

FUTURE GENERAL RECOMMENDATION ON THE EQUAL AND INCLUSIVE REPRESENTATION OF WOMEN IN DECISION-MAKING SYSTEMS

Submission by the GQUAL Campaign

1. Introduction

We are pleased to address you on behalf of [GQUAL](#), a global Campaign launched in 2015 that aims to achieve gender parity in the composition of international tribunals and monitoring bodies. Our focus is to ensure the consideration of gender parity in national and international selection procedures, to disseminate timely information on vacancies, and to conduct research on the impact and role of women in international justice. The Campaign is founded on the shared understanding that for reasons of equality, the impact of women's participation in expanding the talent pool, the legitimacy of international bodies, and its potential impact on sustainable development and peace, women's engagement in international justice is critical. The Campaign has identified priority strategies to improve gender representation in the international arena, as established in the [GQUAL Declaration](#) and [Action Plan](#). This [background paper](#) includes further analysis about our key issues and strategies.

The Campaign celebrates the CEDAW Committee's (the Committee) initiative to develop a General Recommendation (GR) on the equal and inclusive representation of women, in all their diversity, in decision-making systems. We commend the Committee's recognition that a "[new paradigm](#)" is needed to translate States' fundamental legal commitments to women's equal and inclusive representation in public and political life into meaningful on-the-ground realities, including in the contexts of peace-building, post-conflict negotiations and reconstruction, and the realization of the SDGs.¹ The Committee's recognition of structural and systemic *de jure* and *de facto* barriers that result in the chronic underrepresentation of women in public and political life, which hampers the full and effective implementation of the CEDAW Convention (the Convention), is particularly encouraging.

The Campaign cherishes this opportunity to contribute to the development of the future GR, which presents the Committee with a unique occasion to reiterate its long-standing commitment to achieve substantive equality by ensuring women's equal participation in political and public life, including through their right to represent governments at the international level and participate in the work of international organizations, including international tribunals and monitoring bodies.

Accordingly, the main objectives of this submission are to call on the Committee to:

1. directly address the issue of women's equal right to access positions in international justice bodies as a key element of the substantive right to represent their governments at the international level and participate in the work of international organizations under Convention Article 8;
2. to clearly define gender parity—i.e. a 50:50 standard, whereby no less than 50% of any given body consists of one gender—as the appropriate measure for equality in representation under the Convention; and
3. to develop the scope of State's Article 8 obligations by implementing concrete measures to monitor and promote compliance with their international duties to protect this right.

¹ See e.g. CEDAW General Recommendations No 8 (1988); No 30 (2013), and No 37, 2018.

As such, the submission proceeds by:

- providing the Committee with up-to-date information about current levels of women's representation in international justice bodies;
- outlining Article 8's significance as a stepping-stone towards ensuring the equal and inclusive representation of women at the international level;
- elaborating on the fundamental legal underpinnings anchoring women's rights under Article 8, focusing on the international rights to equality and non-discrimination; and
- clarifying why gender parity (i.e. a 50:50 standard) in the composition of international tribunals, organs, and mechanisms, must be expressly recognized as the appropriate and necessary standard for ensuring States' affirmative obligations under the Convention.

We conclude with a non-exhaustive enumeration of proactive steps and concrete measures that can be taken by the Committee to tackle women's underrepresentation in international courts and other international bodies, and to guide States in giving effective meaning to Article 8 of the Convention, as part of its key and authoritative interpretive, monitoring, and reporting functions.

2. The Inadequate Status Quo

At present, women continue to face significant and multifaceted structural and systemic *de jure* and *de facto* barriers to equality, leading to them being woefully underrepresented in leadership and decision-making positions at the national and international level. No State can yet be satisfied that the fundamental rights guaranteed in Articles 7 and 8 of the Convention have been sufficient and adequately enshrined in national instruments and in practice. The persistent weak representation of women in decision-making systems is also a crucial factor that maintains and deepens inequalities, perpetuating a negative feedback loop whereby systemic discrimination and continuing underrepresentation reinforce one another.

Research and the extensive data collected by GQUAL shows that at the international level the underrepresentation of women continues to exist across almost all bodies in charge of imparting or affecting international justice and human rights. As of December 2022, 40,48% of 578 positions in 91 international judicial and monitoring bodies monitored by GQUAL are occupied by women, and the percentage falls to 36% when excluding bodies with mandates tied to "women's issues" (like CEDAW and the WG on Discrimination against women and girls), and to 31% when counting only tribunals.² The figures also show that this imbalance has affected the international organizations since its creation.³ An updated overview of current gender representation across relevant bodies is found [here](#).

Furthermore, the Campaign has collated data showing how specific States and regional groups nominate for international positions. GQUAL's [Rankings](#) show that States, who are responsible in most cases for ensuring women's access to these international positions, indeed tend to nominate and vote—both individually and in regional groups—for more men than women for international posts. The figures also show that the participation of women in these spaces does not follow a linear and sustainable improvement and that regressions tend to occur, so it is unlikely that this imbalance will be corrected over time. In other words, there is a need for concerted measures and efforts to increase women's participation in courts and international bodies.

² As of December 2022, the International Court of Justice has 15 judges and only 4 are women; the Court of Justice of the European Union has 27 judges and only 6 are women, and the UN Committee for the Protection of Migrant Workers only has 3 women out of 14 members.

³ For example, of the 51 people who have held positions at the International Tribunal for the Law of the Sea since its creation, only 6 have been women, and of the currently 59 United Nations Special Procedures, 9 have still never been held by a woman (19 when the Campaign started).

Indeed, as critically outlined by the Human Rights Council (HRC) Advisory Committee's (AC) 2021 report on "[Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance](#),"⁴ States' shortcomings in this respect occur both at the national and international levels. For instance, at the national level States typically lack formal, transparent, and public processes for selecting candidates to international positions, resulting in a grave underrepresentation of women; while at the international level, the selection of candidates often prioritizes an exchange of votes, which does not consider gender parity as an objective.⁵ Furthermore, international bodies lack the frameworks to make gender parity a requirement, mostly leaving the composition of these bodies almost entirely to the discretion of States.

As such, there is a key opportunity for the Committee to establish in this future GR clear guidance for States Parties and all other stakeholders and offer a precise, structured, and measurable agenda rooted in internationally agreed legal and practical measures to ensure the implementation of Article 8 of the Convention.⁶

3. Article 8: A stepping-stone towards ensuring women's equal participation in international decision-making through the standard of Gender Parity

- a. On the nature and scope of the obligation to ensure equal opportunities "to represent their Governments at the international level and to participate in the work of international organizations" under Article 8*

The Convention's Article 8, requiring State "take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations,"⁷ is an essential [stepping-stone towards ensuring equal participation of women in international decision-making](#). As elucidated in a [study by Prof. Claudia Martin](#)—in light of the provision's plain text and its subsequent interpretations by the Committee—State Parties have a clear duty to ensure gender equality in women's access to positions in international organs and tribunals, which play key roles in developing international law and human rights.⁸

It is in this context, and in line with the legal reasoning provided below, that the GQUAL Campaign urges the Committee to use the opportunity of this future GR to authoritatively clarify that States have a fundamental obligation, under Article 8 of the Convention, to guarantee that gender parity is achieved in the composition of all international positions, including necessarily international tribunals and other monitoring and adjudicatory bodies.

4 See Report of the Human Rights Council Advisory Committee (A/HRC/47/51), Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance.

5 See Report of the Human Rights Council Advisory Committee (A/HRC/47/51), Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance, at para 51.

6 The drafting history of the Convention does not shed much light on the scope of this provision. Initially, this article was not incorporated as a separate provision, but was included as part of Article 7. Eventually, the provisions were separated but the obligations arising out of both Articles remained interwoven as they protect women's equal participation at all levels of government and representation, including the international sphere. As a result, the practice of the Committee has been to monitor Articles 7 and 8 together, without developing a clear scope of protection for the obligations arising from the latter. See Claudia Martin, Symposium on Gender Representation: Article 8 of CEDAW – Significance and Role of the CEDAW Committee to Tackle Women Underrepresentation in International Bodies, available at: <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-article-8-of-cedaw-significance-and-role-of-the-cedaw-committee-to-tackle-women-underrepresentation-in-international-bodies/>.

7 See Article 8 of CEDAW.

8 It is notable that 189 states have ratified the Convention, making the obligations arising out of Article 8 an almost universal requirement. See: <http://indicators.ohchr.org/>.

Per the Committee's General Recommendation No. 23, in order to achieve broad representation in public life, women must have full equality in the exercise of political and economic power, and they must be fully and equally involved in decision-making at all levels, nationally and internationally. When Article 8 speaks of "international organizations," it is understood that that notion encompasses international and regional human rights bodies and mechanisms alike.⁹ This obligation covers all organs within those organizations, including "courts, subsidiary bodies, funds and programmes, specialized agencies, and treaty bodies."¹⁰ Consequently, states have a duty to ensure gender equality in access to positions at both levels and to all international organs.

Furthermore, the obligation to ensure that women have equal opportunity "to participate in the work of international organizations" under Article 8 is twofold, carrying 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 establish transparent selection and nomination processes guided by objective criteria to ensure that women benefit on an equal basis from the opportunity to compete for a position in an international tribunal or organ;¹¹
- at the international level, States must exert influence when the rules regulating processes of appointment to positions in tribunals or other organs are adopted to guarantee that they conform to the gender balance requirements of Article 8.¹²

Per the Committee's past pronouncements, the "appropriate measures" that State Parties are obliged to take in order to ensure gender equality in their representation to international organizations, include the creation of objective criteria and processes for the appointment and promotion of women to relevant positions¹³ and the adoption of temporary special measures aimed at accelerating substantive equality for women,¹⁴ as provided by Article 4 of the Convention.¹⁵ The Committee has read this article to require state parties to adopt temporary measures such as special educational opportunities, recruitment policies, and quotas to expedite gender *de facto* equality in areas where women are chronically underrepresented.¹⁶ Such temporary special measures are necessary to bypass entrenched cultural and structural issues that make it impossible for women to compete on an even playing field with men.¹⁷

The Committee's longstanding interpretation of the Convention, through its Concluding Observations and its General Recommendations, is vital to understand the practical implications and obligations of the Convention. Even if Article 8 has not been extensively interpreted, the Committee has repeatedly obligated States to take whatever measures necessary to ensure *de facto* gender equality in international representation. Specifically, the Committee has repeatedly recommended that State parties establish temporary statutory quota systems to achieve

9 Such as the Organization of American States; the Council of Europe; and the African Union, among others. See in this regard the UN General Assembly 68/268, A/RES/68/268, April 9, 2014. For further discussion of this process see <https://www.geneva-academy.ch/our-projects/our-projects/un-human-rights-mechanisms/detail/16>

10 Id.

11 Id.

12 Sarah Wittkopp, Article 8, in *The UN Convention on the Elimination of All Forms of Discrimination Against Women, A Commentary*, edited by Marsha A. Freeman, Christine Chinkin, and Beate Rudolf, Oxford Commentaries on International Law (2013), at 224.

13 CEDAW, General Recommendation No. 23, (1997), paras. 38, 50.

14 Id., para. 43.

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

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

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

17 Id, para. 14.

substantive equality in both the diplomatic service and States' representations to international organizations.¹⁸

It is likewise instructive that the HRC's AC report¹⁹ elaborated that the right to equal participation in international decision-making under Article 8 of CEDAW, which is identified as a core human right provision to address the issue. As stated by the Advisory Committee, States should seek to ensure:

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

More concretely and drawing upon the Committee's own practice and interpretations, the AC report observed that States should adopt specific measures to tackle the underrepresentation of women in international courts and organs. At the domestic level, States should take proactive measures to recruit more women candidates specifically; establish goals and benchmarks for the selection, recruitment, and promotion of women; and address barriers that women encounter in the selection process. At the international level, and when voting to appoint new members in international bodies, States should take gender into account, consistently with their international obligations to ensure the principle of equality and non-discrimination. In line with Convention Article 4, the AC report recommends that women should be given preference over similarly qualified male candidates when there is a need to tackle female underrepresentation. This report also recommends that the Committee engages in monitoring the implementation of Article 8 obligations to ensure women's equal participation at the international level.

Accordingly, it is imperative for the CEDAW Committee to authoritatively elaborate on the international rights to equality and non-discrimination as the fundamental underpinnings anchoring women's Article 8 rights, and to recognize that gender parity in international justice is nothing less than a corollary to these fundamental rights. The Committee's express recognition that women's equal representation in the composition of international courts, organs, and mechanisms is anchored on the right to equality and non-discrimination enshrined in international law, would go a long way in reaffirming its role as the primary international body tasked with the elimination of discrimination against women worldwide.

b. The rights to equality and non-discrimination: Fundamental legal underpinnings anchoring Article 8 rights

18 These quotas should be implemented in a similar manner to current quotas successfully used to reach *de facto* equality participation in domestic politics and should ensure that women participate in the highest levels and most vital aspects of the diplomatic service and the work of international organizations and their subsidiary bodies, including tribunals, organs and mechanisms comprised by independent experts. See generally, Concluding Observations, the Netherlands, CEDAW/C/NLD/CO/5, February 5, 2010, para. 33; Concluding Observations, Algeria, CEDAW/C/DZA/CO/3-4, March 23, 2012, para. 26; Concluding Observations, Tajikistan, CEDAW/C/TJK/CO/4-5, October 29, 2013, para. 22; Concluding Observations, Cambodia, CEDAW/C/KHM/CO/4-5, October 29, 2013, para. 29; and Concluding Observations, Austria, CEDAW/C/AUT/CO/7-8, March 22, 2013, para. 31.

Additionally, given the precise nature of the obligation to take all appropriate measures, this duty is of immediate application and may be subject to enforcement at the domestic and international jurisdiction. See Sarah Wittkopp, Article 8, *supra* note 3, at 231.

19 See Report of the Human Rights Council Advisory Committee (A/HRC/47/51), Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance.

While Article 8 specifically requires States to ensure access “on equal terms with men and without discrimination,” the overall purpose of the Convention is to eliminate discrimination against women²⁰ and ensuring “women’s *de jure* and *de facto* equality with men in the enjoyment of their human rights and fundamental freedoms.”²¹ In considering the applicability of Article 8, it is critical to recall that the prohibition of discrimination is deeply entrenched in international law, and features consistently across the gamut of principal international and regional human rights treaties²² The principle of non-discrimination requires States to eliminate obstacles that result in discriminatory outcomes, such as gender disparity. Furthermore, as selection procedures for positions on international tribunals and other adjudicatory bodies are often within the exclusive control of States, they fall within the non-discrimination obligations States have assumed under international law.

It is instructive that further to the obligations derived from Article 8 of the CEDAW Convention, other international treaties and soft law documents contain provisions on the principle of non-discrimination, the rights of equal access to decision-making, equal opportunity in employment, and access to justice, which translate in States’ duties to ensure gender equality in international institutions.²³ A [University of Berkeley study commissioned by GQUAL](#) offers a detailed analysis of the legal basis in this regard.

Additionally, the interpretation of Article 8 must also take into account the overarching obligations arising from CEDAW Articles 2, 3, and 24. “The obligations enshrined in article 2 are inextricably linked with all other substantive provisions of the Convention, as State Parties have the obligation to ensure that all the rights enshrined in the Convention are fully respected at the national level.”²⁴ According to the Committee, this provision requires States to address the core obligations arising out of the treaty in light of the duties to respect, protect, and fulfill women’s right to non-discrimination and equality.²⁵

It is also relevant that Article 3 of the Convention requires State parties to take all appropriate measures in all fields, including the political field, to ensure the full development and advancement of women in the enjoyment of human rights without discrimination. This provision also applies to all the Articles of CEDAW.²⁶ It provides for an immediate obligation to take positive measures to ensure the advancement of women in any field, particularly in the sphere of political representation

20 CEDAW Preamble.

21 CEDAW Committee, General Recommendation 25, *supra* note, para. 4.

22 Including the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as in the key regional human rights treaties, including in the European Convention on Human Rights, the American Convention on Human Rights, the African Charter on Human and Peoples’ Rights, and the Arab Charter on Human Rights, among other widely ratified treaties.

23 For instance, it is noteworthy that:

Article 25 of the ICCPR, the UN General Assembly Resolution 66/120, the Beijing Platform, the Millennium Development Goals, and the Sustainable Development Goals, as well as UN Security Council resolutions on women, peace and security, all reflect the commitment of States to promote women’s equal access to decision-making across public entities.

The right of access to equal opportunity in employment is envisaged in the ICESCR, and protected by the non-discrimination provisions of that treaty extends to positions on international judicial and monitoring bodies.

The Convention on the Rights of Persons with Disabilities identifies a structural right of access to justice such that denial of qualified individuals with disabilities the opportunity to serve as judges is violation of their rights to access justice. The Beijing Platform also calls on States to ensure women have equal access to serve in judicial capacities.

24 CEDAW Committee, General Recommendation No. 28 on the core obligations of State parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28, December 16, 2010, para. 6.

25 *Id.*, para. 9. This tripartite framework of duties embodies the State’s obligations to refrain from adopting laws, policies or procedures that result in discrimination against women (respect), to protect against actions by private actors that discriminate against women and take steps aimed at eliminating customs and stereotypes that perpetuate a notion of women inferiority (protect), and to take measures to ensure that women enjoy equal rights on an equal footing with men (fulfil). Acts or omissions may result in a breach of the obligation to respect, while the duty to fulfil encompasses obligations of means and result.

26 CEDAW Committee, General Recommendation No. 25: Article 4, paragraph 1, of the Convention (temporary special measures) (2004), para. 24.

at all levels, including the international one.²⁷ The notion of advancement is not defined in the Convention, but it portrays a sense of progress and moving forward.²⁸ Likewise, Article 24 embodies a State's duty to adopt all appropriate measures at the national level to ensure that the substantive rights CEDAW protects are effectively implemented and guaranteed by legislative and other measures, including appropriate judicial remedies.

Finally, other international treaties and resolutions, declarations, and recommendations issued under the auspices of the UN and other specialized agencies that protect and promote gender equality may be important tools to provide a dynamic interpretation of the provisions of CEDAW, including Article 8. All of the obligations referred to herein clearly evidence States' duties to act affirmatively to ensure equal representation in the form of gender parity, which has been reflected in formal commitments by many States to achieve this goal. Considering the underrepresentation of women in international institutions that still prevails, States should take strong action to translate those commitments in measurable progress, and the Committee should play a key role in monitoring and assisting States in efforts to meet these obligations.

c. Gender Parity: The appropriate and necessary standard for States to guarantee equality under the Convention

GQUAL's [Declaration](#) and [Action Plan](#) outline our understanding that gender parity is a necessary measure for equality, a fundamental component to guarantee diversity and balance across international institutions, and a requirement to strengthen the legitimacy and impact of international justice. It is in this context that we now turn to emphasizing the unparalleled opportunity available to the Committee, in elaborating its future GR, to clearly and authoritatively declare that the appropriate standard for measuring "equal representation and participation" under Convention Article 8, must be that of gender parity. Our recommendation to the Committee in this regard is supported by extensively and relevant precedent as outlined below, and inclusive of the Committee's own past practice, like that of calling upon States to utilize the Beijing Declaration and Platform for Action ("Declaration and Platform") in their implementation of CEDAW obligations.

The [Beijing Declaration](#) calls States and other institutions to ensure equal participation of women and men in all national, regional, and international bodies and policy-making processes. The [Platform for Action](#), under the strategic objective to ensure women's equal access and full participation in power structures and decision-making, requests that governments commit to gender balance in governmental bodies, public administrative agencies, and the judiciary. Similarly, States should commit to ensure gender balance in political representation, including elective and non-elective bodies. At the international level, States are encouraged to aim and support gender balance in the composition of delegations to the UN and other international organizations, including in the list of candidates nominated for election or appointment to UN bodies, specialized agencies and other autonomous organizations of the UN system, particularly for posts at the senior level.

Gender balance implies and has been understood in the Declaration and Platform follow-up process, as encompassing parity, namely a 50:50 target, as the appropriate standard²⁹. The

²⁷ Christine Chinkin, Article 3, in *The UN Convention on the Elimination of All Forms of Discrimination against Women* (ed. by Marsha Freeman, Christine Chinkin, and Beate Rudolf, Oxford, 2012, p. 106.

²⁸ *Id.*, p. 108.

²⁹ See, e.g., Beijing Declaration and Platform for Action, para 193, available at: https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Final_WEB.pdf; Reports of the Working Group on the issue of discrimination against women in law and in practice A/HRC/23/50, para. 19, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/132/51/PDF/G1313251.pdf?OpenElement>; and A/HRC/35/29, para. 31, available at: [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/132/51/PDF/G1313251.pdf?OpenElement)

Committee has consistently asserted, as part of its monitoring functions, that States must take the Declaration and Platform as a source of interpretation of the obligations arising out of the Convention. Thus, in the particular area of women equal representation at the international level, States' commitments and practice under the Declaration and Platform are essential to define Article 8's scope of protection. The Committee itself seems to have adopted this notion of gender balance when stating that "to achieve broader representation in public life, women must have **full equality** in the exercise of political and economic power [and] be fully and equally involved in decision-making at all levels, both nationally and internationally."³⁰

Similarly, the Advisory Committee report has recently reaffirmed the Working Group on discrimination against women and girls' definition of parity as the appropriate measure to assess whether States have complied with their obligation to ensure equal participation of women in international decision-making. Gender parity for purposes of underrepresentation means "**no less than 50 percent of a given body consisting of one gender.**"³¹ Thus, when Article 8 refers to "equal representation and participation" this language must be interpreted as requiring at least 50 percent of women in the composition of international courts and bodies. The international obligation to guarantee gender balance in international justice spaces has also been developed in greater detail recently by the UN-HRC Resolutions [41/6](#) and [50/L.22](#),³² which establish the right of women to participate in these spaces under equal conditions and the role of the States in overcoming the obstacles to this.

As such, it is clear that in order to meet the standard of "on **equal terms** with men" under Article 8, the selection and nomination processes must pursue a policy of gender parity, in line with States' commitments States under the Declaration and Platform, and the interpretative value that the Committee provides to these instruments. States' omission to set up these processes have resulted in the exclusion of women and not men from accessing these opportunities, thereby impairing their right to be treated without discrimination in breach of Articles 8 and 1.

4. Good Practices and Recommendations

In elaborating its future GR, the Committee has an unparalleled opportunity to help "change the picture" of women's underrepresentation in public and political life, and to substantially improve women's representation in **international justice bodies**, by **authoritatively outlining and defining the Convention's substantive Article 8 obligations**, and how these must be implemented through concrete State policies and practices.

Furthermore, the legal developments in such a future GR can provide key guidance to other international and regional bodies in interpreting the rights to equality and non-discrimination, as relevant to women's participation and representation in decision-making systems, including in international bodies.

In concluding this submission, the Campaign would like to offer the following specific recommendations, of ways in which the Committee can continue to play a key role in assisting

[ny.un.org/doc/UNDOC/GEN/G17/095/46/PDF/G1709546.pdf?OpenElement](https://www.un.org/doc/UNDOC/GEN/G17/095/46/PDF/G1709546.pdf?OpenElement); United Nations, System-Wide Strategy on Gender Parity (13 September 2017), available at: www.un.org/gender/sites/www.un.org/gender/files/gender_parity_strategy_october_2017.pdf.

30 CEDAW, General Recommendation no. 23, available at: <https://www.un.org/esa/documents/ga/cedaw/17/cedawc1997-5.htm>.

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

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

States to tackle the underrepresentation of women in international tribunals, mechanisms, and organs through measures both the domestic and international levels:

- Recommend concrete and accessible measures for States to incorporate gender parity in national nomination and selection process for positions in international justice bodies. These can include:
 - establishing gender parity as a the key criteria for the selection, recruitment, and promotion of candidates to international positions
 - developing national selection procedures that are open, transparent, and gender-parity focused;
 - addressing barriers that women encounter in the selection process; and,
 - tracking and publicizing information on nomination and voting records, as well as widely disseminating vacancy announcements and encouraging and enabling women to apply for positions
- Recommend that States develop guidelines for voting practices that include gender parity as a criteria and promote—through diplomatic representatives in the international organizations and bodies—the development of guidelines and standards to help ensure gender parity is achieved and sustained in international bodies.
- As previously suggested by GQUAL³³, consistently and thoroughly monitor the implementation of Article 8 obligations, according to Article 18 reporting procedures, with a view to assessing and addressing women’s underrepresentation in all cases. The Committee can, for instance, ask States under individual review to present information about current practices, mechanisms, and records in nominating and voting for candidates; seek to explore and clarify the understanding of the State’s obligations when nominating and voting for international tribunals and bodies; and gather critical information on the actual nomination and voting of women vis-a-vis men to different positions; as well as the measures taken to ensure non-discriminatory access of women to these positions. The Committee can further use its COs to recommend the adoption of specific measures at the national nomination level to ensure transparent procedures, the use of objective criteria and gender parity.
- Use a standardized list of questions to assess States’ compliance with Article 8, and help guide their development of COs and recommendations.³⁴
- Contribute to concrete efforts to increase women’s capacity to participate in decision-making and leadership, particularly in the field of international justice, e.g. by means of training,

33 See GQUAL, The important role of CEDAW in paving the way towards gender parity in international representation, available at: <https://www.gqualcampaign.org/wp-content/uploads/2020/10/Carta-al-Comite%CC%81-CEDAW-2016.pdf>.

34 Such a list of questions could, for instance, include the following:

- What type of processes does the State use to nominate candidates to international tribunals and bodies (international and regional tribunals, international and hybrid criminal courts, international and regional human rights commissions, United Nations Treaty Bodies, and United Nations Special Procedures)? Is there a pre-established mechanism, procedure, or are there guidelines that shape the selection process?
- How does the State take into consideration the obligations under Article 8 of CEDAW to ensure women’s equal access participation in the work of international tribunals and bodies when nominating candidates for international tribunals and bodies?
- How do you take into account your obligations under Article 8 of CEDAW when voting on candidates for international tribunals and bodies?
- What measures does the State take to cultivate a pool of women candidates for nomination to international tribunals or bodies?
- How many women has the State nominated to international courts or bodies compared to the number of men it has nominated in the last five years?
- How many women candidates to international tribunals and bodies has the State voted in favor of during the last five years? How many male candidates to international tribunals and bodies has the State voted in favor of during the last five years?
- In how many elections during the past five years has the State voted in favor of a male candidate when a female candidate was also on the ballot?



practical and knowledge exchanges, good practices and information sharing, and education and awareness-raising.

The GQUAL Campaign thanks the Committee for its valued engagement and the opportunity to contribute to the vital ongoing discussions around women's equal and inclusive participation and representation in international decision-making systems.