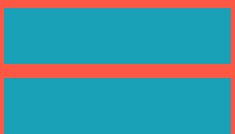


EQUAL



**THE POTENTIAL OF
ARTICLE 8 OF THE
CEDAW CONVENTION TO
GUARANTEE WOMEN'S
EQUAL REPRESENTATION
IN INTERNATIONAL
REPRESENTATION:
AN ANALYSIS OF THE
CEDAW COMMITTEE'S
REPORTING PRACTICES
AND TRENDS**



GQUAL is a global campaign working to overcome the underrepresentation of women in international tribunals and monitoring bodies. To that end, we want national and international selection processes to include gender parity as a criterion for participation within these spaces.

Our founding Declaration and subsequent Action Plan outline our conviction that gender parity is a necessary component to guarantee the diversity and balance across international institutions, required to strengthen the legitimacy and impact of international justice.

GQUAL is mobilized by the conviction that women, in all their diversity, cannot be absent from decision-making spaces. Because international bodies of justice have a direct impact on the lives and rights of individuals and on the functioning of nations, women must have equal levels of representation as men in these institutions.

Since its launch in 2015, GQUAL has played an important role in highlighting the under-representation of women in international tribunals and monitoring bodies. By working with diverse stakeholders, including States, international organizations, civil society and academics, we have contributed to the development of guidelines and practices to improve selection processes and the understanding of State's international obligations with regards to gender parity. We have also developed research and discussions on the importance of gender parity; served as a network of experts and offered information on available positions, upcoming selection processes, as well as up-to-date statistics on the composition of international bodies.

The Gqual Campaign is an initiative housed by the Center for Justice and International Law (CEJIL).

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“Trends, Obstacles, Good Practices and Recommendations Regarding Women’s Participation in Political and Public Life: Summary of the Work of the Working Group on the Issue of Discrimination Against Women and Girls”

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THE POTENTIAL OF ARTICLE 8 OF THE CEDAW CONVENTION TO GUARANTEE WOMEN'S EQUAL REPRESENTATION IN INTERNATIONAL DECISION-MAKING SYSTEMS: AN ANALYSIS OF THE CEDAW COMMITTEE'S REPORTING PRACTICES AND TRENDS

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I. INTRODUCTION

Under [the CEDAW Convention's] Article 8, Governments are obliged to ensure the presence of women at all levels and in all areas of international affairs. [Yet] there are few opportunities for women and men, on equal terms, to represent Governments at the international level and to participate in the work of international organizations.

CEDAW Committee, General Recommendation 23, paragraphs 35, 38

The work and decision-making processes of the international bodies¹ that create, interpret, and apply international law,² are key to determining issues including peace and security, health, wealth, environmental protection, and the scope of human rights. These decisions significantly impact the lives of all people worldwide.³ However, it is a stark reality that women continue to be underrepresented in the majority of such international bodies and organizations,⁴ as well as in other arenas of multilateral decision-making, such as States' diplomatic services.⁵

The reality of underrepresentation of women persists because of multifaceted structural (*de jure*) and systemic (*de facto*) barriers to women's equality. This underrepresentation has been consistently and extensively documented in both independent research, such as that produced by the GQUAL Campaign over the past nine years⁶ and in the findings of key international bodies themselves, such as

¹ GQUAL monitors levels of women's representation across 103 international bodies, GQUAL Campaign; *The GQUAL Campaign aspires for gender parity in international representation*, at: <https://www.gqualcampaign.org/about-gqual/>.

² GQUAL Campaign, *Why is gender parity in international representation important?*, 2015, at: <http://www.gqualcampaign.org/home/>.

³ See in general, *Pact of the Future Zero Draft*, United Nations, *Summit of the Future, Our Common Agenda*, at: <https://www.un.org/en/summit-of-the-future>.

⁴ GWL Voices, *Women in Multilateralism 2024, Behind Closed Doors*, 2024, at: <https://gwlvoices.com/women-in-multilateralism-2024/>.

⁵ See in general UN General Assembly Resolution 76/269, *International Day of Women in Diplomacy*, A/RES/76/269, June 22, 2022, at: <https://documents.un.org/doc/undoc/gen/n22/391/13/pdf/n2239113.pdf?token=SnNipxDCznG3seHj1H&fe=true>.

⁶ GQUAL, *Where are the women in international organizations? Composition of International Organizations and Tribunals*, at: <http://www.gqualcampaign.org/current-composition/>. GQUAL promotes gender equality by monitoring representation by women on international organizations, vacancies on international bodies and supports research on gender parity on international bodies.

the CEDAW's Committee ('CEDAW's Committee' or 'Committee') recently adopted General Recommendation 40 ('GR 40'),⁷ the 2021 Report by the Human Rights Council Advisory Committee ('HRC Advisory Committee' or 'Advisory Committee'),⁸ and, at the regional level, the 2023 Report by the Inter-American Commission on Women.⁹

As of September 2024, women occupy 270 out of 612, or approximately 44% of positions across 102 international bodies monitored by GQUAL.¹⁰ However, this figure falls to 40% when considering international positions that require States' nomination and voting, and drops further to just 27.7% when considering positions on international tribunals.¹¹ Typically, the percentage falls even further when excluding bodies with mandates related to so-called "women's issues" (like the CEDAW Committee, the Working Group on Discrimination against Women and Girls, the Special Procedure on violence against women and girls, the Special Procedure on trafficking in persons). In these cases, representation stands at around 40%. Research shows that this imbalance has affected the international organizations since their creation, as clearly evidenced on GQUAL's conceptual document.¹² An updated overview of the GQUAL Rankings as of October 2024 can be found on GQUAL's website.¹³

The chronic lack of gender parity in international representation poses critical challenges. It undermines meaningful and effective implementation of the right to equality and non-discrimination as guaranteed by human rights treaties, and hampers the effective pursuit of fair and inclusive societies. Also, as stated by the CEDAW's Committee, "the failure to ensure the equal and inclusive sharing of decision-making power between women and men prevents States and the international community from effectively addressing urgent local, national, regional and global challenges."¹⁴

In this regard, underrepresentation has detrimental impacts with respect to two central aspects:

- i. *The legitimacy and effectiveness of international bodies and multi-lateral decision-making spaces:* Without an equal representation of women, international bodies and tribunals "risk the legitimacy and effectiveness of their work by potentially overlooking matters and perspectives that should be part of their legal agenda, and would

⁷ CEDAW, *General Recommendation No. 40*, CEDAW/C/GC/40 (2024).

⁸ Human Rights Council, *Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance*, Report of the Human Rights Council Advisory Committee, May 21, 2021, A/HRC/47/51, at: <https://www.ohchr.org/en/documents/reports/ahrc4751-current-levels-representation-women-human-rights-organs-and-mechanisms>

⁹ See Inter-American Commission of Women, *Report with recommendations on best practices to consolidate gender parity and equitable geographical distribution, as well as the representation of different legal systems in the inter-american court and commission on human rights*, June 2023, at: <https://gqualcampaign.org/inter-american-commission-of-women-report-gender-parity-geographic-balance-and-representation-of-legal-systems/>

¹⁰ See GQUAL, *Current composition as of September 2024*, at: <https://gqualcampaign.org/data/current-composition/>

¹¹ This includes the International Court of Justice ('ICJ') and the International Tribunal for the Law of the Sea ('ITLOS').

¹² Viviana Krsticevic, *Gender equality in International Tribunals and Bodies. An achievable step with global impact*, Conceptual document for the launch of the GQUAL Campaign, September 2015, at: <https://gqualcampaign.org/wp-content/uploads/2023/12/ENGLISH-2016-01-07-GQUAL-Concept-Note.pdf>

¹³ See GQUAL Rankings, October 2024, at: <https://gqualcampaign.org/data/ranking/>

¹⁴ CEDAW, *General Recommendation No. 40*, *supra*, para. 1.

only be achieved through gender parity.”¹⁵ Gender-balanced participation in international affairs ensures that “the greatest possible plurality and diversity of views are brought into the deliberative process in international bodies to prevent gender-biased outcomes.”¹⁶ Because decisions taken in international forums significantly influence domestic public policies and, therefore, everyday life, women must have the opportunity to participate equally in these processes.¹⁷ Also, “to ensure truly inclusive decision-making, women in all their diversity, with particular attention to youth as guarantors of the sustainability of parity, need to be the leading forces” in these spaces.¹⁸ Gender inclusive parity at all levels is vital to a healthy democracy.¹⁹

- ii. *The elimination of discrimination and the achievement of full and meaningful equality*: The presence of women on international decision-making bodies not only ensures effectiveness of these institutions but is essential to ending discrimination against women.²⁰ Underrepresentation of women in international bodies and mechanisms violates their right to equality and to non-discrimination.²¹ Achievement of the equality of women in economic, social, cultural, public and political life requires continuous effort at all levels of global society, including at the level of international organizations and decision-making bodies.²² In the context of States where patriarchal attitudes still dominate, stereotypes persist about women’s suitability to work in the public and political realms, including international organizations and tribunals.²³ This persistent lack of gender parity and equal representation in decision-making systems perpetuates a negative feedback loop, reinforcing systemic discrimination and underrepresentation.

Additionally, it is critical to emphasize that the nominations and appointments relevant to the composition of international bodies and other multilateral spaces are mostly the responsibility of States. As States have exclusive power to nominate and appoint candidates, they have a duty to respect their international non-discrimination obligations when selecting candidates for international positions.²⁴ In most cases, the process for women’s inclusion on international bodies and tribunals begins with States’ identification and nomination of qualified women for these positions.²⁵

¹⁵ Marcia V.J. Kran, *Symposium on Gender Representation: Women’s Representation on the UN Human Rights Treaty Bodies – Action Needed to Achieve Parity*, at: <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>.

¹⁶ Human Rights Council, *Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance*, supra, p. 7, para. 24, citing to Sarah Wittkopp, Article 8, in Marsha A. Freeman, Christine Chinkin and Beate Rudolf, *The UN Convention on the Elimination of All Forms of Violence against Women: A Commentary* (2012), at 222.

¹⁷ Marcia V.J. Kran, *Action Needed to Achieve Parity*, supra.

¹⁸ CEDAW, *General Recommendation No. 40*, supra, para. 17.

¹⁹ GQUAL, *Why is gender parity in international representation important?*, supra.

²⁰ *Id.*

²¹ CEDAW, *General Recommendation No. 40*, supra, para. 1.

²² *Tackling Social Norms, A game changer for gender inequalities*, United Nations Development Programme, 2020, p. 4, at: http://hdr.undp.org/sites/default/files/hd_perspectives_gsn.pdf.

²³ CEDAW, *General Recommendation No. 40*, supra, paras. 11, 19.

²⁴ *Submission by the GQUAL Campaign on the CEDAW Future General Recommendation on the Equal and Inclusive Representation of Women in Decision-Making Systems*, February 2023, at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/general-discussion/2023/gr40-gqual.docx>

²⁵ Marcia V.J. Kran, *Action Needed to Achieve Parity*, supra. See also, in general, N. Grossman, *Shattering the Glass Ceiling in International Adjudication*, *International Adjudication*, 56 Va. J. Int’l L. 363 (2016).

The lack of women in positions at the international level is often not because of a lack of talented women, but rather that States are not nominating women as candidates.²⁶ Moreover, States must also be guided by non-discrimination obligations and consider gender underrepresentation when voting for or appointing candidates at the international level.

Several provisions under international human rights treaties protect the right of women to equal representation in decision-making bodies; however, Article 8 of the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW' or 'Convention'), complemented by Article 7 of the same treaty, specifically obligates States to guarantee equal representation of women in international organizations and decision-making bodies. This obligation is nearly universal, given that 189 States have ratified CEDAW to date.

In light of these considerations, the remainder of this paper examines the CEDAW Committee's interpretation and practice in respect of Article 8 of CEDAW, as well as its key implications for the realization of substantive equality and gender parity in international representation. The analysis proceeds as follows:

- **Section II (A)** provides a general overview of the nature of the CEDAW Committee's interpretations and guidance concerning the application of **Article 8**;
- **Section II (B)** defines the notion of **gender parity** as defined by GR 40, and as relevant to the interpretation and application of Article 8;
- **Section II (C)** reviews States' **reporting obligations** under CEDAW;
- **Section III** provides an overview of observations on practices and trends drawn from the CEDAW Committee's Article 18 reports regarding implementation of Article 8 requirements and implementation over time;
- **Section IV** concludes with a set of conclusions and **key recommendations** and highlights the need to capitalize on forward-looking interpretations and applications of Article 8, to realize the Convention's promise of substantive equality and gender parity in international representation.

Additionally, this paper has three Annexes. The first Annex compiles excerpts from reports that directly reference Article 8 obligations, guarantees, and implementation. The second Annex compiles excerpts from reports addressing matters within the substantive ambit of Article 8. In both these Annexes, information is drawn from CEDAW's Committee Reports and General Observations, as well as from reports submitted by State Parties. The third Annex offers suggested questions the CEDAW Committee may use to monitor compliance with Article 8 obligations under the Article 18 reporting system.

²⁶ *Id.*

II.

A. Article 8: An Overview

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 8, Convention on the Elimination of all Forms of Discrimination against Women (1979)

Article 8 of CEDAW codifies women's right to equal participation in international affairs. This right complements their participatory rights in domestic public and political life, as outlined in Article 7 of the same Convention. Article 8 establishes "a two-fold obligation: States parties must take all appropriate measures to ensure women the opportunity to represent their governments at the international level and the opportunity to participate in the work of international organizations."²⁷ Under Article 18, States are required to periodically report on their progress towards gender equality under Article 8. In addition, CEDAW's reporting guidelines and General Recommendations emphasize the importance of implementation of Article 8 and outline the kinds of information that States must provide and the actions that they must take, to meet their CEDAW obligations.

A close examination of Article 8 and its interpretation by the CEDAW Committee confirms that State parties to CEDAW have committed to, and are accountable for, women's equal participation in international political and public life.²⁸ In that vein, "given the plain text of the provision and its subsequent interpretation by the Convention's enforcement body, the CEDAW Committee, it is clear that state parties have a duty to ensure gender equality in the access to positions in international tribunals and other bodies that play key roles in developing international law and human rights."²⁹

Furthermore, when Article 8 speaks of "international organizations, it is understood that this notion encompasses not only international bodies such as the United Nations, but also regional organizations, including the Organization of American States, the Council of Europe, and the African Union to mention a few."³⁰ All organs within those organizations are covered by this obligation, including "courts, subsidiary bodies, funds and programmes, specialized agencies, and treaty bodies."³¹ Consequently, "[s]tates have a duty to ensure gender equality in access to positions at both levels and to all international organs."³²

²⁷ Sarah Wittkopp, *Article 8, in The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol: A Commentary*, Second Edition, Edited by Patricia Schulz, Ruth Halperin-Kaddari, Beate Rudolf, and Marsha A. Freeman, Oxford University Press (2022) (hereinafter 'CEDAW Commentary, Second Edition'), at 332.

²⁸ CEDAW, *General Recommendation No. 40*, *supra*, para. 22.

²⁹ Claudia Martin, *Article 8 of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW): A Stepping Stone in Ensuring Gender Parity in International Organs and Tribunals*, IntLawGrrls, 13 January 2016, at: <https://ilg2.org/2016/01/13/article-8-of-the-convention-to-eliminate-all-forms-of-discrimination-against-women-cedaw-a-stepping-stone-in-ensuring-gender-parity-in-international-organs-and-tribunals/> (hereinafter 'Article 8: A Stepping Stone').

³⁰ *Id.*

³¹ Sarah Wittkop, *Article 8*, in CEDAW Commentary, Second Edition, *supra*, at 334.

³² Claudia Martin, *Article 8: A Stepping Stone*, *supra*.

While most commentaries acknowledge that Article 8 has played a comparatively minor role in the work of the CEDAW Committee, they also recognize that “the conceptual work of the Committee as regards State obligations under Article 7 concerning women’s participation in political and public life—such as the interpretation of substantive equality, the obligation to reach parity as the ultimate goal, and the obligation to adopt proactive measures, including temporary special measures to that end—apply by extension to the areas covered by Article 8 as well.”³³

Indeed, many of the obligations arising out of “Article 7(b) correspond to obligations under Article 8; hence, States parties must ensure the full participation of women at all levels and all areas of international affairs. In the drafting of Article 7, the negotiating States decided to formulate a separate article on women’s international representation rather than including it as a paragraph in Article 7. This decision pays tribute to the immense importance of decision-making in international fora, on matters such as peacemaking, conflict resolution, military expenditure and nuclear disarmament, development and the environment, foreign affairs, and economic restructuring.”³⁴ Unlike Article 7, Article 8 fails to explicitly acknowledge a ‘right,’ but refers instead to an ‘opportunity.’³⁵ However, “[t]his does not mean that Article 8 is not a legal obligation; as the Convention is a non-discrimination treaty directed at States, all the provisions are binding regardless of how the obligation is framed.”³⁶

The obligation to ensure that women have equal opportunity “to participate in the work of international organizations” under Article 8 carries obligations relevant to both the domestic and international levels:

- **Domestic level:** States must guarantee formal equality through the adoption of non-discrimination laws and transparent selection and nomination processes guided by objective criteria, that take gender into account, to ensure that women the *facto* benefit on an equal footing from the opportunity to compete for positions in international decision-making bodies.³⁷
- **International level:** States must exert influence when the rules regulating processes of appointment to positions in tribunals or other organs are adopted to guarantee that they conform to the gender parity requirements of Article 8, and vote in parity when appointing candidates for positions in those institutions, in particular where women are underrepresented.

³³ Sarah Wittkop, *Article 8*, in CEDAW Commentary, Second Edition, *supra*, at 341.

³⁴ Sarah Wittkop, *Article 8*, in CEDAW Commentary, Second Edition, *supra*, at 331-332.

³⁵ *Id.*, at 333.

³⁶ *Id.*

³⁷ CEDAW, *General Recommendation No. 40*, *supra*, paras. 56-57(a).

Additionally, Article 8 requires that State parties to the Convention “take all appropriate measures” to ensure gender equality in their international representation and before international organizations.

Although Article 8 has not been extensively interpreted, the CEDAW Committee has consistently required States to adopt measures necessary to ensure *de facto* gender equality in international representation. Such measures include establishing objective criteria and transparent procedures for appointing and promoting women to relevant positions, as well as implementing temporary special measures aimed at accelerating substantive equality for women,³⁸ as outlined in Article 4 of the Convention.³⁹ The Committee has interpreted Article 4 to require State parties to adopt temporary measures such as special educational opportunities, recruitment policies, and quotas in order to expedite *de facto* equality where women are persistently underrepresented.⁴⁰ In GR 40, the Committee calls for the adoption of “a strong legal framework to prevent and address discrimination and ensure substantial equality, including targeted permanent and temporary special measures to reach 50:50 parity in decision-making systems within a clear framework.”⁴¹ These special measures are necessary to overcome deeply rooted cultural and structural barriers that prevent women from competing on an even playing field with men.⁴² Given the precise nature of the obligation to take all appropriate measures, this duty is of immediate application and may be subject to enforcement at the domestic and international jurisdiction.⁴³

The Committee’s longstanding interpretations of CEDAW, expressed through its Concluding Observations and General Recommendations are essential for understanding States’ practical obligations. These interpretations clarify the implications and obligations that arise from the treaty as they detail the information States must report, as well as the actions that they must take, to fully comply with their obligations under the Convention. The Committee has repeatedly urged States to do more to ensure full implementation of Article 8. For example, in General Recommendation 8 on the implementation of CEDAW (seventh session, 1988), having reviewed the States parties reports submitted under Article 18, the Committee explicitly recommended “that States parties take further direct measures in accordance with article 4 of the Convention to ensure the full implementation of article 8 of the Convention and to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Government at the international level and to participate in the work of international organizations.”⁴⁴ Subsequently, General Recommendation No. 10 (on the Tenth Anniversary of the Adoption of CEDAW, 1989), encouraged States to take actions “to ensure the full implementation of the principles of the Convention, and in particular article 8, which relates to the participation of women at all levels of activity of the United Nations and the United Nations system.”⁴⁵

³⁸ CEDAW, *General Recommendation No. 23* (1997), paras. 38, 50, and 43.

³⁹ Article 4 (1) of CEDAW provides: Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

⁴⁰ CEDAW, *General Recommendation No. 25* (2004), para. 22.

⁴¹ CEDAW, *General Recommendation No. 40*, *supra*, para. 25.

⁴² CEDAW, *General Recommendation No. 25*, *supra*, para 17.

⁴³ Sarah Wittkop, *Article 8*, in CEDAW Commentary, Second Edition, *supra*, at 340.

⁴⁴ CEDAW, *General Recommendation No. 8* (1988)

⁴⁵ CEDAW, *General Recommendation No. 10* (1989), para. 3.

Later, in 1997, the CEDAW Committee, in its General Recommendation No. 23 ('GR 23'), acknowledged that "[t]he integration of a gender perspective and women's human rights into the agenda of all international bodies is a government imperative,"⁴⁶ noting that "[t]he globalization of the contemporary world makes the inclusion of women and their participation in international organizations, on equal terms with men, increasingly important."⁴⁷ The Committee deplored that many "crucial decisions on global issues, such as peacemaking and conflict resolution, military expenditure and nuclear disarmament, development and the environment, foreign aid and economic restructuring, are taken with limited participation of women."⁴⁸ The Committee called for the "inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations."⁴⁹ It further emphasized the need for integrating a "gender perspective and analysis [into these processes] [a]s necessary."⁵⁰

Most significantly, in its 2024 GR 40, the CEDAW Committee reaffirmed that "international decision-making is an area where parity needs to be pioneered and established."⁵¹ The Committee emphasized that States are obligated to ensure women's equal and inclusive representation in international decision-making, including through diplomatic and ambassadorial appointments and international delegations.⁵² It also called States to implement a foreign feminist policy, "making gender equality and women's and girls' empowerment a central focus of government policy abroad."⁵³ In addition, GR 40 underscores that current underrepresentation of women in international tribunals and mechanisms can be attributed "to the absence of objective criteria and processes for appointment and promotion to relevant positions."⁵⁴ To remedy this, it calls on States to enact laws that establish transparent procedures at the national level for nomination for international positions, incorporating gender parity and merit as criteria for the selection procedures. States should also widely disseminate information on vacancies along with comprehensive job descriptions.⁵⁵

⁴⁶ CEDAW, *General Recommendation No. 23*, *supra*, para. 39.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*, para. 40.

⁵⁰ *Id.*

⁵¹ CEDAW, *General Recommendation No. 40*, *supra*, para. 52.

⁵² *Id.*, paras. 53-55.

⁵³ *Id.*, para. 55.

⁵⁴ *Id.*, para. 56.

⁵⁵ *Id.*, para. 57.

B. Parity in international decision-making

(1) The right to represent governments at the international level

55. The Committee recommends that States parties:

- (a) Achieve and maintain parity in diplomatic and ambassadorial appointments;
- (b) Ensure parity in the composition of all international delegations;
- (c) Include the capacity to eliminate gender bias and stereotypes and to conduct gender analysis and integration in the training and exams required for diplomatic and ambassadorial appointments;
- (d) Provide equal family and spousal benefits, including parental leave to women and men in the foreign service;
- (e) Implement a feminist foreign policy, making gender equality and women's and girls' empowerment a central focus of government policy abroad, including by working towards parity in preventing conflict and violent extremism, ensuring women's equal economic rights and empowerment, protecting sexual and reproductive health and rights services, and establishing new national and international partnerships on parity, including regarding development policies and debt and economic sanctions.

(2) Parity in the work of international organizations and negotiations

57. The Committee recommends that States parties:

- (a) Institutionalize parity laws and transparent procedures at the national level for nomination and selection for positions in international organizations, within and outside of the UN system, regional organizations, COPs, international and regional mechanisms, international arbitration and financial institutions, including multilateral development banks, tribunals, quasi-judicial bodies, and delegations with regards to all sectors, including timely dissemination of information on vacancies, comprehensive job descriptions, the inclusion of gender parity as a criterion, and merit-based selection procedures;"
- (b) Collect, monitor, and publish disaggregated data on women's representation and seniority levels in international organizations.

CEDAW, General Recommendation 40 on equal and inclusive representation of women in decision-making systems (2024)

Finally, other international bodies have similarly recognized CEDAW's Article 8 as the core human right provision concerning women's right to equal participation in international decision-making. For instance, the HRC Advisory Committee, in its report on the issue considered that to guarantee Article 8 rights, States should seek to ensure:

- i. **Formal equality:** Through the adoption of legal measures to guarantee women's equal representation at the international level;
- i. **Substantive equality:** By ensuring that recruitment and nomination processes take gender into account; and
- i. **Transformative equality:** By eliminating "gender stereotypes that form the basis for the continuing underrepresentation of women and the structural obstacles that originate from them," including by addressing stereotypes that silo women into so-called "women issues" (e.g. ones related to family, children, health).⁵⁶

⁵⁶ Human Rights Council, *Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance*, supra, p. 8, para. 27.

More concretely, drawing upon the CEDAW Committee's practice and interpretations, the Advisory Committee's report recommends that States adopt specific measures to tackle the underrepresentation of women in international courts and other bodies. At the domestic level, States should proactively recruit more women candidates, establish goals and benchmarks for selecting, recruiting, and promoting women; and identify and remove barriers that hinder women's selection process.⁵⁷

At the international level, when voting to appoint new members in international bodies, States should take gender into account, consistently with their obligation to ensure the principle of equality and non-discrimination.⁵⁸ In line with CEDAW's Article 4, the report recommends that women should be given preference over similarly qualified male candidates when female underrepresentation must be remedied.⁵⁹ Finally, the report also recommends that the Committee engages in monitoring the implementation of Article 8 obligations to ensure women's equal participation at the international level.⁶⁰

⁵⁷ *Id.*, p. 8, para. 28.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*, p. 19, para. 95.

B. Gender Parity: The appropriate measure for Article 8 compliance

The recently adopted GR 40 clarifies that “equal and inclusive representation” means “parity 50:50 between women and men in all their diversity in terms of equal access and equal power within decision making.”⁶¹ Accordingly, women’s representation at the international level and their participation in the work of international organizations, “on equal terms with men” under Article 8 of CEDAW must be understood as requiring that women reflect a 50% percent representation in the composition of international courts and bodies.

GR 40 defines parity as both a starting point and universal rule aimed at systemic change.⁶² According to the CEDAW Committee, the parity requirement is rooted in the Convention itself, as well as other international and regional treaties and instruments,⁶³ previous General Recommendations, such as GR 23, and the Committee’s Concluding Observations.⁶⁴ In particular, the Beijing Declaration and Platform for Action, under the strategic objective to ensure women’s equal access and full participation in power structures and decision-making, calls on governments to commit to gender balance in governmental bodies, public administrative agencies, and the judiciary.⁶⁵ Additionally, in regard to international representation, the Beijing Declaration and Platform for Action encourages States to aim for and support gender balance in the composition of delegations to the UN and other international organizations, as well as in the list of candidates nominated for election or appointment to UN bodies, specialized agencies and other autonomous organizations of the UN system, especially for senior level posts.⁶⁶ It is furthermore instructive that the international obligation to guarantee gender balance in international justice spaces has been developed in greater detail through UN Human Rights Council Resolutions 41/6 and 50/L.22. These resolutions establish the right of women to participate in these spaces on an equal footing with men, and underscore the role of the States in overcoming the obstacles to this participation.⁶⁷

Similarly, the CEDAW Committee adopted this notion of gender balance when stating, in GR 23 that:

“[I]n order to achieve broad representation in public life, women must have full equality in the exercise of political and economic power; they must be fully and equally involved in decision-making at all levels, both nationally and internationally, so that they may make their contribution to the goals of equality, development and the achievement of peace. A gender perspective is critical if these goals are to be met and if true democracy is to be assured. For these reasons, it is essential to involve women in public life to take advantage of their contribution, to assure their interests are protected and to fulfil the guarantee that the enjoyment of human rights is for all people regardless of gender.

⁶¹ CEDAW, *General Recommendation No. 40*, *supra*, para. 2.

⁶² *Id.*, paras 13, 1.

⁶³ *Id.*, para. 2. GR 40 also makes reference to, *inter alia*, UNSC Resolution 1325, Targets 5.5 and 16.7 of the Sustainable Development Goals, and Action 8 (b) of the Pact of the Future, as core documents promoting and ensuring equal representation of women in international decision making.

⁶⁴ *Id.*, para. 23.

⁶⁵ *Beijing Declaration and Platform for Action* (1995), para 190, at: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

⁶⁶ *Id.*

⁶⁷ See A/HRC/RES/41/6, at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/220/26/PDF/G1922026.pdf?OpenElement>; and A/HRC/50/L.22/REV.1, at: <https://tinyurl.com/ymr4crmt>.

*Women's full participation is essential not only for their empowerment but also for the advancement of society as a whole.*⁶⁸

The Committee has actualized these interpretations through recommendations issued in its Concluding Observations, expressly calling on reporting States to take measures to attain gender parity with respect to Article 7 and Article 8 obligations. These recommendations urge States to, *inter alia*, “adopt targeted measures, including temporary special measures, such as a gender parity system, for the accelerated recruitment and appointment of women to decision-making positions in public administration, including the diplomatic service; to introduce temporary special measures, including minimum quotas and reserved seats for women, to ensure gender parity in appointed and elected positions; to adopt measures to ensure *de jure* and *de facto* gender parity within political parties and encourage women to stand for election.”⁶⁹

Furthermore, the Working Group on discrimination against Women and Girls’ (‘WG-DWG’) has defined parity as the appropriate measure to assess whether States have met their obligation to ensure equal participation of women in international decision-making.⁷⁰ For the WG-DWG, parity in decision-making forums represents a good practice standard for achieving equal representation.⁷¹ Additionally, parity laws or quotas are identified as good practices to address women’s underrepresentation and ensure their representation in public and political bodies.⁷² Thus, gender parity for purposes of underrepresentation should mean “no less than 50 percent of a given body consisting of one gender.”⁷³

Besides affirming the application of a parity rule, GR 40 further clarifies that women’s equal and inclusive representation means “sharing of power between women and men as a permanent and core feature of all areas, including political, public and economic life.”⁷⁴ In this regard, it rejects a “tokenistic approach” where women participate without genuine decision-making power.⁷⁵ Instead, GR 40 contends that the complexity and disruptive nature of today’s challenges require a “surge in [gender] parity,” ensuring that women attain decision-making positions to drive and influence agendas on an equal footing with men.⁷⁶ Consequently, rules adopted to guarantee gender parity at the domestic and international level, even if essential to achieve equal and inclusive representation of women, are not “intended to be removed once women’s historical disadvantages have been redressed but remain[] as a legal principle and permanent and universal feature of good governance.”⁷⁷

⁶⁸ CEDAW, *General Recommendation No. 23*, *supra*, para 17.

⁶⁹ See, e.g., CO Cyprus, CEDAW/C/CYP/CO/8 (2018); and CO Macedonia, CEDAW/C/ARM/CO/5-6 (2016).

⁷⁰ *Report of the Working Group on the issue of discrimination against women in law and in practice, Eliminating discrimination against women in political and public life with a focus on political transition*, A/HRC/23/50, 19 April 2013, para. 19.

⁷¹ *Report of the Working Group on the issue of discrimination against women in law and in practice, Compendium of good practices in the elimination of discrimination against women*, A/HRC/35/29, 19 April 2017, para. 31.

⁷² *Id.*, para. 39.

⁷³ International Human Rights Law Clinic, Berkeley University, *Achieving Gender Parity on International Judicial and Monitoring Bodies* (2017), p. 10, at: <https://www.law.berkeley.edu/wp-content/uploads/2015/04/Working-Paper-4-Achieving-Gender-Parity-171002-3.pdf>

⁷⁴ CEDAW, *General Recommendation No. 40*, *supra*, para. 15.

⁷⁵ *Id.*, para. 19.

⁷⁶ *Id.*, paras. 4, 19.

⁷⁷ *Id.*, para. 15.

Ultimately, GR 40 recommends that under Article 8 of CEDAW, States adopt parity rules to address women’s underrepresentation in the diplomatic service, in all international delegations, and in positions within international organizations.⁷⁸ Likewise, it calls the international community to “[a]dopt parity mechanisms for the membership of all UN bodies and mechanisms, including the main committees of the General Assembly, the Economic and Social Council, and expert bodies, including treaty bodies, international tribunals, in appointments to independent working groups or as country or special rapporteurs, as well as in the leadership in multilateral institutions.”⁷⁹

C. Article 18: Reporting to the CEDAW Committee

Under Article 18 of CEDAW, State parties are required to submit reports detailing measures taken to implement their obligations under the Convention—including those related to achieving gender parity under Article 8.⁸⁰ All States parties must submit an “initial” report within one year of the Convention enters into force for that State, followed by periodic reports at least every four years, or whenever the Committee so requests.

Since 1986, the CEDAW Committee has received and reviewed over 800 State Party reports.⁸¹ This section provides an overview of the guidelines and procedures governing States reporting obligations to the CEDAW Committee, with particular emphasis on the implementation of Article 8. As discussed below, the CEDAW Committee has adopted a simplified reporting procedure to replace full reports, thereby facilitating compliance with States’ reporting obligations.⁸² At the same time, the Committee has issued guidelines to assist those States that must submit full initial reports or have chosen to continue their periodic submissions following the full procedure.⁸³ Both reporting approaches are crucial for the Committee to effectively monitor full compliance with Article 8.

⁷⁸ *Id.*, paras. 55-57.

⁷⁹ *Id.*, para. 72 (c).

⁸⁰ CEDAW Article 18 outlines that:

1. *States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:*
(a) *Within one year after the entry into force for the State concerned;*
(b) *Thereafter at least every four years and further whenever the Committee so requests.*

2. *Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention. See the CEDAW Convention, Article, 15, at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>. CEDAW reviews follow up procedures and provides questions to States as well.*

⁸¹ See in general OHCHR, *UN Treaty Body Database*, at: https://tbinternet.ohchr.org/_layouts/15/treaty-bodyexternal/TBSearch.aspx?Lang=en&TreatyID=3. Note: These numbers are generally accurate; since the time GQUAL research was conducted, the UN Treaty Body Database for CEDAW has been further developed. The Database includes the following disclaimer: *The Treaty Body Database contains all public documents adopted or received by the human rights treaty bodies. Although the Database is updated regularly and attempts to ensure accuracy and reliability of the data displayed on these web pages, it may still contain some inaccuracies, which will have to be corrected over the next months. Clarifications or further information can be sought directly from the relevant Secretariat.*

⁸² See CEDAW Committee, *Simplified Reporting Procedure*, at: <https://www.ohchr.org/en/treaty-bodies/cedaw/simplified-reporting-procedure>.

⁸³ See OHCHR, *Guidance note for State parties for the preparation of reports under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals* (September 2022), CEDAW/C/74/3/Rev.1, at: <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>.

1. Simplified Reporting Procedure and the “Opt-Out Model”

In 2018, the CEDAW Committee introduced a simplified reporting procedure. Under this approach, the Committee’s pre-sessional working groups prepare a list of issues prior to reporting, or (‘LOIPR’) which is sent to States parties. Under this model, a State party’s response to the LOIPR constitutes its periodic report under Article 18 of the Convention.

This procedure is made available to States upon request, provided that they had:

- 1) Previously submitted an initial report which was considered under the regular procedure; and
- 2) Provided an updated common core document dating back no more than five years.⁸⁴

According to the Office of the High Commissioner for Human Rights (‘OHCHR’), this procedure aims to facilitate the reporting by States parties; strengthen their capacity to fulfil their reporting obligations in a timely and effective manner; provide the Committee with more targeted reports; improve the effectiveness of the treaty monitoring system by reducing the need to request supplementary information before considering a report; and to allow the Committee to plan its work in advance.”⁸⁵

At its 82nd session in 2022, the Committee decided to shift from an “opt-in” model to an “opt-out” model for the simplified reporting procedure.”⁸⁶ Under the “opt-out” model, the simplified reporting procedure would be applied automatically, to all States parties, unless they took measures to explicitly indicate their preference to continue with the standard reporting procedure, before a deadline of 20 September 2022.⁸⁷

According to the OHCHR’s data, tallies of States’ reporting procedures once the deadline passed are as follows:

- 115 States “opted in” to the simplified reporting procedure by default (i.e. they did not relate their wish to maintain the standard reporting procedure to the Secretariat);
- 74 States accepted the simplified reporting procedure expressly; and
- Only **12 States** chose to maintain the standard reporting procedure.⁸⁸

⁸⁴ See CEDAW Committee, *Simplified Reporting Procedure*, *supra*.

⁸⁵ See CEDAW Committee, *Reporting Guidelines*, at: <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>.

⁸⁶ See CEDAW Committee, *Decision 82/3 on the harmonization of working methods*, Report of the Committee on the Elimination of Discrimination against Women, *CEDAW/C/2022/II/CRP (2022)*.

⁸⁷ See CEDAW Committee, *History of the simplified reporting procedure*, at: <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>.

⁸⁸ See CEDAW Committee, *Optional Reporting Procedure*, at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/OptionalReporting.aspx?TreatyID=3&Lang=En.

As a result, the simplified reporting procedure currently applies to the vast majority of States that are parties to the Convention.

2. The LOIPRs and the implications of using the Simplified Reporting Procedure

According to the CEDAW Committee's guidance, each LOIPR must be limited to a maximum of 25 paragraphs, including one standard paragraph requesting information on the measures taken by the State party to implement the Committee's previous Concluding Observations.⁸⁹

LOIPRs must not raise more than 75 questions;⁹⁰ and States' parties periodic reports—namely, their replies to the LOIPRs under the Simplified Reporting Procedure—must not exceed 21,200 words.⁹¹

LOIPRs and the corresponding States parties' responses (reports) generally address clusters of questions and information relevant to Article 8 of the Convention under two headings:

- (a) Participation in political and public life; and
- (b) Temporary Special Measures,⁹²

This approach often results in a limited and generic examination of Article 8 issues. Consequently, as we will discuss in the section on Practices and Trends below, the simplified procedure has not led to rigorous and in-depth monitoring by the CEDAW Committee of State practices and compliance with women's right to equal participation in international decision-making, as required by that provision.

3. Guidance for States parties on the preparation of full reports under Article 18 of CEDAW

In September 2022, the formal guidance for State parties' preparation of reports under Article 18 of the Convention, including those addressing Article 8, was further updated in a Guidance Note. This note was designed to "advise State parties on the form and content of their reports, to ensure reports to the CEDAW Committee are comprehensive and presented in a uniform manner."⁹³

This guidance applies to: a) State parties preparing their initial report to the Committee; b) States from which the Committee requested a full periodic review; c) States choosing to submit a full periodic review.⁹⁴ Reports should provide specific information under each article of CEDAW.⁹⁵ They should also include information regarding the integration of the 12 areas of concern under the Beijing Platform

⁸⁹ See CEDAW Committee, *Working Methods*, at: <https://www.ohchr.org/en/treaty-bodies/cedaw/rules-procedure-and-working-methods>.

⁹⁰ *Id.*

⁹¹ See CEDAW Committee, *Reporting Guidelines*, *supra*.

⁹² See, for example, CEDAW Committee, *List of issues and questions prior to the submission of the ninth periodic report of Australia*, CEDAW/C/AUS/QPR/9, March 6, 2023; *List of issues and questions prior to the submission of the eighth periodic report of Argentina*, CEDAW/C/ARG/QPR/8, both at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/OptionalReporting.aspx?TreatyID=3&Lang=En.

⁹³ See OHCHR, *Guidance Note for State parties for the preparation of reports under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals*, *supra*.

⁹⁴ *Id.*, para. 6.

⁹⁵ *Id.*, para. 9.

of Action “into the State’s party implementation of the Convention’s substantive equality framework.”⁹⁶ Moreover, submissions should contain “information on the implementation of the gender elements across all the Sustainable Development Goals and relevant regional human rights instruments as well as the outcomes of other relevant United Nations conferences, summits and review processes.”⁹⁷ Where applicable, reports should provide information on the implementation of Security Council Resolution 1325 and subsequent resolutions on peace and security.⁹⁸

The Guidance Note specifically addresses reporting on Article 8 together with Article 7, under three separate subheadings. The following paragraphs highlight provisions directly tied to Article 8 obligations, whether expressly referring to international-level representation and/or participation; or include Article 8 obligations within the reach of their broad(er) formulations:

31. In the light of the provisions of articles 7 and 8 and the Committee’s general recommendation No. 23 (1997) on women in political and public life, the report should contain information on:

Legal framework

(f) Whether laws or regulations provide for the participation of women on an equal basis with men in ***foreign affairs and international institutions***.

Enforcement and monitoring measures

(c) Whether the legal framework provides for training for women, especially marginalized women, to support their ***effective participation in political and public life***, and whether such training is supported by a dedicated budget and an enforcement and monitoring mechanism;

(d) Whether the legal framework ensures that women have equal rights to participate in the ***prevention, management and resolution of conflicts and in reconstruction efforts***, and whether there are mechanisms for enforcement and monitoring;

Data analysis at both the national and the local levels

(h) ***The number and proportion of women appointed at the international level*** (by position, length of service and qualifications in the foreign service);

(i) The number and proportion of women in senior positions ***in the foreign service***, that is above the level of protocol officer or equivalent and those performing policy analysis, implementation or development.⁹⁹

⁹⁶ *Id.*, para. 11.

⁹⁷ *Id.*, para. 12.

⁹⁸ *Id.*, para. 13.

⁹⁹ *Id.*, paras. 31-33.

Additionally, requests for information relevant to the implementation of Article 8 can also be found in the section detailing reporting obligations under Article 4 of the Convention:

22. In the light of the provisions of article 4 and the Committee's general recommendation No. 25 (2004) on temporary special measures, the report should contain information on:

Legal framework

(d) Whether **temporary special measures** are applied in political and public life, in the area of the **representation of women at the international level** and in the **work of international organizations** and in the fields of education, employment, the economy, technology, peace and security, credit and loans, sport and culture;

(e) Whether temporary special measures have been taken to ensure the equal participation of women in **conflict prevention, management and resolution, peace negotiations and post-conflict reconstruction**, including through the involvement and participation of women's organizations

Enforcement and monitoring measures

(a) Whether laws or regulations establish a **body responsible for designing, implementing, monitoring, evaluating and enforcing temporary special measures**, and whether such a body receives an adequate allocation

(b) Whether the law governs the collection of **statistical data disaggregated by sex** and other factors in order to measure progress towards the achievement of **de facto equality**, and the impact of temporary special measures.

Data analysis at both the national and the local levels

(a) The **number of temporary special measures in place** (political, economic, social, cultural and civil) to promote the equality of specific groups of women and girls (by urban and rural area, ethnicity, race, health and disability status, indigenous or language group, age, marital and/or maternal status, socioeconomic status or other minority status, such as refugee, displaced, stateless, migrant, widow, lesbian, bisexual, transgender or intersex);

(b) The **number of women** promoted in employment or **appointed to decision-making positions** on the basis of the implementation of temporary special measures (by urban and rural area, ethnicity, race, health and disability status, indigenous or

language group, age, marital and/or maternal status, socioeconomic status or other minority status, such as refugee, displaced, stateless, migrant, widow, lesbian, bisexual, transgender or intersex).¹⁰⁰

4. Concluding Observations

After reviewing a State party's report, the Committee issues Concluding Observations and recommendations. These include assessments of positive aspects of the State's implementation of the Convention as well as recommendations for further action that must be taken by the State, based on the report and on meetings with State representatives.¹⁰¹ When preparing a full report, States should address those observations and recommendations, showing any progress that has been made towards their implementation. The CEDAW Committee has also adopted follow-up procedures to more closely monitor the State's implementation for what the Committee considers most urgent and implementable in the short term.¹⁰²

5. Guidance for reporting in General Recommendations

In its 1997 GR 23, the CEDAW Committee provided detailed comments regarding Article 8, recommending elements to be included by States in reports, notably:

- a. Statistics disaggregated by sex, including percentages of women who work in foreign service, or engage in the work of international organizations;
- b. Efforts to establish objective criteria and processes for appointing and promoting women;
- c. Steps taken to fulfil State's international commitments regarding women's advancement; and
- d. Information regarding discrimination because of their political activities.¹⁰³

More recently, GR 40 adopted more detailed recommendations regarding Article 8 to complement and strengthen those provided in GR 23, including *inter alia*:¹⁰⁴

- a. Achieving and maintaining parity in diplomatic and ambassadorial appointments;
- b. Ensuring parity in the composition of all international delegations;
- c. Implementing a feminist foreign policy, making gender equality and women's and girl's empowerment a central focus of government policy abroad;
- d. Establishing new national and international partnerships focused on parity, including development policies, debt and economic sanctions;
- e. Institutionalizing parity laws and transparent, merit-based procedures at the national level for nominating and selecting candidates for positions in international organizations, which include gender parity as a criterion;

¹⁰⁰ *Id.*, paras. 22-24.

¹⁰¹ See OHCHR, Concluding Observations, at: <https://www2.ohchr.org/english/bodies/treaty/glossary.htm>.

¹⁰² See OHCHR, Follow-Up to Concluding Observations, at: <https://www.ohchr.org/en/treaty-bodies/follow-concluding-observations>.

¹⁰³ CEDAW, General Recommendation No. 23, *supra*, para 50.

¹⁰⁴ CEDAW, General Recommendation No. 40, *supra*, paras. 55, 57.

- f. Disseminating the information on vacancies as well as providing description of all available positions;
- g. Collecting, monitoring and publishing disaggregated data on women's participation in international organizations.

The recommendations adopted in GR 23 and GR 40 are essential for fully implementing the obligations arising from Article 8 and should serve as a roadmap for States to achieve gender parity in international representation.

III. PRACTICES AND TRENDS: Observations on Practices and Trends in the CEDAW Committee's Article 18 Reports on Article 8 Requirements and Implementation

Overview

An extensive review of Article 18 reports, particularly Concluding Observations issued by the CEDAW Committee addressing obligations under Articles 7 (public and political life) and Article 8 (international representation) indicates that States parties generally focus their reporting on Article 7. There appears to be a reporting gap in terms of both reporting by States, and observations and recommendations by the Committee, on the implementation of Article 8 of the Convention. Of the over 800 Article 18 reports reviewed, only about one-tenth of them contained information specifically referring to Article 8.¹⁰⁵ Furthermore, as outlined below and as illustrated in Annex I, references to Article 8 have declined with the Committee's adoption of the Simplified Reporting Procedure.

In the context of implementing Article 8, the CEDAW Committee frequently concludes that women remain under-represented in most States parties' diplomatic corps and in most international and regional organizations, especially in high-level positions.¹⁰⁶

More specifically, when evaluating States' efforts to implement Article 8, the Committee regularly expresses its concern about:

- The low number of women in **foreign service** and **diplomacy**¹⁰⁷; and
- The low number of women in **international organizations**.¹⁰⁸

¹⁰⁵ A review by GQUAL of over three decades of annual and periodic country reports submitted by States to CEDAW shows a general lack of response by States in fulfilling their requirement under Article 8. Please also see in general OHCHR, *UN Treaty Body Database*, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3. Note: These numbers are generally accurate; since the time of GQUAL research, the UN Treaty Body Database for CEDAW has been further developed. The Database includes the following disclaimer: *The Treaty Body Database contains all public documents adopted or received by the human rights treaty bodies. Although the Database is updated regularly and attempts to ensure accuracy and reliability of the data displayed on these web pages, it may still contain some inaccuracies, which will have to be corrected over the next months. Clarifications or further information can be sought directly from the relevant Secretariat.*

¹⁰⁶ CEDAW, *General Recommendation 23*, *supra*, para 36; *General Recommendation No. 40*, *supra*, para. 53.

¹⁰⁷ See, e.g., *CEDAW Commentary*, Second Edition, footnote 49, CO Pakistan, CEDAW/C/PAK/CO/5 (2020) para 35; CO Republic of Moldova, CEDAW/C/MDN/CO/6 (2020) para 26; CO Eritrea, CEDAW/C/ERI/CO/6 (2020) para 29; CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6 (2019) para 29; CO Cambodia, CEDAW/C/KHM/CO/6 (2019) para 30; CO Japan, CEDAW/C/JPN/CO/7-8 (2016) para 30; CO Nigeria, CEDAW/C/NGN/CO/7-8 (2017) para 29; CO Ireland, CEDAW/C/IRI/CO/7 (2017) para 34; CO Slovakia, CEDAW/C/SVK/CO/5-6 (2015) para 24; CO Spain, CEDAW/C/ESP/CO/7-8 (2015) para 24.

¹⁰⁸ See, e.g., *CEDAW Commentary*, Second Edition, footnote 50, CO Eritrea, CEDAW/C/ERI/CO/6 (2020) para 29; CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6 (2019) para 29; CO Cabo Verde, CEDAW/C/CPV/CO/9 (2019) para 25; CO Belgium, CEDAW/C/BEU/CO/7 (2014) para 28.

As outlined in the following section, there is otherwise a lack of detailed information and engagement from States parties concerning the requirements and implementation of Article 8 throughout the history of their reporting practices.

An Analysis of Some Trends Observed

A review of the CEDAW Committee's Article 18 reports over the past thirty years has identified a set of key trends, which will be outlined in this section, and supported by the accompanying set of Annexes compiling the information collected during this review.

- (1) *There is generally very limited information and recommendations on Article 8 implementation in States' reports and in the Committee's questions, recommendations, and Concluding Observations (with some notable exceptions). This trend is particularly pronounced in contrast to much more extensive reporting and recommendations provided with respect to the analogous domestic-level appointments, processes, and developments under Article 7 of the Convention. Typically, any data provided with respect to Article 8 is not sufficiently disaggregated, nor is it analyzed over time or in-depth, with a view to unpacking how the de facto implementation situation reflects upon the deeper realities at the domestic level.*

The review finds that State replies rarely provide complete data, as expressly requested by the updated *Guidance Note for States parties on the preparation of reports under Article 18 of the CEDAW Convention*, with regards to:

- (1) The number and proportion of women appointed at the international level** disaggregated by position, length of service and qualifications in the foreign service; or
- (2) The number and proportion of women in senior positions in the foreign service** (that is above the level of protocol officer or equivalent and those performing policy analysis, implementation or development).

Furthermore, very few reports address the underlying factors that contribute to the lack of *de facto* implementation of Article 8, such as the nomination process for women for diplomatic service or in international organizations. There is generally no transparency regarding how States identify nominees, how decisions are made, the extent to which gender balance is considered, or how the final nominations are made.

Please refer to [Annex I](#), featuring excerpts from CEDAW reports directly referring to Article 8 obligations, guarantees, and implementation.

- (2) *Over time, there has been a significant decline in the Committee's explicit and distinct references to Article 8 in its questions and List of Issues (LOIs)/Lists of Issues Prior to Reporting (LOIPRs), Concluding Observations, and recommendations. Accordingly, State's reporting and responses to these matters has also decreased.*

One significant variation on what is generally observed by *trend (1)*, turns on the nature of questions raised by the Committee in its reviews—and subsequently addressed in both State reports and Concluding Observations—of States’ early initial reports. These used to address each Convention Article separately, and in greater detail, than did inquiries in subsequent reporting cycles (including notably today). Indeed, the most thorough references to and analyses of Article 8 tend to be found in these initial early reports (and the initial guidance for State reporting practices), prior to the Committee’s transition to the simplified reporting procedure and the “opt-out system” using LOIPRs.

In recent cycles, the Committee has sometimes failed to acknowledge or address data and information provided by the States directly related to Article 8—including, in some cases, when it had asked for the data directly in LOIs or LOIPRs.

Please refer to [Annex I](#), for excerpts from CEDAW reports directly referencing Article 8 obligations, guarantees, and implementation; and [Annex II](#), featuring excerpts from CEDAW reports addressing matters within the substantive ambit of Article 8 obligations, guarantees, and implementation.

(3) *For the most part, the requirements and implementation of Article 8 are addressed solely in terms of women’s representation of their governments as part of the **foreign services** (i.e. appoint[ments] at the international level). This information is often provided under various headings (i.e. women in the diplomatic service; women ambassadors; equality and full access to international state representation; or representation and participation at the international level). Information on nominating and appointing women to **other international bodies**, such as international tribunals or other multilateral fora, is largely absent across reporting cycles.*

Given the limited scope of the CEDAW Committee’s reporting requirements and guidance, States often do not provide information on other forms of women participation at the international level or within international organizations, such as serving as members or judges in international courts or mechanisms or holding other positions in multilateral institutions. Concluding Observations also generally lack recommendations and State-provided information related to the processes for, or the significance of, guaranteeing the nomination of women to international bodies.

It is noteworthy that despite the clear guidance in GR 23 that a gender perspective is critical to achieving true democracy,¹⁰⁹ and the recommendations to ensure gender balance in representation on UN bodies, working groups or special rapporteurs, this information typically does not appear in the country reports.¹¹⁰ It will be interesting to see whether the adoption of GR 40 and the emphasis on gender parity in international organizations and multilateral institutions leads to a change in this pattern.

¹⁰⁹ CEDAW, *General Recommendation No. 23*, *supra*, para 17.

¹¹⁰ *Id.*

Please refer in particular to [Annex II](#), featuring excerpts from CEDAW reports addressing matters within the substantive scope of Article 8 obligations, guarantees, and implementation.

(4) *Concluding Observations frequently remark that States must better understand and use **Temporary Special Measures** (TSMs) to accelerate gender equality and increase the number of women participating in public and political life at all levels. However, as in other cases, both the Committee’s Concluding Observations and State reports, tend to provide far more substantial information on the implementation of Article 7 than on Article 8 under this heading.*

Article 8 requires that States “take all appropriate measures” to ensure gender equality in the representation as members of international organizations. As noted earlier, under Article 4 of the Convention, the Committee encourages the use of TSMs to give full effect to both Article 8 and Article 7.¹¹¹ States parties should report on their use of TSMs to more quickly implement processes that will ensure gender parity.¹¹² These measures are intended to accelerate equal participation of women in any field, including participation in political and public life, and recognize that the position of women will not improve unless underlying causes of discrimination are addressed.¹¹³ While most TSMs relevant to implementing Article 8 make use of the tools of quotas and policies, Concluding Observations also often recommend that States conduct awareness raising and educational activities to emphasize the necessity of using TSMs,¹¹⁴ as well as implement measures such as preferential recruitment of women.¹¹⁵ It is frequently recommended that such measures should include specific targets and time frames.¹¹⁶

Over half of all Concluding Observations adopted by the CEDAW Committee in the past thirty years included a recommendation for States to take TSMs to increase the number of women in political and public life at all levels.¹¹⁷ For example, in its 2018 recommendation made to New Zealand in a fairly standard general recommendation, the Committee urged the State party to adopt and implement TSMs, such as time-bound goals, quotas or preferential treatment, to accelerate the equal representation of women in decision-making positions in all areas and at all levels, both in the public and private sectors.¹¹⁸

Please refer to [Annex I](#), featuring excerpts from CEDAW reports directly referencing Article 8 obligations, guarantees, and implementation; and [Annex II](#), featuring excerpts from CEDAW reports addressing matters within the substantive ambit of Article 8 obligations, guarantees, and implementation.

¹¹¹ *Id.*, para 15.

¹¹² *Id.*

¹¹³ CEDAW, *General Recommendation No. 25*, *supra*, para. 8.

¹¹⁴ As an example of a recommendation of use of temporary special measures, see for instance the ninth periodic report of Guyana, CEDAW/C/GUY/CO/9 (2019), paras. 21-22.

¹¹⁵ See e.g. fifth periodic report, Pakistan, CEDAW/C/PAK/CO/5 (2020), para. 35(d), urging the State to take targeted measures, including temporary special measures, such as the preferential recruitment of women in cases of equal qualifications, to increase the number of women judges in the higher courts and ensure the appointment of women to the Supreme Court.

¹¹⁶ CEDAW Committee, CO New Zealand, CEDAW/C/NZL/CO/8 (2018), para. 30.

¹¹⁷ Approximately 40%; See, CEDAW, *General Recommendation No. 25* (2004).

¹¹⁸ CEDAW Committee, CO New Zealand, *supra*, para. 30.

(5) Reporting on Articles 7 and 8 under Article 18 reports at present is typically captured under the amalgam heading of “**Participation in political and public life**”, which most often results in reporting and recommendations to focus largely or exclusively domestic-level participation under Article 7. At the same time, the language in the relevant Concluding Observations is oftentimes **sufficiently broad** to encompass considerations relevant to the implementation of Article 8.

Accordingly, in examining the potential opportunities that this “amalgamation” of the two Articles might hold for the development of Article 8, it is instructive to recall that, as previously noted, while Article 8 has been referenced and interpreted less frequently in the Committee’s practice compared to Article 7 concerning women’s representation in political and public life, “the interpretation of substantive equality, the obligation to reach parity as the ultimate goal, and the obligation to adopt proactive measures, including TSMs, to that end—can be applied to the areas covered by Article 8 as well.”¹¹⁹

Please refer to [Annex I](#), featuring excerpts from CEDAW reports directly referencing Article 8 obligations, guarantees, and implementation; and [Annex II](#), featuring excerpts from CEDAW reports addressing matters within the substantive ambit of Article 8 obligations, guarantees, and implementation.

(6) The Committee’s pronouncements with regards to Article 7 (domestic level) concerns and considerations vis-à-vis women’s representation, are far more in-depth and analytical than recommendations relevant to Article 8, in particular with respect to calls for **gender parity** in various arenas of domestic representation.

This includes calls by the Committee for the achievement of gender parity in domestic representation, often with an emphasis on the underlying causes of the lack of equality in representation, and with commentary on the negative consequences of inadequate de facto implementation, as reflected in the Committee’s Concluding Observations and the concrete and measurable recommendations adopted to address this underrepresentation.¹²⁰ Exceptionally, the Committee recommends that States adopt measures to achieve gender parity in the diplomatic or foreign service¹²¹ and in the nomination of candidates to international bodies.¹²² In other instances, the Committee’s pronouncements under the category “National machinery for the advancement of women” expressly advocate for the adoption and implementation of measures designed to promote gender parity broadly across public and private spheres, which could extend by analogy to Article 8 obligations and women’s equal participation and representation at the international level.¹²³ This could serve as a

¹¹⁹ Sarah Wittkop, *Article 8*, in CEDAW Commentary, Second Edition, *supra*, at 341.

¹²⁰ See, for instance, CEDAW Committee, CO Serbia CEDAW/C/SRB/CO/4 (2019), para. 28; CO Panama CEDAW/C/PAN/CO/8 (2022), para. 30; CO Uruguay CEDAW/C/URY/CO/10 (2023), para. 28; CO Italy CEDAW/C/ITA/CO/8 (2024), para. 32.

¹²¹ See, for instance, CEDAW Committee, CO Bulgaria CEDAW/C/BGR/CO/8 (2020), para. 28; CO Slovakia CEDAW/C/SVK/CO/7 (2023), para. 27; CO Georgia CEDAW/C/GEO/CO/6 (2023), para. 30.

¹²² See, for instance, CO Greece CEDAW/C/GRC/CO/8-9 (2024), para. 28.

¹²³ See, for instance, CEDAW Committee, CO Hungary CEDAW/C/HUN/CO/7-8 (2013), para. 25; CO Mauritania CEDAW/C/MRT/CO/2-3 (2014), para. 31; CO Italy CEDAW/C/ITA/CO/7 (2017), para. 32; and CO Barbados CEDAW/C/BRB/CO/5-8 (2017), paras 27-28.

model for a more robust future approach to the consideration of, and reporting on Article 8 by the Committee.

Please refer to [Annex I](#), featuring excerpts from CEDAW reports directly referencing Article 8 obligations, guarantees, and implementation; and [Annex II](#), featuring excerpts from CEDAW reports addressing matters within the substantive ambit of Article 8 obligations, guarantees, and implementation.

IV. CONCLUSIONS AND RECOMMENDATIONS

The use of reporting obligations under Article 18 of CEDAW is an important tool to facilitate the implementation of States' obligations under Article 8 regarding equal representation of women in international organizations and decision-making bodies.

A review of past reports has revealed a gap in information regarding State's compliance with Article 8 and the advancement of women as equal participants at the international level. This underreporting has become more pronounced as the CEDAW Committee has transitioned into a simplified reporting procedure, under which State parties must respond to a list of issues and questions prepared by the Committee. As outlined above, under the new system, information relevant to monitoring Article 8 is typically clustered under the headings of (a) Participation in political and public life; and (b) Temporary Special Measures, without requesting that States provide specific data to ensure equal and inclusive representation of women at the international level. The result is a general paucity of relevant data to assess whether States are taking appropriate measures to fully implement their obligations under Article 8.

Inclusion of guidance on the identification, nomination, selection process, and appointment of women at the international level - through questions, Concluding Observations, and General Recommendations - would not be difficult to implement, as the framework is already in place. By incorporating criteria and recommendations related to Article 8 in its reporting mechanisms, the CEDAW Committee can play a pivotal role in achieving gender parity in women's representation in international organizations and decision-making bodies.

The recent adoption of GR 40 on women's equal and inclusive representation in decision-making systems is a crucial step towards refining and promoting the effective implementation of States' obligations under Article 8 of the Convention. This includes ensuring that women, in all their diversity, have full and equal access to represent their governments internationally and participate in the work of international organizations.

In particular, GR 40 offers an invaluable and unparalleled opportunity not only to affirm and define the scope of women's right to equal representation in the work of international tribunals and other bodies under Article 8, but also to authoritatively assert that States have a fundamental obligation, to guarantee gender parity- meaning a 50:50 balance - in the composition of all international positions, including international tribunals and other monitoring and adjudicatory bodies.

The first and most fundamental step the Committee can take to make States parties' compliance with Article 8 a reality, and to ensure that women's equal and meaningful participation at the international level is meaningfully and sustainably achieved, is to guarantee consistent and comprehensive reporting on Article 8 in its future practice and engagement with States parties' reporting practices.

To assist in improving the monitoring of State compliance with Article 8's obligations, we outline a set of suggested questions that the Committee could use in Annex III.