



The Potential of Article 8 of the CEDAW Convention to Guarantee Women’s Equal Representation in International Representation: An analysis of the CEDAW Committee’s reporting practices and trends

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I. INTRODUCTION

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

CEDAW Committee, General Recommendation 23, paragraphs 35, 38

The work and decision-making of the international bodies¹ that create, interpret, and apply international law,² is key to determining issues including security, health, wealth, environmental protection, and the scope of human rights in today’s world³, and indeed essential to the lives of all people. Nevertheless, it is a stark ongoing reality that women continue to be underrepresented across the majority of such international bodies and organizations⁴, and in other arenas of multilateral decision-making, such as States’ diplomatic services.

This reality, which results from the prevalence of multifaceted structural and systemic *de jure* and *de facto* barriers to equality that women continue to face, has been consistently and extensively demonstrated in both independent research, such as that produced by the GQUAL Campaign over the

¹ GQUAL monitors 88 international bodies, GQUAL Campaign; The GQUAL Campaign aspires for gender parity in international representation, <https://www.gqualcampaign.org/about-gqual/>.

² Why is gender parity in international representation important? <https://www.gqualcampaign.org/about-gqual/>.

³ The UN Human Rights Treaty Bodies: An overview by Marcia Kran, member of the UN Human Rights Committee | 10 December 2020 — Lawyers’ Rights Watch Canada (lrwc.org); Please see Annex III for the list of UN Treaty Bodies.

⁴ <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>; panel,



past eight years⁵ and in the findings of key international bodies themselves, such as for instance in 2021 Report by the Human Rights Council Advisory Committee ('HRC Advisory Committee' or 'Advisory Committee').⁶

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 the CEDAW Committee and the Working Group on Discrimination against Women and Girls), and to 31% when counting only tribunals. The figures also show that this imbalance has affected the international organizations since its creation. An updated overview of current gender representation across relevant bodies is found here.⁷

The chronic lack of gender parity in international representation poses critical challenges to the meaningful and effective implementation of the right to equality and non-discrimination as protected by human rights treaties, and hampers the effective pursuit of fair and inclusive societies for all persons more broadly. In particular, it bears elaborating on its connections to and detrimental impacts with respect to:

- i. *The legitimacy and effectiveness of international bodies and multilateral decision-making spaces*: "Without parity, international bodies and tribunals jeopardize their legitimacy, effectiveness as well as the perception of fairness of those bodies⁸ by possibly overlooking perspectives that can only be provided when there is gender parity."⁹ Gender-balanced participation in international affairs can ensure that "the greatest possible plurality and diversity of views are brought into the deliberative process in international bodies to prevent gender-biased outcomes."¹⁰ As decisions taken in international forums greatly influence domestic

⁵ "Where are the women in international organizations?" Composition of International Organizations and Tribunals, <http://www.gqualcampaign.org/current-composition/>. GQUAL promotes gender equality by monitoring representation by women on international organizations, vacancies on international bodies and supports research on gender parity on international bodies.

⁶ Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance, Report of the Human Rights Council Advisory Committee, May 21, 2021, A/HRC/47/51.

⁷ GQUAL Ranking, The GQUAL Campaign, 2022, available at: <https://www.gqualcampaign.org/the-gqual-ranking-2022/>.

⁸ Symposium on Gender Representation: Women's Representation on the UN Human Rights Treaty Bodies – Action Needed to Achieve Parity, Marcia V.J. Kran, May 10, 2021, <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>.

⁹ Symposium on Gender Representation: Women's Representation on the UN Human Rights Treaty Bodies – Action Needed to Achieve Parity, Marcia V.J. Kran, May 10, 2021, <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>.

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

public policies and, therefore, everyday life, women should have the opportunity to participate equally in these processes;¹¹ parity at all levels is vital to a democracy.¹²

- ii. *The elimination of discrimination and the achievement of full and meaningful equality*: The presence of women on international decision-making bodies not only ensures effective decision making but is essential to ending discrimination against women.¹³ Underrepresentation of women in international bodies and mechanisms has a significant impact on the human rights to equality and to non-discrimination.¹⁴ Achievement of the equality of women in economic, social, cultural, public and political life will only be the result of continuous effort at all levels of global society, including at the level of international organizations and decision-making bodies.¹⁵ Mainly in the current environment where some States are still dominated by patriarchal societies, attitudes perpetuate stereotypes of women as not fit to work in the public and political realm, including international organizations and tribunals. In this respect, it is particularly troubling that the persistent lack of gender parity and equal representation in decision-making systems is a crucial factor that maintains and deepens inequalities, perpetuating a negative feedback loop whereby systemic discrimination and continuing underrepresentation reinforce one another.

Finally, for the purposes of this discussion it is critical to emphasize that as the appointments and nominations relevant to the composition of international bodies and other multilateral spaces, are within the exclusive control of States, they must respect their non-discrimination obligations assumed under international law when selecting candidates for international positions.¹⁶ Indeed, the process for women's inclusion on international bodies and tribunals, for example, begins with States' identification and nomination of women for these bodies,¹⁷ and the basic reason that more women are not representing States at an international level is that the States are not nominating women as candidates.¹⁸ Moreover, States must take gender into consideration when voting for or appointing candidates at the international level.

¹¹ Symposium on Gender Representation: Women's Representation on the UN Human Rights Treaty Bodies – Action Needed to Achieve Parity, <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>.

¹² GQUAL, Why is gender parity in international representation important? <https://www.gqualcampaign.org/about-gqual/>.

¹³ GQUAL, Why is gender parity in international representation important? <https://www.gqualcampaign.org/about-gqual/>.

¹⁴ Report, p. 6, para. 19. A/HRC/47/51. [G2111146.pdf \(un.org\)](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/111/46/PDF/G2111146.pdf?OpenElement);
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/111/46/PDF/G2111146.pdf?OpenElement>.

¹⁵ *Tackling Social Norms, A game changer for gender inequalities*, United Nations Development Programme, 2020, p. 4, at http://hdr.undp.org/sites/default/files/hd_perspectives_gsni.pdf.

¹⁶ GQUAL GR40 submission

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<https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>, see also, N. Grossman...

¹⁸ GQUAL, See also, Symposium on Gender Representation: Women's Representation on the UN Human Rights Treaty Bodies – Action Needed to Achieve Parity, Marcia V.J. Kran, May 10, 2021, <https://opiniojuris.org/2021/10/05/symposium-on-gender-representation-womens-representation-on-the-un-human-rights-treaty-bodies-action-needed-to-achieve-parity/>.

Several provisions under international human rights treaties protect the right of women to equal representation in decision-making bodies; however, article 8 of the Convention on the Elimination of All Forms of Discrimination against Women (‘CEDAW’ or Convention), complemented by article 7 of the same treaty, provides the specific State’s obligation to guarantee equal representation of women in international organizations and decision -making bodies. This obligation has become an almost universal commitment given that 189 States have ratified CEDAW as of today.

In light of these considerations, the rest of this paper proceeds to examine the CEDAW Committee’s interpretation and practice in respect of Article 8 of CEDAW, and its key implications for the realization of substantive equality and gender parity in international representation, in the following way:

- **Section 1(A)** provides general overview on the nature of the CEDAW Committee’s interpretations of, and guidance for, the application of **Article 8**;
- **Section 1(B)** defines the notion of **gender parity** as used in this research, and as relevant to the interpretation and application of Article 8;
- **Section 1(C)** provides an overview of requirements related to States’ **reporting requirements** under the CEDAW Convention; and
- **Section II** provides an overview of the Committee’s findings and conclusions on the implementation of Article 8 across its Concluding Observations, and select country reports, over the past 30 years. It details, in particular:
 - the nature of **obstacles and good practices** in States’ Article 8 implementation as observed by the Committee in its findings and interpretations, across this time; and
 - A set of **key trends** identified in the analysis of the Committee’s findings and interpretations related to Article 8, across this time
- Lastly, **Section III** concludes with a set of **conclusions and recommendations** and a summary and restatement of the need to harness the untapped potential of forward-looking interpretations and applications of Article 8, for strides towards realizing the Convention’s promise of substantive equality and gender parity in international representation.

II. Article 8: An Overview

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

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



Article 8 of CEDAW codifies women’s participatory entitlement in international affairs, complementing their participatory rights in public and political life domestically, which are outlined in Article 7 of the same Convention. Article 8 states a twofold obligation: States parties must take all appropriate measures to ensure women the opportunity to represent their governments at the international level and the opportunity to participate in the work of international organizations.¹⁹ States are required to report on their progress towards gender equality under Article 8 in periodic reports, as required under Article 18. Additionally, CEDAW reporting guidelines and general recommendations address the importance of implementation of Article 8, and detail the kinds of information that States must provide, and actions that they must take, in order to comply with their CEDAW obligations.

A close examination of the nature of Article 8 and its interpretation by the CEDAW Committee, clearly reflects the fact that State parties to CEDAW have committed to and are accountable for women’s equal participation in political and public life at the international level. As previously outlined by the author, "given the plain text of the provision and its subsequent interpretation by the Convention’s enforcement body, the CEDAW Committee, it is clear that state parties have a duty to ensure gender equality in the access to positions in international tribunals and other bodies that play key roles in developing international law and human rights. As of today, 189 states have ratified CEDAW, thereby making the obligations arising out of Article 8 an almost universal requirement."²⁰

Furthermore, “when Article 8 speaks of “international organizations,” it is understood that this notion encompasses not only international bodies such as the United Nations, but also regional organizations, including the Organization of American States, the Council of Europe, and the African Union to mention a few. Moreover, all organs within those organizations are covered by this obligation, including “courts, subsidiary bodies, funds and programmes, specialized agencies, and treaty bodies.” Consequently, states have a duty to ensure gender equality in access to positions at both levels and to all international organs.”²¹

While most commentaries acknowledge the fact that Article 8 has played a comparatively minor role in the work of the CEDAW Committee, it is concomitantly recognized that nevertheless, “the conceptual work of the Committee as regards State obligations under Article 7 concerning women’s participation political and public life—such as the interpretation of substantive equality, the obligation to reach parity

¹⁹ The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol: A Commentary, Second Edition, Edited by Patricia Schulz, Ruth Halperin-Kaddari, Beate Rudolf, and Marsha A. Freeman, Oxford University Press (2022) (hereinafter “CEDAW Commentary, Second Edition”).

²⁰ Claudia Martin, “Article 8 of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW): A Stepping Stone in Ensuring Gender Parity in International Organs and Tribunals”, *IntLawGrrls*, 13 January 2016, available at: <https://ilg2.org/2016/01/13/article-8-of-the-convention-to-eliminate-all-forms-of-discrimination-against-women-cedaw-a-stepping-stone-in-ensuring-gender-parity-in-international-organs-and-tribunals/> (hereinafter “Article 8: A Stepping Stone”).

²¹ Sarah Wittkop, *Article 8*, in “CEDAW Commentary, Second Edition”, at 224 (Hereinafter “Sarah Wittkop in CEDAW Commentary”).



as the ultimate goal, and the obligation to adopt proactive measures, including temporary special measures to that end—apply by extension to the areas covered by Article 8 as well.”²²

Indeed, “many of the States parties' obligations under Article 7(b) correspond to obligations under Article 8; hence, States parties must ensure the full participation of women at all levels and all areas of international affairs. In the drafting of Article 7, the negotiating States decided to formulate a separate article on women's international representation rather than including it as a paragraph in Article 7. This decision pays tribute to the immense importance of decision-making in international fora, on matters such as peacemaking, conflict resolution, military expenditure and nuclear disarmament, development and the environment, foreign affairs, and economic restructuring.” Unlike Article 7, Article 8 does not refer to a 'right' that has to be ensured by the State but to an 'opportunity'. However, as explained in the commentaries to the CEDAW Convention, this does not mean that Article 8 is not a legal obligation; as the Convention is a non-discrimination treaty directed at States, all the provisions are binding regardless of how the obligation is framed.²³

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

- 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 decision-making body or organ.
- 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 8.²⁴

To these ends, the Committee’s longstanding interpretations of the CEDAW Convention, through its Concluding Observations and its General Recommendations, are vital for understanding the practical implications and obligations that arise from the treaty as they detail the kinds of information that States must provide, and the actions that they must take, in order to comply with their obligations under 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 substantive equality in both the diplomatic service and States’ representations to international organizations.²⁵ Finally, given the precise nature of the obligation to take all appropriate

²² See CEDAW Commentary, Second Edition.

²³ *Id.*

²⁴ See Article 8: A Stepping Stone.

²⁵ Concluding Observations, the Netherlands, 2010, para. 33.



measures, this duty is of immediate application and may be subject to enforcement at the domestic and international jurisdiction.²⁶

Additionally, Article 8 requires that State parties to the Convention “take all appropriate measures” to ensure gender equality in their international representation and before international organizations. According to the CEDAW Committee, the appropriate measures include the creation of objective criteria and processes for the appointment and promotion of women to relevant positions, and the adoption of temporary special measures aimed at accelerating substantive equality for women,²⁷ as provided by Article 4 of the Convention. The Committee has read this article to require State parties to adopt temporary measures such as special educational opportunities, recruitment policies, and quotas in order to expedite gender de facto equality in areas where women are chronically underrepresented.²⁸ 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.²⁹

Furthermore, the Committee has repeated urged States to do more to ensure full implementation of Article 8. For instance, in General Recommendation 8 on the implementation of CEDAW (seventh session, 1988), the Committee, having considered the reports of States parties submitted in accordance with article 18 of the Convention, expressly recommended “that States parties take further direct measures in accordance with article 4 of the Convention to ensure the full implementation of article 8 of the Convention and to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Government at the international level and to participate in the work of international organizations.”³⁰ Subsequently, General Recommendation No. 10 (On the Tenth Anniversary of the Adoption of CEDAW, 1989), encouraged States to take actions “to ensure the full implementation of the principles of the Convention, and in particular article 8, which relates to the participation of women at all levels of activity of the United Nations and the United Nations system.”³¹

Most significantly, in 1997 the CEDAW Committee acknowledged in its landmark 23rd General Recommendation, that the “integration of a gender perspective and women’s human rights into the agenda of all international bodies is a government imperative,” remarking that the “globalization of the contemporary world makes the inclusion of women and their participation in international organizations, on equal terms with men, increasingly important.” The Committee deplored the fact that many “crucial decisions on global issues, such as peacemaking and conflict resolution, military expenditure and nuclear disarmament, development and the environment, foreign aid and economic restructuring, are taken with limited participation of women,” calling for the “inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations” and for the inclusion of a “gender perspective and analysis [a]s necessary.

²⁶ See Sarah Wittkop in CEDAW Commentary at 231.

²⁷ CEDAW, General Recommendation No. 23 (1997) paras. 38, 50, and 43.

²⁸ CEDAW, General Recommendation No. 25, (2004), para. 22.

²⁹ *Id.*, para 17.

³⁰ General recommendations, CEDAW, General Recommendation No. 8 (1988).

³¹ General recommendations, CEDAW, General Recommendation No. 10 (1989).

A close reading of the Committee's General Recommendation No. 23 clearly indicates that 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, including internationally. Indeed, the goal of Article 8 must be the realization of substantive equality. To this end, "the Committee employs the concept of equality of results when it asks States parties to reach parity in international representation as the ultimate goal. To illustrate [...] under Article 8, substantive equality requires that recruitment requirements for the foreign service and international posts must be revised to appropriately take gender differences into account."³²

Article 8

(49) Measures which should be identified, implemented and monitored for effectiveness include those designed to ensure a better gender balance in membership of all United Nations bodies, including the Main Committees of the General Assembly, the Economic and Social Council and expert bodies, including treaty bodies, and in appointments to independent working groups or as country or special rapporteurs.

(50) When reporting under article 8, States parties should:

- Provide statistics, disaggregated by sex, showing the percentage of women in their foreign service or regularly engaged in international representation or in work on behalf of the State, including membership in government delegations to international conferences and nominations for peacekeeping or conflict resolution roles, and their seniority in the relevant sector;
- Describe efforts to establish objective criteria and processes for appointment and promotion of women to relevant positions and official delegations;
- Describe steps taken to disseminate widely information on the Government's international commitments affecting women and official documents issued by multilateral forums, in particular, to both governmental and nongovernmental bodies responsible for the advancement of women;
- Provide information concerning discrimination against women because of their political activities, whether as individuals or as members of women's or other organizations.

CEDAW General Recommendation No. 23, Political and Public Life

³² See CEDAW Commentary, Second Edition.



Finally, it is likewise instructive that the HRC Advisory Committee's report elaborated on the issue of women's equal participation in international decision-making, referred to CEDAW's Article 8 as the core human right provision addressing the issue. More specifically, the Advisory Committee considered that, in order to guarantee Article 8 rights, States should seek to ensure:

- i. **formal equality** through the adoption of legal measures to guarantee women's equal representation at the international level;
- 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)³³

More concretely, and drawing upon the Committee's own practice and interpretations, the Advisory Committee's 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 report recommends that women should be given preference over similarly qualified male candidates when there is a need to tackle female underrepresentation. Finally, the report also recommends that the Committee engages in monitoring the implementation of Article 8 obligations to ensure women's equal participation at the international level.

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

The requirement for women's representation at the international level and their participation in the work of international organizations, "on equal terms with men" should be interpreted in no other way than as requiring a quota least 50% percent of women in the composition of international courts and bodies. This requirement is rooted, *inter alia*, in commitments found in the Beijing Declaration and Platform for Action, which, 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.

³³ Future General Recommendation on the Equal and Inclusive Representation of Women in Decision-Making Systems: Submission by the GQUAL Campaign, CEDAW Committee Half Day of General Discussion, 22 February 2023, available at: <https://www.ohchr.org/en/events/events/2023/half-day-general-discussion-equal-and-inclusive-representation-women-decision>.



Critically, the Beijing Declaration and Platform for Action encourage States 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. It is furthermore instructive that the international obligation to guarantee gender balance in international justice spaces has furthermore been developed in greater detail recently by the UN Human Rights Council Resolutions 41/6 and 50/L.22, 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.³⁴

The notion of gender balance implies, and has been understood in the Beijing Declaration and Platform of Action follow-up process, as encompassing parity, namely a 50:50 target, as the appropriate standard—and the CEDAW 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’s equal representation at the international level, States’ commitments and practice under the Beijing Declaration and Platform of Action are essential to define Article 8’s scope of protection.

The Committee itself seems to have adopted this notion of gender balance when stating, in General Recommendation No. 23, that:

*“in order to achieve broad representation in public life, women must have full equality in the exercise of political and economic power; they must be fully and equally involved in decision-making at all levels, both nationally and internationally, so that they may make their contribution to the goals of equality, development and the achievement of peace. A gender perspective is critical if these goals are to be met and if true democracy is to be assured. For these reasons, it is essential to involve women in public life to take advantage of their contribution, to assure their interests are protected and to fulfil the guarantee that the enjoyment of human rights is for all people regardless of gender. Women’s full participation is essential not only for their empowerment but also for the advancement of society as a whole”.*³⁵

And indeed, more concretely, the Committee has actualized these interpretations in its practical recommendations to States, expressly calling on reporting States to take measures to attain gender parity with respect to Article 7 and Article 8 obligations, in its Concluding Observations. These recommendations urge States to, inter alia, “adopt targeted measures, including temporary special measures, such as a gender parity system, for the accelerated recruitment and appointment of women to decision-making positions in public administration, including the diplomatic service; to introduce temporary special measures, including minimum quotas and reserved seats for women, to ensure gender parity in appointed and elected positions; to adopt measures to ensure de jure and de facto gender parity within political parties and encourage women to stand for election.”³⁶

³⁴ 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>.

³⁵ CEDAW, General Recommendation No. 23 (1997), para 17.

³⁶ See, e.g. Concluding Observations on Cyprus, CEDAW/C/CYP/CO/8 (2018); and Macedonia, CEDAW/C/ARM/CO/5-6 (2016).



Furthermore, the Working Group on discrimination against Women and Girls' (WG-DWG) has defined parity as the appropriate measure to assess whether States have complied with their obligation to ensure equal participation of women in international decision-making. As a result, for the WGDWG, parity in decision-making forums is a good practice standard for equal representation. Additionally, parity laws or quotas can be identified as good practices to address the lack of women's participation and ensure representation of women in public and political bodies. Thus, gender parity for purposes of underrepresentation should mean "no less than 50 percent of a given body consisting of one gender." In this vein, the interpretation of Article 8's language on "equal representation and participation", as requiring at least 50 percent of women in the composition of international decision-making bodies, emerges as the apposite one.³⁷

B. C. Article 18: Reporting to the CEDAW Committee

Under Article 18 of the CEDAW Convention, State parties are required to submit reports detailing measures taken to implement their obligations under the Convention—including in respect of achieving gender equality under Article 8 of the Convention—to the Committee.³⁸ All States parties are required to submit an "initial" report within one year of the Convention's entry into force in their jurisdiction; and, subsequently, at least every four years thereafter or whenever the Committee, so requests. As part of its monitoring work, the CEDAW Committee has received and responded to over 800 initial and periodic reports from 1986 to the present.³⁹

This section provides an overview of the guidelines and procedures relevant to reporting by States parties to the CEDAW Committee, including as relevant with reference to reporting on the implementation of Article 8, more precisely.

Simplified Reporting Procedure and the "Opt-Out Model"

³⁷ 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>.

³⁸ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), <https://www.ohchr.org/en/treaty-bodies/cedaw/introduction-committee>.

³⁹ CEDAW Article 18 outlines that:

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

See the CEDAW Convention, Article, 15, available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>. CEDAW reviews follow up procedures and provides questions to States as well.

In 2018, the CEDAW Committee began to use a simplified reporting procedure, under which the Committee's pre-sessional working groups prepared and sent States parties a list of issues (a 'list of issues prior to reporting', or 'LOIPR'). A State party's replies to the LOIPR constitute its periodic report under article 18 of the Convention. This procedure was made available to States upon request, provided that they had submitted an initial report which was considered under the regular procedure and an updated common core document. According to the OHCHR, this procedure aims to facilitate the reporting by States parties; strengthen their capacity to fulfil their reporting obligations in a timely and effective manner; provide the Committee with more targeted reports; improve the effectiveness of the treaty monitoring system by reducing the need to request supplementary information before considering a report; and to allow the Committee to plan its work in advance."⁴⁰

At its 82nd session (13 June to 1 July 2022), the Committee decided to shift from an "opt-in" model for the simplified reporting procedure to an "opt-out model".⁴¹ The "opt-out" model meant that in the future, the simplified reporting procedure would be applied automatically, or by default, to all States parties, unless they took measures to indicate their preference to maintain the standard reporting procedure, before a 20 September 2022 deadline.

According to the OHCHR's own data, the tallies of States' reporting procedures after the expiration of this deadline, stood as follows:

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

The simplified reporting procedure thus currently applies to the vast majority of States that are parties to the treaty.

Guidance for States parties on the preparation of reports under Article 18 of the CEDAW Convention

The formal guidance for State parties' preparation of reports under Article 18 of the Convention, including critically in respect of Article 8, was updated in September 2022.⁴² This guidance applies to a) State parties preparing their initial report to the Committee; b) States from which the Committee has requested a full periodic review; c) States wishing to submit a full periodic review.⁴³ Reports should provide specific information under each article of CEDAW. Also, they should include information regarding the integration of the 12 areas of concern under the Beijing Platform of Action "into the State's party implementation of the Convention's substantive equality framework."⁴⁴ Moreover,

⁴⁰ See The Committee on the Elimination of Discrimination against Women, Reporting Guidelines, available at: <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>.

⁴¹ See the CEDAW Committee's decision 82/3 on the harmonization of working methods; see [CEDAW/C/2022/II/CRP](#).

⁴² Guidance note for State parties for the preparation of reports under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in the context of the Sustainable Development Goals, CEDAW/C/74/3/Rev.1

⁴³ Id., para. 6.

⁴⁴ Id., para. 11.

submissions should contain “information on the implementation of the gender elements across all the Sustainable Development Goals and regional human rights instruments and on the outcomes of other relevant United Nations conferences, summits and reviews.”⁴⁵ Furthermore, when applicable, reports should provide information on the implementation of Security Council Resolution 1325 and subsequent resolutions on peace and security.⁴⁶

The guidance note more specifically addresses reporting on Article 8 jointly with Article 7, under three separate subheadings headings. The following paragraphs can be identified as the ones that refer to Article 8 obligations more concretely (whether expressly referring to international-level representation and/or participation; or by encapsulating Article 8 obligations within the reach of their broad(er) formulations:

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

Legal framework

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

Enforcement and monitoring measures

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

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

Data analysis at both the national and the local levels

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

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

Additionally, a request for information about measures relevant to the implementation of Article 8, can also be found in the section detailing reporting obligations under the Convention’s Article 4 provisions, as follows:

⁴⁵ Id., para. 12.

⁴⁶ Id., para. 13.

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

Legal framework

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

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

Enforcement and monitoring measures

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

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

Data analysis at both the national and the local levels

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

(b) The *number of women* promoted in employment or *appointed to decision-making positions* on the basis of the implementation of temporary special measures (by urban and rural area, ethnicity, race, health and disability status, indigenous or language group, age, marital and/or maternal status, socioeconomic status or other minority status, such as refugee, displaced, stateless, migrant, widow, lesbian, bisexual, transgender or intersex).

Lists of Issues Prior to Reporting (LOIPRs)

According to the guidance issued by the CEDAW Committee, LOIPRs shall be limited to a maximum of 25 paragraphs, including one standard paragraph, asking the State party concerned to provide

information on the measures taken to implement the Committee's previous concluding observations. LOIPRs must not raise more than 75 questions.⁴⁷

LOIPRs and States parties' accompanying responses (reports) therefore typically cluster questions and information relevant to Article 8 of the Convention under the headings

(a) *Participation in political and public life*; and

(b) *Temporary Special Measures*,

thus allowing for a somewhat limited and generic approach to Article 8 issues.

Concluding Observations

Once the Committee reviews a State party's report, it issues Concluding Observations and recommendations for next steps to further the implementation of the CEDAW Convention. Concluding Observations contain both positive aspects of the State's implementation of the Convention as well as recommendations for further action that must be taken by the State, based on the report and on meetings with representatives of the State.⁴⁸ When preparing a full report, States should take into account and address those observations and recommendations, showing any progress that has been made towards their implementation. CEDAW has also adopted follow-up procedures that assist the Committee in more closely monitoring the State's implementation for what the Committee considers a priority and implementable in the short term.⁴⁹

Guidance for reporting in General Recommendations

In 1997, General Recommendation No. 23, provided detailed comments regarding Article 8. The CEDAW Committee specifically recommended elements to be included in reports, notably:

- a. statistics disaggregated by sex, with percentages of women who work in foreign service, or engage in the work of international organizations,
- b. efforts to establish objective criteria and processes for appointment and promotion of women,
- c. steps taken to fulfil State's international commitments regarding women's advancement, and
- d. provide information regarding discrimination because of their political activities.⁵⁰

C. PRACTICES AND TRENDS: Observations on practices and trends in the CEDAW Committee's Article 18 reports on Article 8 requirements and implementation

⁴⁷ See in general <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>

⁴⁸ Concluding Observations, <https://www2.ohchr.org/english/bodies/treaty/glossary.htm>.

⁴⁹ Follow-Up to Concluding Observations, <https://www.ohchr.org/en/treaty-bodies/follow-concluding-observations>.

⁵⁰ Recommendation No. 23, OHCHR, para 50, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf.

Overview

In an extensive review of Article 18 reports, in particular Concluding Observations issued by the CEDAW Committee addressing Part II obligations under Articles 7 (public and political life) and Article 8 (international representation) only article 7 is generally responded to. There appears to be a gap, however, in terms of both reporting by States, and observations and recommendations by the Committee, on the implementation of Article 8 of the Convention. In sum, of the over 800 Article 18 reports reviewed, approximately one tenth of them contained information specifically referring to Article 8.⁵¹

Most often with regards specifically to the implementation of Article 8 of the Convention, the CEDAW Committee regularly concludes that women remain under-represented in most States parties' diplomatic corps and in most international and regional organizations, especially in high-ranking posts (as outlined in para. 36 of General Recommendation 23).

More specifically, in evaluating States' implementation of Article 8 of the Convention, the Committee typically regularly expresses its concern at the:

- low number of women in **foreign service and diplomacy**⁵²; and
- low number of women in **international organizations**⁵³

An Analysis of Some Trends Observed

In particular, a review of the CEDAW Committee's Article 18 reports across the past thirty years, has identified some of the following important trends.

An **Annex** containing the excerpts of the Committee's relevant pronouncements on Articles 8 and 7 of the Convention will be forthcoming in the final version of this paper.

- (1) *Generally, very limited information and recommendations on Article 8 implementation is found in States' reports and in the Committee's questions, recommendations, and Concluding Observations (with some notable exceptions); and particularly so in contrast to much more extensive reporting and recommendations*

⁵¹ A review by GQUAL of over three decades of annual and periodic country reports submitted by States to CEDAW shows a general lack of response by States in fulfilling their requirement under Article 8.

⁵² See, e.g., CEDAW Commentary, Second Edition, footnote 49, CO Pakistan, CEDAW/C/PAK/CO/5 (2020) para 35; CO Republic of Moldova, CEDAW/C/MDN/CO/6 (2020) para 26; CO Eritrea, CEDAW/C/ERI/CO/6 (2020) para 29; CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6 (2019) para 29; CO Cambodia, CEDAW/C/KHM/CO/6 (2019) para 30; CO Japan, CEDAW/C/JPN/CO/7-8 (2016) para 30; CO Brazil, CEDAW/C/BRA/CO/6 (2018) para 36; CO Nigeria, CEDAW/C/NGA/CO/7-8 (2017) para 29; CO Ireland, CEDAW/C/IRL/CO/6 (2017) para 34; CO Slovakia, CEDAW/C/SVK/CO/5-6 (2015) para 24; CO Spain, CEDAW/C/ESP/CO/7-8 (2015) para 24.

⁵³ See, e.g., CEDAW Commentary, Second Edition, footnote 50, CO Eritrea, CEDAW/C/ERI/CO/6 (2020) para 29; CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6 (2019) para 29; CO Cabo Verde, CEDAW/C/CPV/CO/9 (2019) para 25; CO Belgium, CEDAW/C/BEU/CO/7 (2014) para 28.

provided with respect to the analogous domestic-level appointments, processes, and developments under Article 7 of the Convention; typically, data that is provided with respect to Article 8 is not sufficiently disaggregated, compared across time, or analyzed in-depth, with a view to unpacking how the de facto implementation situation reflects upon the deeper realities at the domestic level.

The review finds that State replies typically do not provide complete data, as expressly requested by the updated “Guidance for States parties on the preparation of reports under Article 18 of the CEDAW Convention”, with regards to **(1) The number and proportion of women appointed at the international level** (by position, length of service and qualifications in the foreign service); or **(2) The number and proportion of women in senior positions in the foreign service** (that is above the level of protocol officer or equivalent and those performing policy analysis, implementation or development).

Indeed, very few reports for instance address or unpack the underlying factors that contribute to the absence of *de facto* implementation, such as for instance the methods used in nominating women for diplomatic service or service with an international organization. Overall, the reports offer no glimpses of transparency as to ways in which States identify nominees, how decisions are made as to who the nominees would be, how gender balance is considered, and/or how the final nominations are made.

EXCERPT SAMPLES

Russian Federation: State Party Report 9th Periodic Review (2020)⁵⁴

93. Women have the **opportunity, on equal terms with men and without any discrimination, to represent the country at the international level and to participate in the work of international organizations.**

94. At present, **women with diplomatic** rank employed in the headquarters of the Ministry of Foreign Affairs constitute **32 per cent of all the Ministry’s diplomatic staff.** Furthermore, 65 women occupy leadership positions. **In the Ministry’s missions abroad, 12.7 per cent of all diplomats are women;** during the reporting period, four women were ambassadors or minister counsellors. The Ministry is pursuing a **deliberate policy of attracting women** to the diplomatic service. Women account for 40 per cent of graduates of higher education institutions recommended for employment in the Ministry by the Ministry’s graduate outreach commission. Since the **decision to enter the diplomatic service is a personal one,** each year **only 20 per cent of those recruited** by the Ministry to work in **diplomatic posts** are women.

(2) Across time, trends indicate a significant decline in the Committee’s explicit and distinct references to Article 8 in its questions and LOIs/LOIPRs, Concluding Observations, and recommendations—and, accordingly, in State’s reporting and responding to these.

One significant variation on what is generally observed by *trend (1)*, turns on the nature of questions raised by the Committee in its reviews—and subsequently addressed in both State reports and

⁵⁴ 9th periodic report 2020; CEDAW/C/RUS/9; [N2000565.pdf \(un.org\)](https://www.un.org/docs/default-source/cedaw/docs/2020/20200565.pdf)

Concluding observations—of States’ early initial reports. These used to address each Convention Article separately, and in greater detail, than did inquiries in subsequent reporting cycles (including notably today). Indeed, the most elaborate references to and analyses of Article 8 tend to be found in these initial early reports (and the initial guidance for State reporting practices), and notably before the Committee’s transition to the simplified reporting procedure and “opt-out system” making use of LOIPRs.

Additionally noteworthy is the fact that, in recent cycles, the Committee in some of its Concluding Observations did not acknowledge or address explicit reporting by States, on data and information directly related to Article 8—including, in some cases, when it had asked for the data in question directly/itself, in LOIs or LOIPRs.

ANNEX: EXCERPT SAMPLES

Kyrgyzstan: State party report (2019)⁵⁵

80. In the leadership of the Ministry of Foreign Affairs (minister, three deputies and a state secretary), **the first deputy minister is a woman**, which amounts to **20 per cent**. Three of the 29 heads of foreign missions of Kyrgyzstan are women, or 10.3 per cent. Three of the 19 heads of the structural units of the Ministry of Foreign Affairs are women, i.e. 15.7 per cent. Thus, **women make up 13.2 per cent of the senior staff of the diplomatic service** (7 out of 53 senior positions are held by women), which is **almost three times higher than the number recommended in the concluding observations on the fourth periodic report of Kyrgyzstan**. The overall ratio of women to men in the Ministry is 40 per cent to 60 per cent, respectively; for foreign missions of Kyrgyzstan the ratio is 36 per cent to 64 per cent.

Kyrgyzstan: Concluding Observations (2021)

[No acknowledgement or response in reference to women’s representation in the foreign service or Article 8 explicitly]

Denmark: List of issues and questions for the 9th periodic report (CEDAW CEDAW/C/DNK/Q/9) (2019)

Please **elaborate on specific measures, such as statutory quotas or incentives, taken** for political parties to include an equal number of women and men on their electoral lists, **to ensure substantive equality between women and men in political and public life, as well as such measures taken with regard to the foreign service** (paras. 104–106) and the armed forces (paras. 107–108), including in Greenland and the Faroe Islands. Please also provide data on the representation of women in the judiciary, other than those provided in paragraph 101 of the report.

Denmark: State Party report (EDAW/C/DNK/9) (2019)⁵⁶

⁵⁵ [CEDAW/C/KGZ/5: N1910032.pdf \(un.org\)](#)

⁵⁶ Denmark Ninth periodic report 2019, EDAW/C/DNK/9, [N1929650.pdf \(un.org\)](#)

104. **An important milestone for the Ministry of Foreign Affairs is to reach a 50-50 gender balance at management level.** In 2018, 38 percent of newly appointed leaders were women, leaving the Ministry with a balance of 29 percent women in management (23 percent in 2013).

Denmark: Concluding Observations (2021)

[No acknowledgement or response in reference to women’s representation in the foreign service or Article 8 explicitly]

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

Further, given the limited scope of the CEDAW’s reporting requirements and guidance, often no information is provided by States on other types of women participation at the international level or in international organizations, for example as members or judges in international courts or mechanisms, or in other positions in multilateral institutions. In general, Concluding Observations also lack recommendations and State information in regard to the processes for, or the significance of guaranteeing the nomination of women to international bodies.

It is noteworthy that despite the fact that General Recommendation No. 23 clearly states that a gender perspective is critical in achieving true democracy,⁵⁷ and despite its guidance that when reporting under Article 8, States ought to identify measures to ensure gender balance within representation on UN bodies, working groups or special rapporteurs, this information does not generally appear in the country reports.⁵⁸

EXCERPT SAMPLES

Senegal, Concluding Observations (CEDAW/C/SEN/CO/3-7) (2014)⁵⁹

24. The Committee welcomes the adoption of Law No. 2010-11 of 28 May 2010 on parity between women and men in entirely or partially elective bodies. It also welcomes the increase in the representation of women in the National Assembly to 43 per cent and to 47.2 per cent in the recent local elections. The Committee remains concerned, however, that Act No. 2010-11 was not implemented during the local elections in Touba in 2013 and that women continue to face obstacles to successfully running for various functions, especially in farmers’ associations. It is also concerned about

⁵⁷Recommendation No. 23, para 17, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf.

⁵⁸ Id.

⁵⁹ Concluding observations on the combined 3rd to 7th periodic reports of Senegal : Committee on the Elimination of Discrimination against Women; CEDAW/C/SEN/CO/3-7, July 2014, <https://digitallibrary.un.org/record/805687?ln=en>.

the **continued low participation of women in other areas of political and public life**, such as in elected positions as mayors and in appointed decision-making positions in the government, the judiciary, the civil service, the security forces and the **diplomatic service**.

25. The Committee recommends that the State party:

- (a) Adopt measures to **promote the equal representation of women in political and public life at the national, provincial and local levels**, including in elected positions as mayors and in decision-making positions in the Government, the judiciary, the civil service, the security forces, the **diplomatic service** and in farmers' associations;
- (b) Ensure the implementation of Act No. 2010-11 of 28 May 2010 in all parts of the State party, including Touba;
- (c) Develop targeted training and mentoring programmes on leadership and negotiation skills for current and potential women candidates and women holding public office.

(4) *Concluding Observations frequently remark that States must better understand and use **temporary special measures** to accelerate gender equality and increase the number of women in public and political life at all levels; as in other cases, both the Committee's Concluding Observations and State reports, under this heading, undertake far more substantial reporting and observations on the implementation of Article 7, rather than on Article 8*

Article 8 requires that States “take all appropriate measures” to ensure gender equality in the representation as members of international organizations. Under article 4 of the Convention, the Committee encourages the use of temporary special measures in order to give full effect to Article 8 and Article 7.⁶⁰ States parties to the Convention should report on the use of temporary special measures to more quickly implement processes that will guarantee gender parity.⁶¹ The purpose of using temporary special measures is to accelerate equal participation of women in any field, including participation in political and public life, recognizing that the position of women will not be improved unless underlying causes of discrimination are addressed.⁶² While most temporary special measures relevant to the implementation of Article 8 make use of the tools of quotas and policies, Concluding Observations also often recommend that States conduct awareness raising and educational activities on the necessity of using temporary special measures;⁶³ and also include measures such as preferential recruitment of

⁶⁰ Recommendation No. 23, para 15, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf.

⁶¹ Recommendation No. 23, para 15, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf.

⁶² General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures, para. 8, [https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf).

⁶³ As an example of a recommendation of use of temporary special measures, see the ninth periodic report of Guyana, [N1923674.pdf \(un.org\)](https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf).

women.⁶⁴ It is often also recommended that such measures should include specific targets and time frames.⁶⁵

Over half of the Concluding Observations included a recommendation for States to take temporary special measures to increase the number of women in political and public life at all levels.⁶⁶ The recommendation to New Zealand is a fairly standard general recommendation: The Committee recommends that the State party adopt and implement temporary special measures, including time-bound goals, quotas or preferential treatment, to accelerate the equal representation of women in decision-making positions in all areas and at all levels, both in the public and private sectors.⁶⁷

EXCERPT SAMPLES

Vanuatu (Concluding Observations):

16. The Committee welcomes the amendment of the Municipalities Act in 2013, which introduced a 30 per cent quota for women's representation in all municipal councils. It notes with concern, however, the **absence of temporary special measures as a systematic component to accelerate the substantive equality of women and men in other areas covered by the Convention** in which women are underrepresented or disadvantaged, such as education, employment and economic life.

17. In line with the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) Adopt **specific and results-oriented measures, such as quota systems, numerical goals with timetables, preferential treatment and outreach and support programmes for women, and targeted recruitment, hiring and promotion, in all areas covered by the Convention in which women are underrepresented or disadvantaged**, such as education, employment and economic life;

(b) **Disseminate information to all branches of government on the nature and scope of temporary special measures**, with a view to familiarizing them with the concept of such measures, and encourage and support their application.⁶⁸

⁶⁴ Fifth periodic report, Pakistan, [CEDAW/C/PAK/CO/5, N2006212.pdf \(un.org\)](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N2006212/PDF/N2006212.pdf?OpenElement).

35(d) Take targeted measures, including temporary special measures, such as the preferential recruitment of women in cases of equal qualifications, to increase the number of women judges in the higher courts and ensure the appointment of women to the Supreme Court.

⁶⁵ Eighth periodic report, New Zealand, para. 30,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/238/12/PDF/N1823812.pdf?OpenElement>.

⁶⁶ Approximately 40%; General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures,

[https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf).

History:

⁶⁷ Eighth periodic report, New Zealand, para. 30,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/238/12/PDF/N1823812.pdf?OpenElement>. See also, Annex [] for examples of Concluding Observations including recommendations.

⁶⁸ Vanuatu, Fourth and fifth periodic reports, CEDAW/C/VUT/CO/4-5, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/064/87/PDF/N1606487.pdf?OpenElement>.

Sweden (Concluding Observations)⁶⁹

23. The Committee recommends that the State party **increase the use of temporary special measures, including statutory quotas, in all areas covered by the Convention in which women are underrepresented, such as decision-making positions in high-level public administration**, private and public companies and academia. Such measures should include specific targets and time frames, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, **in order to ensure the achievement of substantive equality of women and men.**

Azerbaijan (Concluding Observations)⁷⁰

18. The Committee is concerned that, despite the provision in article 3.2.6 of the law on guarantees of gender equality, **temporary special measures have been underutilized by the State party to accelerate de facto equality and to address the underrepresentation of women in public and political life as well as the situation of disadvantaged and marginalized women who are subjected to intersecting forms of discrimination**, such as rural women, women with disabilities, internally displaced women, refugees and older women.

(5) *Reporting on Articles 7 and 8 under Article 18 reports at present is typically captured under the amalgam heading of “Participation in political and public life”, which most often results in reporting and recommendations to focus largely or exclusively domestic-level participation under article 7; at the same time, the formulations in the relevant Concluding Observations are sometimes/oftentimes sufficiently board to encompass / cover Article 8 areas / issues / considerations*

Accordingly, in examining the / any potential opportunities that this “amalgamation” of the two Articles might hold for the development of Article 8, it is instructive to recall the argument of the updated CEDAW Commentaries (OUP, 2022) that, while “Article 8 has played a comparatively minor role in the work of the Committee, the conceptual work of the Committee as regards State obligations under Article 7 in political and public life—the interpretation of substantive equality, the obligation to reach parity as the ultimate goal, and the obligation to adopt proactive measures, including TSMs, to that end—can be applied to the areas covered by Article 8 as well.”

EXCERPT SAMPLES

Kyrgyzstan, Concluding Observations (CEDAW/C/KGZ/CO/5) (2021)

18. The Committee reiterates its previous recommendations (CEDAW/C/KGZ/CO/4, para. 14) **and recommends that the State party:**

(b) Adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, as a necessary

⁶⁹ Sweden, combined 8th and 9th periodic reports, CEDAW/C/SWE/CO/8-9, available at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/066/41/PDF/N1606641.pdf?OpenElement>

⁷⁰ CEDAW/C/AZE/CO/5, Concluding Observations on the 5th periodic report of Azerbaijan, 12 March 2015,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/068/01/PDF/N1506801.pdf?OpenElement>

strategy to **accelerate the achievement of substantive equality between women and men in all areas of the Convention in which women are underrepresented or disadvantaged**, in both the public and private sectors, especially at the decision-making level, and with particular attention to women belonging to ethnic minority groups, women with disabilities and older women;

(c) Establish a **mechanism to monitor the implementation of temporary special measures and assess their impact on achieving substantive equality between women and men.**

26. Recalling its **general recommendation No. 23 (1997) on women in political and public life**, the Committee recommends that the State party:

(a) Review its the electoral legislation **to reach parity of women and men in political life** and to that effect take targeted measures, including temporary special measures, such as increased quotas, **to strengthen the representation of women at all levels of government**, in the Zhogorku Kenesh and in local councils, in the judiciary and in academia, **in particular at decision-making levels;**

(c) Provide **capacity-building to women politicians and candidates** on political campaigning, **leadership and negotiation skills**, and raise awareness, in concert with the media, among politicians, the media, religious and community leaders and the general public, on the importance of the **full, independent and democratic participation of women on an equal basis with men in political and public life** to guarantee the implementation of the Convention;

(e) Remove any restrictions on the activities of **women human rights defenders** and create an **enabling environment to promote their participation in political and public life**, including by ensuring their protection from gender-based violence and reprisals.

(6) *The Committee's pronouncements with regards to parallel Article 7 (domestic level) concerns and considerations vis-à-vis women's representation, are vastly more in-depth and analytical, including notably in respect of calling for the achievement of gender parity, emphasizing underlying causes and the potential consequences of inadequate de facto implementation, and issuing concrete and measurable recommendations to reporting States; and could serve as a model for an enriched future approach to reporting and consideration of Article 8 to and by the Committee*

EXCERPT SAMPLES

Former Yugoslav Republic of Macedonia.⁷¹

30. The Committee recommends that the State party:

(a) **Extend the use of quotas**, in the electoral law, to include the elections of mayors at the local level;

(b) Adopt **targeted measures**, including temporary **special measures**, such as a **gender parity system**, for the **accelerated recruitment and appointment** of women to decision-making positions in public administration, including the **diplomatic service**;

⁷¹ Fifth and sixth periodic reports 2016

[CEDAW/C/ARM/CO/5-6](#)

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/402/28/PDF/N1640228.pdf?OpenElement>

- (c) Adopt **strategies and programmes** to facilitate and promote the involvement of women in political and public life, in particular **women belonging to disadvantaged groups**, including by **training women in leadership**, campaigning and constituency-building to prepare them to stand for election;
- (d) Promote the equal participation of women in **decision-making processes at all levels** in the **public and private sectors** and ensure that Roma women, rural women and women with disabilities in particular have access to decision-making positions and mechanisms in public institutions such as the Ministry of Agriculture, Forestry and Water Economy;
- (e) **Systematically collect data to monitor** the **progress** of the representation of women in political and public life.

Bahamas (Concluding Observations)⁷²

29. The Committee remains concerned about the low participation of women in political and public life, in particular in decision-making positions, which can be attributed in part to **patriarchal attitudes, lack of such measures as statutory quotas or a parity system for political appointments**, limited access to political networks and insufficient capacity-building programmes for women in leadership and political skills.

30. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recalls its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 28) and recommends that the State party:

- (a) **Establish concrete goals and time frames for strengthening the equal participation of women in public and political life at all levels** and **create the conditions necessary** for the achievement of such goals, such as implementing **statutory quotas**;
- (b) Adopt **measures to ensure de jure and de facto gender parity within political parties** and encourage women to stand for election at the national and local levels;
- (c) Provide more **training and capacity-building programmes** for women who wish to enter into political life or seek public office;
- (d) **Raise awareness** among politicians, the media, church leaders and the general public to ensure the full, equal, free and democratic participation of women in political and public life on an equal basis with men.

Cyprus, Concluding Observations 8th periodic report (2018)

30. The Committee **welcomes the fact that gender parity has been achieved among judges at the national level and notes the increase in the representation of women in decision-making positions in the public service**. It further notes that most political parties have introduced quotas to enhance the participation of women in political and public life. It remains, however, concerned that:

- (a) **Women are still underrepresented** in the parliament and municipal councils, in the Cabinet and as mayors, **in decision-making positions in the diplomatic service, and in peace negotiations**;

⁷² Bahamas, Sixth periodic report of 2018, CEDAW/C/BHS/CO/6, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/379/01/PDF/N1837901.pdf?OpenElement>

(b) The **introduction of targets and quotas** in the strategic action plan on gender equality for the period 2014–2017 for the participation of women in political and public life **has not produced any concrete results**;

(c) Women in politics are faced with **negative cultural attitudes** and **gender stereotypes in the public sphere**;

(d) There is a **lack of systematic data collection** to **monitor progress in efforts to increase the representation of women in political and public life**.

(7) *In certain instances, the Committee's pronouncements in the category of "National machinery for the advancement of women" expressly advocates for the adoption and implementation of measures designed to promote **gender parity** at-large, in the public and private spheres, including presumably, by extension, in respect of Article 8 obligations and women's equal participation and representation at the international level*

EXCERPT SAMPLES

Denmark, Ninth Periodic Report, Concluding Observations (CEDAW/C/DNK/CO/9)

(a) Adopt a **long-term strategy and action plan designed to promote gender parity in the public and private spheres by 2030**, in addition to the annual gender equality action plans;

III. CONCLUSIONS AND RECOMMENDATIONS

Use of reporting obligations under article 18 of the CEDAW Convention is an important tool to help the implementation of States' obligations under article 8 regarding equal representation of women in international organizations and decision-making bodies. A review of past reports has shown that there is a gap in information regarding State's compliance with article 8, and the advancement of women as equal participants at the international level. This underreporting has become more critical as the CEDAW Committee has transitioned into a simplified reporting procedure according to which State parties must respond to a list of issues and questions presented by the Committee. Under the new system, information that should be relevant to monitor article 8 of CEDAW is clustered under the headings of (a) Participation in political and public life; and (b) Temporary Special Measures, without requesting States to provide specific data to ensure equal representation of women at the international level.

Inclusion of guidance on the identification, nomination, selection process, and appointment of women at the international level, by use of questions, concluding observations and general recommendations would not be difficult to implement, as the framework is already in place. Through CEDAW's Committee inclusion of criteria and recommendations related to Article 8 in its reporting mechanisms, this Committee can play a pivotal role in achieving gender parity in women's representation in international organizations and decision-making bodies.

THE WAY FORWARD: Steps relevant to the implementation of Article 8 and the achievement of substantive equality between men and women in international representation. (CEDAW Commentaries, Second Edition, 2022)

- **Measures—permanent** as well as **temporary [special measures-TSMs]**—are clearly needed as they are necessary and the most appropriate to reach **substantive equality** at the international level
- A wide range of **other measures** besides TSMs are recommended by the Committee, including:
 - **recruiting, targeting, financially assisting** and **training** potential **candidates** for the **foreign service**;
 - **developing campaigns** aimed at **equal participation**; and
 - setting **benchmarks, timetables, and numerical goals**.
- **Quotas** are viewed as especially suitable for **appointed and elected positions** in the **foreign service** as well as for such positions in **international organizations**.
- In order to reach parity, **permanent measures**, including **gender parity systems** and **laws establishing equal representation** of men and women for **elected and appointed positions** on the **international level**, are required.
- States should include **sufficient information on implementation and gender-disaggregated data on women in diplomacy** and in **international organizations** in their reports.⁷⁷
- States must also **monitor the effectiveness of measures taken** and **report on progress and failures**.⁷⁸
- **Awareness-raising campaigns** for politicians, journalists, teachers, and the general public should stress the importance of women's equal participation in public life, including at the international level.⁷⁹
- **Proactive measures in recruitment** must address women candidates specifically and can **give women preference** over male candidates.⁸⁰
- **Goals and benchmarks for selection, recruitment, and promotion of women, training, and capacity-building** should accompany such measures.⁸¹
- States parties should **identify and abolish the structural barriers** that women encounter in the **foreign service**.⁸²

[Index of additional measures recommended by the Committee to reporting states]

- include and involve women in the **process of economic, financial, political and social reconstruction** of the country (*Argentina*)
- to take effective measures to **accelerate and increase the representation of women in elected and appointed bodies**, including through changes in law (*Romania*)
- to take effective measures to **accelerate and increase the representation of women in elected and appointed bodies**, including through preparation of necessary regulations to put in place mechanisms envisaged in relevant policies/codes (*Cabo Verde*)
- to implement **temporary special measures**, and establish concrete goals and timetables to accelerate women's equal participation in public and political life (*BiH*)
- to implement **awareness-raising campaigns** to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country (*Mali*)
- to implement **awareness-raising campaigns** to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making as a democratic requirement (*Romania*)
- to implement **training programmes** to encourage women to **participate in public life** (*Cyprus*)
- to implement **training programmes on leadership and negotiation skills** for current and future women leaders (*Georgia*)
- State party to encourage **men to undertake their fair share of domestic responsibilities** so that women can devote time to public and political life (*Cabo Verde*)
- consider adopting **statutory quotas** and providing **incentives for compliance and adequate sanctions** (*Czech Republic*)

[ANNEX]

List of Suggested Questions

The following is a list of suggested questions that CEDAW Committee could use to ask State parties under Article 8 of the Convention, and to help guide the development of concluding observations and recommendations:⁷³

N.B.: The same information could be requested, in narrative format, in LOIPRs issued by the Committee for specific State Parties' reports.

⁷³ The important role of CEDAW in paving the way towards gender parity in international representation, <http://www.gqualcampaign.org/wp-content/uploads/2020/10/Carta-al-Comite%CC%81-CEDAW-2016.pdf>

1. 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?
2. 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?
3. How do you take into account your obligations under Article 8 of CEDAW when voting on candidates for international tribunals and bodies?
4. What measures does the State take to cultivate a pool of women candidates for nomination to international tribunals or bodies?
5. 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?
6. 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?
7. 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?