

TRANSFORMING DECISION-MAKING: THE POWER OF CEDAW'S GR40 IN ADVANCING WOMEN'S EQUAL REPRESENTATION

SYMPOSIUM COLLECTION



EQUAL

OpinioJuris

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PREFACE

In February, 2025 the **GQUAL Campaign and Opinio Juris**, hosted an online symposium titled ***“Transforming Decision-Making: The Power of CEDAW’s GR40 in Advancing Women’s Equal Representation”***. The event aimed to spotlight the significance of the recently adopted General Recommendation No. 40 (GR40) by the CEDAW Committee and to encourage reflection on its potential to transform global decision-making systems by advancing women’s equal and inclusive participation.

During the Symposium, **23 distinguished experts** examined the persistent barriers that women face in critical arenas of international decision-making—including international justice, climate negotiations, peace and security, arbitration, trade, and multilateral diplomacy—drawing from diverse regional contexts and professional experiences. The **17 contributions** featured in the Symposium analyzed these obstacles against the backdrop of today’s global challenges, using the framework of international legal obligations established under GR40. Together, they underscored the transformative potential of GR40 to drive systemic change. This collective reflection makes clear that advancing gender equality in international leadership is not only a question of justice—it is essential to strengthening the legitimacy, effectiveness, and inclusiveness of global governance in the face of complex, interconnected crises.

We are deeply grateful to all the experts who contributed their time, insight, and experience to this effort, and to Opinio Juris for partnering with us to bring this important conversation to a broader audience.

Given the depth and relevance of the insights shared, GQUAL has compiled all contributions into this Symposium Collection to ensure they remain available as a resource for continued dialogue, advocacy, and reflection.

The original posts can be found in Opinio Juris’ [website](#).

TRANSFORMING DECISION-MAKING: INTRODUCTION TO THE SYMPOSIUM ON CEDAW'S GR40

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International decision-making systems are fundamental to international cooperation, shaping political consensus, and establishing legal standards and accountability mechanisms on critical issues such as human and women's rights, climate change, peace and security, trade, and economic development. Women's equal participation in these decisions is necessary to ensure the right to equality and to strengthen the capacity of these institutions to develop inclusive and effective solutions to those global challenges. International human rights law standards, particularly the principles of equality and non-discrimination, provide a critical framework for advancing fair and inclusive representation in global governance.

When the GQUAL Campaign was first launched in 2015, the landscape of international justice was glaringly unequal. At the time, there were no women judges on the Inter-American Court of Human Rights; the International Tribunal on the Law of the Sea had seen just one woman judge in its entire history; and the International Court of Justice had only four women judges since its founding. Furthermore, 19 Special Procedures Mandates of the UN Human Rights Council had never been held by a woman, including those devoted to torture prevention and freedom of expression.

However, much has changed in the last 10 years. Our work and that of many others has contributed to a 65% reduction in the gender gap within the institutions monitored by the Campaign, a result supported by an average increase of 52% in the number of women running for international positions, including a notable rise of 26% in the number of women candidates from Latin America, the Caribbean, and 10% from Africa. Gender parity has been achieved and sustained in key bodies dedicated to protecting women's rights, such as the Inter-American Court and Commission on Human Rights and the UN Special Procedures, and several important institutional and normative developments have supported these changes.

These developments include the adoption of 12 UN and OAS resolutions addressing the underrepresentation of women in international bodies, a resolution by the Permanent Court of Arbitration addressing the poor participation of women in the Court for the first time in its history, and two international reports requested by the Human Rights Council and the OAS General Assembly containing best practices and specific recommendations for States and institutions.

Yet, women remain underrepresented in key international justice spaces. Data shows that the more political, State-controlled, prestigious, and well-paid the international positions are, the harder it is for women to access them on an equal footing. As highlighted by our annually published rankings, States continue to predominantly nominate and elect men, with processes that lack transparency, equality, and meaningful civil society participation.

The underrepresentation of women is not only acute in international courts and bodies: it is a structural challenge that extends to other areas of decision-making at both the national and international levels, including in diplomacy and multilateralism, trade and development, peace and security, climate change, and arbitration.

To increase the representation and influence of women in key international decision-making spaces, institutional changes need to happen and gender parity needs to become a permanent, non-negotiable aspect of leadership. International human rights law has a key role to play in supporting and shaping these institutional changes, by providing clear, binding standards to guide the actions of States and international organizations and to hold them accountable.

The equal participation of women in international decision-making spaces is not just a matter of fairness, effectiveness, and legitimacy, but a legal obligation enshrined in women's rights to equality and non-discrimination. While this right, and its particular applicability to international leadership, is included in human rights treaties, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Convention, the International Covenant on Civil and Political Rights (ICCPR), and others, it has not always received all the attention it deserves, and there is little jurisprudential development and practice on its scope.

This gap prompted GQUAL to build on the work of other experts and develop research on the scope of Article 8 of the CEDAW Convention (the main binding treaty norm that addresses women's equal participation in international leadership), and to advocate early on in partnership with others for the CEDAW Committee to develop a General Recommendation with key guidelines for States to ensure the equal representation of women in all spheres of decision-making. **Today, we celebrate the CEDAW Committee's leadership in addressing these issues through fresh perspectives, and the recently adopted General Recommendation 40 (GR40).**

The Significance of GR40

Adopted in October 2024, GR40 represents a comprehensive and bold legal framework, grounded in the binding legal standards of one of the most widely ratified treaties, to achieve “women's equal and inclusive participation in decision-making systems.”

The process, which formally began in February 2023, garnered remarkable support and participation from many States, experts, academics, and civil society organizations related to the topic, coming from diverse areas of the legal and political fields.

In addition to contributing several formal submissions and participating in regional consultations, GQUAL facilitated a series of expert meetings with CEDAW Members, focused on the particular challenges of women's international representation. These included a meeting in Washington DC, organized with the Academy of Human Rights and Humanitarian Law at American University, that brought together more than 40 experts from diverse fields and regions; a meeting in Bern, organized with the University of Bern World Trade Institute and the Institute of International Relations Prague, that focused on women's participation in multilateral and economic spaces; a meeting organized with the Gender and Law Program of the Faculty of Law of the University of Buenos Aires (UBA), focused on feminist economies; an online meeting with experts to share comments on earlier GR40 drafts, and several public events. These events are just examples of the rich and diverse views, contributions, and discussions led by the Committee with many actors, which resulted in the celebrated GR.

GR40 is transformative for four main reasons. Firstly, it asserts that “equal and inclusive representation” under the treaty must be defined as 50:50 parity between women and men in all their diversity. In practice, this results in equal access to and equal power within decision-making systems. Parity is defined as both a starting point and universal norm, and a legal principle and a rule of good governance, which requires the sharing of power between women and men as a permanent and core feature of all areas of life.

Secondly, GR40 acknowledges that the increasing challenges in our world require that women be provided access, representation, and recognition with the same power and influence to engage in decision-making spaces at the international and multilateral levels. GR40 acknowledges that critical decisions affecting our daily lives are made at the global level and, as such, international decision-making is an area where gender parity needs to be pioneered, upheld, and ensured.

Third, GR40 highlights the centrality of Article 8 of the CEDAW Convention as the legal basis to require States to ensure the representation of women in parity with men in international decision-making. As part of that obligation, States must ensure parity in diplomatic appointments and the composition of delegations, develop a foreign policy guided by a gender criterion that makes the empowerment of women and girls a central focus of government policy abroad, and institutionalize parity laws and transparent procedures at the national level for nomination and selection for positions in multilateral and international organizations and bodies.

Finally, GR40 provides a unifying framework for collective action on women's equal participation in decision-making at all levels. As such, it has the potential of becoming a powerful tool to drive stronger political consensus, inspire measures from political leaders at the national and international level, promote institutional changes, and support accountability efforts, including through civil society's advocacy and litigation.

A Global Symposium to Unite Voices

A fundamental step in unlocking the full potential of GR40 is to promote its widespread dissemination and discussion. With this goal in mind, this symposium brings together a variety of perspectives on the significance and impact of the GR40 from a diverse group of actors that have been engaged in the development of this important legal tool. Contributions will explore the GR in the context of:

1. Specific upcoming elections where women are still critically underrepresented, such as the UN Secretary General, or the renewal of members at the International Court of Justice and the International Law Commission.
2. Specific international decision-making fields and their specific opportunities and challenges, including in international law and justice, multilateralism, climate change negotiations, trade, arbitration, peace and security, and philanthropy.
3. Regional perspectives and realities that reflect the diverse experiences and challenges faced by women in different parts of the world.

There is still a long way to go before women, in all their diversity, can enjoy real and complete equality. The current upsetting global context deepens already existing structural challenges, fueled by conflict, authoritarianism, anti-rights and anti-multilateralism agendas, threatening to undermine hard-won achievements and putting the rights of women and minorities at serious risk.

In this context, **it is imperative for those of us who believe that women's equal and inclusive participation is not only a right, but also a necessary means for achieving a more peaceful and fairer world, to strengthen strategies and alliances, and to increase our capacity to hold States and institutions accountable.**

ROADMAP TO PARITY 50/50

Nicole Ameline, former Member of the UN Committee on the Elimination of Discrimination against Women (CEDAW), Chair of the GR40 Drafting Group, former Minister of Parity and Equality at Work (2002-2005), France.

We extend our gratitude to GQUAL for its critical, high-quality, and innovative contribution to the development of CEDAW General Recommendation No. 40 (GR40) on the equal and inclusive representation of women in decision-making systems. This collaboration should continue to thrive through the implementation and global application of GR40.

GR40 represents a collective effort within the United Nations system, driven by the full mobilization of the CEDAW Committee, the strong support of OHCHR, the exemplary participation of UN Women, and powerful declarations by the UN High Commissioner for Human Rights. Member States played a key role, with 76 countries actively participating in the official launch. The Inter-Parliamentary Union, along with UN Women, has been a crucial partner from the outset. Civil society organizations, including the Open Society Foundation and the Generation Equality Forum, were also integral to this achievement.

GR40 establishes a transformative model to accelerate progress toward parity in leadership and decision-making. It defines how a critical mass of progressive women can drive a paradigm shift toward gender-equal systems of governance.

The equal and inclusive representation of women in all decision-making systems is not only a fundamental human right, but also a vital global response to the disruptive challenges the world is facing today, including in relation to peace and security; a sustainable, inclusive, and human rights-based economy; climate change and environmental crises; technological advancements, including the rise of AI; and the transformation and sustainability of the multilateral system.

Only a radical paradigm shift grounded in a surge in 50/50 parity can prevent a historical pushback on women's rights.

GR40 offers a comprehensive global response for achieving parity in all decision-making processes and serves as a critical precondition to ensure equality everywhere.

Legal Anchoring and Legitimacy

GR40 is firmly grounded in international law, drawing on the universal principles and obligations outlined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Among others, it builds on the Preamble, which affirms women's right to participate in decision-making as a fundamental principle for peace, and on Articles 7 and 8, which articulate specific obligations regarding women's representation in political and diplomatic roles.

It aligns with international and regional commitments, including those articulated in the 1975 Mexico Conference, the Beijing Declaration and Platform for Action, and UN Security Council Resolution 1325. GR40 is also anchored in the Sustainable Development Goals (SDGs), particularly Goal 5, which enshrines equality as a core objective.

The persistently low representation of women in decision-making—whether in parliaments, conflict prevention and resolution, financial systems, multilateral organizations, or other sectors—constitutes both a violation of their rights and a structural barrier to the realization of equality.

GR40 underscores that the discrimination and violence faced by women and girls are rooted in a patriarchal system of exclusion. This de facto and de jure exclusion, which is taking a particularly extreme form today in Afghanistan with the deliberate erasure of women from the public arena, calls for a new radical anchoring of equality principles in decision-making systems.

Thirty years after the Beijing Declaration, GR40 takes a more radical – and the only fair – stance on parity, advocating for 50/50 representation as the norm. It questions the frequently applied 30% target as a potential justification for ongoing inequality, asserting instead that parity must mean equal and inclusive representation of women and men in all their diversity.

Legal Innovation

GR40 introduces a groundbreaking normative framework by making 50/50 parity a fundamental principle of inclusive and fair governance. Its seven core pillars outline a comprehensive approach to achieving this paradigm shift:

1. **50/50 Parity as a Starting Point:** The principle of equal representation in decision-making must be legally embedded in constitutional and legislative frameworks to drive systemic and sustainable transformation.
2. **Empowering the Younger Generations:** Young people should be seen as active partners in driving change, not just as beneficiaries.
3. **Intersectionality as Governance:** States are obligated to ensure inclusivity for women in all their diversity, embedding intersectionality as a guiding principle.
4. **Coverage of All Sectors:** Parity must extend across public, economic, and private sectors.
5. **Redefining Power-Sharing:** The concept of power-sharing must be updated to include equal access to decision-making systems and the dismantling of stereotypes.
6. **Balancing Professional and Family Responsibilities:** A systemic approach is needed to harmonize career trajectories with family life.
7. **Enhancing Civil Society's Role:** Civil society, including human rights defenders and organizations advocating for women's rights, must have equal footing in decision-making processes.

GR40 defines general and specific obligations for achieving parity across all sectors. A key focus is on education, universities, and academic institutions as central to fostering empowerment and leadership.

Education for Empowerment and Leadership

GR40 highlights the responsibility of States and the crucial role of education stakeholders in adapting educational and university systems to promote parity. It underscores that it is a key task of an education system to integrate education to empowerment, ensuring that girls and boys, women and men are given the necessary tools to achieve parity and exercise leadership in an equal responsible and ethical manner.

GR40 emphasizes dismantling gender stereotypes in education, which often prevent women and girls from entering fields like artificial intelligence or envisioning themselves as leaders. Equal access to quality education at all levels is a fundamental precondition for parity.

GR40 calls for integrating gender equality, women's rights, and ethical leadership into school curricula. It also calls for the radical inclusion of girls in traditionally male-dominated fields, particularly STEM, to ensure gender equality in shaping the future. Early interventions are critical to creating environments where girls and boys, and later women and men, have equal opportunities to lead and influence across all decision-making spheres.

This approach must also extend to higher education. GR40, *inter alia*, recommends achieving parity among university professors and introducing "Women, Law, and Leadership" as an academic discipline.

Legal Urgency

In a world facing existential challenges—conflicts, crises, migration, digital transformation, climate change, and poverty—the stagnation of women's representation in decision-making is both unacceptable and unsuited to these global challenges. For example, women account for only 26% of parliamentarians, 18% of AI researchers, and less than 20% of decision-makers in technology sectors. Without bold action, gender inequality will deepen, with devastating consequences.

The fast-paced technological transition, driven by the exponential rise of AI as a key force behind digital transformation, is reshaping the global landscape. However, the systemic underrepresentation of women and girls in these advancements poses significant challenges to the progress of women's rights.

GR40 underscores the need for global momentum to drive the paradigm shift required to rectify this systemic injustice and build fair and inclusive governance.

Legal Effectiveness

To accelerate progress by 2030, GR40 emphasizes the use of Permanent Measures and Temporary Special Measures under Article 4 of CEDAW. It recommends adopting parity as a constitutional principle and establishing National Action Plans on Parity to ensure effective, measurable progress.

GR40 provides an actionable roadmap that empowers both governments and civil society to drive change. Aligning with the SDGs, it aims to ensure that 50/50 parity is not only an aspiration but a reality by 2030—a critical turning point for women, girls, and for humanity as a whole.

Accountability

GR40 addresses the chronic lack of accountability for failing to meet gender parity commitments. It calls for robust mechanisms to monitor and enforce its principles. It welcomes feminist foreign policy as an integral part of this vision, alongside the active engagement of civil society, academic networks, NGOs, human rights defenders, and international experts.

GR40 also advocates for integrating its principles into the reform of the multilateral system, particularly within the evolving peace and security architecture.

The legal community's commitment to implementing GR40 is essential for realizing this global solution.

Filling the accountability gap on parity is essential to preventing a historic rollback of women's rights. Achieving this goal requires acceleration, innovation, and widespread mobilization.

Civil society must receive targeted support to drive this necessary paradigm shift. The extent of mobilization will be a decisive factor in achieving progress.

REINVIGORATING EQUAL AND INCLUSIVE PARTICIPATION OF WOMEN IN INTERNATIONAL DECISION-MAKING: CEDAW'S GENERAL RECOMMENDATION 40 AND A RENEWED INTERPRETATION OF ARTICLE 8 OF THE CEDAW CONVENTION

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General Recommendation 40 ('GR40'), adopted by the Committee on the Elimination of Discrimination against Women ('CEDAW'), provides a roadmap to address the persistent failure of equal and inclusive sharing of power in decision-making between women and men in all fields and proposes comprehensive guidance aimed at "systemic change." The lack of women's equal and inclusive representation undermines efforts to tackle what GR40 labels "disruptive and urgent challenges" that affect local, national, regional, and global communities. Among the challenges identified, there are several global issues, including the sustainability of the multilateral system and governance, climate change, peace and security, and economic development: areas where women's full and equal representation is essential to promote and sustain lasting solutions. Article 8 of the Convention on the Elimination of All Forms of Discrimination against Women ('the Convention') is the core international obligation ensuring equal and inclusive participation of women in international decision-making and serves as one of the provisions upon which GR40 is grounded.

The adoption of GR40 reaffirms three core principles crucial for advancing equal and inclusive representation of women in international decision-making under Article 8 of the Convention. First, GR40 asserts that women have a right to equal and inclusive representation in all decision-making systems under international human rights law, based on the principle of equality and non-discrimination. Second, GR40 recognizes that tackling women's underrepresentation requires addressing various intersecting grounds of discrimination that ensure the inclusion of women in all their diversity. Finally, GR40 defines "equal and inclusive representation" as requiring gender parity.

Women's Right to Equal and Inclusive Representation in International Decision-making

Several provisions under international human rights treaties protect the right of women to equal representation in decision-making systems; however, it is Article 8 of the Convention, complemented by Article 7 of the same treaty, that specifically ensures this right at the international level.

GR40 acknowledges that Article 8 establishes a twofold obligation: States parties must take all appropriate measures to ensure that women have the opportunity, on equal terms with men, to represent their governments at the international level and to participate in the work of international organizations. **This obligation is nearly universal, given that 189 States have ratified the Convention to date.**

Under the first prong of the obligation, GR40 encompasses women in the diplomatic and foreign services, as well as those serving as part of State delegations, and concludes that women remain underrepresented in these sectors, particularly in the higher ranks. To address such underrepresentation, GR40 recommends that States “achieve and maintain parity in diplomatic ambassadorial appointments” and “ensure parity in the composition of all international delegations.” (CEDAW, General Recommendation No. 40, CEDAW/C/GC/40 (2024), hereinafter GR40, para. 54). Furthermore, it urges States to implement a foreign feminist policy, “making gender equality and women’s and girls’ empowerment a central focus of government policy abroad.”

In the second prong of the obligation, GR40 acknowledges that when Article 8 refers to “international organizations,” it includes both universal and regional organizations. In other words, “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.” Additionally, this obligation extends to all organs within these organizations, including “courts, subsidiary bodies, funds and programmes, specialized agencies, and treaty bodies.” A close examination of GR40’s language shows that these international institutions cover a diverse set of thematic areas ranging from peace and security, human rights, international disputes, economic development, and trade to climate change, to name a few.

The full implementation of women's right to participation "in the work of international organizations" under Article 8 carries obligations relevant to both the domestic and international levels. At the 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 de facto benefit on an equal footing from the opportunity to compete for positions in international decision-making bodies. On the other hand, at the international level, States must exert influence when adopting the rules that regulate the appointment processes to positions in tribunals or other organs to guarantee that they conform to the gender parity requirements of Article 8. Additionally, States must vote in parity when appointing candidates for positions in those institutions, particularly in cases where women are underrepresented.

In that vein, GR40 underscores that the current underrepresentation of women in international organizations, including tribunals and mechanisms, can be attributed "to the absence of objective criteria and processes for appointment and promotion to relevant positions." (GR40, para. 56). 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. Furthermore, at the international level, GR40 recommends States to establish "international partnerships on parity," and calls them to "anchor the principle of parity in decision-making, in all spheres and at all levels, in all future international frameworks and reform processes, and in the application and interpretation of existing ones." (GR40, paras. 55, 72).

Additionally, Article 8 requires that State parties to the Convention "take all appropriate measures" to ensure women substantive equality in accessing positions to represent the government internationally and in the work of international organizations.

Although Article 8 has not been extensively interpreted, CEDAW 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, as outlined in Article 4 of the Convention.

CEDAW 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. Similarly, in GR40, CEDAW calls for adopting “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” (GR40, para.25). 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. Given the precise nature of the obligation to take all appropriate measures, this duty is of immediate application and may be subject to enforcement in domestic and international jurisdictions.

Intersectionality and Inclusion of Women in All Their Diversity in International Representation

In line with prior General Recommendations and practice, GR40 states that the Convention recognizes that women face different and intersecting forms of discrimination when protecting specific groups, including inter alia women in poverty, pregnant women, or rural women, in its provisions. By acknowledging their diversity and the distinctive challenges that each group of women endure, the treaty requires States to take into consideration intersecting forms of discrimination when adopting measures to respect and ensure the principle of equality and non-discrimination. In that vein, States must ensure women's right to participate in decision-making power on equal terms with men at the international level through measures that take into account these intersecting factors and guarantee the representation of women in all their diversity.

Equal and Inclusive Representation as Parity 50:50

The recently adopted GR40 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” (GR40, para. 2). 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 the Convention must be understood as requiring that women reflect a 50% representation in the composition of international organizations, including courts and other bodies. GR40 defines parity as both a starting point and a universal rule aimed at systemic change.

According to CEDAW, the parity requirement is rooted in the Convention itself, as well as other international and regional treaties and instruments, previous General Recommendations, such as General Recommendation 23, and CEDAW's Concluding Observations.

Besides affirming the application of a parity rule, GR40 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." (GR40, para 15). In this regard, it rejects a "tokenistic approach" where women participate without genuine decision-making power. Instead, GR40 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. 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" (GR40, para 15).

Ultimately, GR40 recommends that under Article 8 of the Convention, States adopt parity rules to address women's underrepresentation in the diplomatic service, in all international delegations, and in positions within international organizations. 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." (GR40, para. 72).

Conclusion

The recent adoption of GR40 on women's equal and inclusive representation in decision-making systems is crucial to 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, GR40 offers an invaluable and unparalleled opportunity not only to affirm and define the scope of women's right to equal representation in international positions 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 institutions, including international tribunals and other monitoring and adjudicatory bodies.

CEDAW's longstanding interpretations of the Convention, expressed through its Concluding Observations and General Recommendations are essential for understanding States' practical obligations. These interpretations clarify the implications and obligations arising from the treaty as they detail the information States must report, as well as the actions they must take to fully comply with their obligations under the Convention. CEDAW has repeatedly urged States to do more to ensure full implementation of Article 8.

In that context, the first and most fundamental step CEDAW can take to ensure States parties' compliance with Article 8, and to guarantee that women's equal and meaningful participation at the international level is achieved in a lasting and sustainable way, is to encourage and monitor consistent and comprehensive reporting on this provision in its future practice and engagement with States parties.

GENDERING AND DECOLONIZING HUMAN RIGHTS BODIES: CEDAW GR40'S IMPACT ON WOMEN'S REPRESENTATION IN INTERNATIONAL DECISION-MAKING ORGANS

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The General Recommendation No. 40 on the equal and inclusive representation of women in decision-making systems (hereafter, GR40) adopted by the CEDAW Committee elaborates on the new “paradigm-shift” that must be followed by States Parties to the CEDAW to achieve substantial equality and equal representation between men and women. The roadmap mainly elaborates on the domestic sphere and the national/local decision-making systems, but also on international institutions. Indeed, there is a pressing need to reflect upon the shift paradigm regarding the participation of women in international decision- and law-making systems in general – such as diplomacy, international organizations or international courts – and regional/universal human rights bodies in particular. The present article aims to briefly discuss a taboo issue: the patriarchy and colonial structure that still shape human rights bodies (1). It also exemplifies the harmful consequences of the lack of women's participation in these international organs (2). The article concludes with the added value of GR40 as a holistic and comprehensive tool not only for filling the gap of women's participation in multilateral institutions but also for achieving a universalist ideal (3).

Ending the Patriarchy and Colonial Structure of Human Rights Bodies

In paragraph 11 of GR40, the CEDAW Committee states that: “Patriarchy permeates all societies.” This statement applies to all human rights bodies. As far as the European Court of Human Rights is concerned, the Tribunal started its activities in 1959 but the very first woman to chair the Court was only elected in 2022. And even if under the Parliamentary Assembly of the Council of Europe's pressure, States' nomination of candidates to the judges' position is more gender-balanced, States such as France, Greece and the UK have never had a female European judge.

For the UN treaty bodies (hereafter, TBs), a comparison between the Committee against Torture (CAT Committee) on the one side and the CEDAW Committee or the Committee on the Rights of the Child (CRC) on the other shows a huge imbalance in their membership. Women are over-represented in the CEDAW and CRC Committees, while very isolated and almost invisible in the CAT Committee. For other TBs such as the Human Rights Committee, the parity is not respected but as mentioned in GR40, States are satisfied with a representation of 33% women, which “convey the message that inequality between women and men is justifiable” (para. 40 – Membership and composition in force in January 2025). The under-representation of women in TBs is symptomatic of their precarious situation within multilateral institutions, as also stressed by GR40 (para. 53).

It should be added that, once elected, a female expert might continue to face negative prejudices and stereotypes that are rooted in patriarchal and colonial structures, especially if she is relatively young, comes from a non-Western State and is a non-native English speaker. These types of prejudices might be perpetuated by the members (including women), the secretariat and the UN itself. Indeed, the conditions and requirements for being a TB expert – a non-paid position with several weeks away from home – constitute a challenge for many women with caregiving duties and financial limitations. Therefore, the intersectional discrimination that impedes the full equality between men and women at the domestic level also exists at the international level. However, the problem goes beyond that and must also be analyzed under an intersectional lens. Human rights bodies such as the Human Rights Committee are still marked by an international patriarchal elite and hegemony from Western European and other States (WEOG) with experts sharing the same legal culture. To a certain extent, Western English-speaking male experts continue to be presented and assumed – by the secretariat staff or by other members – as the only potential holders of the rationality of International Human Rights Law (IHRL). **In this regard, what is at stake in GR40 is not only ensuring a numerical representation of women at the international level: it also aims at transforming the mindset of the human rights system and shifting from an elitist “only-men club” decision-making process to a much more diverse, and inclusive paradigm largely based on the recognition of the intersectionality.**

The Negative Impact of the Under-representation of Women in Human Rights Organs

One of the strong assumptions made by GR40 is that the lack of parity is not only a violation of women's rights to be treated in equality with men but also deprives humanity of the participation of women in "building a collective intelligence" (para. 4), especially when women are embraced in their full diversity. Presently, women's voices are not heard enough, and their knowledge, intelligence and experiences are neither used nor valued to shape the social and legal norms. This also applies to human rights treaty bodies, which are law-maker organs and determine international social and legal norms and standards. There is no space in this article to dwell on the causal nexus between the under-representation of women and the content of norms decided by human rights bodies. However, while I am aware that this would deserve a deeper and more thorough analysis, I will provide some specific examples where the women's under-representation in TBs might be harmful for the substance of IHRL itself and its progressive development.

The first illustration is taken from an individual complaint dealing with women's rights. My point is not to affirm that only women can monitor and construe women's rights. I make a distinction between women's representation in decision-making organs, which is the topic of GR40, and defense of women's rights which is not necessarily a woman's exclusive prerogative. On the contrary, there are some illustrations in the Human Rights Committee's practice where the stance of female members of the Committee fell short protecting women's rights (see the dissenting opinion under Eugénie Chapukewa v. Democratic Republic of Congo). Nevertheless, when assessing claims dealing with gender-based discrimination, sexual and gender-based violence or sexual and reproductive rights, women's diverse lenses and experiences are needed and must be heard. The Elizabeth Coppin v. Ireland saga before the CAT Committee is a good example. It dealt with the gender-based violence suffered by the author when she was a child and placed in the "Magdalena Laundries" during the 1960s. In an admissibility decision, the CAT Committee took a bold and creative stance on its *ratione temporis* jurisdiction to address the claims. However, when the composition of the CAT changed to very few female experts, it had a direct impact on the way the CAT Committee handled the merits of the case: following a contested legal reasoning, the organ concluded to the non-violation by Ireland of the obligation to investigate the facts.

The second example is also related to sexual violence with a paradigmatic case adjudicated by the Human Rights Committee against Nepal. In its decision, the Committee considered that the multiple rapes suffered by the author of the complaint also led to a violation of her private/family life right, since she had been repudiated by her husband and stigmatized by her family-in-law. A (male) member of the Committee wrote a partly dissenting opinion on that point, considering that there was no causal nexus between the sexual violence and the long-term consequences on the victim's private and family life. I will not discuss the reasoning of this opinion but I only mention that once the decision was published, the author wrote a letter to the Human Rights Committee to share how she felt revictimized by the individual opinion, considering that her experience as a 14-year indigenous girl gang-raped by soldiers for several weeks was not heard nor fully captured. Although it was an isolated opinion and not the position of the Committee itself, this case is a clear illustration that negative stereotypes, and a non-intersected worldview might have an impact on the way IHRL is construed. Women in their diversity might have different views on human rights but one point is obvious: women's experiences cannot be fully addressed when experts are unable to epistemologically and intellectually embrace them.

Additional illustrations of the impacts of lack of genuine parity – in the meaning conveyed by GR40, i.e. equal participation of women in their diversity in the law-making process and decision-making systems in all sectors – could also be taken from the Yaker v. France decision of the Human Rights Committee where Western-non-Muslim female experts debated on the scope and content of freedom of religion of Muslim women. However, beyond cases and issues related to women's rights, the absence of a representation of women in their diversity in the membership of international organs might equally impact the way other topics related to the defense of civic space, definition and protection of democracy, or new challenges raised by climate change and new technologies are construed. Thus, women in their diversity of knowledge and experiences are a key-component of what GR40 calls the "collective intelligence".

Full Parity as a Universality Project for Human Rights Bodies

There is a clear continuum between the lack of parity at the domestic level and the negative stereotypes that explain the under-representation of women in regional and universal human rights bodies. As said in para. 56 of GR40, this situation is due to the lack of objective criteria for international nominations and elections, but not only that. The prejudices that trigger structural and intersectional discrimination at the national level have direct effects on the absence of international parity.

However, the question of applicability of CEDAW obligations to decision-making organs and multilateral institutions can be raised. Do States have the legal obligation to promote gender parity in the international area? The answer is provided by the CEDAW itself. The Convention imposes obligations applicable within the States' domestic sphere and to situations under their jurisdiction but also obligations regarding international institutions they belong to ([Article 8](#)). Accordingly, the decision to promote candidates with cultural and sociological diverse profiles to experts' and judges' positions at regional and universal levels falls under their jurisdiction under the CEDAW. In this respect, GR40 reaffirms and develops what was already stated in the previous [General Recommendation No. 23 \(1997\) on women in political and public life](#).

In this regard, GR40 suggests some practical and concrete recommendations to achieve the goal of "parity in international decision-making" (paras. 52 et seq.) such as the: promotion of women's leadership, including for international mandates; development of gender-based recruitment strategies; and awareness-raising regarding the transformative role of girls and women. The stereotype that parity would be the enemy of meritocracy must also be combated by States.

To this aim, pillars 4 and 5 of GR40 (paras. 33 et seq.) are of the utmost importance for increasing the presence and the visibility of women in human rights organs and developing and fostering a leadership culture. However, not a leadership that would mimic men's behavior. Women leadership freed from the internalization of patriarchal way of being (including in terms of self-perception) and based on a diversity of cultures, worldviews, traditions, religions and identity is needed for fighting against the mere reproduction of an "elitist club of international experts". It is also crucial for shaping a holistic, progressive, diverse, and pro persona discourse on international human rights.

GENDER PARITY IN THE ICJ AND ILC – ABOUT TIME!

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Introduction

In 2019, as the International Law Commission (ILC) celebrated its 70th anniversary, the four women members of the Commission hosted a side event at the United Nations in New York titled “Seven Women in Seventy Years”. Many were quite surprised to learn that only seven women had been elected to the Commission since 1949. This revelation raises a key question: why has there been such long-standing and woeful underrepresentation of women at the highest levels in international law, including academic institutions and international bodies? The International Court of Justice (ICJ), one of the most powerful institutions of international law, is also marked by a significant underrepresentation of women, with only six women permanent judges having been elected in its 80 years of existence. In this brief piece, we reflect on *why* representation matters and *how* States can change the course of history to ensure that women are full members of the invisible college of international law at all levels, starting with the ILC and the ICJ.

The International Law Commission: Where are the Women?

The International Law Commission, while established in 1947, the first two women were only elected in 2001: Hanqin Xue of China, 2002–2010, and Paula Escarameia of Portugal, 2002–2010. This milestone of electing women to the Commission came fifty years after the Commission's formation. However, this was not due to a lack of qualified candidates. The first woman, Olga Nuñez de Saballos, was nominated in 1966, and then 25 years later, two more women were nominated in 1991, although neither were elected. Another two decades passed before women finally succeeded in breaking the proverbial “glass-ceiling” with the election of Paula Escarameia of Portugal and Hanqin Xue of China in 2001. Their election paved the way for more women to join the Commission: Marie Jacobsson from Sweden who was elected in 2006 and Concepción Escobar Hernandez from Spain in 2011. The gap seemed to be narrowing in 2017 as four women were nominated and all were elected.

The last cycle of women nominees in 2021 saw a record eight women nominated, but only five were elected: Patrícia Galvão Teles, Nilüfer Oral, and Penny Ridding (all from Western Europe and Others Group, WEOG), Phoebe Okowa (Kenya), and Vilawan Mangklatanakul (Thailand). In 2024, Alina Orosan was elected to fill the casual vacancy created by the resignation of Bogdan Aurescu, who was elected to the ICJ. In short, since the Commission's establishment in 1948, only 10 women members out of a total 249 members have been elected to the Commission.

It is not simply a question of the numerical presence of women in the Commission, but one of their inclusion in the process and in having women take on leadership roles in the progressive development of international law and its codification. For example, from 1949 to 2023, a total of 65 Special Rapporteurs were appointed to lead the Commission's work on various topics, and of these, only three were women. However, in 2019, the Commission established the Study Group on Sea Level Rise in Relation to International Law, and two of the five co-chairs appointed were women (Patrícia Galvão Teles and Nilufer Oral).

The absence of women in the Commission during the so-called “golden years” of codification means that many of the foundational instruments of international law were made by men, without the voices and perspectives of women. A 2012 analysis observed that “The International Law Commission is far and away the most common source relied upon by the judges of the Court.” However, while the Commission may rank among the most influential sources for “the teachings of the most highly qualified publicists” for the Court, the reality is that, until the twenty-first century, there were no women members, Special Rapporteurs, or Study Group Chairs. In other words, the learned voices of women were absent for decades, creating lasting implications for the development and effectiveness of international law.

The question that remains is why does this woeful underrepresentation of women continue well into the first quarter of the 21st century? Why do States *not* nominate women? For example, in 2001, out of 133 nominations, only two were women. Twenty years later, the numbers have barely increased, with a mere 8 candidates being women out of 143. The ILC statute provides that in the election of members to the Commission they “should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.” Where are women in this qualification?

How can this unacceptable exclusion of women be remedied so that one of the most influential expert bodies for international law can achieve gender parity? How to make States nominate more women? To “quota” or not? Or rather, require parity or not in the nominations is the question. Clearly without quotas the process has not worked for women. For the first time the Commission itself has addressed this in its 2024 annual report (para. 436) in relation to the need to ensure gender parity in the strengthening of the rule of law, recognizing that it must make progress in its own composition.

The International Court of Justice: Why Having Women in the ICJ Judiciary Matters?

Conversations with women judges who have broken the glass ceiling and are among the few at the ICJ reveal that there is growing momentum across the most powerful bodies of international law for change. The role of women as judges at the ICJ will have a profound impact on the Court's legitimacy, the optics of inclusion, and the trickle-down effect from the Court across the practice of international law at multiple levels. As Ruth Bader Ginsburg famously said, “Women belong in all places where decisions are being made (.)” As Judge Charlesworth and Professor Chinkin wrote in The Boundaries of International Law, the election of women to the ICJ has an “educative and symbolic effect by underscoring the validity of the presence of women in the most prestigious and visible positions within international judicial fields.”

It took fifty years for the first woman judge, Judge Dame Rosalyn Higgins, to sit on the ICJ Bench in 1995 (and 10 more years for her to become its first woman President in 2006). Seventy-eight years after its creation, the election of two highly qualified women jurists, Judge Hilary Charlesworth and Judge Sarah Hull Cleveland, brought the total number of permanent ICJ women judges to 4 out of the 15 (though that is 3.5 women judges short of achieving parity). This is a historic high in the Court's 80- year history, given that only six women have served as permanent judges during these eight decades (as opposed to a 106 men!). While progress has been made, much more must be done to achieve gender parity on the ICJ's bench.

Judicial identity has a direct impact on judicial approaches to international law that will shape the future of ICJ decision making – it matters because the optics of gender parity are both symptomatic of and complicit in the gendered way in which international law and international institutions operate. With a telling statistic of just 6 women out of 112 permanent judges in the ICJ's record to date, achieving judicial gender parity is a time-sensitive priority for those invested in ensuring the Court remains relevant in addressing global challenges.

The ICJ today is in a uniquely critical moment in its own history, and as “world court,” is positioned to wield considerable influence on the big crises of our times, from climate change to armed conflict and human rights and everything in between. Now more than ever, the overrepresentation of one gender (the ‘boy’s club problem’) on the ICJ judiciary raises profound doubts on its institutional legitimacy and its ‘fit’ in a world of arguably more self-aware institutions of international law. There is no dearth of international law that obligates States and international organizations to ensure gender parity, diversity and representation in their judiciaries. These obligations arise from a variety of sources, including the UN Charter, the Convention on the Elimination of all Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, the Sustainable Development Goals, and more. Recent calls from key players in the ICJ judicial nomination process urge the need for a gender-equal ICJ bench. Achieving equality on judicial benches is critical; so too is inclusivity and gender parity across other spaces at the ICJ.

Part of the problem with achieving gender parity at the ICJ is the lack of transparency in how judges are elected to the ICJ; specifically, the nomination processes that undergird these judicial elections. The Statute of the Court provides that the ICJ have fifteen independent judges who are of recognised competence (referred to by the Statute as the ‘members of the Court’), and elected without regard to nationality, by the General Assembly and the Security Council. They are meant to be representative of the main forms of civilization and the principal legal systems of the world (see here for critical comment on Art. 9). However, the key obstacle to election to the ICJ is the nomination by national groups in the Permanent Court of Arbitration or national groups set up along the similar bases (for UN member states not represented in the PCA). These groups are the bodies authorised to nominate candidates to the Court through internal consultative exercises. National groups are composed of four persons (known competency in questions of international law) under the 1899 and 1907 Hague Conventions, serving six-year terms. These groups have the exclusive prerogative to nominate candidates and because of this, emerge as significant spaces where changes that reflect in the election process must necessarily begin. Little has been written on the process of nomination to the ICJ, “in part no doubt because of the sensitivity and secrecy surrounding [it],” says Sir Michael Wood. In practice, ICJ nominations are often opaque and informed by politics, and the political campaigns that follow returned nominations are almost as important as the nomination itself in terms of election outcomes.

In response, the PCA Congress adopted a Resolution urging Parties and the PCA to “consolidate gender equality and to promote the presence of women in technical and decision-making position within the institution, further increasing the number of female arbitrators appointed, and raising awareness amongst the Contracting Parties to achieve and increasing participation of women in other instances, such as national groups.” Other international and supranational courts, such as the African Court on Human and Peoples’ Rights and the International Criminal Court, have successfully reached parity on their benches. As States begin to announce their ICJ judicial candidates for 2026, they must adopt, at the national levels, policies aimed at achieving gender parity on the ICJ bench. To achieve this, through existing pathways of practice, States and National Groups at the Permanent Court of Arbitration (PCA) and equivalents must consciously nominate more women candidates for the 2026 election.

Conclusion

Achieving parity on judicial benches is essential to achieve key goals like access to justice, fairness, and the legitimacy of courts. Women’s equal participation in the international judiciary is essential to achieving the Sustainable Development Goals and for effective peacebuilding. The UN Secretary General António Guterres has called for “turbocharging progress,” acceleration of gender equality at the highest levels of the UN, and a determined effort to welcome women into leadership roles. Other international and supranational courts, such as the African Court on Human and Peoples’ Rights and the International Criminal Court, have successfully reached parity on their benches. Feminist critiques of international law have convincingly argued that this is the only acceptable response to countering the legitimacy deficit of international law-making bodies at the highest level, that is, the ILC and the ICJ. There is a clear need for making disruptive changes in a very traditional system, including options such as required parity in the make-up of the Commission and the Court (to say nothing of the many other ‘otherings’ that still remain) The challenge is how?

GENDER PARITY, POWER AND INFLUENCE – THE PATH LESS TAKEN

Laura Nyirinkindi, *Chair of the UN Working Group on Discrimination Against Women and Girls.*

The UN Working Group on Discrimination Against Women and Girls (WGDAWG) has continually expressed concerns that, despite women and girls' diverse experiences and realities, including their distinct vulnerabilities and assets, structural barriers and entrenched gender stereotypes continue to impede their full and effective participation in political and public life across public, state, and non-state levels. This persists notwithstanding the clear obligation of states to remove these obstacles, as mandated in Article 2(f) of the Convention on the Elimination of Discrimination against Women (CEDAW) and the CEDAW Committee's authoritative pronouncements articulated in general recommendations. In the face of retrogressions and rollbacks of women's and girl's rights and gender equality, the WGDAWG has consistently called for countries to establish parity to guarantee women's equal representation in public, political, and economic decision-making and leadership.

The CEDAW Committee's General Recommendation No. 40 on equal and inclusive representation of women in decision-making system highlights the imperative of achieving 50:50 parity. This comes 34 years after the recommendation of the UN Economic and Social Council in 1990 to increase women's representation in leadership positions to 50% by 2000. In 1995, the Beijing Declaration and Platform for Action (BPfA) acknowledged that even 30% of the targets had not been met in most countries, which pertains to date. The WGDAWG hails the adoption of GR40 for various reasons. GR40's call for parity transcends numerical targets, addressing structural inequities and the need to eliminate patriarchy and its harmful consequences. Its emphasis on addressing challenges posed by climate change, conflicts, crises, and opportunities like technological advancements, including artificial intelligence, strengthens the imperative of fast-tracking gender parity. **Perhaps most significantly, GR40's emphasis on women's access to equal power and influence in all decision-making arenas confronts an overarching challenge to meaningful inclusion beyond presence.**

Countries have made efforts to numerically increase women's participation in decision-making as part of gender equality initiatives.

However, there is less evidence of a deliberate focus on women's impactful inclusion. While the Beijing Platform for Action (BPfA) emphasises the importance of women's quantitative representation, requiring a critical mass of women leaders, it also advocates for their representation in executive and managerial positions in strategic and impactful decision-making roles. Furthermore, the BPfA obligates governments to enhance women's capacity for leadership and decision-making and monitor their access to senior positions in government, non-governmental organisations, and the private sector. Clearly, the BPfA aimed at redistributing power and influence between men and women to shape policy and programmatic outcomes across all spheres of governance. GR40's reiteration of these principles provides a critical framework to address the gaps between women's de jure and de facto enjoyment of rights, promoting substantive gender equality.

Also significant is the framing of Sustainable Development Goal (SDG) 5 on Gender Equality and Women's Empowerment, whose target (5.5) underscores the need to ensure women's full and effective participation and equal opportunities for leadership at all political, economic, and public decision-making levels. Effectiveness refers to how institutions and systems incorporate women's inclusion and perspectives in decision-making, particularly at the leadership level. Such gender mainstreaming approaches optimise the efficient use of time, human, and financial resources to address both men's and women's rights and interests. The shortfalls in protecting women from conflict and insecurity, as highlighted in GR40, for example, highlight effectiveness gaps in peace processes, which continue to lack meaningful input from women due to exclusionary and highly masculinised hierarchical cultures and structures in security governance. Twenty-five years after United Nations (UN) Security Council Resolution 1325, conspicuous implementation gaps persist, prompting the UN Secretary-General to advocate for security sector reforms that integrate the Women, Peace and Security Agenda. These deficits are not confined to peace and security, as emphasised in GR40.

Transcending minimum thresholds and formats of participation to achieve meaningful inclusion of women has become a rallying cry for many activists, defenders, and monitors of gender equality. At the UN Women and CEDAW Committee regional consultations in Africa on GR40 in Addis Ababa, Ethiopia, in 2024, women's rights groups and feminist organisations raised concerns about the risks of women's inclusion in decision-making based on tokenism.

They emphasised that countries should consider temporary special measures as necessary building blocks in pursuing gender parity rather than ceilings or acts of benevolence towards women. Furthermore, they noted that such measures rarely extend to other essential public and state spaces, especially at the subnational level. Persistent gender stereotypes that treat women's participation as nominal rather than symbolic continue to disempower women in decision-making, sometimes rendering their presence inconsequential.

Women's Accessibility to Strategic Leadership Roles in Governance

CEDAW General Recommendation No. 23: Political and Public Life defines political and public life as a broad spectrum encompassing legislative, judicial, executive, and administrative powers. The BPfA highlights the benefits of women holding decision-making positions in Government and legislative bodies as they 'contribute to redefining political priorities, placing new items on the political agenda that reflect and address women's gender-specific concerns, values and experiences, and providing new perspectives on mainstream political issues.' However, technical and gender-blind merit considerations are frequently applied to counter women's inclusion in strategic roles, reinforcing systemic barriers to women's inclusion. The diminishing of women's contributions in senior-level decision-making spaces due to structural marginalisation in judiciaries, legislatures, and executive bodies presents serious setbacks to gender parity.

While women's appointment to the judiciary has improved, many countries still appoint few female judges in the higher echelons where consequential legal principles and ideologies are established, with significant consequences for gender-responsive justice. Religious and customary law courts, which have jurisdiction in matters of personal status law, including family matters, remain almost exclusively male-led. Little data collection is undertaken on gender leadership dynamics in the judiciary compared to other spheres of government.

Many national judiciaries have traditionally refrained from applying temporary special measures in appointments to higher courts and senior positions, arguing that such leadership should be merit-based. However, interpretations of merit are often imbued with gendered biases and assumptions. Merit-based selection criteria frequently overlook the impact of barriers such as the motherhood penalty, the burden of care work, women's competing gender roles, the risks of violence and sexual harassment, and the dominant perception that men are inherently natural leaders.

A study found that in African countries where women met and exceeded the qualifications for the highest judicial positions, even gender-responsive constitutions, laws, and quotas in place did not significantly change gender-disparate outcomes. This lack of progress is partly due to gatekeeping by male-dominated appointive bodies.

In 2024, only 29 countries globally had ever been headed by a female executive, and while women held 23.3% of cabinet positions globally, only 15 countries attained gender parity. Executive cabinet positions significantly influence policies, programmes, and resource allocation priorities and frame feminist domestic and foreign policy. However, women in cabinet positions are predominantly and typically assigned to portfolios related to women's rights and gender issues (84%). Fewer women are appointed to head the more influential portfolios such as foreign affairs (25%), justice (20%), finance (17%), home affairs (14%), defence (12%), energy (11%), and transport (8%), which have been traditionally male dominated. Alarming, nine countries had no female ministers at all. Gender mainstreaming strategies can help mitigate the risks of gender-blind, neutral, or negatively biased implementation; however, they do not eliminate the urgent need for inclusive governance based on parity.

SDG Indicator 5.5.1 measures the proportion of seats held by women in national parliaments and local governments. Undeniably, temporary special measures play a role in attaining this target, and African nations have notably made strides in utilising them. 41 out of 55 (74.55%) African countries have implemented special measures, including constitutional, legislative, or voluntary party mandates. Despite this progress, women constituted slightly above a quarter of the 13,057 parliamentarians in Africa. In 2024, women globally held 35.5% of positions in deliberative bodies at the subnational level, with only two countries attaining gender parity. Africa recorded the lowest percentile, indicating less acceptance and influence of women in politics at that level. Gains have been made in women's representation in legislatures, but progress in strategic leadership roles at the highest level and as committee chairs still falls short of parity. In the Americas, 34% of all parliamentary speakers were women as of 1 January 2024, while female speakers in sub-Saharan Africa stood at 28.4%, Europe at 27.1%, and Asia at 15.4%.

No Place for Women?

Violence against women as a manifestation of unequal power relations affects even women aspirants of or incumbents in leadership positions, exposing them to harassment, intimidation and physical harm. The WGDAWG has highlighted the backlash faced by women in politics and activism, including constant exposure to the risk of sexual harassment and other forms of gender-based violence in public spaces, workplaces, and homes. Rampant sexism, harassment, and violence against women in politics have been reported across Africa, Europe, Asia-Pacific, the Americas, and the Arab region as retribution for challenging cultural, social and religious norms. In 2023, UN Women expressed concern about electoral gender-based violence in Africa during elections, which led to the deaths and withdrawals of some female candidates. African women parliamentarians with disabilities, young women, unmarried women, and women from minority groups reported being particularly victimised. GR40's recommendation for comprehensive legislation addressing violence against women in political and public life is essential. Beyond addressing electoral violence, countries must ensure protections for women in public places, workplaces, and homes, to eliminate structural impediments to their participation.

Allyship for Parity

The discussions in Africa surrounding GR40 emphasised the need to deconstruct colonial legacies in the context of gender equality. Narrow colonial constructions of power and association in some countries were retained in laws and practices that perpetuate class, ethnic and gender inequalities, fostering identity-based, patriarchal establishments rather than inclusivity. While most countries have adopted constitutional and legal frameworks for equality, ageist and gender-blind political and public models of participation exist, hindering gender parity for women and girls.

Given the dire predictions that achieving full gender equality will take 300 years, it is crucial to nurture the gender parity struggle in future generations. Youth-led social movements are gaining momentum as young people work to dismantle paternalistic or 'adult-centric' age and gender-based barriers that disempower them, championing a vision of inclusive governance. The reimagining of public and political arenas by young men and women, built on the foundations of gender parity systems, must be encouraged and supported.

The WGDAWG encourages men and boys who advocate for gender equality to engage constructively with women and girls, accepting feedback on the imperative to address harmful patriarchal patterns and behaviours that reinforce and perpetuate unequal gender roles, including the tendency for men to occupy leadership positions that women could hold.

The WGDAWG believes that challenging the norms that sustain male privilege and dominance in public and political life is essential to overcoming systemic barriers to gender parity. The WGDAWG has critiqued the systems of paternalistic control and perceptions that restrict girls' autonomy and right to participate in activism and public life, driven by structural gender-and age-based discrimination. Factors like race, ethnicity, health status, sexual orientation, gender identity, poverty, and disability intensify limitations on their participation rights. Thus, policies, resources, and digital and educational platforms promoting girls' and young women's rights to participate in public and political life are quintessential. These initiatives should integrate intersectional approaches to reach a diverse range of girls. Programmes that prepare girls for civic participation and leadership in decision-making are thus fundamental.

Women in public and political decision-making often operate in highly contested environments. They are constantly exposed to gender stereotypes rooted in perceptions of their inferiority or illegitimacy from their peers and the public. Gender-responsive laws, robust safety measures, and institutional audits are necessary to dismantle these barriers.

Given that parliaments remain male-dominated, the WGDAWG views male engagement as crucial for achieving gender goals, in holding men accountable for gender equality, and ensuring that democratic foundations are firmly founded on gender parity. GR40 provides a comprehensive framework to achieve these aims, but its effective implementation requires a collective and long-term commitment to action.

EMPOWERING EQUALITY: HOW THE WORLD BANK'S WOMEN, BUSINESS AND THE LAW INDEX SUPPORTS THE MONITORING AND IMPLEMENTATION OF CEDAW GR40 ON EQUAL AND INCLUSIVE REPRESENTATION OF WOMEN IN DECISION-MAKING SYSTEMS

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Despite decades of progress in women's rights, gender equality remains an elusive goal. The World Bank's Women, Business and the Law (WBL) 2024 report finds that, globally, women have only two-thirds of the legal rights available to men. Even more striking, countries have established only two-fifths (less than 40%) of the mechanisms needed for implementing gender-equal laws. The data is clear: now, more than ever, we must intensify efforts to dismantle legal barriers and strengthen the frameworks required to achieve true gender equality and foster inclusive economic growth.

Women's underrepresentation in leadership and decision-making positions creates a vicious cycle, perpetuating inequalities and stifling economic development. A critical step in addressing this issue is ensuring that women have equal and inclusive representation in decision-making roles, enabling them to contribute their diverse perspectives to challenge entrenched norms and drive systemic change.

Recognizing this urgency, the Committee on the Elimination of Discrimination Against Women (CEDAW) adopted General Recommendation No. 40 (GR40) in October 2024 to urge governments, organizations, and institutions to eliminate structural barriers that hinder women's equal economic and representation opportunities in both public and private sectors. The GR40 represents a paradigm shift from "leaving no one behind" to "bringing everyone along," serving as a roadmap for achieving gender parity in decision-making systems. Time is of the essence for legal reforms, policy interventions, and monitoring mechanisms in areas such as gender discrimination in the labor market, flexible work, childcare services, gender quotas, and gender-based violence. So, where do we go from here?

While the GR40 has an ambitious mandate, leveraging evidence-based datasets, such as those produced by WBL, can help translate recommendations into actionable outcomes and tangible opportunities. With the right tools and reliable data at their disposal, stakeholders can identify legal gaps, inform reforms, and track progress toward gender equality.

By measuring legal and policy environments across 190 economies, the Women, Business, and the Law Index provides data-driven insights into women's economic participation and demonstrates the progress made while emphasizing the work still to be done. The Index features three pillars: legal frameworks, supportive frameworks (instruments to support the implementation of the law), and expert opinions. It analyzes ten areas that are critical for women's livelihoods and tracks how laws and policies impact their careers at different stages: Safety, Mobility, Workplace, Pay, Marriage, Parenthood, Childcare, Entrepreneurship, Assets, and Pension. Seven of these areas—namely Safety, Workplace, Marriage, Parenthood, Childcare, Entrepreneurship and Assets —touch on several GR40 recommendations for State parties (Figure 1).

WBL INDICATORS	GR40 AREAS
Entrepreneurship	Representation of Women In all their Diversity on Equal Terms with Men
Safety	Freedom from Gender-Based Violence and Harassment
Safety; Workplace; Parenthood; Childcare; Entrepreneurship	Parity in Economic Decision-Making
Marriage; Assets	Women's rights In the Private Sphere as Precondition to access decision-making

Figure 1. WBL indicators that can support monitoring GR40 obligations

Tracking Progress and Identifying Gaps in Gender Equality Through Key WBL Indicators

Women Business and the Law data reveal that while regions around the world differ significantly, all must intensify efforts to dismantle the legal barriers preventing women from accessing decision-making systems. Not a single country out of the 190 measured by WBL has achieved gender equality in the law. However, a closer look at key indicators can provide helpful insights on how governments and stakeholders can prioritize these issues on their reform and economic agendas to drive progress.

Creating equal and inclusive environments that promote women's increased representation is unattainable without ensuring women's safety from violence. The WBL Safety indicator provides data that help identify gaps in critical areas for women's ability to hold decision-making roles by evaluating laws and policies protecting women from gender-based violence. Specifically, findings from the Safety indicator can be used to monitor the progress on GR40 obligations regarding "Freedom from Gender-Based Violence and Harassment" and "Parity in Economic Decision-Making," particularly on those prohibiting all forms of gender-based violence—including economic violence—and establishing mechanisms to provide redress for victims and sanctions for perpetrators. For example, while 151 countries have laws against sexual harassment in the workplace, only 39 address it in public spaces, and 86 countries still lack comprehensive domestic violence laws. While the Latin America and the Caribbean (LAC) region have the highest score in the Safety indicator – 50 out of 100 – this score indicates that there is still a lot of work to be done to fully protect women from violence. However, the region does offer some practical examples worth highlighting. Peru's Law 30364 of 2015 defines and criminalizes all forms of domestic violence—physical, psychological, sexual and economic— and provides protection for victims through health services, legal assistance, and temporary shelters at no cost. The Penal Code also imposes criminal penalties of two to twelve years for perpetrators of domestic violence. The Organization for Economic Co-operation and Development (OECD) high-income countries lead in the supportive frameworks index with an average score of 58.1 points. For example, New Zealand has specific procedures for handling sexual harassment at work, in educational settings, and online. The New Zealand Human Rights Commission provides free and confidential dispute resolution services for sexual harassment in employment and educational establishments.

Data and findings from the Workplace, Parenthood, and Childcare indicators can support monitoring progress in the area of “Parity in Economic Decision-Making.” On one hand, the Workplace indicator targets discriminatory laws and practices that hinder women’s participation as economic actors and the adoption of flexible working arrangements by countries. For example, in 15 out of 23 countries in the Europe and Central Asia (ECA) region, the law explicitly prohibits discrimination in recruitment based on marital status, parental status, and age, such is the case of Bosnia and Herzegovina. On the other hand, the Parenthood indicator focuses on protections against the dismissal of pregnant workers, as well as the existence of adequate paid maternity and paternity leave for working parents. For example, only 36 countries around the world still do not legally prohibit the dismissal of pregnant workers. In terms of trends in paid leave, Spain stands out by providing 16 weeks of fully paid leave to each parent. While laws in the books are important, their effective implementation relies on key supportive mechanisms. For example, while 14 countries in the ECA region offer paid paternity leave, only 8 have implemented incentives to encourage fathers to take it. Lastly, the Childcare indicator provides critical insights on how access to reliable and affordable childcare services is essential for enabling women to pursue economic opportunities equally with men. OECD high-income countries display the highest scores in this indicator, both in the legal and supportive frameworks. Belgium, for instance, grants both financial and tax support for parents for childcare services. In terms of supportive frameworks, Austria clearly outlines the procedure to request financial support for childcare providers.

The Marriage and Assets indicators provide critical data for monitoring progress on “Parity in Decision-Making in the Private Sphere” area. Together, these two indicators address the need to ensure women’s equal rights in marriage and family relations—including divorce—and their equal rights to own, use, and inherit property under the law and in practice. While indicators rank among the highest in the WBL Index, with legal framework scores of 79.2 and 78.8 points respectively, there is a significant implementation gap, reflected by very low scores in the supportive frameworks index—with 53 and 29.3 points respectively. This underscores the reality that, despite progress, women’s and girls’ agencies in the private sphere often remain constrained, impacting their capacity to take steps toward representation in decision-making systems. While challenges remain, countries have made notable strides over the years. For instance, in 2005, Algeria set an important precedent for the Middle East and North Africa by repealing a Family Code provision that mandated a wife’s obedience to her husband as head of household, and replaced it with a requirement for mutual consultation in managing family affairs—an important step toward parity in the household.

In Sub-Saharan Africa, Gabon recently reformed its laws and now grants spouses equal administrative authority over assets and equal rights to immovable property. Nevertheless, only 3 out of 48 countries in Sub-Saharan have awareness measures in place to improve women's access to information about marital and inheritance rights.

Lastly, the *Entrepreneurship* indicator data can be used to track progress on the areas related to "Parity in Economic Decision-Making" and "Representation of Women in all their diversity on Equal Terms with Men," as it examines the existence of gender quotas on corporate boards to promote parity in decision-making systems. It reflects a global average of 44.2 points for legal frameworks, and 39.6 points for supportive frameworks. These figures highlight a global failure to effectively implement women's economic rights. For instance, only 2 out of 32 countries in the LAC region have established gender quotas for corporate boards. Ecuador, for example, mandates that for every three members in a board, one must be a woman. This legal framework serves as a robust example of how national laws can promote gender equality in corporate leadership. Regarding the supportive frameworks, having sex-disaggregated data on women's representation is key. For example, in 2022 Argentina publishes a report titled "Mypimes lideradas por mujeres" (Micro, Small and Medium Businesses Led by Women), which presents data on women-led and women-owned enterprises, including an analysis on businesses where women are majority shareholders or occupy board seats.

Advancing Gender Equality Through Data-Driven Insights and Collaboration

Recent research demonstrates a virtuous cycle between increased legal gender equality and women's equal participation in decision-making, which in turn, positively impacts economic growth. Data and research from Women, Business and the Law equip policymakers with the evidence needed to design and implement gender-responsive reforms. By benchmarking countries against global best practices, it provides a clear picture of where economies stand and what measures are required to foster women's economic opportunity and helps countries to set measurable targets to track progress over time. WBL also fosters collaboration among governments, civil society, and international organizations by serving as a common reference point. Its data-driven approach complements GR40's normative framework and obligations, fostering collaboration that amplifies the impact of advocacy efforts and reform initiatives.

By integrating the evidence from the WBL Index and the normative guidelines of GR40, stakeholders can advance gender equality in decision-making systems more effectively. Together, these tools provide a roadmap for achieving a more inclusive and equitable future, where women and men share equal opportunities to lead and shape the world around them.

Equal and inclusive representation of women is not just a matter of justice – it is also a strategic imperative for sustainable development. Setting measurable targets and tracking progress allows governments to implement effective reforms that empower women to participate fully in economic and decision-making roles. However, achieving this vision requires collective action and strong collaboration among stakeholders, including governments, civil society, and the private sector to drive transformative change and advance gender equality on a global scale.

APPOINTING MADAME SECRETARY GENERAL: A LEGAL OBLIGATION?

Natalie Samarasinghe, Co-Founder of 1 for 8 Billion Campaign.

In 2026, UN member states will select the organization's 10th Secretary-General (SG). Since the position's establishment in 1945, it has been held exclusively by men and calls to appoint the first woman look set to shape the race, which is expected to begin at the end of this year.

Speculation on candidates is already rife — and predominantly focused on women. In 2024, 78 countries demanded “better representation of women in multilateralism, including at the UN” during a General Assembly discussion on the appointment. The 27-member Accountability, Coherence and Transparency coalition went further, saying: “We cannot miss the transformative opportunity to appoint the UN's first woman SG.”

Countries such as Brazil and the Maldives have issued similar calls in their national capacities, joining influential voices such as the Group of Women Leaders (GWL) and The Elders, as well as thousands of activists and organizations across the world. Even the G20 has opined on the subject. The Rio de Janeiro Leaders' Declaration urged states to increase “the nomination of women for senior positions, including Secretary-General.” Two months earlier, all 193 UN members endorsed the Pact for the Future, which incorporated language from previous General Assembly resolutions encouraging states to propose women candidates.

When making these calls, states and campaigners rightly invoke commitments to gender equality. They have framed the appointment of a woman SG as a moral imperative, “operational necessity,” powerful symbol, and means to revitalise and the UN.

Could it also be a legal obligation that states have long flouted and must now fulfil?

This argument has not yet gathered steam, no doubt due to concerns about the political blowback. However, it is a tactic worth having in the proverbial back pocket if it looks like states — particularly the five permanent members (P5) of the Security Council, who have traditionally controlled the selection process — are bent on extending the position's male stranglehold.

In this scenario, General Recommendation No. 40 (GR40) by the Committee on the Elimination of Discrimination against Women would provide a strong foundation to make the case for states' legal obligation to appoint a woman. GQUAL, a civil society campaign that played a key role in GR40's adoption, has called it a "paradigm shift."

Issued last year, GR40 affirms that "women have the right to equal and inclusive representation in all decision-making systems" as per Articles 7 and 8 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Like so many advances in women's rights, GR40 is both groundbreaking and frustrating.

It is groundbreaking in that it categorically asserts that equality means "fifty-fifty parity" and that targets like 30 per-cent representation of women in decision-making are "incompatible with CEDAW's core aim" because they inadvertently reinforce the perception that inequality between women and men is somehow justifiable. **GR40 also clarifies that parity applies to multilateral spaces and provides comprehensive, practical guidance to State parties on implementation – for instance, by integrating the GR40 framework into future resolutions of the Security Council, General Assembly, and Human Rights Councils.**

Such guidance is sorely needed. According to UN Women figures published in October 2024, just 29 countries had women heads of state or government. Only 15 countries had reached parity in their cabinets – a figure that drops to six when it comes to national parliaments. Thousands of academic articles on women's rights use the phrase "one step forward, two steps back" with good reason. The 2024 SDG Gender Index reported stagnation or decline in nearly 40% of countries.

However, it is frustrating that the Committee had to re-affirm such longstanding, widely adopted obligations.

GR40 is anchored in CEDAW, one of the most ratified human rights treaties. All UN Member States, except Iran, Palau, Somalia, Sudan, Tonga and the United States have agreed to be bound by its provisions.

Women's equal right to participate in decision-making is also enshrined in other treaties, including the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights; and in regional instruments such as the African Charter on Human and Peoples' Rights. This right is affirmed in unanimously adopted frameworks such as the Beijing Declaration and Platform for Action, and States parties are obligated to incorporate CEDAW into national laws and policies (although a whopping 79 states have issued declarations and reservations).

It is particularly frustrating that the Committee had to clarify that CEDAW's provisions apply to multilateral spaces, when Article 8 clearly cites "international organizations." Yet despite this explicit exhortation, States parties have collectively failed to offer a single woman the opportunity to serve at the highest level of the UN.

Research by GWL Voices shows that, of 54 multilateral organizations, 21 have never had a woman in charge (including the International Labour Organization and all the development banks), and 15 have only had one woman leader.

However, the UN stands out because of its unique normative power and role as a custodian of international law. Treaties are "deposited" with the Secretary-General. The SG serves as the face of the UN and a symbol for international cooperation. They have a responsibility to speak out when human rights are violated and a duty to encourage states to make progress on gender equality. They also make consequential appointments, such as the High Commissioner for Human Rights and Emergency Relief Coordinator. At a time when the relevance, impact, and patriarchal and colonial origins of the UN are under scrutiny, it is no surprise that campaigners are calling for a woman Secretary-General who represents the UN — and the future — we want.

So how can GR40 help to smash this egregious glass ceiling?

GR40 reaffirms GR5 and GR25 on temporary special measures, such as positive action, preferential treatment, or quotas. To date, General Assembly resolutions have shied away from asking states to nominate only women. Even states actively calling for a woman SG have been reluctant to take this step. GR40 reiterates that non-identical treatment of women and men does not always conflict with constitutional equality or merit-based systems and is "sometimes necessary to address socially and culturally constructed inequalities."

States would therefore be implementing CEDAW and other relevant instruments by agreeing to present only women candidates and by asserting that the 10th SG must be a woman. In theory, they could argue that after nine male incumbents, states should agree that the next nine SGs will be women. A more realistic option might be to alternate the position going forward, similar to the informal practice of 'regional rotation.'

GR40 also encourages states to "adopt a parity strategy" for all spheres of decision-making, and to ensure "parity, transparency and integrity in nomination and selection processes."

1 for 8 Billion has long called for a fair, open, and inclusive process to appoint the SG. When I co-founded the campaign in 2014, the selection process was more opaque and archaic than the papal conclave (the latter was reformed in 2007 and 2013). Governed by a single line in the UN Charter — that the General Assembly makes the appointment on the recommendation of the Security Council — there was no job description, timeline or list of candidates, nor opportunities to engage with them. The wider UN membership was confined to rubber-stamping whoever the P5 agreed was least objectionable and suited to their interests. Even other members of the Security Council were in the dark, not privy to the P5's secret bargaining.

Through close collaboration with states and civil society partners, 1 for 8 Billion managed to change that. Ahead of the last appointment, the Presidents of the General Assembly and Security Council issued a joint letter that set out a process for the first time, including a formal list of candidates, the submission of vision statements and public dialogues in the General Assembly that included (modest) civil society participation. Seven of the 13 candidates were women — a big step forward considering only three women in the previous 70 years had been seriously considered.

This time around, campaigners can use GR40 to argue that the General Assembly should treat the process established in 2015 as a baseline and build on it. The Assembly should urge states to adopt a parity strategy for their SG nominations, and ensure that national processes are also transparent, inclusive, and merit-based. This includes giving due consideration to intersectionality, in line with GR33, GR35 and GR40. For instance, to date, four of the nine Secretaries-General have been from Western Europe while no woman of African descent has been a formal candidate.

Finally, states should be willing to explore enforcement measures if the above is not implemented. If the Security Council insists on selecting another man, the General Assembly has the power to assert its primary role in the appointment process by rejecting him. This possibility has already been discussed by ambassadors in New York. Meanwhile, parliamentarians and campaigners could invoke CEDAW at the national level if their governments fail to nominate or support women candidates (a far more remote, but still plausible, option would for one state party to take another to the International Court of Justice).

1 for 8 Billion hopes that existing arguments will prevail, grounded in moral and legal obligations; in the overwhelming evidence of the importance of women's leadership to all aspects of the UN's remit; and in the need to restore trust in, and enthusiasm for the organization. However, campaigners and states must be willing to think creatively and draw on instruments such as CEDAW and GR40 to ensure we can finally say the words: Madame Secretary-General.

GENDER PARITY IN PEACE OPERATIONS – A RECEDING GOAL?

Anne Marie Goetz, *Clinical Professor at the Center for Global Affairs, School of Professional Studies (NYU), former Director of the Peace and Security section at UN Women.*

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Peace and political stability are the first on the list of challenging areas in GR40 in which a 'surge in parity' is urgently needed. Peace and security institutions, whether national or multilateral, however, are historically heavily dominated by men, with cultures that valorize combative masculinity. This is particularly marked in security establishments such as ministries of defense or the military, but it is also true of the world of diplomacy and foreign policy.

We provide here a brief assessment of efforts to promote gender parity in the UN's peace operations since Secretary-General Guterres introduced the most determined effort to date – the 2017 System-Wide Strategy on Gender Parity – to increase women's recruitment and retention across the UN Secretariat. This effort, however, coincides with an exceptionally sharp contraction in UN peace operations, which has introduced dynamics that work against the parity effort, and simultaneously undermine the capacity of peacekeeping or political missions to contribute to women's agency in peacebuilding in conflict-affected contexts.

Leaders of conflict-affected states are exhibiting a growing preference to address security threats with quick interventions by external military partners (including mercenary forces) rather than UN peacekeepers in multidimensional peace missions that build capacities for negotiated solutions, and reforms to address root causes of conflict. This has led to the closure of a number of UN peacekeeping missions and is an indicator of the current turn away from liberal internationalism.

Internationally this means an increase in nationalist leaders disparaging the liberal rules-based order and efforts to center human rights – including gender equality concerns – in conflict resolution. This has created security vacuums in which gender-based violence has increased in contexts such as Sudan and eastern DRC. A 'parity surge' in peace operations cannot, therefore, be separated from efforts to defend the merits – and rebuild the effectiveness – of UN peacekeeping.

UN peacekeeping is considered, according to Jean-Pierre Lacroix, Under-Secretary-General for Peace Operations "a cornerstone of multilateralism in action." UN peacekeeping missions or Special Political Missions (SPM) are established with uniformed personnel and civilian experts that are contributed by UN Member States. In multidimensional missions, UN staff of the Department of Peace Operations (DPO) and the Department of Political and Peacebuilding Affairs (DPPA) support negotiations, monitor the protection of civilians and human rights concerns, implement confidence-building measures, promote good government, development, elections, and more. The UN also designates gender focal points and gender advisors to bring the principles of UNSCR 1325 into peace work. Research confirms that gender parity enhances the operational effectiveness of peacekeeping because "women's increased representation has been key in supporting mandate delivery, including by building trust with host communities, strengthening intelligence gathering, and promoting gender parity in national security services".

Although the UN's missions are associated with lower levels of violence, including sexual violence, peacekeeping is in a crisis of legitimacy, facing three major problems:

- A changing conflict landscape, stranding peacekeeping missions in contexts with no peace to keep, a proliferation of identity-based or criminal fighting groups, and no path to effective mediation;
- Broad and sometimes conflicting mandates, which can involve engagement in the counterinsurgency efforts of sometimes dysfunctional national militaries, with human rights implications that contradict other peacebuilding functions of missions;
- Geopolitical polarization in which the Security Council's divides have undermined funding for peacekeeping, prevented some strategic deployments, and diminished international pressure on host country leaders to meet human rights standards.

The result has been a significant draw-down of UN missions, with no new major deployments since 2014, despite a sharp increase in the number of conflicts in recent years. There are 11 peacekeeping missions left, compared to 16 in 2016. The UN mission in Darfur shut down in 2020. The large multidimensional missions in Mali and Sudan were terminated in 2023, and missions in DRC, CAR and South Sudan are currently transitioning out. There is a current consensus that regional multinational forces (such as AU forces) are the future of peacekeeping. However, while these military interventions support the host government's security needs, they do not build peace. In an August 2024 Security Council meeting, Sima Bahous, head of UN Women, warned that the shuttering of multidimensional missions was leaving a "gaping protection vacuum," with increased levels of sexual violence in contexts like Mali, Sudan and DRC.

While the SG's Gender Parity Strategy (GPS) has a target deadline of 2026 to reach parity in Secretariat entities, it set a later deadline of 2028 for mission settings. It was assumed that more time would be needed to address barriers such as dangerous contexts, non-family duty stations, the to be on 'stand-by' for sudden and rapid deployments. In 2021, we conducted an external analysis of the SG's gender parity strategy (GPS) and found deep institutional and cultural barriers preventing gender parity from being realized in UN peacekeeping operations. Many women field mission staff raised concerns about high and unacknowledged levels of sexual harassment and disparagement of the capacities of women managers – amounting to outright insubordination. Weak grievance redressal mechanisms leave women without safe channels for reporting incidents of sexual harassment at work, making it difficult to hold perpetrators accountable. A culture of impunity discourages women from speaking out, as those responsible for misconduct often face minimal consequences. This adds up to a hyper-masculine, exclusionary culture –described by one interviewee as a "Wild West" environment– an inhospitable space for women's leadership. There are also persistent incidents of sexual exploitation and abuse of host country civilians by peacekeepers. This erodes the credibility of UN missions and significantly deters women's engagement with the UN locally, particularly in national officer roles. Without structural reforms addressing these misogynist dynamics, gender parity is a receding goal.

DPO and UN Women's 2019 Uniformed Gender Parity Strategy has targets of 15% women in military contingents and 20% in Formed Police Units by 2028. Women were 1% of uniformed peacekeepers in 1993 and 7% in 2023.

At this rate of increase, it would take almost half a century for uniformed peacekeepers to reach the modest goal of 15%. There has been more success with including women in police contingents – women are currently 14.4% of civilian police, up from 10.9% in 2020. Mission drawdown will exacerbate the male concentration of uniformed personnel. Their numbers have dropped from 121,000 in 2016 to approximately 59,766 as of October 31, 2024. For military and police personnel, deployment on peacekeeping duty is highly desirable, which means that women in uniform will likely be squeezed out in competition with men for shrinking deployment opportunities.

There are limits to what the UN can do to increase numbers of women in Member State uniformed contingents. But it has more scope when it comes to its own staff. If we look at combined numbers of civilian staff in peacekeeping, special political missions and other political presences, the 2022 figures are 13,625, of which women constitute 3,491, or 25.6%. The Gender Parity Strategy has triggered important successes, notably in senior mission leadership positions and at the Headquarters of the Department of Peace Operations (DPO) and the Department of Political and Peacebuilding Affairs (DPPA). With the closing of field missions, there are, as of October 2024, just 7,502 civilians in Peacekeeping missions; and this includes national staff. Women held 36% of positions of head or deputy head of UN peacekeeping and political missions in June 2024. Within the DPO there is a long-standing high turnover and narrow pipeline problem when it comes to women – plenty of women are at the lower professional levels, but at the crucial mid-career professional levels (P-4 and P-5), which are important sources of candidates for senior leadership, their proportions plummet to 30% or less.

In our 2021 analysis of the SG's gender parity strategy we found that mission drawdown was leading to a contraction of women amongst the crucial 'frontline' civilian staff positions in peacekeeping and political missions. In these contexts, civilian staff with more secure contracts and seniority were retained and redeployed, at the expense of more recent appointments, often women. We projected that it would take till 2041 to reach parity at that rate. In the 3 years since publishing the review, the situation may have shifted, with more men reaching retirement age, but the data is unclear because official sources conflate peace operations with strong gender balance (e.g. Resident Coordinators, or staff of regional peace offices) with more male-dominated components. Meanwhile the percentage of women amongst national professional officers – a crucial source of personnel that is also an opportunity for the UN to promote women's engagement in peace work – remains low, at less than 30%.

Feminist security experts have insisted that peace operations must embed gender equality from the ground up, connecting women's participation in local conflict resolution, to national politics, to international conflict prevention. GR40 reflects this perspective in its recommendations for parity in top peace and security decision-making and planning (pages 17-19). While gender parity in the staff of formal peace operations should always be a priority, only a tiny fraction of staff members, women or men, are responsible for advancing gender equality concerns. Not only has women's participation been a latecomer concern in international peace efforts, but it appears it is jettisoned quickly when inconvenient. At the June 2024 UN-brokered Doha talks between the Taliban and international envoys, there was a rapid acquiescence by the UN and representatives of Member States to the Taliban's conditions for participation: they refused to include women in their delegation or to meet with Afghan women civil society exiles. Yet this did not disqualify them from participation.

Conventional peacekeeping is clearly in retreat, and gender parity efforts in peace operations have seen setbacks. These setbacks are linked to reticence in implementing the UN's commitments to centering gender equality in all aspects of its peace work. The impression that gender equality concerns are the first to be abandoned when there is resistance (as in the Taliban case), or when there is a resource crunch (when missions shrink), sends a devastating signal about how seriously the UN takes women's rights. The flimsiness of commitments to the UN's women, peace and security agenda more broadly also signals a vulnerability in the multilateral system to the intentions of illiberal actors seeking to erode commitments to diversity, equity and inclusion. If there is to be a 'surge in parity' in peace and security work, then women's employment at all levels has to be protected from shocks such as downsizing. This can mean encouraging early retirement for men, and other measures to retain women. Beyond this, gender parity in peace work, as GR40 insists, cannot be separated from the determined implementation of agreements like UNSCR 1325 or CEDAW GR 30 on women in conflict situations.

A Catalyst for Gender Equity and Climate Justice

Mamta Borgoyary, Executive Director at SHE Changes Climate.

I believe that 2025 will mark the beginning of a paradigm shift in social transformation, guiding us towards a world that is rooted in justice, compassion and equity. The adoption of the General Recommendation 40 (GR40) by CEDAW, represents a pivotal step toward elevating women's participation in historically underrepresented critical spaces, including diplomacy, multilateral forums, international judiciary, peace and security, arbitration, and trade. By emphasizing inclusion and diversity as central to governance and policy-making, GR40 lays the foundation for equitable and sustainable societal transformation.

CEDAW has long been a cornerstone for gender equity, but the adoption of GR40 expands its scope into critical global challenges, including climate change. The recommendation serves as a powerful tool for climate justice advocates, calling attention to the historically neglected role of women in climate decision-making. Built upon seven strong pillars of inclusion, it paves the way for equity and inclusion of diverse perspectives as the backbone to future social transformation. It strengthens the legal framework for advancing gender equity, advocating for 50-50 representation in shaping climate policies and actions, a crucial gap that has hindered inclusive and effective response to the climate crisis. Addressing this gap is not merely about fairness, but about creating more effective, inclusive, and impactful responses to the global climate crisis.

Gender Disparities in Climate Leadership

Over the past two decades, environmental risks have consistently ranked among the greatest long-term global concerns, with state-based armed conflicts and geo-economic confrontations emerging as equally significant threats (Global Risks Report, WEF, 2025). Women are disproportionately affected by both these crises, yet they remain underrepresented in spaces where decisions about these challenges are made.

A recent research by the International Union for Conservation of Nature (IUCN) highlights that while women are among the most vulnerable to the impacts of climate change, they are also critical agents of environmental conservation and sustainable practices.

Promoting gender equality can unlock economic opportunities, accelerate climate action, and reduce poverty. Despite the significant contributions of women in climate action, their underrepresentation in decision-making processes remains a critical challenge.

The statistics are stark- since COP1 in 1995, only 6 women have been appointed as COP presidents, a clear indication of the entrenched gender disparities in climate leadership. The representation of women in national delegations has remained still around 34%, a sad reminder of the systemic changes required at the national level. The annual family photo of the COP presidency published every year, starkly highlights the systemic imbalance in leadership representation.

The disparity extends to climate finance. Women-led projects and organizations receive only a fraction of global climate funding, further exacerbating the inequities in climate action. The absence of equitable representation not only limits the inclusivity of climate solutions but also undermines their effectiveness.

SHE Changes Climate and GR40

SHE Changes Climate has been at the forefront and actively advocating for systemic shifts towards a 50-50 representation of women and men across all levels of climate decision making. The adoption of GR40 provides a strong legal and institutional foundation for these efforts, offering a concrete framework to demand systemic change.

In a recent SCC consultation (October 2024) involving women leaders from 30 countries, participants shared their experiences and challenges in engaging with climate governance. A recurring theme was the lack of equal representation, which often led to biased policies that failed to address the specific needs of women and marginalized communities. Many countries reported that this exclusion also limited access to finance for women and women-led projects, reinforcing structural inequities. GR40's adoption is a significant step forward in addressing these challenges, but its true impact will depend on its implementation and enforcement.

GR40 as a Climate Justice Advocacy Tool

GR40 can also serve as a compelling advocacy tool when aligned with national climate policies and international frameworks like the Paris Agreement. Creating consistent awareness of GR40 is essential to harness its potential as a powerful advocacy tool for advancing women's leadership in climate negotiations. **As the legal framework for climate change continues to evolve, GR40 offers a robust foundation to advocate for gender-equitable participation in decision-making processes. To leverage this effectively, it is crucial to organize targeted training and orientation programs for stakeholders, including policymakers, negotiators, and civil society organizations.** These initiatives should focus on unpacking GR40's provisions, emphasizing its relevance to climate justice, and equipping advocates with the knowledge and skills to incorporate its principles into climate action agendas.

GR40 in Climate Governance and Accountability Mechanisms

Furthermore, integrating GR40 into monitoring and accountability mechanisms within climate negotiations can ensure its principles are operationalized, fostering a more inclusive and effective global response to the climate crisis. This will necessitate aligning its provisions with established frameworks such as the Lima Work Programme on Gender (Lima) and the Gender Action Plan (GAP) under the UNFCCC. Both frameworks underscore the importance of gender-responsive climate action, offering a solid foundation for embedding GR40 into the broader climate governance ecosystem. GR40's mandates can be incorporated as critical indicators in GAP reporting processes. For instance, countries could be required to showcase their efforts in addressing women's underrepresentation in decision-making spaces, aligning their progress with GR40's mandatory recommendations.

Periodic progress reports submitted by Parties to the UNFCCC could include updates on achieving the 50-50 representation target in climate negotiations and policy-making bodies. However, it is vital to ensure that this representation moves beyond tokenism, translates into meaningful participation and includes authentic voices that bring diverse perspectives to the table. By weaving GR40 into the operational frameworks of Lima, GAP, and other UNFCCC mechanisms, the recommendation becomes a robust tool for institutionalizing gender equity and ensuring women's leadership in climate negotiations. This approach reinforces accountability while driving systemic change in global climate governance.

Climate negotiators, particularly women leaders, need to be empowered with the knowledge and tools to advocate for GR40's integration into Nationally Determined Contributions (NDCs) and long-term climate strategies. Developing accountability mechanisms that link GR40 to national climate governance frameworks is crucial. Furthermore, mandating climate financial institutions and funding bodies to align their eligibility criteria with GR40's recommendations is an essential step forward.

Climate finance institutions and mechanisms, such as the Green Climate Fund (GCF), should adapt their funding requirements to prioritize projects that emphasize gender equity and include women in leadership roles. Aligning GR40 with these funding frameworks would not only drive equity-focused projects but also ensure that climate finance is more inclusive and impactful, directly contributing to a more just and effective global climate response.

The Broader Implications of GR40

The adoption of GR40 is not just a milestone for gender equity but also a critical opportunity to address some of the most pressing challenges of our time. Research has shown that higher rates of women's representation in national parliaments are associated with stronger climate policies and lower carbon emissions. Countries led by women exhibit a 10% greater commitment to addressing climate change compared to those led by men. These findings underscore the transformative potential of GR40 in driving systemic change.

However, the road ahead is daunting. According to the Global Gender Gap Report 2024 by the World Economic Forum, achieving full gender parity will take 134 years at the current rate of progress. This timeline, extending far beyond the 2030 Sustainable Development Goal (SDG) target, highlights the urgency of implementing GR40's recommendations as mandatory measures.

Moving Forward

For GR40 to achieve its transformative potential, its implementation should be supported by effective monitoring and accountability mechanisms. While the recommendations themselves are not legally binding, countries should be encouraged to align their policies and actions with them, with rigorous, consistent monitoring to ensure that commitments lead to tangible actions.

To maximize its impact, GR40 can be positioned as a central pillar of climate governance. This includes integrating it into national climate frameworks, aligning it with international agreements, and using it as a benchmark for funding and policy-making. By doing so, GR40 can help create an enabling environment for addressing the intersecting challenges of gender inequity and climate change.

The adoption of GR40 has the potential to be a transformative milestone for climate justice. By explicitly addressing the systemic underrepresentation of women in critical decision-making spaces and advocating for their equitable participation, GR40 paves the way for more inclusive and effective climate governance. Its implementation could bridge longstanding gaps in gender equity, ensuring that women's voices, experiences, and leadership shape climate solutions at all levels. If embraced and operationalized with the urgency it demands, GR40 could redefine the global climate agenda, anchoring it firmly in principles of justice, equity, and sustainability.

Let's Close the Gender Leadership Gap in Global Trade

Anoush der Boghossian, *Head of the Trade and Gender Office in the World Trade Organization (WTO), Founder and Chair of the WTO Gender Research Hub.*

What is leadership? Is it about influence and impact? Is it about efficiency and power? Or is it something else?

Leadership is about empowering people to take charge and make change in their communities. It is about transforming societies. Women have that transformative power to lead communities out of poverty.

Like Ana, a mango producer from Latin America. For years, her production depended on middle agents, often men and she struggled to make ends meet. Until she learned how to improve her agricultural practices and increase the phytosanitary quality of her products, which she was able to certify. This allowed her to export her production to foreign markets and scale up her business. She used her new knowledge to increase and diversify her economic activity, enabling her to establish her presence internationally, and therefore gain more income. Her new economic power and knowledge changed her status. She was able to take an equal part in her family's decisions and to become the head of the mango producers' association, where she mentored other women on how to access global markets.

In 2021, about half a billion women in the world, like Ana, were formal entrepreneurs. In 2024, one in 16 women in the world owned an established business. These women are not just an economic force or 'catalysts' of export growth; they are leaders, mentors, political actors, and advocates for other women, supporting them and even providing them with jobs. The 2019-2020 World Trade Organization (WTO) regional surveys (covering Latin America, East Africa, and South Asia) outlined that in most businesses owned or led by women, more than half of the workforce is female.

There is a need to recognize this type of leadership, especially when it comes to gender equality in trade. It is not enough to increase the number of female CEOs or board members in globalized companies. It is not enough to rejoice in the fact that the three major international organizations dealing with trade (WTO, UN Trade and Development Intergovernmental Organization (UNCTAD), and International Trade Centre (ITC)) are led by women.

The most recent data on female leadership in the WTO proves it. In 2024, only 30% (down from 36% in 2023) of WTO Ambassadors are female. Only 15% (down from 30% in 2023) of Ministers in charge of WTO affairs are female. Only 30% (up from 23% in 2023) of main WTO bodies are chaired by women. Moreover, only 4 women have been appointed as chair of the General Council, one of the highest decision-making bodies of the WTO, since 1995, when the WTO was created.

In the globalized corporate world, the data is similarly concerning. The 2024 Deloitte Global report on “Women in the Boardroom: A Global Perspective” reveals that women hold about 23% of board seats worldwide, a mere 3% increase since 2022. Additionally, women are less likely to be promoted in higher positions than men, while more women complete tertiary education worldwide (ILO). Furthermore, women often hold jobs that have limited upward mobility, interlinking the gender wage gap and promotion gap (ILO).

What do these figures and facts have in common? The response is simple and disturbing at the same time: gender bias social norms.

Many legal barriers exist preventing women from accessing leadership opportunities and they are often based on negative social norms. It is a well-documented fact that, globally, women enjoy just two-thirds of the rights of men in the workplace (World Bank 2024). The situation is very similar in trade. Women are prevented from accessing the leadership opportunities created by trade mainly because of negative social norms, which constitute a new type of trade barrier.

When trade policies foster women's participation in the workforce of export-oriented firms, they rarely focus on the level or quality of the jobs provided to them, or whether they are skilled, high-level and high-paying. In fact, most women, about 80%, working in companies that export hold medium- and low-skilled jobs (WTO-World Bank 2020). A few governments have integrated socially supportive measures in their gender-responsive trade policies to address this issue, often through skills development programmes.

According to a 2024 global report, women “who want to climb the ladder are nearly twice as likely as men to believe they are not qualified for their manager's job”. A belief that is also often derived from gender bias social norms.

This psychological factor or barrier is also highly present when it comes to international trade, particularly when an entrepreneur decides whether to export. In the 2019-2020 WTO regional surveys conducted amongst more than 800 women entrepreneurs in South Asia, East Africa and Latin America, data reveals that less than 27% of businesswomen exported. When asked if they intended to trade internationally, the vast majority of those non-exporting entrepreneurs expressed their disinterest in exploring foreign markets to expand their businesses, remaining satisfied with their domestic or local presence. However, more than 90% of them said they would be interested in attending training courses to understand the rules of international trade. Further one-on-one interviews explained that the lack of confidence and fear was a vivid obstacle to their potential export goals. Therefore, policies promoting female leadership in trade through entrepreneurship, should also include dedicated support programmes addressing this issue and integrating notions related to the psychology of female entrepreneurship.

The newly adopted General Recommendation No. 40 (2024) by CEDAW on the equal and inclusive representation of women in decision-making systems (GR40) can help reverse these trends in international trade.

GR40 provides a detailed framework to help governments integrate gender parity into the formulation of laws and policies, collect sex-disaggregated data, and monitor and evaluate how and whether women access decision-making positions in all spheres of society (education, economic, social, political, or judicial).

In the field of international trade, female leadership is not a topic that focuses the attention of decision- and policymakers. Most gender-responsive trade policies include measures such as supporting job openings for women in export sectors or removing barriers for female entrepreneurs and farmers to access global markets, providing them with tools to scale up their businesses through trade.

The topic of leadership has not been considered as a priority in addressing gender inequalities in trade. And yet, as Ana's story shows, this issue is crucial.

Despite this context, some free trade agreements do include provisions on female leadership and women's participation in decision-making. Overall, they support or promote women's high-level positions in society and their contribution to decision-making in business or in the public sphere.

Some provisions also focus on the development of female leadership through training and experience sharing, fostering female leaders' networks in business and trade, and promoting and facilitating the equal participation of men and women in decision-making positions and positions of authority. Other commitments aim at fostering women's leadership in technology, science and innovation; a sector blatantly lacking female leadership whilst innovation is positively affected by the transformational leadership of female Chief Technology Officers (CTOs) and whereas firms are more innovative when they employ female CTOs, according to studies published in 2019 and 2021.

For many years now, the narrative around trade and gender equality has focused on the idea that trade supports women's economic empowerment and helps them get out of poverty. Today, many countries also estimate that women's economic empowerment directly supports their trade expansion and their integration in international markets. They believe that gender issues should be an integral part of their national trade policies and strategies and that investing in women's productive potential is essential to enhancing their trade performance. Additionally, a few countries also believe that female leadership in trade is key to enhancing their integration into the global trading system and are introducing this notion in their national trade policies. No doubt, GR40 can foster this nascent trend.

In fact, in 2024, some synergies have been established between CEDAW and the WTO. In July 2024 and following up on CEDAW's work on GR40, the WTO Informal Working Group on Trade and Gender discussed the topic of female leadership in trade for the first time since its creation in 2020. The exchange focussed on gender equity and mentorship in trade diplomacy emphasizing the positive correlation between diverse leadership and improved economic outcomes. Practical steps for greater engagement involved fostering inclusive discussions, promoting mentorship, and encouraging the active support of allies to enhance gender diversity in leadership roles in international trade.

As a result of this discussion, female leadership has become one of the priority topics of the WTO Trade and Gender Office in 2025 and will be discussed at the upcoming World Trade Congress on Gender, to be held on 24-27 June 2025 at the WTO.

Empowering women can be one of the most rewarding action any government can take. **While gender equality is not yet entirely and widely mainstreamed in trade policies, governments are taking steps to integrate issues related to women's economic empowerment into their trade strategies not only by adopting measures that are purely economic or trade oriented, but also by combining them with more socially oriented provisions, including on female leadership, making these policies more targeted and efficient.**

Undeniably, the work initiated by CEDAW in advancing female leadership will sustain these efforts, steer the world towards gender parity in decision making systems, and hopefully, using the words of Sheryl Sandberg, towards a future when there will be no female leaders, just leaders.

A Catalyst for Gender Equality in International Investment Arbitration

Mairée Uran Bidegain, *Independent Arbitrator, Recognized Expert in International Investment Law and Dispute Resolution.*

The adoption of CEDAW's General Recommendation 40 on the equal and inclusive representation of women in decision-making systems ("GR40" or the "Recommendation") marks a transformative step toward gender parity in international governance and adjudicatory bodies. Rooted in the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), GR40 sets forth a clear standard: women's equal participation is not merely an aspiration but a fundamental necessity for ensuring fairness, legitimacy, and accountability in decision-making.

While GR40 primarily addresses States, its implications extend beyond the political and diplomatic spheres to sectors where legal and economic decisions have global ramifications—including international arbitration. As a key forum for resolving high-stakes investment and commercial disputes, arbitration continues to suffer from a persistent gender imbalance that undermines both its legitimacy and effectiveness.

The Recommendation provides a clear and compelling mandate for States to address this imbalance, by providing a robust framework for advancing parity in international adjudicatory bodies. GR40 underscores that achieving parity is not merely a long-term goal—it is an urgent priority that must be met through concrete policy reforms. In the arbitration sphere, this means reevaluating and reforming the processes by which arbitrators are nominated and appointed.

This article explores the current state of gender representation in investment arbitration in light of GR40's principles and recommendations and explores actionable steps for their implementation.

Gender Representation in Investment Arbitration: Persistent Challenges and Slow Progress

Despite efforts toward inclusivity, gender parity in international arbitration remains elusive. Data from the 2024 statistics of the International Centre for Settlement of Investment Disputes (ICSID) and ICSID's 2024 Annual Report underscores this disparity.

- Overall, women account for only 15% of all arbitrator appointments in ICSID cases to date.
- In FY2024, this figure improved to 29%—a positive trend, but still leaving women absent from at least two-thirds of tribunals. The disparity is even more striking when examining appointment trends by different stakeholders. Claimants appointed only 9% of female arbitrators, while Respondent States appointed 24%.

These numbers are echoed by the ICCA Report on Gender Diversity in Arbitration, which found that women accounted for just over 21% of global arbitral appointments. While there has been incremental progress, these figures fall far short of the standard set by GR40 in paragraph 2 which defines equal and inclusive representation as “fifty-fifty parity between women and men in all their diversity in terms of equal access to and equal power within decision-making systems.” As mentioned in several studies (see e.g, [here](#) and [here](#)) the systemic barriers preventing greater gender balance in arbitration are not due to a lack of qualified female arbitrators. Instead, they result from entrenched biases in appointment procedures where States play a critical role. States appoint one tribunal member, participate in selecting the presiding arbitrator, and shape the constitution process of ISDS tribunals through their treaties and specific cases.

It is in this sense that GR40 could act as an important catalyst for change, directing specific State action to address the imbalance in arbitrator selection and appointment processes.

The Broader Implications of Gender Parity: Why Representation Matters

As GR40 underscores, women's equal representation is not merely a question of fairness. It is essential for the credibility, legitimacy and efficacy of decision-making bodies. This is particularly relevant in investment arbitration for the following reasons:

- Research shows that gender-diverse decision-making bodies produce better-reasoned decisions and balanced outcomes. In investment arbitration, where disputes often involve complex regulatory frameworks, sensitive public policy objectives, and high-stakes economic interests, diversity among arbitrators can enhance the tribunal's ability to weigh competing interests fairly and thoughtfully, and to consider the broader implications of their decisions.
- Ensuring gender balance in arbitral tribunals not only enhances the quality of the outcomes but also bolsters public confidence in the integrity of dispute resolution systems. GR40 makes an explicit connection between gender equality and institutional legitimacy, emphasizing that underrepresentation in adjudicatory bodies undermines both the perceived and actual fairness of decision-making processes.

Given the increasing scrutiny that investment arbitration faces, particularly in light of concerns that ISDS mechanisms may stymie climate action and regulatory sovereignty, ensuring gender-diverse tribunals can help reinforce the legitimacy of investor-State dispute settlement. Tribunals that reflect a broader cross-section of society are more likely to inspire trust, credibility, and stakeholder confidence in the system.

Bringing GR40 into Investment Arbitration: Practical Steps for Implementation

States' Actions to Implement Institutional Reform

GR40, paragraph 57, calls on States to adopt measures ensuring gender equality in nominations, appointments, and the composition of decision-making bodies at the global level, including in international arbitration. This provides a mandate for reevaluating and reforming the processes by which arbitrators are nominated and appointed in ISDS. In line with GR40 paragraph 70(a), States should adopt national action plans on parity in international investment tribunals by 2030 incorporating concrete steps such as:

- Ensuring gender-balanced rosters for international appointments. States should commit to gender-balanced nomination procedures for ICSID's Panel of Arbitrators and Conciliators and the arbitrators' lists maintained by other institutions, such as the Permanent Court of Arbitration. Encouragingly, some have taken proactive measures—Colombia, for example, appointed an all-female list to its ICSID Panel in 2024. Such initiatives illustrate how deliberate policies can drive systemic change in alignment with GR40's objectives. In leading by example, States can influence broader reforms.
- Embedding GR40 Principles in International Investment Treaties. Research shows that women are more likely to be appointed through formalized selection procedures. Accordingly, States should integrate gender-balance requirements into bilateral and multilateral investment treaties, ensuring open, transparent and formal arbitrator selection processes. This could include appointing tribunal members exclusively from gender-balanced rosters on a 50/50 basis selected by States.
- *Commitments as Respondents in ISDS Case.* As respondents in all investment disputes, States should guarantee equal representation in arbitrator appointments on an annual or bi-annual basis through legislative or regulatory measures. Moreover, GR explicitly highlights the importance of adopting proactive measures to ensure that women are not just nominally included but meaningfully represented. In arbitration, this means avoiding the pattern where women are limited to a single seat in three-member tribunals. Since tribunal presidents draft the final award, States should also track and encourage the appointment of women to presiding roles.

The Role of Non-State Actors in Advancing Transparency and Accountability

One of GR40's most actionable recommendations is the establishment of accountability mechanisms, as set forth in paragraph 57(b). Arbitral institutions have an important role to play in this regard by:

- *Adopting clear, transparent and publicized gender parity policies.* Institutions, whose governance bodies include States, must adopt, publicize and enforce diversity criteria in selection frameworks to ensure women's inclusion in tribunals and annulment committees. Achieving true parity requires that many three-member tribunals appoint at least two women, rather than defaulting to a single female arbitrator.
- *Committing to publishing gender-disaggregated data on appointments.* Many now track gender representation—ICSID, for instance, includes a dedicated section in its quarterly statistics. Other institutions should follow suit. Transparency not only fosters accountability but also demonstrates commitment to gender equality.

Corporate stakeholders and law firms have a critical role to play (see GR40, paragraphs 63-66).

- Law firms, as gatekeepers of arbitrator selection, should adopt internal policies mandating diverse candidate lists and educate clients on the importance of gender representation in dispute resolution.
- Similarly, corporations involved in ISDS should incorporate gender parity into their arbitrator selection criteria, increasing demand for more balanced tribunals.

Conclusion

While progress has been made to achieve gender-balance in the composition of arbitral tribunals in investment arbitration, further action is needed to move beyond aspirational targets toward enforceable commitments. The goal must be to transition from incremental progress to systemic change, ensuring that gender diversity becomes the norm rather than the exception.

CEDAW's General Recommendation 40 offers a transformative vision for gender equality in decision-making processes. Its principles resonate strongly in the field of international arbitration, where diversity is essential for legitimacy, fairness, and effectiveness.

The adoption of GR40 marks a pivotal moment in the movement for gender equality in international law. It provides a mandate for addressing gender disparities in international dispute resolution, offering a framework for advancing parity in arbitral tribunals.

Gender equality in investment arbitration is not just a matter of principle; it is a practical necessity for ensuring that the field reflects the diversity and dynamism of the global community it serves. Its adoption is a call to action for States to address systemic inequities and foster a more inclusive arbitral community, where diversity is not an aspiration but a reality.

Perspectives from the Inter-American Commission of Women of the OAS

Alejandra Mora, *Executive Secretary of the OAS CIM, Costa Rican politician, women's rights activist.*

Marta Martínez, *Political scientist, OAS CIM Specialist in democracy and parity.*

General Recommendation No. 40 (GR40) is a crucial tool in today's challenging and evolving landscape. The advancements in AI, digital economies, and circular green economies, alongside the challenges to democracy, political governance, peace, and security—at both the national and international levels—have largely excluded women. Despite progress in recent decades, we observe that women and their realities are barely considered in crisis management and recovery policies. These policies are designed based on masculine norms and practices, and fail to consider, analyze, or incorporate the needs and perspectives of women, as well as the gender inequalities that exist in all spheres.

In response to this reality, the Recommendation draws on lessons learned during the pandemic — a global crisis that not only transformed our lives but also highlighted the reality we had long been warning about: although women were gaining access to governmental positions and the picture was starting to change, they were still not reaching key decision-making spaces.

The great virtue of GR40 lies in its firm response to this reality by adopting the highest standards of parity. This forward-thinking framework establishes full parity—50/50—as the baseline, a universal norm, and an enduring feature of good governance.

GR40 goes beyond gender quotas—a mechanism that the Recommendation views as merely justifying inequality—and instead strengthens an equal distribution of power and influence. Full parity is defined as i) a 50/50 balance, and ii) the equal inclusion of both women's and men's interests. It is no longer just about occupying spaces in candidacies, but also about ensuring effective participation of women throughout the decision-making system, which includes political, economic, public, and digital spheres, from the international to the local level. Furthermore, GR40 incorporates a key element by recognizing the need for diverse political participation, making a clear call for all women to have the necessary conditions to access decision-making, with particular attention to youth.

GR40 holds special significance for the CIM, as the right to equal representation of women has been one of its central struggles and the driving force behind its creation. February 18th of this year marks 97 years since feminist suffragists from the Americas contributed to the founding of the CIM, establishing the first multilateral organization in the world created to defend women's rights. From the very beginning of regional multilateral governance, women fought to have an active role in decision-making spaces, as decisions were being made about us, without us. Since then, "nothing about us, without us" has been an ongoing struggle, and today, it makes parity a fundamental pillar of the CIM's political rights and democracy agenda.

The Americas have played a leadership role in the framework of parity, starting with Ecuador's adoption of the region's first parity norm in 2009. Fifteen years later, the political, social, and institutional activism of women has inspired a significant group of countries to incorporate parity into their legislation, some even including it in their Constitutions, the supreme national law. These reforms have led to the creation of legislatures with parity or near-parity for the first time in history. The case of Mexico is particularly notable: in 2019, it approved a constitutional reform known as "Parity Everywhere," establishing parity across the three branches of government. These advances have proven that parity, when applied with the right mechanisms, significantly increases women's participation in positions of power. The proven impact of parity is one of the most important reasons for defending it.

This movement has also resonated within the Organization of American States (OAS). After the pandemic, the OAS Permanent Council adopted, by consensus, a resolution on parity, which led to the 2022 OAS General Secretariat's Decision-Making Parity Plan. Furthermore, the OAS General Assembly has been calling for years for the integration of parity in the Inter-American Human Rights System's bodies—the Commission and the Court—promoting a series of mandates to advance in this goal. As a result of these efforts, dialogues have taken place between Member States, driving this agenda forward and generating mandates for various bodies. As a follow-up to these mandates, the CIM presented a report in 2023 outlining best practices and recommendations to advance parity, along with geographical and legal system representation in these spaces. This work has been greatly enriched by the participation of civil society organizations, such as CEJIL/GQUAL, and experts, an aspect that is also highlighted by GR40.

As a result of this process, historic advances were made in recent electoral cycles within the OAS framework, which led to gender parity for the first time in the Inter-American Commission of Human Rights (IACHR) and the Inter-American Court of Human Rights. Another key outcome of this process is the establishment of new election rules by the 2024 OAS General Assembly for o the Commission and the Court, among other measures aimed at achieving greater representativeness in these two bodies. The new rules specify that if the difference in the number of male and female candidates is greater than one, a 10-day extension will be granted to encourage the submission of new nominations. This extension will allow OAS Member States to present candidates whose election will help achieve gender parity.

Meanwhile, **the CIM is working on an Inter-American Model Law on Parity in Decision-Making, in compliance with an agreement among the Women Ministers and highest gender authorities in the governments of the Americas. This Model Law builds on the advances made in the region and is further strengthened by GR40, which establishes a key universal framework to strengthen parity.**

The road to parity has been long, full of highs and lows, but GR40 serves as a beacon to guide this path, clarifying and strengthening the legal framework that establishes full parity across all decision-making spaces, including the international sphere. Soon, the CIM will also add the Model Law on Parity within the Inter-American system. Without a doubt, the advances in both the universal system and the Inter-American system regarding parity reaffirm the important role of international law in developing principles and standards that strengthen the efforts of States to achieve equal participation and representation of women in decision-making.

An Opportunity for Asia-Pacific – Build on the Momentum of GR40

Priya Pillai, *International Lawyer, International Justice, Transitional Justice, and Human rights Consultant.*

The adoption of General Recommendation 40 by the CEDAW Committee in October 2024 represents a significant milestone in the push for greater representation of women in international decision-making spaces.

This post will focus on an area that General Recommendation 40 will have an impact: the leadership of women from the Asian region in international justice and accountability. This long-overdue discussion is part of the larger conversation to be had about the democratization of law – particularly international law – by making it more accessible, inclusive, open, and a space for change. Traditionally, international-law making has been the domain of a select few, with voices viewed as different excluded from the space to speak and engage. It is time for this to change.

The humanization of international law and the agency of individuals are key components of this change, in which everyone should and must be accorded access to and a voice in international law-making, whether in treaty negotiations, international courts, or other decision-making spheres.

One piece of the puzzle and a focus for us at the Asia Justice Coalition (AJC) is prioritizing the development of women's professional leadership in international justice and accountability. Women in international law have been at the forefront of advocating for gender equality, women's rights, and the protection of human rights globally. Despite some progress over the past few decades, globally, women are still not recognized as key actors in the administration of justice, and their equality before the law and in the courts has yet to become a reality in many countries. This is a fundamental matter of access to justice.

Women continue to face gender bias and barriers in pursuing leadership roles in law. There needs to be a serious and concerted effort to address the root causes, which are multifaceted. These obstacles start from the status of women upon entry into the legal profession, to their barriers in their advancement in the domestic sphere and in the international legal ecosystem.

In particular, women in international law and its institutions continue to face entry barriers related to courts and international mechanisms addressing international justice and accountability. This is further compounded across different regions, with women facing additional hurdles to advancement in the legal field. Understanding the cause and effect in all these spheres is crucial to close the gaps. There is no one-size-fit-all solution – it will require sustained and long-term engagement on multiple fronts.

In order to understand the scale of the problem, one proxy that may be useful, while not perfect, is judicial appointments across countries, which can serve as a measure of the advancement of women within the legal field.

A quick review of a few countries reveals that the approximate percentages of women in the judiciary ranges from 30% in the U.K., 36% in U.S. federal courts, 12% in the higher judiciary in India, 35.9% in Brazil, and 28% in Singapore. While it is generally understood that law school enrolment has an increasing number of female entrants, what happens along the way in their progression through the legal career path?

While the statistics at the International Criminal Court (ICC) are better than most, the statistics of the International Court of Justice (ICJ) are a bit different. Currently, of the fifteen judges, there are four women on the bench for the first time in the court's history, with the vice-presidency held by one of them. Of the 115 judges, both past and present, only six have been women, with Dame Rosalyn Higgins being the first woman elected to the ICJ in 1995. To put it another way, for the first five decades of this court, until the mid-1990's, there were NO women on the bench. The recent nomination of Ambassador Rena Lee of Singapore is a significant step in the right direction – and a first for the Asian region.

The barriers and obstacles to leadership positions in the law – which are compounded in international law – are absolutely central and critical to solving the problem of lack of representation and diversity. These problems also require longer-term solutions to make international law more democratic, diverse, and accessible to women.

This is a key focus for us at the Asia Justice Coalition. In addition to our efforts on global thematic issues – such as the crimes against humanity convention, mapping universal jurisdiction, participating in Ljubljana – The Hague Convention treaty negotiations, and a focus on international justice and accountability processes in and relevant to Asia – we have also launched a program of work in 2022 to ensure greater diversity and representation of women in international law, to drive systemic change across Asian jurisdictions, and thus dismantling barriers to international legal careers and providing greater access and opportunity.

In Asia, women legal practitioners continue to face significant challenges in legal practice in the domestic legal profession. AJC recognizes three distinct challenges in developing women's leadership in international law, particularly in the Asia-Pacific region. First, there are high levels of gender disparity and harassment in legal practice in the region, and continued gendered assumptions about women's roles that prevent their advancement in legal spaces. The second challenge is the dual exclusivity of international law, which perpetuates gendered structures. Disrupting this status quo is necessary, to incorporate both women's lived experiences and increasing the number of women practitioners. The third challenge is the underutilization of international law and impunity for international crimes in Asia.

The more opportunities women legal professionals from the Global South have to develop specialized expertise, the more experts there will be in international law, and hence, result in more tailored legal interventions. This, in turn, will increase the likelihood of achieving positive results. By enhancing women's participation and leadership in international law, we can ensure a more diverse, equitable, and effective global legal system.

The Women in International Justice and Accountability (WIJA) project of the Asia Justice Coalition is developing women's leadership in international law by building expertise *from the ground up* and facilitating constructive dialogue around critical issues of international justice and accountability in three jurisdictions in Asia. We aim to drive this systemic change across Asian jurisdictions, in order to dismantle barriers in international law one step at a time.

There needs to be a concerted effort to dismantle barriers in international law, and to achieve real and substantial change, that can be sustained in the longer term. Greater diversity and inclusion in international law must become a reality and must not remain an elusive mirage. The adoption of General Recommendation 40 is a powerful tool that we must wield effectively to foster this broader change.

Having a Seat at the Table Is Not Enough; Women Are Ready to Thrive

Leticia Born, Associate Director of Programs for Latin America/Global at Co-Impact.

Close your eyes and picture this: you are a Black Brazilian woman, standing center stage as you receive your law degree from a reputable university. You hold your breath when you hear your name. You can see from afar your mother, younger brother and your three-year-old son shouting your name, but you can't quite hear them as you are trying to get a grip of your emotions. You are the first woman in your family to graduate from college. Only you know how much you have struggled to arrive at this moment and it feels unfair that this is just the first step towards a career.

Colleagues have put you down with racist and misogynistic remarks, and your university did not make any effort to provide you some flexibility. You navigated this rigid institution counting on your unbelievable persistence and backing of those that you could trust. A scholarship was key, but you longed to receive more support to arrive with more confidence and easiness at this decisive moment.

You know that you have slim chances of reaching your goal of a state court leadership role, given only 6 of 27 of them in the country are held by women, all white. You feel it has been such an intense journey just to reach this moment. There is so much expectation on you, and as you grab your diploma and struggle to smile, you just wish you weren't so exhausted.

The lack of women within power in the law and justice sector is commonly described as a "glass labyrinth", marked by multiple discriminatory factors that hinder career mobility or, rather, make these barriers invisible. The literature that speaks to the condition of "outsiders within", led by Black feminist authors, shows that the situation of women in spaces of historical non-belonging, for reasons of gender and race, places them in the condition of "being without being there", or of being an "odd one in the nest". However, the argument here is that it's precisely this occupation that brings benefits to rigid institutions that historically neglect lived experience of women and other oppressed groups.

Let's call her Helena – the not-so-fictional protagonist of this story. For you, the reader, I suppose you agree that she deserves a chance in her career and that her decisions would definitely represent and positively impact other millions of women like her in the long term as she knows best. Sufficient evidence demonstrates that investments towards women in leadership contributes to bolstering the work of local women's organizations, including women's professional associations in law and others, so that women are able to bring their unique and lived perspectives to decision making, which often tends to prioritize social justice, gender equality and societal benefits writ large.

Yet, the percentage of women in leadership positions remains shamefully low in key sectors—and the situation is even worse for Black women, not only in Brazil but worldwide.

Helena's experience at university will be twice-fold challenging to say the least as she ascends in her career not only due to the absence of incentives but mostly as a result of informal components that shape decision-making within institutions, such as the authorization of public examinations, nominations for senior management positions, and the support to candidates running for positions of power that are still strongly influenced by male-dominated relationships and dynamics that are not explicit.

Moreover, women face additional challenges such as inflexible work environments, a lack of family-friendly policies, and workplace harassment and hostility. Limited access to influential networks and mentors further restricts women's advancement into leadership roles.

To contribute to shifting this scenario, we at Co-Impact, a global philanthropic collaborative, are committed to advancing gender equality and women's leadership, through our Gender Fund, launched in 2022.

Why do we think women's leadership is vital? It's about representation, yes, but we do not stop there. **Women in decision making roles can also serve as role models, inspiring other women and girls to strategize in overcoming the barriers and creating a more inclusive and equitable environment where women can thrive and contribute to decision-making processes. Their actions also tend to bring a more balanced, nuanced and inclusive perspective to policies and strategies that address the needs of diverse populations.**

But most importantly, our experience has shown us that initiatives need to work simultaneously on individual as well as institutional factors. A review we commissioned identified three main areas that together have shown to be effective in supporting and sustaining women's leadership: gender parity policies; strengthening women's professional networks and training; and institutional reforms supporting women. And our hope is to bring in more philanthropic actors in this mission, as this is a generational change that needs to be well resourced.

And we have reasons to be hopeful.

In the Brazilian Justice System, for example, women hold only 25% of decision-making roles, with Black women making up only 12%. In entry-level positions, women make up 46%, but Black women only 16%. So we know that Helena will have slim chances, to say the least. Within the selection process in this system, barriers have resulted in lower approval rates for women in the Judiciary and the Public Prosecutor's Office (between 37% and 41%), despite a balanced proportion of male and female applicants (between 48% and 50%). In the 2022 Federal Public Prosecutor's Office competition, women comprised 44.1% of applicants but only 19.4% of those approved.

Despite this stark reality, Co-Impact's program partner, Justa, a feminist think-tank that operates within the political economy of Justice, has come to an incredible realization by legally requesting information that is not public – that between 2025 and 2030, there will be at least 657 lifetime positions of power to be opened within the Brazilian justice system, with courts reaching almost 60% renewal due to retirement, in addition to 3 vacancies in the Supreme Federal Court and 6 in the Superior Court of Justice.

The opportunity requires action now. Promoting women's leadership is not only urgent, but it also requires ensuring that women candidates have real opportunities to assume such positions, which would represent a significant shift with repercussions for decades: the average age of a woman judge is 47 years old and, if promoted, she will likely leave that position with retirement, at age 75. This presents a real opportunity to change the legal landscape of Brazil so that having more Helenas increases the likelihood of addressing issues faced by women just like her.

Another reason to remain hopeful comes from another Co-Impact Program Partner, GQUAL.

For 10 years, they have been working to advance gender parity across international institutions, including tribunals, monitoring bodies and various other international spaces – key to human rights and international justice. Within the institutions they monitor, they have observed significant advances, including a 65% reduction in the gender gap, a 204% increase in the number of women running for international positions, and a 34% increase in the number of women candidates from Africa and Latin America. Most significantly, their leadership in the advocacy work leading to the adoption of General Recommendation 40 by CEDAW Committee, which will have implications for years to come, was remarkable

As we prepare for years ahead, during which we are witnessing the backsliding of women's rights and the rise of anti-rights movements, we need to do more. Philanthropy has a crucial role in expanding pathways for women to lead in law by funding organizations and leaders that are doing vital work in securing space, autonomy, and agency for women's insights and contributions that will result in better laws.

The GR40 as a Fundamental Basis for Foreign Policy

Claudia Fuentes Julio (PhD, International Relations), Ambassador of Chile to the United Nations and Other International Organisations in Geneva.

Solange Dufourcq del Canto, Lawyer, Chilean Diplomat, Gender Focal Point at the Permanent Mission of Chile to the United Nations and Other International Organisations in Geneva.

The General Recommendation No. 40 of the Committee on the Elimination of Discrimination against Women (CEDAW) provides a guideline for State Parties to ensure compliance with their obligations concerning the equal and inclusive representation of women in decision-making systems. This is defined as parity between women and men in terms of both equal access and equal power within decision-making systems, offering a comprehensive vision that includes the underlying obstacles that prevent women from accessing these systems on an equal footing with men.

By focusing on equal and inclusive representation, this recommendation underscores the importance of integrating a gender perspective into the formulation and implementation of all public policies, establishing women's equal right to participate in political and public life, as well as in international decision-making and economic affairs.

Foreign policy, like any public policy, also faces the challenge of incorporating the principle of gender equality and putting into practice women's right to represent governments at the international level. In this regard, the timing of this recommendation is highly relevant, as the current international diplomatic landscape is witnessing an intense debate on this matter. On one hand, there is significant backlash against the concept of gender and women's rights; on the other hand, a considerable number of states are pushing forward the implementation of specific policies for equal representation in these spaces.

Among these, countries with feminist foreign policy (FFP), including Germany, Canada, Chile, Colombia, Slovenia, Spain, France, Luxembourg, Mexico, and the Netherlands, have actively promoted these initiatives as part of their positioning objectives. Their focus has been on integrating gender equality and women's rights as a central component of their international action. Each state (with different emphases) applies FFP across all areas of action: consular, peace and security policy, human rights, economic foreign policy, and cultural and social diplomacy.

In this context, **Recommendation 40 serves not only as a roadmap for countries with feminist foreign policy, but also as a guide for international action for all states that are part of CEDAW. In this regard, foreign policy requires a strategic and internationally coordinated approach to advance the objectives set out by GR40.**

Here are some suggestions for achieving this:

Women in Decision-Making at the International Level and Representation

Enhancing women's equal participation in all areas of society and strengthening the representation of women and marginalised groups in foreign policy and diplomacy. Despite progress in gender equality, women remain underrepresented, both at the national level and in senior decision-making positions within the United Nations system.

The reality is that we are far from achieving true gender equality, and the gap persists. The numbers are clear: currently, female ambassadors only represent 21% of all individuals holding that rank in active duty. Likewise, recent studies indicate that less than 30% of leadership positions in international organisations are occupied by women, with significant disparities in areas such as diplomacy, peacekeeping, and the global economy.

These are just some measures, but collaborative efforts towards true gender parity can take many forms, such as prioritising the appointment of women to key embassies, ensuring gender parity in entry systems for Foreign Service, and implementing affirmative measures for women serving in areas related to work-life balance.

New Alliances and International Cooperation

Promoting diplomacy that prioritises gender equality in bilateral and multilateral relations and fostering alliances with other countries and organisations that share these values. An important objective is that international cooperation is applied with gender sensitivity criteria and focuses on intersectional vulnerabilities.

In this regard, it is essential to **create strategic multi-level alliances:** between States, to share best practices and common experiences in gender equality; at the multilateral level, to develop and implement technical assistance mechanisms and funding initiatives for gender parity in multilateral organisations; with civil society, the United Nations system, and non-state actors, to design effective strategies for the inclusion of women in decision-making; and with the private sector, to engage businesses and private entities in promoting gender parity and developing female leadership.

Civil society is a fundamental ally, particularly organisations working on gender issues, to obtain perspectives and data that inform policy formulation. In Latin America, feminist movements have been crucial in securing rights for women and girls.

Conflict Prevention and Violence: The Women, Peace, and Security Agenda

Despite the increasing number and severity of international conflicts and their devastating humanitarian consequences, women have been systematically and historically excluded from peace negotiations. We have an opportunity to change our approach and centre women as driving forces for peace, ensuring that parity in decision-making guides our efforts to build an inclusive and lasting global peace architecture.

Including women in the design, negotiation, and implementation of peace and security policies has profound and multidimensional implications. Incorporating an intersectional approach that considers gender, ethnicity, age, and socioeconomic conditions in risk and threat assessments allows for the expansion of security priorities, integrating aspects such as gender-based violence in conflict, sexual violence, and exploitation, which have historically been ignored in traditional security frameworks.

The equitable inclusion of women in conflict and post-conflict processes ensures the incorporation of a wider range of perspectives and experiences. It is a fact that women experience conflicts differently from men, facing unique challenges. Their active participation can lead to more comprehensive and effective solutions, fostering a sense of common commitment, an essential aspect for the sustainability of peace agreements.

Similarly, equal representation plays a crucial role in conflict prevention. Policies and strategies that reflect the concerns and needs of the entire population are more likely to succeed. Lastly, but equally important, equitable participation promotes gender equality and the empowerment of women, which are fundamental elements for peace.

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Training and Evaluation

Affirmative measures through training and evaluation help address historical and systemic disparities that have limited women's participation at the international level, fostering an environment where both men and women can fully and equally participate.

In this regard, training is crucial to levelling the playing field, equipping women with the necessary skills to perform effectively in international roles. Well-designed training programmes provide women with the tools to overcome historical and cultural barriers, engaging them actively in decision-making processes.

Monitoring and Evaluation

General Recommendation No. 40 has sufficient potential to strengthen cohesion and effectiveness in the monitoring and evaluation of public policies from a gender perspective, promoting a structured framework that enables policies to be assessed through a gender lens, ensuring they are reviewed based on their real impact on women and girls.

In this regard, establishing mechanisms for monitoring and evaluating public policies fosters greater transparency in public administration. It provides mechanisms to hold governments accountable for progress in gender equality and to ensure their actions translate into better opportunities and rights for women. Public policies can be more precisely adapted to the specific needs of different groups of women. Allowing for this iterative adjustment ensures more effective and targeted solutions.

Regional Perspectives and the Role of Latin America

The adoption of GR40 can also position Latin America as a key actor in promoting gender equality at the global level. Chile, Colombia, and Mexico have declared themselves as having FFP, and other countries in the region have begun incorporating feminist principles into their foreign policies, reinforcing the potential of GR40 as a unifying framework.

Its implementation could strengthen the region's role in advocating for inclusive multilateralism, where women's voices are heard and considered in all decision-making spheres. These actions could also position Latin America as a leader in inclusive diplomacy and a promoter of human rights. For example, the various existing regional initiatives in Latin America could serve as an excellent forum for creating opportunities for training and strengthening networks of women leaders in diplomacy and international politics. Regional cooperation could include the development of shared indicators to evaluate the impact of gender equality policies.

Conclusion

In conclusion, General Recommendation No. 40 of CEDAW not only establishes normative foundations for effective gender-sensitive policies but also drives a substantial shift in both rhetoric and the lived experiences of women and girls. Through robust policies and genuine commitments, it provides a clear and valuable roadmap for eliminating barriers and ensuring that every woman and girl can live free from discrimination and fully contribute to society.

In foreign policy, this creates the obligation to ensure the presence of women at all levels and across all spheres of international affairs, including security and economic matters, in both multilateral and bilateral forums. It also enables the implementation of a feminist international policy where gender equality and women's empowerment are central to governmental policies abroad. By establishing new pathways to eliminate gender discrimination in the international arena, a fairer and more inclusive environment is fostered, bringing transformative benefits to global societies.

Conclusion: Charting the Path to Women's Equal Representation

María Noel Leoni, Deputy Executive Director of the Center for Justice and International Law (CEJIL), Director and Founding Member of GQUAL's Secretariat.

Alejandra Vicente, Head of Law at REDRESS, Founding Member and Secretariat Member of GQUAL.

This symposium has brought together experts from key international fields to foster reflections on the transformative potential of CEDAW's General Recommendation 40, which calls for the equal and inclusive representation of women in decision-making systems. The relevance of this topic is undeniable, as most contributors agree that securing women's equal participation in decision-making, including at the international level, is one of the most vital steps in addressing today's global challenges.

As former CEDAW member and Chair of GR40's drafting group, Nicole Ameline, aptly stated, "In a world facing existential challenges—conflicts, crises, migration, digital transformation, climate change, and poverty—the stagnation of women's representation in decision-making is both unacceptable and unsuited to these global challenges. [...] GR40 underscores the need for global momentum to drive the paradigm shift required to rectify this systemic injustice and build fair and inclusive governance."

For GQUAL, it has been an honor to co-organize this symposium with *Opinio Juris*, guided by our belief that open dialogue and collective reflection are vital to advancing women's equal leadership. In this concluding post, we aim to highlight key insights from the rich contributions and chart a hopeful path for action.

Despite Progress, Gender Equality in International Leadership is Still Several Glass Ceilings Away

The symposium makes it undeniable that the underrepresentation of women in international spaces remains a systemic issue across key fields such as international justice, peace and security, climate negotiations, diplomacy, arbitration, trade, and multilateralism. It is deeply flawed that, for over 80 years, some of the world's most influential multilateral institutions—like the Organization of American States and the United Nations—have never been led by a woman. Equally concerning is the contradiction of countries that advocate for gender equality in their foreign policies yet consistently nominate only men to international courts and institutions, as reflected in the [GQUAL Rankings](#).

Moreover, we continue to hear arguments suggesting that measures like gender parity undermine merit. This rhetoric falsely assumes that the only valid approach is to “select the best,” subtly questioning women's qualifications while ignoring the structural discrimination that skews the playing field. These narratives often scapegoat gender quotas and diversity measures for institutional failures, overlooking the deeper systemic issues that truly hinder effectiveness and legitimacy. As Laura Nyirinkindi noted in [her post](#), “persistent gender stereotypes that treat women's participation as nominal rather than symbolic continue to disempower women in decision-making, sometimes rendering their presence inconsequential.” Breaking these stereotypes is not just about fairness, but ensuring that international institutions benefit from the full range of talent, perspectives, and leadership that diverse representation brings.

While many contributions highlight critical progress in certain areas, they also underscore that these gains often feel fragile and vulnerable to setbacks. **Achieving true and lasting gender parity requires more than just sustained commitment from political leaders—it demands bold institutional reforms to dismantle the barriers that have long hindered women's full and equal participation on the global stage.**

Change is Not Only About Numbers, It's About Reforming Institutions and Leadership.

Contributions agree that gender inequality in international decision-making is more than a representation issue—it weakens the legitimacy, credibility, and effectiveness of institutions in tackling global challenges.

This is not just a missed opportunity; it is a direct violation of States' international obligations to uphold equality and non-discrimination.

Addressing this challenge goes beyond simply increasing the number of women in international institutions—it requires a fundamental shift in how these institutions operate, embedding equality into their processes, structures, and culture. It is about rethinking leadership models and transforming the way power is exercised. As Nilufer Oral and Rashmi Raman emphasize, “it is not simply a question of the numerical presence of women [...], but one of their inclusion in the process and in having women take on leadership roles in the progressive development of international law and its codification.”

Likewise, Hélène Tigroudja underscores the need for a deeper transformation, asserting that, true progress means “transforming the mindset of the human rights system and shifting from an elitist “only-men club” decision-making process to a much more diverse, and inclusive paradigm largely based on the recognition of intersectionality.” Leticia Born adds that, beyond representation, “women in decision-making roles can also serve as role models, inspiring other women and girls to strategize ways in overcoming the barriers and creating a more inclusive and equitable environment where women can thrive and contribute to decision-making processes. Their actions also tend to bring a more balanced, nuanced and inclusive perspective to policies and strategies that address the needs of diverse populations.”

This transformation demands concrete institutional measures that translate into real policies and reforms. In international decision-making spaces, these changes must be championed by both States—the architects and members of international organizations—and the institutions themselves. States must actively promote gender parity in their nominations, appointments, and policies, while international institutions must institutionalize equality through transparent selection processes, gender-balanced leadership, and inclusive decision-making cultures (for example by addressing sexual harassment and abuse) amongst other measures. Without sustained and deliberate action from both, the exclusion of women will persist, weakening the legitimacy, effectiveness, and representativeness of global governance.

A General Recommendation with Transformative Power

A key takeaway from the symposium is the transformative power of international human rights law. It not only defines the standards for equality but also holds States and international institutions accountable for making them a reality. In this context, contributors agree that CEDAW's GR40 has the potential to be a game-changer. By providing a clear and binding legal framework, it directly challenges entrenched inequalities and lays the foundation for meaningful, systemic change across international decision-making spaces.

Some of the key developments and opportunities for progress highlighted by experts include:

- Equality means parity 50/50 and equal power. GR40 establishes a clear legal standard of parity as a critical measure of equality. As emphasized by Alejandra Mora and Marta Martinez, "GR40 goes beyond gender quotas [...] and instead strengthens an equal distribution of power and influence. Full parity is defined as a 50/50 balance, and as the equal inclusion of both women's and men's interests. It is no longer just about occupying spaces in candidacies, but also about ensuring effective participation of women throughout the decision-making system, which includes political, economic, public, and digital spheres, from the international to the local level."
- Equal participation in all international decision-making spaces is a right protected by the CEDAW Convention. As clearly stated by Claudia Martin, "GR40 acknowledges that Article 8 [of CEDAW] establishes a twofold obligation: States parties must take all appropriate measures to ensure that women have the opportunity, on equal terms with men, to represent their governments at the international level and to participate in the work of international organizations. This obligation is nearly universal, given that 189 States have ratified the Convention to date." The explicit inclusion of international decision-making spaces within States' international obligations provides a powerful tool to tackle the systemic underrepresentation of women in key global sectors that have long resisted genuine gender equality. As Mamta Borgoyary aptly states, "CEDAW has long been a cornerstone for gender equity, but the adoption of GR40 expands its scope into critical global challenges, including climate change". This sentiment is echoed by Anne Marie Goetz, Sudarsana Kundu, and Foteini Papagiotti in highlighting the importance of GR40 in the context of women's equal participation in peace and security, and Anoush der Boghossian in emphasizing the need for gender parity in international trade.

- GR40 outlines essential accountability measures that hold States and international institutions responsible for ensuring gender equality in decision-making processes. Data, in particular, plays a critical role in identifying barriers, tracking progress, informing effective policies, and ensuring institutions are held accountable. As Natália Mazoni and Aylén Rodríguez Ferrari highlight in their [article](#), “with the right tools and reliable data at their disposal, stakeholders can identify legal gaps, inform reforms, and track progress toward gender equality”. To truly advance gender parity, States and international organizations must improve their efforts in collecting, tracking, and publishing data on women's participation in international bodies. Moreover, this data must be integrated into the policies and frameworks that govern nomination and election procedures, ensuring that they are not only transparent but also rooted in evidence that drives real change.
- GR40 acknowledges that achieving true equality and parity in decision-making requires an intersectional approach, ensuring that all women have the necessary conditions to access and fully participate in decision-making spaces. GR40 calls on States to acknowledge the unique challenges faced by different groups of women and to take targeted, responsive measures to address these challenges. Experts agree that this is a crucial area where immediate action is needed. As Priya Pillai [observes](#), “traditionally, international law-making has been the domain of a select few, with voices viewed as different and excluded from the space to speak and engage.” This call to action emphasizes that achieving gender parity is not a one-size-fits-all endeavor but requires an understanding of the diverse barriers that women from various backgrounds, regions, identities, and experiences encounter in accessing power and influence in global governance.

What's Next?

In today's increasingly difficult context—where multilateralism and human rights are under threat—it has become more pressing than ever to work collectively to ensure that women's equal participation is a central part of the global response to the challenges we face. **GR40 should be seen as the starting point for a renewed collective strategy that brings together diverse stakeholders to advance and achieve gender equality.** This strategy requires further discussions focused on the practical implementation of GR40 across various decision-making spaces—both at the national and international levels. It is also key to identify short- and medium-term opportunities for advocacy and institutional change, which are relevant to specific contexts and institutions, leveraging the standards and recommendations outlined in GR40 as powerful tools for driving change.

In this context, upcoming key elections, such as for the OAS and UN Secretary-General—positions that have never been held by women—present significant opportunities for collective advocacy. Similarly, elections like that of the International Court of Justice in 2026 should serve as catalysts for robust, strategic efforts aimed at achieving gender parity.

The implementation of GR40 calls for broad engagement, bringing additional key stakeholders, including youth, into the fold. Furthermore, it will require the development of tools to support ongoing advocacy efforts and to track progress over time. These tools must be adaptable, engaging a wide range of stakeholders and focusing on geographic regions and specific areas of international decision-making where women's participation has historically been limited. Finally, supporting CEDAW's monitoring role is essential to ensure that States meet their obligations.

Only through sustained commitment, collective action, and accountability can we turn the aspiration of gender equality in decision-making into reality. This collective effort is critical, since, as Nicole Ameline powerfully states, only a radical paradigm shift can prevent a historical regression on women's rights.

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