transparency and doubts about impartiality. The UN Dispute Tribunal (UNDT) & Appeals Tribunal (UNAT) exist to provide a judicial function over administrative decisions, but with proceedings taking years to resolve, it is not uncommon that no detailed decision is produced publicly²⁰. Furthermore, internal investigators sometimes face institutional pressure to protect the organization above fairness to complainants, particularly in sensitive cases of sexual harassment and discrimination²¹. These problems persist, undermining the credibility of grievance systems, deterring victims from reporting misconduct, and thus maintaining a culture of silence in international organizations.

EMERGING TRENDS

International organisations are increasingly concluding that traditional equality measures are no longer sufficient. New trends and practices are shifting how internal laws are utilised to promote gender equality more effectively and inclusively.

¹⁶ United Nations, 'United Nations Internal Justice System' (UN Internal Justice System) <https://www.un.org/en/internaljustice/>

¹⁷ PassBlue, 'How the UN's Internal Justice System Stifles Whistleblowers' (PassBlue, 12 December 2022) <https://www.passblue.com/2022/12/12/how-the-uns-internal-justice-system-stifles-whistleblowers/>

¹⁸ UN Women, 'Global Gender Equality in 2023: Urgent Efforts Needed to Reach 2030 Goals' (UN Women, 2023) <https://www.unwomen.org/en/news-stories/feature-story/2023/09/global-gender-equality-in-2023-urgent-efforts-needed-to-reach-2030-goals>

¹⁹ United Nations, 'System-wide Strategy on Gender Parity' (UN Gender Parity, 2023) <https://www.un.org/gender/>

²⁰ United Nations, 'United Nations Dispute Tribunal' (UN Internal Justice System) <https://www.un.org/en/internaljustice/undt/>

²¹ PassBlue, 'How the UN's Internal Justice System Stifles Whistleblowers' (PassBlue, 12 December 2022) <https://www.passblue.com/2022/12/12/how-the-uns-internal-justice-system-stifles-whistleblowers/>

One dominant trend is **the mainstreaming of gender and intersectional approaches across all policy-making and organisational management functions**. Designing for gender mainstreaming necessitates taking gender viewpoints into account, implementation, along with evaluation of every Initiative. Intersectionality further recognizes that gender intersects with race, disability, or socio-economic background, which requires more sophisticated policies. The UN has made gender mainstreaming an immediate concern since 1997, through its ECOSOC (Economic and Social Council) Agreed Conclusions²².

Many bodies are now **implementing quotas and benchmarks** for women's participation in leadership along with decision-making positions. Interactive Gender Parity Dashboard developed by the UN Secretariat shows that, following the adoption of a 50% target for senior roles by 2028, progress can be tracked in real time at professional grades and duty stations²³. This type of transparency helps with compliance and offers the opportunity to take corrective action while entities are lagging behind, which increases accountability.

Organisations depend on specialised bodies and **gender focal points to advocate and coordinate** internal gender equality initiatives. The Office for the Focal Point for Women in the UN System serves over 500 Gender Focal Points, supporting them to keep track of parity advances in their agencies, help implement policies and promote gender friendly environments²⁴. This networked strategy provides gender equality expertise in all departments, enhances peer learning and facilitates the quick diffusion of good practices.

In conclusion, **training and capacity building** are essential to maintaining cultural change. UN Women's Training Centre offers a range of Concerning UN Women's priorities & new subjects, high quality training courses, programs, along with assets²⁵ which provide staff with the knowledge and skills. With regular needs assessments and a dedicated eLearning campus, programs are always accessible and relevant to emerging challenges.

²² United Nations Economic and Social Council, 'Mainstreaming the Gender Perspective into All Policies and Programmes in the United Nations System' (ECOSOC, 1997) <https://www.un.org/womenwatch/osagi/pdf/ECOSOCAC1997.2.PDF>

²³ United Nations, 'UN Secretariat Gender Parity Dashboard' (UNITED for GENDER PARITY, 2024) <https://www.un.org/gender/content/un-secretariat-gender-parity-dashboard>

²⁴ UN Women, 'Focal Point for Women and Gender Focal Points' (UN Women, 2024) <https://www.unwomen.org/en/how-we-work/gender-parity-in-the-united-nations/focal-points-for-women>

²⁵ UN Women, 'Training Centre services' (UN Women, 2024) <https://www.unwomen.org/en/how-we-work/capacity-development-and-training/training-centre-services>

CASE STUDIES

INTERNATIONAL LABOUR ORGANISATION

The ILO has focused on equality in the workforce, specifically gender equality through Convention No. 111, where gender discrimination in employment must be eliminated²⁶. It also ensures that employees are protected from any form of harassment or violence through the Violence and Harassment Convention, 2019. It ensures that members take measures and enforce them to prevent harassment in workplace ²⁷.

HEFORSHE INITIATIVE (UN WOMEN)

UN Women initiated the HeForShe campaign in 2014 to encourage boys & men to join the battle for gender parity, encouraging men to commit to ending discrimination and violence against women²⁸. Various institutions, from universities to multinational companies, can sign up to set gender equality objectives as part of this initiative.

C111 CONVENTION ON DISCRIMINATION (INTERNATIONAL LABOUR ORGANISATION)

The ILO included Convention No. 111, the Discrimination (Employment & Occupation) Convention, in 1958. Convention No. 111 calls upon member states or organizations to put an end to discrimination based on sex, race, or other status in employment and occupation. Other UN organizations and international bodies seek to align their human resource policies with C111 in order to attain gender equality in the workplace²⁹.

²⁶ **International Labour Organization**, ‘Discrimination (Employment and Occupation) Convention, No. 111’ (NORMLEX)

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100_ILO_CODE%3AC111

²⁷ **International Labour Organization**, ‘Violence and Harassment Convention, No. 190’ (NORMLEX, 2024) https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100_ILO_CODE%3AC190

²⁸ UN Women, ‘HeForShe: Join the movement for gender equality’ (UN Women, 2024) <https://www.heforshe.org/en>

²⁹ International Labour Organization, ‘Discrimination (Employment and Occupation) Convention, 1958 (No. 111)’ (ILO NORMLEX, 2024) https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C111

RECOMMENDATIONS

- **Connect Leadership Promotions to Gender Equality Performance**

Senior officials and managers should have promotional recommendations and contract renewals such as the value that the officer is seen to add to supporting gender equality within their organisations. Gender equality metrics - whether it be junior women staff that are mentored, whether it involves diversity of hiring, whether it is an inclusive team for a project, should be noted in performance appraisals. Putting accountability for leadership positions on the table in terms of rewarding, career-impacting, incentives will shift dialogue away from mere paper commitments and reporting to actions.

- **Establish a Cross-agency Gender Equality Tribunal**

Instead of each organisation handling complaint cases independently, we could set up an independent, international tribunal to address all matters of gender harassment and discrimination in the workplace. This would mitigate the inherent conflict of interest, provide a consistent approach to reviewing complaints across jurisdictions and allow an affected employee to find redress outside their own organization's internal processes.

- **Implement Career Re-Entry Programs for Women Post-Career Breaks**

A number of women leave international organisations due to family commitments, health issues, or moves. A formal "career re-entry program" whereby women with prior engagement in international organisations are mentored and retrained, with guaranteed access to interviews, will support women who have experience back on to career tracks at the leadership level and permission to close a widening gender gap in the future.

- **Gender-based Mental Health Support Services**

Provide tailored mental health resources that address unique challenges faced by women employees for example, trauma related to workplace harassment, maternity stress, or burnout from juggling work and life. This can help them focus on work a lot better and be more efficient.

- **Mandatory Gender Equality Certification for Senior Leaders**

Candidates for senior leadership should be required to take mandatory certification programs in gender sensitivity, unconscious bias, and inclusive leadership before

they begin their roles. Certifications could be renewed as needed, in order to ensure that those in charge of fostering gender-inclusive environments are actually trained in how to promote them, rather than merely manage them passively.

- **Gender Equality Ombudsman Office**

An established Gender Equity Ombudsman office should exist to provide confidential advice to employees, intervene in disputes concerning gender equity, and report on the gender environment internally as it relates to employee matters, free from political influence.

- **Gender-sensitive infrastructure policies**

Organizational facilities should provide lactation rooms, safe restrooms for all genders, child-care support spaces, and workstations open to everyone, as the physical work environment is equally part of gender equality consideration.

CONCLUSION

Gender equality in international organisations is not only a legal or moral requirement; it is essential to establishing institutions that are representative, functional, and forward-thinking. Through an examination of internal laws, policies, frameworks and mechanisms, while progress has been made, there are also still gaps. Organisations have put in place important things, such as gender focal points, harassment policies, and equal pay frameworks. As pointed out previously, there are still challenges that remain, including organisational culture, structural bias, and accountability.

New trends, such as implementing quotas and benchmarks, training and capacity building and gender focal points to advocate and coordinate internal gender equality initiatives, are encouraging, but need to be scaled up and taken with added seriousness. International organisations must also ensure that they do not just conduct single reformist moves but rather work toward embedding gender equality in everyday internal practices how they staff and promote their staff, to how they design programs and leadership decisions.

In the end, true equality of genders requires commitment to continuous action, real institutional will, and continual self-reflection, and not simply a commitment to achieve targets. If international organizations can fully commit to and integrate gender equality internally, they will be able to more accurately and effectively reflect the global populations they are meant to represent and will be stronger, more resilient, and more viable in terms of dealing with the complex challenges of the contemporary world.

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