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|  |  | A/HRC/AC/25/CRP.1 |
|  |  | 10 February 2021 English only |

**Human Rights Council**

**Advisory Committee**

**Twenty-fifth session**

15–19 February 2021

Agenda item 3 (f)

**Requests addressed to the Advisory Committee stemming from
Human Rights Council resolutions and currently under
consideration by the Committee**

**Current levels of representation of women in human rights organs and mechanisms**

 Current levels of representation of women in human rights organs and mechanisms - Ensuring gender balance

 Study of the Human Rights Council Advisory Committee

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 Table of Abbreviations

| *Acronym* | *Description* |
| --- | --- |
|  |  |
| ACHPR | African Commission on Human and Peoples’ Rights |
| ACtHPR | African Court on Human and Peoples’ Rights |
| Advisory Committee | Advisory Committee of the United Nations Human Rights Council  |
| CAT | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CAT Committee | United Nations Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CCPR Committee | United Nations Human Rights Committee |
| CED Committee | United Nations Committee on Enforced Disappearances |
| CEDAW | Convention on the Elimination of all Forms of Discrimination against Women |
| CEDAW Committee | United Nations Committee on the Elimination of Discrimination Against Women  |
| CERD Committee | United Nations Committee on the Elimination of Racial Discrimination |
| CESCR Committee | United Nations Committee on Economic, Social and Cultural Rights |
| CMW Committee | United Nations Committee on the Protection of the Rights of all Migrant Workers and Members of their Families |
| CRC | United Nations Convention on the Rights of the Child |
| CRC Committee | United Nations Committee on the Rights of the Child |
| CRPD | United Nations Convention on the Rights of Persons with Disabilities |
| CRPD Committee | United Nations Committee on the Rights of Persons with Disabilities |
| ECOSOC | United Nations Economic and Social Council |
| ERA | Equal Representation in Arbitration |
| ECHR | European Court of Human Rights |
| Guidelines on Gender Parity |  Guidelines on gender parity adopted on 23 December 2015 by the HRC’s Consultative Group (available [here](https://www.unwatch.org/wp-content/uploads/2016/01/CGlettertransmittedtoPresidentHRC-23dec15.pdf)) |
| HRC | United Nations Human Rights Council |
| IACHR | Inter-American Commission on Human Rights |
| IACtHR | Inter-American Court of Human Rights |
| ICC | International Criminal Court |
| ICCPR | International Covenant on Civil and Political Rights  |
| ICESCR  | International Covenant on Economic, Social and Cultural Rights  |
| ICJ | International Court of Justice |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearances |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| ILC | International Law Commission  |
| ITLOS | International Tribunal for the Law of the Sea |
| IWRAW | International Women’s Rights Action Watch Asia-Pacific |
| JAC | Judicial Appointments Commission (UK) |
| OAS | Organisation of American States |
| OECD | Organisation for Economic Co-operation and Development  |
| OHCHR | United Nations Office of the High Commissioner for Human Rights |
| OP | Operative paragraph |
| PACE | Council of Europe Parliamentary Assembly |
| Pledge | Equal Representation in Arbitration Pledge (available [here](http://www.arbitrationpledge.com/)) |
| Questionnaire | Public questionnaire prepared by the drafting group established to prepare this Report |
| SPT Subcommittee | United Nations Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment |
| UDHR | Universal Declaration of Human Rights |
| UN | United Nations  |
| UN Charter | Charter of the United Nations |
| UN Women  | United Nations Entity for Gender Equality and the Empowerment of Women |
| WGDAW | Working Group on Discrimination against Women and Girls |
| WHA | United Nations World Health Assembly |

 I. Introduction, purpose, and methodology

1. At its forty-first session in June 2019, the Human Rights Council (HRC) in its resolution 41/6[[1]](#footnote-2), requested the Advisory Committee, “in close cooperation with the Working Group and the Committee on the Elimination of Discrimination against Women”, to prepare a report on “current levels of representation of women in human rights organs and mechanisms such as the Advisory Committee, the treaty bodies and the special procedures established by the Human Rights Council”. The HRC requested that the report be presented at its forty-seventh session (in July 2021).[[2]](#footnote-3)

2. In terms of content, resolution 41/6 requested that the report “include good practices by States in nominating, electing and appointing candidates to ensure balanced gender representation, in line with the system-wide strategy on gender parity, and recommendations to assist the Council and Member States in this regard”.[[3]](#footnote-4)

3. In terms of methodology, resolution 41/6 requested that the drafting group “seek the views, inputs and meaningful participation of relevant stakeholders in an inclusive manner, including Member States, international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, special procedures, national human rights institutions, civil society and academic institutions”.[[4]](#footnote-5)

4. The drafting group was established at the twenty-third session (July 2019) of the Advisory Committee, and is currently composed of Buhm-Suk Baek, Milena Costas Trascasas, José Augusto Lindgren Alves, Ajai Malhotra, Itsuko Nakai, Mona Omar (Chair), Javier Palummo, Elizabeth Salmón (Rapporteur) and Catherine Van de Heyning. This drafting group prepared a public questionnaire seeking contributions, which received answers from a wide range of actors.[[5]](#footnote-6) Additionally, the Rapporteur organised four regional consultations. The first took place in Bangkok (3 December 2019), the second in Geneva (21 February 2020), and the third and fourth were held remotely with stakeholders from Latin America (15 July 2020) and Africa (20 October 2020), respectively.[[6]](#footnote-7) Furthermore, the Rapporteur attended some meetings with the WGDAW (29 January 2020) and with Ms. Lia Nadaraia, focal point nominated by the CEDAW Committee.

 II. Underrepresentation of women in UN bodies and mechanisms

5. Since 2003, the UN General Assembly has set a 50/50 target for the appointment of women as special envoys and special representatives.[[7]](#footnote-8) In 2015, the UN General Assembly referred to the goal of achieving 50/50 gender balance at all levels of the UN system.[[8]](#footnote-9)

6. In 2019, the UN Secretary-General reported that gender parity in the UN system was yet to be achieved. In the reporting period 2016-2017, the representation of women in the professional and higher categories in the UN system had only marginally increased—from 42.8% to 44.2%—compared with the reporting period 2014-2015.[[9]](#footnote-10) The UN Secretary-General commented that, notwithstanding some positive achievements, “progress towards advancing the representation of women in the [UN] system and reaching the goal of 50/50 gender balance has remained slow and uneven in the period under review”.[[10]](#footnote-11)

7. The underrepresentation of women is also an issue within the UN human rights system. This is despite the fact that the HRC has long sought to achieve “balanced gender representation” including as part of the UN’s existing “system-wide strategy on gender parity” and the implementation of the HRC Resolution 6/30.[[11]](#footnote-12) Over the past decade and longer, the HRC and its Advisory Committee have made consistent efforts to implement a gender parity strategy. For example, on 22 January 2009, the Advisory Committee presented “Draft Guidelines on methods to operationalise gender mainstreaming, including action-oriented mechanisms”.[[12]](#footnote-13)

8. In practice, however, there remains a serious lack of gender parity in the composition of UN human rights bodies and mechanisms. As the statistics in **Annex 1** demonstrate, women generally remain underrepresented in UN treaty bodies, UN special procedures, and the Advisory Committee. It is true that gender parity has been reached by some UN bodies (in some cases very recently). However, figures show that women are mostly represented in bodies or mandates specifically dealing with issues related to women or childhood.

 A. The UN treaty bodies

9. In 2015, the UN Secretary-General expressed his “extreme[] concern[] about the stark gender imbalance … in the membership of the human rights treaty bodies.”[[13]](#footnote-14) In 2016,[[14]](#footnote-15) 2018,[[15]](#footnote-16) and 2020,[[16]](#footnote-17) the UN Secretary-General reported that women continued to be underrepresented in most treaty bodies.

10. The current composition of the treaty bodies (excluding the CEDAW Committee and the CRC Committee) reflects an average female participation of 39%. The CERD Committee includes the most women (nine out of 18 members) and the CMW Committee the fewest (two out of 14 members). This average does not reflect gender parity, and it shows that the UN commitment to gender balance at all levels has yet to be achieved.

 B. The UN special procedures

11. In July 2020, the HRC noted “with concern the current lack of gender balance … among mandate holders” [[17]](#footnote-18)

12. There are currently 44 thematic mandates. Six of these are held by working groups, for a total of 30 positions, 15 of which are held by women (five are at the WGDAW, which is fully composed of women). Six thematic mandates are held by independent experts, three of which are women. There are 32 special rapporteurs with thematic mandates, 14 of which are women (43.75%).

13. There are currently 12 country-specific mandates. Four of these (33.33%) are held by female experts.[[18]](#footnote-19)

14. Out of the 292 (former and current) special mandate-holders since 1980, 105 have been women (35.96%). More specifically, out of the 119 individual special rapporteur appointments throughout these years, 47 have been of women (39.5%). In addition, out of the 15 independent expert appointments, women have served five times as independent experts (33.33%); and out of the 106 working group members, 43 were women (40.57%). This amounts to a 39.58% rate of historical female participation in thematic mandates and a 19.23% rate in relation to country mandates.[[19]](#footnote-20)

15. Among the individual mandates (special rapporteurs and independent experts), 11 mandates have never been held by a woman.[[20]](#footnote-21) Furthermore, excluding the WGDAW, women have been the minority in most working groups, with two of them only having had one female expert in their five-member compositions.[[21]](#footnote-22)

 C. The Advisory Committee

16. As of 1 October 2020, out of the Advisory Committee’s 18 members, seven are women (38.89%), which is the highest female representation the Advisory Committee ever had.[[22]](#footnote-23)

17. Historically, there were four women among the first 18 members elected in March 2008,[[23]](#footnote-24) a number that remained unchanged in 2009 and 2010. The ratio of women rose to one-third (six women) in 2011 and stayed at this level until 2013, when it fell to five women (27.78%). The number of women in the Advisory Committee increased again to six in 2014-2015, only to fall to four in 2017, reaching its lowest percentage in 2018 with only three women on the Committee (16.67%). It then increased again to four women in 2019 (22.22%).[[24]](#footnote-25)

18. In March 2018, the then President of the Advisory Committee wrote to the HRC expressing concern that out of 18 human rights experts in the Committee, only four were women.[[25]](#footnote-26)

 III. The impact of underrepresentation of women in international bodies

19. This Report considers that prohibited grounds of gender discrimination apply to both sex-based and gender-based discrimination. The CEDAW Committee’s General Recommendation No 28 defines gender as “socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women.”[[26]](#footnote-27) This requires applying an intersectional approach to gender discrimination that recognises and addresses the impact of multiple and intersecting forms of discrimination across many lines, including race, class, sexual orientation, ethnicity and gender identity, disability, and other forms of historical and structural discrimination.

 A. Underrepresentation of women impacts the rights to equality and non-discrimination

20. Underrepresentation of women in UN bodies and mechanisms has a significant impact on the human rights to equality and non-discrimination. This section focuses on: (i) the rights to equality and non-discrimination; (ii) the right to equal participation in international decision-making; and (iii) the right of access to equal opportunity in employment.

 i. The rights to equality and non-discrimination

21. The lack of gender parity in international bodies impacts the rights to equality and non-discrimination.

22. The Universal Declaration of Human Rights starts out affirming that ‘All human beings are born free and equal in dignity and rights’. The UN Charter (Preamble and Article 55(c)), the Universal Declaration of Human Rights (Article 2), the ICCPR (Article 2), and the ICESCR (Article 2) all recognise that individuals are entitled to human rights without distinction or discrimination, including based on sex. Moreover, the rights to equality before the law and equal protection of the law are set forth by the UDHR (Article 7), as well as the right to equal treatment before the law by the ICCPR (Article 26). CEDAW specifically includes the right of women to equal protection of the law (Article 2.c), equal treatment and opportunity (Article 4), and the duty to ensure, through law and other appropriate means, the practical realization of the principle of equality of men and women (Article 2, a).

23. Under CEDAW’s Article 1, differences in treatment may constitute discrimination against women if they have the effect or purpose of “impairing or nullifying” women’s rights directly or indirectly. Direct discrimination arises where differential treatment is “explicitly based on grounds of sex and gender”.[[27]](#footnote-28)However, identical treatment may still be indirectly discriminatory if it has the effect of impairing or nullifying women’s rights. This may occur when “a law, policy, programme or practice appears to be neutral in so far as it relates to men and women, but has a discriminatory effect in practice on women because pre-existing inequalities are not addressed by the apparently neutral measure” [[28]](#footnote-29).

24. The CEDAW Committee has explained that the purpose of eliminating all forms of discrimination against women is to achieve gender equality.[[29]](#footnote-30) Human rights treaty bodies have recognised that the right to non-discrimination prohibits both de jure and de facto discrimination.[[30]](#footnote-31) As such, to achieve equality, States may also need to take affirmative measures to ensure equality in fact, not just in law (Article 4, CEDAW).

25. Moreover, interventions to achieve gender equality must also be substantive and outcomes-based, and not merely formal. Formal equality refers to equal legal treatment and requires that overtly discriminatory laws be replaced with gender-neutral laws. However, to achieve substantive equality, consideration of the actual impact and effect of laws and policies on women’s lives is necessary.[[31]](#footnote-32) That is why CEDAW adopts a “three-dimensional view of equality”, which examines the cultural values, socio-political institutions, and economic structures that shape discrimination.[[32]](#footnote-33)

 ii. The right to equal participation in international decision-making

26. The rights to equality and non-discrimination extend to women’s right to equal participation in international decision-making. As decisions taken in international fora greatly influence national politics and, therefore, everyday life, women should have the opportunity to participate equally in these processes.[[33]](#footnote-34) Commentators have explained that 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”.[[34]](#footnote-35) The equality of rights thus requires remedying the overrepresentation of men in UN human rights bodies, also enabling women to influence the process of developing, implementing, and administering international human rights law and policy.[[35]](#footnote-36) As the CEDAW Committee has recognised, women’s participation “will make a difference” and ensure that a “gender perspective and analysis” is included in the “agenda of all international bodies”.[[36]](#footnote-37) Women’s appointment to international bodies is a pre-requisite for women to influence, formulate, and implement international policy.[[37]](#footnote-38)

27. International treaties and agreements make clear that access to decision-making includes the right to participate in political and public life, including at the international level. ICCPR’s Article 25 codifies the right to the equal participation in public life, including public service, of all citizens. CEDAW’s Article 7 specifically states that women have the right “to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of the government.” As discussed below, the obligations arising from CEDAW’s Article 7 are interwoven with those arising from Article 8.

28. CEDAW’s Article 8 specifically codifies States’ obligation to ensure women have an equal opportunity to participate in international affairs.[[38]](#footnote-39) It provides that, “States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.”

29. Article 8’s reference to “international organizations” has been broadly interpreted. The ILC defines the term as “an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality”[[39]](#footnote-40).Commentators have explained that “international organization” extends not only to States and organisations in which they are members, but also regional organisations, courts, subsidiaries, funds and programmes, specialised agencies, and treaty bodies.[[40]](#footnote-41) Article 8 thus includes the UN bodies and mechanisms covered in this Report.

30. The Article 8 obligation requires States to achieve gender equality in three ways:

(a) Formal equality: intended to guarantee constitutional or legal equality in representing the State at the international level.[[41]](#footnote-42)

(b) Substantive equality: intended to create an enabling environment that makes de facto equality a viable possibility (by, for example, ensuring that recruitment and nomination policies take gender differences into account).[[42]](#footnote-43)

(c) Transformative equality: intended to eliminate gender stereotypes that form the basis of the continuing underrepresentation of women and the structural obstacles that originate from them.[[43]](#footnote-44) Article 8 requires States to address those stereotypes that tend to silo women into certain fields deemed suitable for women (such as human rights, children, women and health) and to prevent them from participating in male-dominated areas such as international security, armed conflict, finance, and trade.[[44]](#footnote-45)

31. The CEDAW Committee has affirmed that “States parties have a responsibility, where it is within their control … to appoint women to senior decision-making roles”.[[45]](#footnote-46) Also, according to the CEDAW Committee, the “appropriate measures” that States are required to take under Article 8 to promote women’s equal participation in international decision-making include (i) the creation of objective criteria and processes for the appointment and promotion of women to relevant positions;[[46]](#footnote-47) and (ii) the adoption of temporary special measures aimed at accelerating substantive equality for women,[[47]](#footnote-48) as provided by Article 4 of the Convention. In that light, States should adopt measures which include:

(a) Taking proactive measures in recruitment to international posts to address women candidates specifically and, where appropriate, to give women preference over male candidates;[[48]](#footnote-49)

(b) establishing goals and benchmarks for selection, recruitment, and promotion of women;[[49]](#footnote-50)

(c) Addressing barriers women encounter in selection procedures;[[50]](#footnote-51)

(d) When voting for individuals to be appointed to international bodies, voting in a way that is consistent with State’s international treaty obligations [[51]](#footnote-52)

32. Likewise, the Platform of Action to the Beijing Declaration provides that States are encouraged to aim for and support gender balance “in the list of candidates nominated for election of appointment to [UN] bodies, specialized agencies and other autonomous organizations of the [UN] system, particularly for posts at the senior level”.[[52]](#footnote-53)

33. Women’s equal participation in international decision-making requires achieving gender parity in international bodies.[[53]](#footnote-54) The WGDAW uses parity as the measure to assess whether States have complied with their international obligations to ensure women’s political and public participation without discrimination.[[54]](#footnote-55) It has considered “gender parity” as a “measure of equality”. As a result, the Working Group established that (a) parity in decision-making forums is a good practice standard for equal representation;[[55]](#footnote-56) and (b) parity laws or quotas are good practices to address the lack of women’s participation and ensure representation of women in public and political bodies.[[56]](#footnote-57) The UN Commission on the Status of Women has also defined gender parity as meaning no less than 50% of a given body consisting of one gender.[[57]](#footnote-58)

 iii. The right of access to equal opportunity in employment

34. The lack of gender parity in international bodies also impacts the right of access to equal opportunity in employment, which is recognised under international law.

35. ICESCR’s Article 7(c) recognises the right to “[e]qual opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence”, which extends its protections to women seeking to be promoted to, or to serve, on international bodies.[[58]](#footnote-59)

36. Further, the UN has recognised the importance of equal opportunity in employment within the UN system, for example through Article 8 of the UN Charter.[[59]](#footnote-60) Indeed, since 1946, the UN accepts that giving effect to Article 8 requires addressing the selection, retention, and promotion procedures that hinder women from fulfilling their right to equal employment opportunity.[[60]](#footnote-61)

37. However, a 2010 system-wide survey of UN bodies identified the following challenges to achieving gender balance: inadequate accountability, monitoring, and enforcement mechanisms; lack of special measures for gender equality; weak implementation of flexible working arrangements; insufficient outreach; and low numbers of qualified women applicants.[[61]](#footnote-62) A decade later, these challenges persist in some form.[[62]](#footnote-63)

 B. Underrepresentation of women affects the legitimacy of UN bodies

38. As advanced by theories of parity democracy[[63]](#footnote-64), underrepresentation of women also threatens the legitimacy of UN bodies and mechanisms.[[64]](#footnote-65) This erosion of legitimacy and thus effectiveness operates at three levels.

39. *First*, gender disparities in international bodies undermine the “sociological legitimacy” of these bodies by eroding public confidence in their mandates to uphold universal values.[[65]](#footnote-66) Gender parity is particularly important to the legitimacy of human rights bodies’ policies and decisions, which stem from the principle of equality.[[66]](#footnote-67) The perception that victims, States, civil society, and other relevant stakeholders have of the bodies’ composition is key to the implementation of their standards.

40*. Second*, the underrepresentation of women can also impact international bodies’ “democratic legitimacy”, by raising doubts about the integrity of their selection procedures and reinforcing gender stereotypes about the separate spheres and women’s exclusion from the public domain.[[67]](#footnote-68) The consistent underrepresentation of women on these bodies, when not caused by limitations in the pool of available candidates, suggests bias in selection procedures.[[68]](#footnote-69) Diverse representation can also help to mitigate a perceived democratic deficit in the authority of international bodies, and thus enhance their legitimacy.[[69]](#footnote-70)

41*. Third*, a lack of gender parity threatens the “normative legitimacy” of the UN bodies, while safeguarding gender parity would protect their right to rule.[[70]](#footnote-71) Normative legitimacy is relevant considering that UN bodies develop, shape, administer, and implement international legal norms.[[71]](#footnote-72) Thus, their normative role may only gain legitimacy if those potentially affected by their norms are adequately represented throughout relevant decision-making processes.[[72]](#footnote-73) Even if a decision could be considered substantively “fair”, to be normatively legitimate it should also be made by decision-makers who represent the people that will be affected by it.[[73]](#footnote-74)

 C. Underrepresentation of women reduces the range of issues and perspectives considered by UN bodies

42. Without gender parity, UN bodies risk overlooking matters and perspectives that should be part of their political and legal agenda.[[74]](#footnote-75) A balanced representation of women is therefore necessary for their lives and experiences to be accounted for in “all aspects of the UN’s work”.[[75]](#footnote-76)

43. The UN already recognises the importance of incorporating women’s perspectives through its system-wide gender parity strategy that includes, since the Vienna Declaration,[[76]](#footnote-77) the mainstreaming of a gender perspective in all UN activities and organs.[[77]](#footnote-78) Importantly, this policy recognises that all “planned action, including legislation, policies or programmes, in all areas and at all levels” may impact men and women differently.[[78]](#footnote-79) Gender mainstreaming, consequently, requires the adoption of a gender perspective in all UN activities and programmes.[[79]](#footnote-80)

44. Gender mainstreaming does not eliminate the need for gender parity in UN decision-making bodies; it requires it even more so.[[80]](#footnote-81) If women are not equally represented, gender mainstreaming may be seen as accentuating the legitimacy risks described above by treating women only as beneficiaries—and not as agents—of the international law decision-making and development processes.[[81]](#footnote-82) Women underrepresentation, together with gender mainstreaming, could lead a group representing only one gender to decide, from its sole perspective, on the concerns and particular impacts of certain international law norms and policies on other genders, without these genders having a say. In sum, achieving full, effective and equal participation of women is critical to shape an inclusive international agenda.

45. The UN has already recognised at the highest levels that women’s participation is crucial because women have a unique and direct interest in UN’s policies and programmes.[[82]](#footnote-83)

 IV. Main challenges for achieving a balanced gender representation in UN treaty bodies and special procedures

 A. UN treaty bodies

46. Obstacles hindering women’s participation in UN treaty bodies exist at both stages of the selection process: (a) at the national level, when States identify candidates for nomination as UN treaty body members; and (b) at the international level, when the relevant assembly or conference of States Parties votes, by secret ballot, for their preferred nominees.

 i. Challenges at the national level

47. At the national level, States generally do not nominate sufficient numbers of women to enable the achievement of gender parity in UN treaty bodies,[[83]](#footnote-84) which may be (partially) explained by the following factors:

48. *First*, States do not always provide a formal, transparent, and public procedure for selecting candidates. The lack of such procedure means that candidate selection may be made as a matter of political discretion, which often favours male nominations.[[84]](#footnote-85) In response to the Questionnaire, multiple States confirmed that they lack consistent and formal nominating procedures. In some cases[[85]](#footnote-86), the selection process was generally not made public.

49. The NGO International Women’s Rights Action Watch Asia-Pacific observed that the selection of candidates at the national level is often driven by an *ad hoc* process largely led by States’ executive branches. In the absence of transparency or a formal process, the identities of candidates are rarely disclosed before the official nomination. According to the same NGO, such opacity is problematic given that it “leaves the issue of gender balance to the good will of the government officials, with minimal opportunity for monitoring and accountability relating to gender representation, qualifications, and other relevant factors”.

50*. Second*, national-level selection processes generally do not require consideration to be given to gender balance, nor is achieving gender parity recognised as an explicit goal. Additionally, even where gender balance is a specific selection criterion, it does not necessarily translate into mandatory targets to nominate female candidates. In their Questionnaire responses, even States that do take into account gender balance when nominating candidates generally “did not indicate whether they had a national instrument or how their current processes for the nomination, election and appointing for human rights organs took into consideration gender balance”.[[86]](#footnote-87)

51. Additionally, some States recognised that gender parity is simply not considered a priority as a matter of law or practice. For example, Mexico explained that, to make gender balance a priority in selection processes, it would be necessary to change the applicable legal frameworks. In referring to the practice in Spain, certain institutions, for e.g. the Legal Clinic of the Faculty of Law at the University of Murcia, Spain and the Fundación Cepaim, explained that the lack of “State agreement on this matter”, coupled with successive changes in government and the fact that gender balance is not a priority to some political actors, limits (and even prevents) the application of standards and recommendations aimed at ensuring a gender-balanced approach in the nomination of candidates to human rights bodies.

52*. Third*, the lack of a transparent and public procedure for identifying candidates at the national level makes it difficult for women to become aware of available vacancies and compete fairly.[[87]](#footnote-88) For example, Guatemala explained that it lacked an institutionalised system for disseminating information about the presentation of candidatures for UN treaty bodies. Due to the informal and *ad hoc* nature of national-level selection processes, few interested parties have access to relevant information, and there is often no deliberate strategy for approaching underrepresented groups—including women—to identify potential candidates (let alone for tracking candidacies based on gender).

53*. Fourth*, States generally do not engage with civil society organisations and other non-State actors (such as women’s groups) in selecting candidates,[[88]](#footnote-89) which is problematic given that those could play an important role in identifying qualified candidates from underrepresented groups, including women. The exclusion of civil society organisations and other non-State actors from these processes might also reinforce the view that State nominations are meant to reward political connections.

54. *Fifth,* societal notions of appropriate gender roles can hold women back. For example, Mexico suggested that “the lack of conciliation between family and work life” prevents women from seeking time-consuming and leadership positions, including public office positions at the international level. According to the Legal Clinic of the Faculty of Law at the University of Murcia, Spain and the Fundación Cepaim, the failure to prioritise gender parity in selection processes stems from “the persistence of structural gender inequality”, which is reinforced by gender “stereotypes, traditional (and modernized) notions of gender roles, and misogynist and sexist beliefs rooted in society that make it difficult for women to access decision-making positions”. These societal notions act as *de facto* barriers for women, who are less likely to be seen as viable candidates for membership in UN treaty bodies.

 ii. Challenges at the international level

55. At the international level, barriers to achieving a balanced gender representation at UN treaty bodies include the following:

56. *First*, the election of candidates at the UN level is frequently subject to the exchange of votes where gender balance is not given proper consideration.[[89]](#footnote-90)

57*. Second*, the selection requirements established under most UN treaties do not specifically require the consideration of gender balance in the selection of individuals to their membership. Even when the relevant treaty explicitly mentions the importance of adequate gender balance in the treaty body’s composition, gender has not been a defining factor in the selection process for these bodies[[90]](#footnote-91) and women often remain underrepresented.[[91]](#footnote-92) In addition, although selection processes are often fine-tuned to account for balanced geographical representation, this is not usually the case regarding gender representation.

58*. Third*, even if women candidates are selected at the national level, States need to promote and provide support to their candidates so that that they have a realistic chance of winning an election at the international level.[[92]](#footnote-93) States also need to garner support for their female candidates within the relevant regional groups, as obtaining endorsement at the regional level may be crucial for succeeding in the elections at the UN level.[[93]](#footnote-94)

59*. Fourth,* some of the requirements for positions at UN treaty bodies are often seen as obstacles for women candidates. For example, the non-paid nature of treaty body memberships narrows the pool of available candidates and is a barrier for women who are unable to afford unpaid employment.[[94]](#footnote-95)

 B. UN special procedures

60. Even though certain aspects of the selection process for UN special procedures are noteworthy in promoting gender parity, there are still significant challenges preventing women from being appointed as special mandate-holders.

61. Barriers to achieving gender parity across UN special procedures include the following:

62*. First*, there is ample room to increase transparency in the appointment process, particularly regarding the criteria considered by the Consultative Group, as recognised recently by the HRC.[[95]](#footnote-96)

63*. Second*,although the Consultative Group often refers to gender as a selection criterion in its final reports, it is not bound by a specific gender quota in selecting candidates for interview or drawing up shortlists for the HRC President. Moreover, although the Consultative Group adopted a set of gender parity guidelines for the first time in 2015 (***Guidelines on Gender Parity***), these Guidelines are yet to be adopted as a binding and permanent set of rules.[[96]](#footnote-97)

64. *Third*, the Consultative Group, which plays an important role in the selection of special mandate-holders, is often itself not gender-balanced. Out of the 13 compositions of the Consultative Group since 2007, three of them did not include any women; seven of them only included one woman out of its five members; three of them (including the current composition) included two women and three men; and only one of them included more women than men (i.e., three women and two men).[[97]](#footnote-98)

65*. Fourth*, UN special mandate-holders serve *pro bono* in their personal capacities. This financial burden, coupled with time requirements, precludes many women from applying and, even if appointed, may ultimately force them to resign.[[98]](#footnote-99)

66. To achieve a gender balanced representation of UN special mandate-holders, there are also challenges that States need to overcome at the national level. Insufficient State efforts to systematically publicise and widely disseminate information on available vacancies constitutes a challenge for women candidates.[[99]](#footnote-100) For example, Guatemala explained that it lacked an institutionalised system for disseminating information about UN special procedure vacancies.

 V. Good practices and comparative experiences

67. As the WGDAW has recognised, the identification of “good” or “promising” practices can “serve as creative inspiration for the implementation of women’s human rights in multiple contexts, and to open an ongoing engagement process of collective knowledge-building in this area”.[[100]](#footnote-101) The identification of these practices also shows that whatever nomination, election or selection process is applied, every aspect of that system must work well, at both national and international levels, for gender parity to be achieved.

 A. Good practices identified by States

68. Based on the Questionnaire responses received, good practices identified by States included the following:

69*. First*, States recognised the importance of making national selection processes more open and transparent to increase the number of women applicants and their chances of getting nominated. In particular, States recommended:

(a) Publishing information about available vacancies in a systematic and timely way. For example, Guatemala suggested that such information be drafted in a way that encourages women to apply, while Mali emphasised the importance of publishing practical information such as submission deadlines, information about available mandates, and instructions on how to apply.

(b) Adopting a multi-agency/multi-sectoral nomination and selection process. For example, Switzerland explained that, while its Ministry of Foreign Affairs was responsible for coordinating the search for appropriate candidates, it consulted “a wide range of competent offices … before any candidate is nominated”. For example, Mali noted the importance of ensuring structured and formal coordination between all ministries that may be involved in the nomination and selection process. Guatemala recommended that civil society organisations advocating for women’s rights be involved in the selection process. The same State also emphasised the usefulness of involving human rights experts in the selection of candidates for international human rights positions.

(c) Proactively identifying female candidates. For example. Switzerland explained that if a relevant government department involved in the nomination process “knows of a qualified female candidate, it will reach out to her and encourage her to stand as a candidate”. It also stated that “as long as women are underrepresented, Switzerland will make an extra effort to find a qualified candidate of the underrepresented gender, and in case of two potential candidates with the same qualifications, will opt for the female candidate”. In its response, Mali recommended that the relevant ministries work together to create a national database of potential candidates with experience in the areas of competence of the relevant UN bodies, so that these candidates can be contacted when a vacancy becomes available.

70. *Second*, certain States emphasised the importance of making clear, in their foreign policy positions, that achieving gender parity in UN bodies is important. They recommended encouraging other States to nominate women to UN positions and incorporating gender parity as an explicit objective in their voting practices. In terms of concrete steps, Mexico explained that it was developing a “new feminist foreign policy” that would prioritise the goals of achieving “women’s empowerment, gender equality and gender parity … in every single document, resolution and position that [that State] was part of”. Ireland explained that it had “ma[de] known to all candidate countries its preference for gender parity on treaty bodies” and its “priority support for candidates that will maintain or achieve gender parity”.

71. *Third*, some States recognised that women’s underrepresentation in public office—both in the national and international contexts—is partly due to societal notions of appropriate gender roles. For example, Italy explained that to tackle the “cultural problem” of women’s underrepresentation, it was instituting “multi-annual training projects, entitled ‘Women, Politics and Institutions’”.

72. *Fourth*, some States have emphasised the importance of incorporating gender issues into policy design generally, in the hope that it may lead nomination processes for international positions to be designed with a view to achieving gender parity. For example, Japan has established a dedicated “Council for Gender Equality” within its Cabinet Office, which acts as a “policy-making unit” responsible for ensuring that gender is considered by each administrative agency. Honduras has developed a “Gender Equality and Equity Plan”, which is intended to incorporate the goal of achieving gender equality in State planning and budgeting. This Plan specifically incorporates a policy of promoting women’s equal participation in the State’s decision-making processes, including at the international level.

 B. Good practices identified within UN selection processes, especially in relation to UN special procedures

73. A comprehensive identification of good practices in the UN system is outside the scope of this Report. Of particular relevance, however, are noteworthy practices applied in the selection process for UN special procedures. The practices identified below evidence good progress, although such steps alone are insufficient to effect systemic change.

74*. First*, the consideration of gender balance is an explicit criterion in the selection of special mandate-holders, as stated in HRC Resolution 5/1 of 18 June 2007 and reaffirmed by HRC Resolution No 43/117 of 6 July 2020. The reference to gender balance in selection criteria sends an important signal that gender parity is a priority.[[101]](#footnote-102)

75*. Second*, the OHCHR regularly publishes information about current and future vacancies for special mandate-holders on its website,[[102]](#footnote-103) which helps to ensure that women are aware of available vacancies and can therefore apply. However, publication itself is not a sufficient step to promote gender balance; it is also important to ensure wide dissemination of this information so as to reach potential female candidates.

76. *Third*, the OHCHR keeps regular track of the percentage of male and female special mandate-holders.[[103]](#footnote-104) Although these statistics should draw attention to positions that have significant gender parity issues, keeping gender-segregated statistics is also important for monitoring whether gender balance in selection is being achieved.

77. *Fourth*, the reports of the Consultative Group are publicly available on the OHCHR’s website, and in considering such reports and carrying out his or her own consultations, the HRC President will also expressly state if due consideration has been given to gender balance.[[104]](#footnote-105)

78. *Fifth*, in 2015, the Consultative Group adopted the Guidelines on Gender Parity to address gender diversity in the selection of special mandate-holders, recommending gender targets to the Consultative Group in selecting candidates for interviews and preparing shortlists to the HRC President. However, despite evidence of positive impact, subsequent Consultative Groups did not adopt these Guidelines as a binding and official policy.

 C. Good practices from other regional and international courts and mechanisms

79. Best practices for the nomination and election of judges to regional and international courts and mechanisms may offer good practices for selection procedures in the UN context. As outlined in **Annex 2**, States Parties to these courts and mechanisms have adopted useful measures, including:

(a) Ensuring that shortlists include candidates of both genders, except if shortlists comprising candidates of only one gender are composed of candidates of the underrepresented gender (or if exceptional circumstances are present);

(b) Requiring selection panels to reflect a balanced gender composition;

(c) Establishing minimum voting requirements, which set targets to ensure a balanced gender representation in the composition of such courts and mechanisms;

(d) Including a requirement on gender representation in the foundational treaties of such courts and mechanisms; and

(e) Committing to gender parity by adopting resolutions at the highest political level.

 D. Good practices identified from comparative experiences

80. The underrepresentation of women in leadership and decision-making roles is a problem in both public and private sectors around the world. As discussed in further detail in **Annex 2**, good practices applied in these comparable contexts may offer useful insights that may be transferable to the UN context. A number of good practices are common across other employment contexts, including:

(a) Setting aspirational or mandatory targets for achieving greater female representation;

(b) Holding decision-makers accountable for achieving these targets by requiring explanations where such targets are not being achieved;

(c) Ensuring that selection committees are themselves gender diverse and that selection committee members understand that seeking diverse candidates is part of their mandate; and

(d) Designing recruitment material using gender-neutral and inclusive language that attracts gender-diverse candidates.

 VI. Recommendations

 A. To the HRC and its organs

 i. General recommendations

81. The HRC should publish on its website data on gender representation on the HRC.

(a) A dashboard similar to the “UN Secretariat Gender Parity Dashboard”, which sets out gender-segregated data for international staff in the UN Secretariat, could be effective.

(b) Additionally, the HRC could include the names and genders of the individual members of the HRC, together with the Member State that they represent.

 ii. Recommendations to ensure gender parity in membership of UN special procedures

82. The HRC should adopt guidelines for the Consultative Group, the HRC President, and the HRC itself to apply in selecting and appointing special mandate-holders, with a view to achieving gender parity.

83. The HRC President should be a male or female in alternating terms.

84. The HRC President should explain the efforts made to account for gender parity in recommending candidates.

85. Where two candidates are of equal merit, the HRC President should recommend the candidate of the underrepresented gender.

86. The regional groups invited to appoint members to the Consultative Group should ensure gender parity in making such appointments.

87. Members of the HRC and coordinators of the five regional groups should actively support the selection of female candidates while underrepresentation persists.

88. Finally, and especially where time abroad is required, the HRC, working closely with States, should provide appropriate financial and logistical support to special mandate-holders, to ensure the independence and proper implementation of the mandate, and its compatibility with personal/family obligations.

89. The Consultative Group should:

(a) Continue to list candidates’ genders in its reports, as well as provide information on how it has accounted for gender parity in selecting candidates for interview and drawing up shortlists to the HRC President;

(b) Consider an only female list of candidates for special procedure mandates that have never been held by women for a period of six years, and then for a period of 3 years and on an alternate basis after that for 3 years each;

(c) Ensure gender parity in the composition of working groups, including by considering only female lists of candidates for special procedure mandates that lack parity (and if the number of positions is uneven, on an alternate basis).

Mandates specialized on women’s issues should be recognized as exceptions since they are the only ones specifically dedicated to addressing issues concerning women who make up half the world’s population and remain grossly underrepresented and disadvantaged in all fields. In any case, candidates should hold a proven record of working on women’s right to equality and meet the fundamental requirement of commitment and expertise on the issue of discrimination against women. Criteria for this should be drafted by the Consultative Group in consultation with the Working Group on Discrimination against Women and Girls;

(d) Provide a written justification where it makes a decision that results in a lack of gender parity or fails to address the gender-representation gap, in the interest of transparency and so that such impediments may be addressed in a timely manner in future selection processes.

(e) Extend the deadline for call for applications when not enough women candidates have applied;

(f) Shortlist the candidate of the underrepresented gender, where two candidates are of equal merit,unless exceptional circumstances justify the same gender list;

(g) Be presented with an up-to-date, detailed breakdown of the gender composition of the special procedures at each meeting.

(h) In accordance with para. 82 above, implement guidelines on gender representation so that they are considered by every composition of the Consultative Group.

 iii. Recommendations to ensure gender parity in the membership of the Advisory Committee

90. The HRC should ensure that the list of candidates from which it elects the members of the Advisory Committee strictly respects gender parity and address a reminder to the Regional Groups in that sense ahead the elections. In particular, the HRC should encourage States to engage with national human rights associations, civil society organisations, and other relevant non-State actors in identifying viable female candidates.

 B. To Member States

91. When negotiating and drafting new or existing treaties, statutes, mechanisms, or guidelines, States should pursue including processes that ensure gender parity in the composition of the relevant monitoring bodies.

92. States should commit, at the national level, to: (a) identify more female candidates; (b) promote public and participatory selection processes that include gender as a specific criteria; and c) promote research and mentoring to ensure that obstacles for full participation are overcome; and, at the international level, to (a) nominate and elect more female candidates to fill vacancies in UN human rights organs and mechanisms; and (b) report regularly on implementing these recommendations, to ensure compliance with their obligations on gender equality.

 i. Recommendations to ensure that more female candidates are identified

93. Proactively seek female candidates:

(a) States should consider maintaining publicly available databases of potential candidates for UN positions, and States should encourage women to put themselves forward for inclusion in such databases.

(b) States should work with relevant civil society organisations and other non-State actors to collect profiles of qualified women for UN human rights positions.

(c) States should make use of every means (including social media) to disseminate information regarding vacancies, being proactive to ensure that such information reaches qualified women.

(d) States should also engage with civil society organisations and other non-State actors to disseminate information regarding vacancies.

(e) Vacancy notifications should be drafted using gender-neutral language and should also acknowledge the UN’s commitment to gender parity in its recruitment and selection processes.

 ii. Recommendations to ensure more female candidates are nominated

94. States should develop and adopt formal, open, and transparent national nomination procedures.

95. The formal nomination procedures should include gender parity as a specific selection criterion and goal.

96. As part of the nomination procedure, States should consider the actual and historical gender composition of the UN body in question and commit to nominate a candidate of the underrepresented gender for each vacancy.

 iii. Recommendations to ensure that more women are elected or appointed

97. States should consider undertaking firm commitments to guarantee gender parity in the election of candidates to fill vacancies in UN human rights bodies and mechanisms.

98. Affirmative steps to ensure gender parity during the elections could include:

(a) Incorporating gender parity in voting practices;

(b) Adopting policies requiring:

* The nomination of both men and women;
* That the actual and historic gender composition of organs be considered when voting, especially in relation to bodies and mechanisms that have not yet achieved gender parity or adequate gender representation;
* Implementing target measures (for example, encouraging States to commit to electing members only of the gender that is currently underrepresented in the body), or non-binding targets (the target could vary depending on the current composition of the body);
* Requiring that elections be postponed if no women are nominated for a treaty body lacking parity; and
* Encouraging States to vote in women candidates in consecutive voting rounds if the minimum targets for parity are not achieved in the first round of votes.

 iv. Recommendations to report, monitor and ensure compliance

99. States are encouraged to include all measures adopted in light of these recommendations in their national reports presented within the framework of the Universal Periodic Review.

100. Civil society organisations and other non-State actors should be invited to submit information regarding the implementation of these recommendations as part of the “other stakeholder” report in the Universal Periodic Review process.

101. States should include their progress or difficulties in implementing these recommendations in their periodic reports under Article 18 of CEDAW, relevant reports to the WGDAW, and reports to other procedures or mechanisms that monitor equality and access to justice. Information regarding the implementation (or not) of these recommendations should form part of the measures adopted to give effect to Article 8 of CEDAW and to a wide array of provisions on equality and access to justice in other relevant treaties, and should also be assessed during country visits by the WGDAW.

102. States should also collect and disseminate gender segregated data on candidates nominated and elected to international positions.

 C. To the OHCHR

103. The OHCHR should broadly disseminate announcements of upcoming elections of the UN bodies it serves as Secretariat, namely treaty bodies and special procedures, and develop mechanisms and collaborations in this sense, including by reaching out to relevant women’s networks.

104. The OHCHR should assist States, the HRC, and its Consultative Group in developing mechanisms for achieving gender parity in the nomination and election of members to UN bodies.

105. The OHCHR should periodically prepare a report on the existing nomination policies, practices, and mechanisms, highlighting best practices. The report should include indicators of progress and results, as well as propose an evaluation system. The report could also explore the obtacles to achieve gender parity, include a study on election practices by Member States in treaty bodies, and propose recommendations.

106. The OHCHR should continue collecting and tracking gender balance data in the UN bodies it serves.

(a) This information could be made more prominent and public, linking it to other data collection efforts (e.g., the UN system-wide gender parity strategy).

(b) The data collected should also be presented to States and UN bodies in annual reports, as well as included in the communication sent to Member States ahead of a nomination or election.

(c) Efforts should be made to promote research to overcome barriers to the full participation of women in UN bodies. A survey addressed to current women occupying a postion of independent expert at a UN body could be undertaken in order to collect personal experiences as well as to identify main obstacles encountered in the process of nomination and while performing the mandate.

(d) Efforts should continue to integrate a gender perspective in its briefings for experts, as well as to produce practical guidance tools for country visits, situation analysis, and report writing.

1. HRC Resolution 41/6 on the elimination of all forms of discrimination against women and girls, 11 July 2019, UN Doc A/HRC/RES/41/6, para 16. [↑](#footnote-ref-2)
2. Ibid. [↑](#footnote-ref-3)
3. Ibid; the “System-wide Strategy on Gender Parity” was launched by the UN Secretary General on 13 September 2017, with the aim to achieve gender parity in the United Nations. UN Secretary-General, “System-wide Strategy on Gender Parity”, available at <https://www.un.org/gender/sites/www.un.org.gender/files/gender_parity_strategy_october_2017.pdf>. [↑](#footnote-ref-4)
4. Ibid, para 17. [↑](#footnote-ref-5)
5. As of 18 December 2020, the Advisory Committee had received a total of 42 responses from 23 States, seven non-governmental organisations, one national institution of human rights, 11 members of the academia and one international organisation. OHCHR, “Current levels of representation of women in human rights organs and mechanisms”, available at [www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/LevelsRepresentationWomen.aspx](https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/LevelsRepresentationWomen.aspx) [↑](#footnote-ref-6)
6. All notes from the four regional consultations are on file with the Advisory Committee. [↑](#footnote-ref-7)
7. UN General Assembly Resolution No 58/144 on improvement of the status of women in the United Nations system, 19 February 2004, UN Doc A/RES/58/144, OP7. [↑](#footnote-ref-8)
8. UN General Assembly Resolution No 70/133 on follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, 23 February 2016, UN Doc A/RES/70/133, para 27. [↑](#footnote-ref-9)
9. UN General Assembly, Report of the Secretary-General, “Improvement in the status of women in the United Nations system”, 23 July 2019, UN Doc A/74/220, para 13. [↑](#footnote-ref-10)
10. Ibid, Summary. [↑](#footnote-ref-11)
11. See HRC Resolution No 6/30 on integrating the human rights of women throughout the United Nations system, 14 December 2007, UN Doc A/HRC/RES/6/30, paras 18-19. [↑](#footnote-ref-12)
12. HRC, Draft Guidelines on methods to operationalize gender mainstreaming, including action-oriented mechanisms, “Integrating the human rights of women throughout the United Nations system”, 22 January 2019, UN Doc A/HRC/AC/2/CRP.4. [↑](#footnote-ref-13)
13. UN General Assembly, Report of the Secretary-General, “Promotion of equitable geographical distribution in the membership of the human rights treaty bodies”, 3 August 2015, UN Doc A/70/257, para 27. [↑](#footnote-ref-14)
14. UN General Assembly, Report of the Secretary-General, “Status of the human rights treaty body system”, 18 July 2016, UN Doc A/71/118, para 80. See also Annex XVIII, “Gender composition of treaty bodies on 1 January 2016”. [↑](#footnote-ref-15)
15. UN General Assembly, Report of the Secretary-General, “Status of the human rights treaty body system”, 6 August 2018, UN Doc A/73/309, para 87. See also Annex XXIV, “Gender composition of treaty bodies on 31 January 2018”. [↑](#footnote-ref-16)
16. UN General Assembly, Report of the Secretary-General, “Status of the human rights treaty body system”, 10 January 2020, UN Doc A/74/643, para 59. See also Annex XXIII, “Gender composition of treaty bodies as at 31 October 2019”. [↑](#footnote-ref-17)
17. HRC Decision No 43/117 on methods of work of the Consultative Group of the Human Rights Council, 22 June 2020, UN Doc A/HRC/DEC/43/117 (***HRC Decision No 43/117***). [↑](#footnote-ref-18)
18. See OHCHR, “Current and Former Mandate-Holders for Existing Mandates as at 7 October 2020”, available at <https://www.ohchr.org/EN/HRBodies/SP/Pages/Currentmandateholders.aspx>. [↑](#footnote-ref-19)
19. Data retrieved from: OHCHR, “Current and Former Mandate-Holders for Existing Mandates as at 7 October 2020”; GQUAL, “Composition of International Organizations and Tribunals – UN Special Procedures”, available at <http://www.gqualcampaign.org/current-composition/>; HRC Office of the President, “Appointments at the 45th session of the Human Rights Council (14 September to 7 October 2020)”, 30 September 2020, available at
<https://www.ohchr.org/Documents/HRBodies/SP/CallApplications/HRC45/20200930_Letter_President_HRC45.pdf>. [↑](#footnote-ref-20)
20. See Annex 1, para 54. [↑](#footnote-ref-21)
21. Data retrieved from: OHCHR, “Current and Former Mandate-Holders for Existing Mandates as at 7 October 2020”,available at
[https://www.ohchr.org/EN/HRBodies/SP/Pages/Currentmandateholders.aspx](https://www.ohchr.org/EN/HRBodies/SP/Pages). [↑](#footnote-ref-22)
22. Data retrieved from: HRC, “Elections of members of the Human Rights Council Advisory Committee”, available at <https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/Elections.aspx>; HRC, Report of the Advisory Committee on its Twenty-fourth Session, 3 April 2020, UN Doc A/HRC/AC/24/2. [↑](#footnote-ref-23)
23. HRC, Report of the Advisory Committee on its Twenty-first Session, 7 September 2018, A/HRC/AC/21/2, p 28. [↑](#footnote-ref-24)
24. Data retrieved from: HRC, Reports of the Advisory Committee, 2008-2020, available at <https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/Sessions.aspx>;
HRC, “Elections of members of the Human Rights Council Advisory Committee”, available at <https://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/Elections.aspx>. [↑](#footnote-ref-25)
25. HRC, Report of the Advisory Committee on its Twentieth Session, 29 March 2018, UN Doc A/HRC/AC/20/2, Annex III, “Letter dated 5 March 2018 from the Chair of the Advisory Committee addressed to the President of the Human Rights Council”, p 16. [↑](#footnote-ref-26)
26. CEDAW Committee, General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the CEDAW, CEDAW/c/2010/47/GC.2, 19 October 2020, para. 5. [↑](#footnote-ref-27)
27. CEDAW Committee, General Recommendation No 28 on the core obligations of States Parties under article 2 of CEDAW, 2010, UN Doc CEDAW/C/GC/28, para 16. [↑](#footnote-ref-28)
28. Ibid. [↑](#footnote-ref-29)
29. CEDAW Committee, General Recommendation No 25 on Article 4, paragraph 1, of CEDAW, 2004, UN Doc A/59/38, Annex 1, para 4. [↑](#footnote-ref-30)
30. HRC, General Comment No. 18 on non-Discrimination, 10 November 1989, UN Doc HRI/GEN/1/Rev.9, para 12. [↑](#footnote-ref-31)
31. CEDAW Committee, “Frequently Asked Questions (FAQ) about CEDAW”, available at <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq#substabtive>. [↑](#footnote-ref-32)
32. Ibid; and UNIFEM, “CEDAW and the Human Rights Based Approach to Programming: A UNIFEM Guide”, May 2007, p 7, available at <https://bit.ly/2EmAhjp>. [↑](#footnote-ref-33)
33. M Freeman, C Chinkin, B Rudolf, “Article 8” in M Freeman, C Chinkin, B Rudolf (eds), *The UN Convention on the Elimination of All Forms of Violence Against Women: A Commentary* (2012) 221 (***Freeman, Chinkin, Rudolf***), p 222. See UN Women and International Gender Champions Geneva: “Shaping the international agenda: raising women’s voices in intergovernmental forums” (2017). [↑](#footnote-ref-34)
34. Women at The Table (E Robertson, K Burke and J Anderson), *Best Practices for Election of Members to International & Regional Treaty Bodies* (2019), pp 1-87 [↑](#footnote-ref-35)
35. HRC, Study of the Human Rights Council Advisory Committee, “Current levels of representation of women in human rights organs and mechanisms”, 28 January 2020, UN Doc A/HRC/AC/24/CRP.4 (***2020 HRC Study***), para 6. [↑](#footnote-ref-36)
36. CEDAW Committee, General Recommendation No 23 on political and public life, 1997, UN Doc A/52/38, paras 39-40. [↑](#footnote-ref-37)
37. Ibid, para 5. [↑](#footnote-ref-38)
38. See C Martin, “Article 8 of the Convention to Eliminate All Forms of Discrimination against Women: A Stepping Stone in Ensuring Gender Parity in International Organs and Tribunals,” Paper presented at the GQUAL Conference, The Hague, October 2017, available at [www.gqualcampaign.org/gqual-conference-resources](http://www.gqualcampaign.org/gqual-conference-resources). [↑](#footnote-ref-39)
39. ILC, “Draft articles on responsibility of international organizations”, Report of the ILC, Sixty-Third Session, 26 April-3 June and 4 July-12 August 2011, UN Doc A/66/10, Article 2. [↑](#footnote-ref-40)
40. Freeman, Chinkin, Rudolf, p 224. [↑](#footnote-ref-41)
41. Ibid, p 227. [↑](#footnote-ref-42)
42. Ibid. [↑](#footnote-ref-43)
43. Ibid. [↑](#footnote-ref-44)
44. Ibid [↑](#footnote-ref-45)
45. CEDAW Committee, General Recommendation No 23 on political and public life, 1997, UN Doc A/52/38, para 26. [↑](#footnote-ref-46)
46. Ibid, paras 38, 50. [↑](#footnote-ref-47)
47. Ibid, para 43. [↑](#footnote-ref-48)
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50. University of California, Berkeley Law’s International Human Rights Law Clinic, “Achieving Gender Parity on International Judicial and Monitoring Bodies”, Working paper Series No 4, October 2017 (***Berkeley Paper***), p 9. [↑](#footnote-ref-51)
51. Ibid, p.15. [↑](#footnote-ref-52)
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54. HRC Report of the Working Group on the issue of discrimination against women in law and in practice, “Eliminating discrimination against women in political and public life with a focus on political transition”, 19 April 2013, UN Doc A/HRC/23/50, para 19. [↑](#footnote-ref-55)
55. HRC Report of the Working Group on the issue of discrimination against women in law and in practice, “Good practices in the elimination of discrimination against women and women’s empowerment”, 19 April 2017, UN Doc A/HRC/35/29 (***UN Doc A/HRC/35/29***), para 31. [↑](#footnote-ref-56)
56. Ibid, para 39. [↑](#footnote-ref-57)
57. A Papenfuæ, S von Schorlemer, “Organs, Article 8” in B Simma, DE Khan, G Nolte, A Paulus, N Wessendorf (eds), The Charter of the United Nations: A Commentary, vol 1 (3rd edn 2012) 416 (***Papenfuæ, von Schorlemer***), para 53. [↑](#footnote-ref-58)
58. CESCR Committee, General Comment No. 18 on the right to work, 6 February 2006, UN Doc E/C.12/GC/18, para 6; and Berkeley Paper, p 36. [↑](#footnote-ref-59)
59. For a discussion on whether Article 8 is limited only to the UN’s hiring practices for its staff, or whether it extends also to States’ exercise of their authority over the nominating and voting processes for appointed positions to international institutions, see Berkeley Paper, p 37. [↑](#footnote-ref-60)
60. Papenfuæ, von Schorlemer, para 31. [↑](#footnote-ref-61)
61. Ibid, para 93. [↑](#footnote-ref-62)
62. See above, para 10, and Annex 1. [↑](#footnote-ref-63)
63. W. Kymlicka and Rubio-Marin.”The Participatory Turn in Gender Equality and its Relevance for Multicultural Feminism” in Gender Parity and Multicultural FeminismTowards a New Synthesis (2018) OUP, pp.1-46. [↑](#footnote-ref-64)
64. Berkeley Paper, p 5. [↑](#footnote-ref-65)
65. Ibid. [↑](#footnote-ref-66)
66. See V Krsticevic, “Gender Equality in International Tribunals and Bodies: An Achievable Step with Global Impact”, GQUAL Concept Paper, 2016, p 7. [↑](#footnote-ref-67)
67. N Grossman, “Achieving Sex-Representative International Court Benches” (2016) 110(1) American Journal of International Law 82 (***Grossman***), pp 88-89. [↑](#footnote-ref-68)
68. Ibid. [↑](#footnote-ref-69)
69. V Shikhelman, “Diversity and Decision-Making in International Judicial Institutions: the United Nations Human Rights Committee as a Case Study” (2018) 36 Berkeley Journal of International Law 60 (***Shikhelman***), p 70. See also S H Vauchez, “Gender Balance in International Adjudicatory Bodies” in R Wolfrum (ed), *Max Planck Encyclopedia of International Procedural Law* (2019), para 35. [↑](#footnote-ref-70)
70. Shikhelman, pp 69-70. [↑](#footnote-ref-71)
71. Ibid, p 69. [↑](#footnote-ref-72)
72. Ibid; N Grossman, ‘The Normative Legitimacy of International Courts” (2013) 86 Temple Law Review 61, p 104. [↑](#footnote-ref-73)
73. Shikhelman, p 69. [↑](#footnote-ref-74)
74. See H Charlesworth, “The Gender of International Institutions” (1995) 89 American Society of International Law Proceedings 79, pp 81-82. [↑](#footnote-ref-75)
75. Ibid, p 83. [↑](#footnote-ref-76)
76. UN General Assembly, Vienna Declaration and Programme of Action, 25 June 1993, UN Doc A/CONF.157/23 (***Vienna Declaration and Programme of Action***), para 37. [↑](#footnote-ref-77)
77. See above, paras 22. [↑](#footnote-ref-78)
78. ECOSOC Resolution No 2017/9 on mainstreaming a gender perspective into all policies and programmes in the United Nations system, 7 June 2017, E/RES/2017/9. [↑](#footnote-ref-79)
79. C Chinkin, “Women, Rights of, International Protection” in R Wolfrum (ed), *Max Planck Encyclopedia of International Law*, vol X (2012) 891, para 27. See above, para 22. [↑](#footnote-ref-80)
80. C M Bailliet, “A Nordic Approach to Promoting Women’s Rights within International Law: Internal v. External Perspectives” (2016) 85(4) [Nordic Journal of International Law](https://brill.com/view/journals/nord/nord-overview.xml) 368, p 389. [↑](#footnote-ref-81)
81. See Vienna Declaration and Programme of Action, para 36. [↑](#footnote-ref-82)
82. See, e.g., UN Security Council Resolution 1325, 31 October 2000, UN Doc S/RES/1325 (2000); UN Women, Preventing Conflict, Transforming Justice, Securing the Peace – A Global Study of the Implementation of United Nations Security Council resolution 1325 (12 October 2015), p 41; UN Secretary-General, “Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of COVID-19”, March 2020, p 10; UN Secretary-General, “The Impact of COVID-19 on Women”, Policy Brief, 9 April 2020, p 3; and UN Women, “COVID-19 and Women’s Leadership: From an effective response to building back better”, Policy Brief No. 18, 2020. [↑](#footnote-ref-83)
83. As an example, in recent elections to appoint seven members of the CMW Committee, States have nominated nine men and only one woman for membership. The woman was elected, together with other six men. See OHCHR, “Ninth meeting of States parties to the Convention on Migrant Workers in order to elect seven members of the Migrant Workers Committee”, available at <https://www.ohchr.org/EN/HRBodies/CMW/Pages/Elections2019.aspx>. [↑](#footnote-ref-84)
84. See, e.g., 2020 HRC Study, para 25. See also African regional consultations, 20 October 2020. [↑](#footnote-ref-85)
85. Response by Mexico. [↑](#footnote-ref-86)
86. 2020 HRC Study, para 15. [↑](#footnote-ref-87)
87. Latin American regional consultations, 15 July 2020; African regional consultations, 20 October 2020. [↑](#footnote-ref-88)
88. See, e.g., African regional consultations, 20 October 2020. [↑](#footnote-ref-89)
89. J Linehan, “Women and Public International Litigation: a background prepared for the Project on International Courts and Tribunals”, 2002, p. 6. See also Latin American regional consultations, 15 July 2020; African regional consultations, 20 October 2020. [↑](#footnote-ref-90)
90. See CRPD, Article 34.4; ICPPED, Article 26.1; Optional Protocol to the CAT, Article 5.4. [↑](#footnote-ref-91)
91. See Annex 1, Figures 17 and 18 (for information on gender representation at the CRPD Committee); Annex 1, Figures 19 and 20 (for information on gender representation at the CED); and Annex 1, Figures 15 and 16 (for information on gender representation at the SPT). [↑](#footnote-ref-92)
92. African regional consultations, 20 October 2020. [↑](#footnote-ref-93)
93. Ibid. [↑](#footnote-ref-94)
94. Latin American regional consultations, 15 July 2020. [↑](#footnote-ref-95)
95. HRC Decision No 43/117. [↑](#footnote-ref-96)
96. See HRC Consultative Group, Letter to the President of the HRC and Guidelines on Gender Parity, 23 December 2015, available at
<https://www.unwatch.org/wp-content/uploads/2016/01/CGlettertransmittedtoPresidentHRC-23dec15.pdf>. [↑](#footnote-ref-97)
97. See OHCHR, “Consultative Group (former and current membership per term)”, available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx>. [↑](#footnote-ref-98)
98. See Latin American regional consultations, 15 July 2020; African regional consultations, 20 October 2020. [↑](#footnote-ref-99)
99. Ibid. [↑](#footnote-ref-100)
100. UN Doc A/HRC/35/29, para 15. [↑](#footnote-ref-101)
101. Grossman, pp 92-93. See HRC Resolution No 6/30 on integrating the human rights of women throughout the United Nations system, 14 December 2007, UN Doc A/HRC/RES/6/30. [↑](#footnote-ref-102)
102. OHCHR, “Nomination, Selection and Appointment of Mandate Holders”, available at [www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx). [↑](#footnote-ref-103)
103. The statistics are available from OHCHR, “Nomination, Selection and Appointment of Mandate Holders”. At the time of writing, the latest statistics available date from November 2020. [↑](#footnote-ref-104)
104. See, e.g., HRC Office of the President, Letter of the President including the list of candidates proposed for vacancies of mandate holders, 21 February 2020, p 2. [↑](#footnote-ref-105)