



The important role of CEDAW in paving the way towards gender parity in international representation¹

In our interconnected world, international adjudicatory and monitoring bodies, such as international and regional tribunals, international and hybrid criminal courts, international and regional human rights commissions, United Nations Treaty Bodies, and United Nations Special Procedures (hereinafter “international tribunals and bodies”) make important decisions for societies and individuals. However, women are woefully underrepresented in the vast majority of them.

As of January 2016, the Inter-American Court of Human Rights has no female judges; the International Court of Justice has 15 judges and only 3 are women; the European Court of Justice has 28 judges and only 5 are women, and the UN Human Rights Committee has 18 members and only 5 are women. Moreover, [a study of the numbers](#) shows that this current imbalance has affected international bodies since their establishment. For example, of the 40 individuals who have held positions within the International Tribunal for the Law of the Sea since its inception, only 1 has been a woman, and of the 52 Special Procedures of the Human Rights Council, 19 have never been held by a woman, including 11 that have been held by more than one mandate-holder. The data also shows that the participation of women in these spaces does not follow a lineal and sustainable improvement and that regressions usually occur, making it unlikely for this imbalance to correct itself overtime. In other words, concerted measures and efforts need to be implemented to increase the participation of women in international tribunals and bodies.

One critical entry point to these positions are nomination and selection processes. While nomination processes define the pool of available candidates, selection procedures influence voting practices and results. Developing and enforcing nomination and voting policies, measures, mechanisms, or practices that take into account gender parity should be conducive to more women being nominated and elected.

For most of these bodies, the final composition is determined by a series of decisions adopted exclusively by States: at a national level States decide whether they wish to nominate a candidate and who the candidate will be, and at the international level State representatives vote and select the final members from the pool of nominees. Unfortunately, gender parity is usually not incorporated as a necessary criteria or objective in these processes. Thus, States engagement at a national and international level is crucial for developing selection processes and practices that promote and pursue gender parity.

Promoting gender parity in international tribunals and bodies has an important positive effect on their legitimacy and impact, and it fundamentally constitutes a necessary measure to guarantee the right to equality of all, and specifically the right of women to enjoy equal access and representation in international bodies. Adopting measures that promote gender equal representation in international bodies falls within States obligations to eradicate gender discrimination.

Article 8 of the United Nations Convention for the Elimination of all forms of Discrimination against Women (CEDAW) establishes a fundamental framework for the protection of this right. It requires State Parties to the treaty to “*take all appropriate measures to ensure to women, on equal terms with men and*

¹ This information is presented to CEDAW by **GQUAL, a Global Campaign for Gender Parity in International Representation**. Information on the campaign is available here: www.gqualcampaign.org The information and arguments included in this presentation have been developed in the following papers, also available online: “[Gender Equality in International Tribunals and Bodies, an achievable step with global impact](#)”, by Viviana Krsticevic; “[Article 8 of the Convention to Eliminate all Forms of Discrimination against Women, a stepping stone in ensuring gender parity in international tribunals and organs](#)” by Claudia Martin

without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.” In interpreting the article, CEDAW Committee has understood that the obligation encompasses not only international bodies such as the United Nations, but also regional organizations, and that all organs within those organizations are covered by this obligation, including “courts, subsidiary bodies, funds and programmes, specialized agencies, and treaty bodies.”

CEDAW Committee can then play a pivotal role in ensuring States’ compliance with such an obligation and in incorporating gender parity as a necessary consideration of nomination and selection processes. By developing concrete standards on State’s obligations under article 8 of CEDAW, the Committee has the mandate to provide an instance of accountability, to issue recommendations and share best practices that can help ensure women’s equal access and representation in international tribunals and bodies, and to facilitate the production and sharing of information on current selection processes.

The Committee’s reporting procedure, for example, can be a critical opportunity for the Committee to ask States to present information regarding their current practices, mechanisms and record of nominating and voting for candidates. The Committee could use its review of specific countries to explore and clarify the understanding of the State’s obligations when nominating and voting for international tribunals and bodies. It could also 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 could further use the Concluding Observations to recommend to States the adoption of specific measures at the national nomination level to ensure transparent procedures, the use of objective criteria and gender parity. Additionally, the Committee could remind States that their obligations under Article 8 also apply at the international level when States vote for these positions. Additionally, the Committee could play a vital role in clarifying State’s obligations under Article 8 by explaining how it applies to gender parity in international organs and tribunals.

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:

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?
