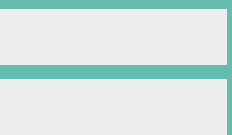



# EQQUAL

The Gqual  
Campaign  
promotes  
gender  
parity in  
international  
tribunals and  
monitoring  
bodies



**GENDER PARITY  
AS A WAY TO STRENGTHEN  
THE UN TREATY  
BODIES**





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

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

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

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

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

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*“Gender Parity as a Way to Strengthen the UN Treaty Bodies”*

*Submission by GQUAL to the Questionnaire in relation to General Assembly Resolution 68/268 Circulated by OHCHR*

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# UN TREATY BODIES STRENGTHENING PROCESS: INPUT INTO THE 2020 REVIEW

## ANTECEDENT

Resolution 68/268, adopted by the UN General Assembly on April 9, 2014, further recognized the important role of Treaty Bodies in the promotion and protection of human rights and fundamental freedoms, and reinforced the commitment to strengthening and enhancing their effectiveness. With that purpose, this Resolution created two main review mechanisms: biennial reports made by the UN Secretary-General on the state of the Treaty Body system, and an overall review of the effectiveness of the measures taken pursuant to Resolution 68/268.

To date, the UN Secretary-General (UNSG) has published two reports including valuable recommendations, and will publish the third and last report in January 2020, ahead of the Treaty Body Review, which will take place on 9 April 2020. In preparation for this report the Office of the High Commissioner for Human Rights (OHCHR) published a questionnaire and welcomed comments on the implementation of Resolution 68/268, as well as on the state of the human rights Treaty Bodies System. This is GQUAL's contribution to that questionnaire.

## INTRODUCTION

**GQUAL** , a global campaign for gender parity in international representation, welcomes this opportunity to submit information to the United Nations UN Secretary-General Report on the status of the human rights treaty body system. Further, the campaign would like to provide comments on achieving gender equality in treaty bodies by improving the nomination and election processes.

The goal of our campaign is ensuring women's equal representation in international tribunals and monitoring bodies, such as the UN Treaty Bodies. We are convinced that the underrepresentation of women in international bodies affects the quality, impact, and legitimacy of international justice. Their limited participation in these spaces serves as another stark example of the exclusion of women from positions of authority, and affects their right to equality for all. In our globalized world, decisions made at an international level have a high impact in our communities, the relations between nations, the future of the environment, the protection of rights, the handling of migration and refugee situations, and many other key issues. Women, who make up more than half of the world's population, should not be absent from these decisions. We believe that providing a set of clear recommendations for the Treaty Body reform process to ensure gender parity in these bodies is one concrete step towards that goal.

To date, even when treaty bodies were created based on the principle of non-discrimination, women are frequently underrepresented. According to our data, out of the 10 UN human rights Treaty Bodies, only the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Discrimination against Women (CEDAW) have 50% or more women. Out of the 172 existing treaty body positions, 78 are held by women (45.35%).

However, among those 78 women, 21 are members of the CEDAW Committee, showing that the number of female members would scarcely reach 1/3 if it was not for the high number of women elected into that Committee which is specifically focused on the rights of women. Finally, from the 10 Treaty Body Chairs, only 3, the Chair of the CEDAW Committee, the Chair of the Committee on the Rights of the Child, and the Chair of the Committee and the Committee on Enforced Disappearance, are female.

The ongoing process to strengthen the Treaty Bodies represents an important opportunity to highlight the importance of gender parity in decision-making bodies. Including this issue in a prominent manner in the UN Secretary-General Report of 2020 not only fulfills this goal, but also shows the intention to take concrete action in order to improve current gender imbalances.

## MAIN RECOMMENDATIONS

- 1 Ensuring that women's participation is valued and gender parity embraced as an explicit goal**
- 2 Nomination processes**
  - i. Engaging with States to ensure commitments are matched.
- 3 Selection processes**
  - i. Incorporating gender parity into voting practices
  - ii. Addressing parity in existing treaties
  - iii. Addressing parity in new treaties
- 4 Information and knowledge**
  - i. Data tracking
  - ii. Open data, transparency, and purposeful communications for gender parity
  - iii. Research
- 5 Mentoring and support**

Addressing women's underrepresentation in the Treaty Bodies stems from recent initiatives that have presented women's right to equal representation and participation in decisionmaking positions as their main objective. In that vein, GQUAL makes this request under the framework of the UN Secretary General's Gender Strategy. This initiative focuses on the underrepresentation of women in leadership and management positions within the UN. It also reaffirms UN Resolution 1325, which supports the full and equal participation of women in conflict prevention and resolution, peace-building and humanitarian responses in postconflict reconstruction, and other efforts for the development and promotion of peace and security; as well as the Beijing Platform, the main agenda for women's empowerment.

Additionally, the Strategy promotes gender parity in Treaty Bodies, to fulfill the goals set by States and the UN through the Sustainable Development Goal Agenda, which highlights the importance of women's equal participation as an end in itself and as a fundamental path towards the eradication of gender violence and discrimination.

In line with these developments, we are convinced of the need and the opportunity to take concrete steps to ensure that women are equally represented in international bodies. While other relevant qualifications and targets are important –such as the independence, impartiality, and expertise of members, and adequate regional representation—, selection procedures need to include gender considerations as mandatory criteria. Based on current experience, without a specific focus on gender balance, aspirational commitments with an emphasis on merit and transparency are not enough to move forward.

Bearing this in mind, the GQUAL Campaign would like to offer the following five concrete recommendations, detailed below. They are based on research developed by the GQUAL Campaign, academic studies and interviews with stakeholders; and are geared towards offering a series of practical steps that different stakeholders could implement to move forward on achieving gender parity in international representation.

## **MAIN RECOMMENDATIONS**

### **1. Ensuring that women’s participation is valued and gender parity embraced as an explicit goal**

We believe that an essential part of achieving gender parity in international bodies, such as the Treaty Bodies, is to make sure that the importance of gender equality is upheld and taken into account by all stakeholders involved in the nomination and election process. For that reason, it is critical that gender parity in the composition of Treaty Bodies is mentioned in the UN Secretary-General report ahead of the Treaty Body Review in April 2020 as an explicit goal.

In a report made by the Secretary-General in 2016 and 2015, the stark gender imbalance in treaty bodies and the overrepresentation of men in most committees, is cited as a serious concern that needs to be worked on. Knowing that this has been a persistent problem for years, it would be important for the upcoming report to recognize the fundamental contribution that the equal representation of women and men brings to the impact and legitimacy of these bodies. In that sense, it would be important to make an explicit and uncompromising call to all stakeholders to take all appropriate measures to achieve gender parity in their composition.

As earlier reports have stated, “Very little progress has been achieved in establishing national mechanisms to open the selection of candidates to a broader competitive process and improve the gender composition of treaty bodies”<sup>1</sup>. Therefore, it is highly unlikely we will see positive development unless we take concrete action. At the same time, tackling gender parity in the treaty body review could be an extremely effective way to promote gender balance, not only in the treaty bodies, but in international decision-making bodies in general.

In this vein, we strongly suggest that gender parity is mentioned as an explicit goal

<sup>1</sup> Second Biennial Report of the UN Secretary General, Point 87, Focus on Membership. August 06, 2018

in the treaty body reform process, and that the importance and value of gender balance and women being nominated and elected be highlighted.

## 2. Nomination processes

A fundamental aspect of the election process of Treaty Body (TB) Members is the Nomination of candidates by State Parties. With the exception of the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture, which allow for the nomination of two candidates by each State party, all treaties limit the number of nominees to one per Member State.

According to the data of the GQUAL Campaign, also echoed in academic research, one of the key problems is that States are not nominating enough women. Ensuring that enough women are nominated in the first place is crucial to ensuring a diverse pool of candidates, that can lead to gender parity in the composition of Treaty Bodies. For this reason, an essential part of the solution needs to focus efforts on ensuring that women have a chance to be elected.

Previous reports by the UN Secretary General recognized that little progress has been achieved in developing mechanisms and procedures at the national level with the capacity of improving gender composition of Treaty Bodies. The following are some of our proposals for taking steps further in that direction that could be included in the upcoming report:

**a. Engaging with States to ensure commitments are matched.** The UN could deepen its commitment to work closely with States to ensure that more women are nominated.

Recommendations could include:

**i.** Actively encourage States to develop open and transparent national nomination procedures, that include gender parity as a specific criteria and goal.

It is worth noticing that in Resolution 68/268, States are encouraged to “*continue their efforts to nominate experts of high moral standing and recognized competence and experience in the field of human rights, in particular in the field covered by the relevant treaty, and, as appropriate, to consider adopting national policies or processes with respect to the nomination of experts as candidates for human rights treaty bodies*”. In its upcoming report, the UN Secretary-General could reinforce the need to comply with this resolution, and recommend to specifically include gender parity as a goal of the nomination policies and processes developed by the Member States.

**ii.** In this spirit, the OHCHR could **offer technical assistance** for the development of guidelines or mechanisms for the selection of treaty body members.

**iii.** The report on TB reform could include a **recommendation for**

**States to keep track of data** in relation to gender balance in the nomination process of Treaty Body members and to make this information public. The information could be requested regularly by the UN, possibly by the OHCHR, with the purpose of building a common data base that includes the information of all States, identify good practices, improvements and setbacks.

**iv. Communications to Member States ahead of nominations.**

The OHCHR – in its capacity of support to the Treaty Bodies, the Special Procedures, and the Human Rights Council – could continue to generate communications to States ahead of nominations. These communications could emphasize information on the current composition of Treaty Bodies in relation to gender balance, the amount of available positions, the necessary amount of female nominees to achieve gender equality, and remind States of their commitment under this strengthening process to achieve gender balance, by nominating and voting taking gender parity into account.

**v. Establishing a baseline and a path to move forward.**

The OHCHR could commit to writing a report on the existing nomination policies, practices and mechanisms, highlighting best practices. This report could further include indicators of progress and results, as well as propose an evaluation system. The governments could commit to regularly providing the necessary information. These efforts could strengthen and complement those of the Secretary General System-wide Gender Strategy.

### **3. Selection processes**

A second fundamental aspect of the selection process is the election by the Assembly or conference of State Parties of members to the treaty bodies, among nominated candidates. Currently candidates are elected by states parties to the treaty by secret ballot.

Even if States nominate candidates in parity, steps need to be taken to ensure that the selection process at the international level leads to the election of a balanced composition of men and women. Until now, gender has not been a defining factor during the selection process in Treaty Bodies. Even regarding Treaty Bodies in which there is explicit mention in the text of the treaty of the importance of adequate gender balance in the composition, women are often underrepresented. Such was the case, for example, of the Committee on the Rights of Persons with Disabilities that had 17 men out of 18 members until gender representation was increased after the 2018 elections.

This shows that more steps need to be taken both to achieve gender parity, and to make those results sustainable.

Here are some recommendations to improve selections processes:

**i. Incorporating gender parity into voting practices:** In its report, the UN Secretary-General could encourage States to develop

policies and guidelines for their voting practices that take gender parity into account and mention it as clear objective.

**ii. Addressing parity in existing treaties:** The UN and Member States could develop guidelines to ensure that gender balance is achieved. These guidelines could consider some of the following measures:

a. A zipper system in the spirit of done by legislatures to include women and men for States' nominations.

b. Implementing targets and measures, for example 50% of the candidates elected have to be women. This target could vary depending on the current composition of the Treaty Body.

c. Postpone the election process if no women are nominated for a TB lacking parity. Void the election results if going forward would mean that no women would be members of one of the human rights treaty bodies. In that case the selection process should be carry out again, with the specific intention of achieving gender balance in the composition of the Treaty Body.

d. Depending on the current composition of the Treaty Bodies, member states could commit to specifically electing a person from a determined gender. If, for example, a treaty body has 15 males and only one female, and in the next election 4 new members are elected, all persons elected have to be female, so that the goal of gender balance can be achieved.

**iii. Addressing parity in new treaties:** New treaties serve as an opportunity to include further specific commitments for gender parity in the selection process, representing an important advance in connection with the recommendation made in Resolution 68/268. In its report, the UN Secretary-General could encourage Member States to develop an explicit framework of policies and guidelines for the selection process that take gender parity into account and mention it as a clear goal. The measures included above as suggestions for guidelines could be incorporated into binding measures in the new treaties.

**iv. Studying voting mechanisms:** in its report the UN Secretary-General could recommend the preparation of a study regarding existing voting mechanisms precisely, to see what can be changed and improved to ensure results, as well as to highlight best practices. This could also be part of the aforementioned report by the OHCHR.



## 4. Information and knowledge

### i. Data tracking:

a. In its report, the UN Secretary-General could recommend the OHCHR to continue to keep track of gender balance data on international representation in the Treaty Bodies to which it services as Secretariat.

In addition, it could track how many of the Chairs of the Committees are women. This could be made more prominent and public, linking it to other data collection efforts, presented to States and UN bodies in yearly reports as well as included in the communication sent to Member States ahead of a nomination or election.

b. The OHCHR could also prepare a baseline report, mapping the progress that has been made yearly. This could, again, complement the efforts/tools of the system wide strategy

c. Moreover, in its report, the UN Secretary-General could recommend the UN to promote that Ministries of Foreign Affairs or other entities – Ministries of Women, Ombudsman’s office, etc—track their own records of nominating and selecting candidates for international positions in a yearly schedule.

### ii. Open data, transparency, and purposeful communications for gender parity:

a. In its report, the UN Secretary-General could request the OHCHR to promote broader dissemination of the announcements for upcoming elections of the Treaty bodies it services and develop mechanisms and collaborations widely, including reaching out to interested women’s networks working on gender violence, equality, as well as professional associations and others.

b. Furthermore, the UN Secretary-General could request the UN to publish letters announcing the opening of spots that take into account the gender composition of the treaty body and call for the nomination of the number of women necessary to ensure parity in the specific election cycle, as mentioned above in points 2 & 3.

c. Additionally, communication pieces on the importance of having women at the table, the implicit bias, and other meaningful subjects that raise awareness for the relevance and seriousness of the topic could be created by different agencies with the UN, specially the OHCHR, and UN WOMEN.

### iii. Research:

There is a significant gap in research in order to understand general

and differentiated causes, which are critical to define pertinent policy recommendations. For this reason, amongst many potential projects, the Secretary General could recommend that the OHCHR leads a study identifying obstacles that prevent women's international representation, or else a study on good practices for nomination and voting procedures that take gender parity into account in the bodies that it services.

### **5. Mentoring and support**

As important as it is to ensure that women have access and are elected into the Treaty Bodies, it is essential to certify that members are supported once they access those positions so that they can thrive. This could be done through offering mentoring and support, both to candidates and to newly-elected candidates, with specific attention to the particular situation and difficulties faced by women during selection procedures and tenures as members of treaty bodies.

The upcoming review of the Treaty Bodies as well as the UN Secretary-Generals Report is an excellent opportunity to improve the effectiveness and impact of these important bodies, and to renew efforts towards achieving gender parity in their composition.

We hope that you find these suggestions useful. We are at your disposal to discuss these ideas further.

**EQ**QUAL

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