



FROM UNEQUAL PARTICIPATION TO GENDER PARITY

The GEM's Contribution

Elisa Fornalé
Rym Tlili

Front and back cover photos by Fornalé of the 'Fresco de la Paix':
The ceramic mosaic made by the Swiss artist Hans HERNI at the United Nations buildings in Geneva



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ELISA FORNALÉ AND RYM TLILI**



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THE 'KNOW THE GAP' TEAM AND THE 'GENDER EQUALITY IN THE MIRROR (GEM): CLOTHING THE INVISIBILITY OF WOMEN AT INTERNATIONAL LEVEL' PROJECT



01

ELISA FORNALÉ

Elisa Fornalé is Associate Professor at the World Trade Institute (WTI), University of Bern where she lead the GEM project and the 'Know the GAP' team as Gender Coordinator.

KNOW THE GAP

The '*Know the GAP*' team has been created by Prof. Fornalé to enhance awareness and discussion on gender equality at the World Trade Institute.

The '*Know the GAP Gender Lecture Series*' is an English language series open to the full university, featuring prominent individuals in academia and international organizations and focused on both research and actual experience with gender balance and policy. It offers a platform for scholars, international leaders, and experts to contribute to the UN's Sustainable Development Goal 5 on Gender Equality.

GENDER EQUALITY IN THE MIRROR

Strongly motivated by the vitality and the growing engagement of the Know the GAP activities, in 2021 prof. Fornalé awarded the project *Gender Equality in the Mirror (GEM): Clothing the Invisibility of Women's Participation at International Level*, funded by the Swiss National Scientific Foundation (SNSF). The GEM project explores the role of affirmative measures to ensure women's participatory rights at domestic and international level by building the first on-line database that collects all reports submitted to the CEDAW Committee.

A solid pink background with a vertical blue bar on the left side. The text is centered horizontally and vertically within the pink area.

WHY DOES EQUAL REPRESENTATION MATTER IN OUR SOCIETY ?

02

UNEQUAL PARTICIPATION: FEW INSIGHTS

WOMEN PARTICIPATION AT DOMESTIC LEVEL

Women in Executive Government Positions

As of January 2024, there are **26** Countries where **28** Women serve as Heads of State and/or Government

Women in National Parliaments

6 Countries have **50** per cent or more women in parliament in single or lower houses: Rwanda (**61** per cent), Cuba (**53** per cent), Nicaragua (**52** per cent), Mexico (**50** per cent), New Zealand (**50** per cent), and the United Arab Emirates (**50** per cent)

23 countries have reached or surpassed **40** per cent, including **13** countries in Europe, six in Africa, three in Latin America and the Caribbean, and one in Asia

22 States in which women account for less than **10** per cent of parliamentarians in single or lower houses

UN Women, 2023 Gender Snapshot Report, 2024

UNEQUAL WOMEN PARTICIPATION AT INTERNATIONAL LEVEL: THE CASE OF INTERNATIONAL JUDICIARY

INTERNATIONAL TRIBUNALS

TOTAL: 2

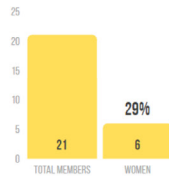


SUMMARY CURRENT COMPOSITION

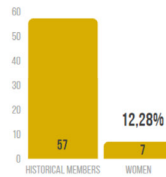


SUMMARY HISTORICAL COMPOSITION

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA YEAR FOUNDED: 1996



CURRENT

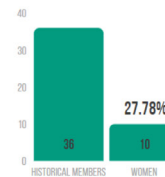


HISTORICAL

MECANISMO RESIDUAL INTERNACIONAL PARA TRIBUNALES PENALES (MRECANSID) AÑO FUNDADO: 2010

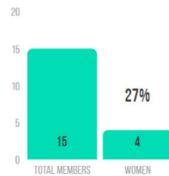


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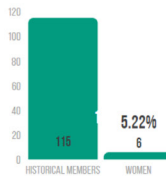


HISTORICAL

INTERNATIONAL COURT OF JUSTICE YEAR FOUNDED: 1945

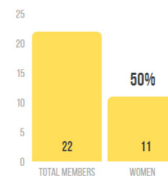


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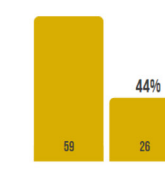


HISTORICAL

INTERNATIONAL CRIMINAL COURT YEAR FOUNDED: 2002



CURRENT



HISTORICAL

QUAL : <https://gqualcampaign.org/data/current-composition/>

THE FOCUS AREAS OF THE GEM PROJECT

03



FOCUS AREA 1 : WOMEN AND RESILIENT INEQUALITIES

Main Objectives:

1. Participatory Rights and Women: Gathering relevant domestic norms to assess how participatory rights are supported at the national level.
2. Internal/External Dimensions of Participatory Turns: Examining measures adopted to promote participation at the international level.

Methodology

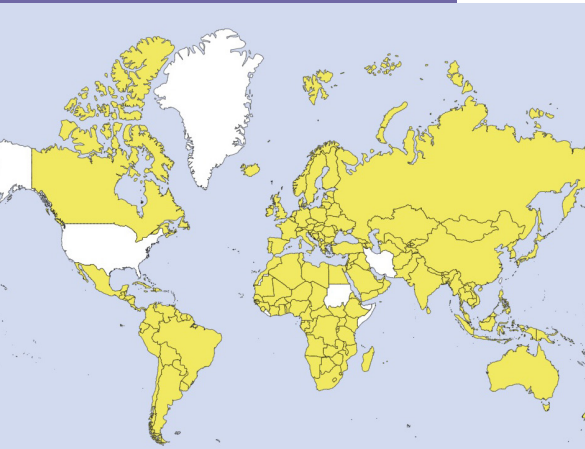
1. Collecting and analysing reports submitted by Member states to the CEDAW
2. Reviewing all Concluding Observations and Recommendations adopted by the CEDAW Committee

REGION	REPORTS	CONCLUDING OBSERVATIONS (OR CONCLUDING COMMENTS)
African States 51	325	317
Asia-Pacific States 58	319	303
Eastern European States 23	156	152
Latin American and Caribbean States 33	260	253
Western European and other States 27	210	206
Total	1270	1231

GEM DATASET

The Gender Equality in the Mirror (GEM) dataset was developed to analyze and present the true state of women's participation rights in political and public life. It goes beyond legal provisions, focusing on the practical implementation of measures designed to remove barriers to women's access to leadership positions. This analysis centers on the implementation of Articles 7 and 8 of CEDAW, with data collected from all reports submitted by State members to identify the actions taken.

THE CEDAW CONVENTION



The CEDAW treaty serves as a powerful tool for women worldwide, enabling them to drive change in their daily lives. In countries that have ratified the treaty, CEDAW has been crucial in combating the effects of discrimination, such as violence, poverty, inadequate legal protections, and the denial of inheritance, property rights, and access to credit.

The Convention has now been ratified by **189** States

All States parties are required to report to the CEDAW Committee on the measures they have implemented regarding the rights outlined in the Convention and on the progress they have made in protecting and promoting women's rights.

PARTICIPATORY RIGHTS

ARTICLE 7 (CEDAW)

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**
- (b) 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 government;**
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.**

ARTICLE 8 (CEDAW)

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

THE CEDAW COMMITTEE

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) is a group of independent experts responsible for overseeing the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

The CEDAW Committee is made up of 23 women's rights experts from various countries.

It monitors the implementation of the CEDAW Convention by reviewing the reports submitted by the States parties. The CEDAW Committee also adopts General Recommendations (Article 21).

The Committee is supported in all its work by the Office of the UN High Commissioner of Human Rights (OHCHR), specifically the CEDAW Secretariat.



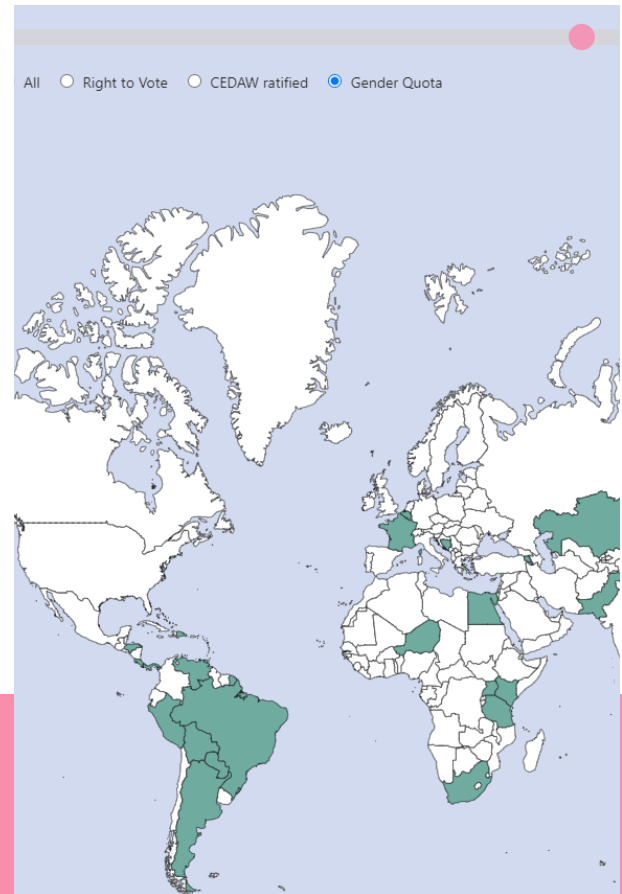
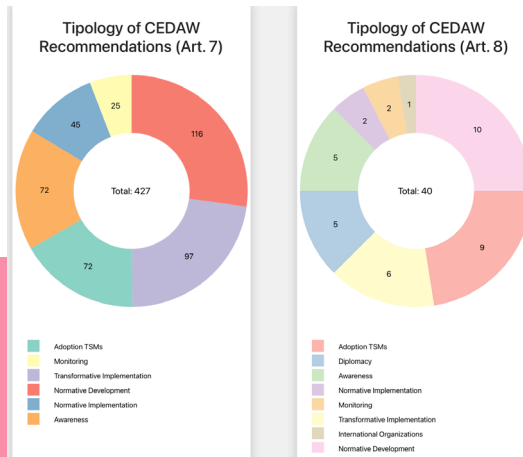
What is a General Recommendation (GR)?

An authoritative interpretation of the provisions in the CEDAW Convention, clarifying women's rights, the obligations of States, and the type of information that should be included in State Party reports. As of June 2024, 39 General Recommendations have been adopted.

Dr Nicole Ameline, Chair of the CEDAW WG on General Recommendation 40 on 'Equal and Inclusive Representation of Women in Decision-Making Systems'.

Bern, 26 February 2024

GEM MAP VISUAL TOOL





FOCUS AREA 2 : GENDER PARITY AT THE UNITED NATIONS

This research topic aims to explore women's representation in UN treaty bodies. Members of these bodies are appointed by Member States, and the selection process has been a subject of considerable debate.

In 2014, the UN General Assembly adopted Resolution 68/268, titled 'Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System', urging the Office of the UN High Commissioner for Human Rights, the Secretary-General, and States Parties to ensure fair female representation on these bodies. The Secretary-General has prioritized achieving gender parity at the UN, acknowledging it as an ongoing challenge. Additionally, Article 8 of the UN Charter mandates equal representation of men and women within the United Nations.



FOCUS AREA 3 : GENDER PARITY ON THE BENCH

The goal is to shed light on the representation of women in international courts.

The underrepresentation of women on the bench is a well-documented concern: as of 2024, women made up just 27.7% of international tribunal members. Despite provisions in the statutes of these courts that advocate for equitable representation, achieving gender parity remains a distant objective.

FOCUS AREA 4 : GENDER AND DIPLOMACY

The GEM project seeks to thoroughly examine the gender aspect of diplomatic practices to explore how to provide women with equal opportunities for recruitment, selection, and promotion in diplomatic roles is being implemented.



04

VOICES FROM THE FIELDWORK

THE GEM IN-DEPTH INTERVIEWS

5 International Jurisdictions

8 UN Treaty Bodies

11 Embassies



MAIN CHALLENGES FACED BY WOMEN AT INTERNATIONAL LEVEL

ACCESS

- Lack of Capability
- Lack of Policy
- Lack of Transparency
- Lack of Accountability
- Lack of Diversity

INSTITUTIONAL ENVIRONMENTS

- Lack of Family Support
- Lack of Flexibility
- Lack of Funding
- Lack of Social Security

'Women work in institutional environments built for men'
(International Judge)

'I think that given that about half of the world population are women, it is impossible that all knowledge and experience would be accumulated in men only' (Member of UN Treaty Body)

'Since the majority of people in leadership are male then they would probably choose male people again. Normally, it is a very human thing, you choose somebody who 's like you'
(Female Ambassador)

05

GR NO. 40 : EQUAL AND INCLUSIVE REPRESENTATION OF WOMEN IN DECISION-MAKING SYSTEMS

To address some of the major challenges, the CEDAW Committee emphasized the need for a new instrument, specifically deciding the development of the **General Recommendation 40**.

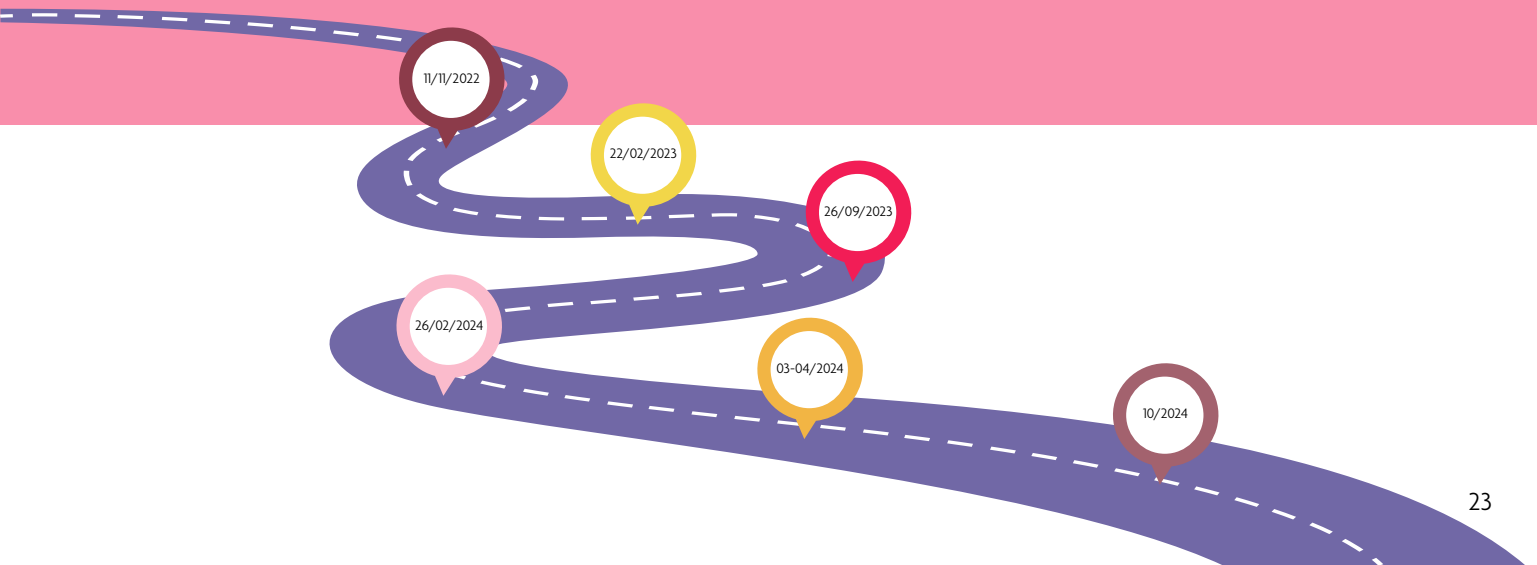
The aim is to significantly advance **women's equal and inclusive representation in all decision-making systems**. This effort will be grounded in a global and inclusive perspective that represents all women.

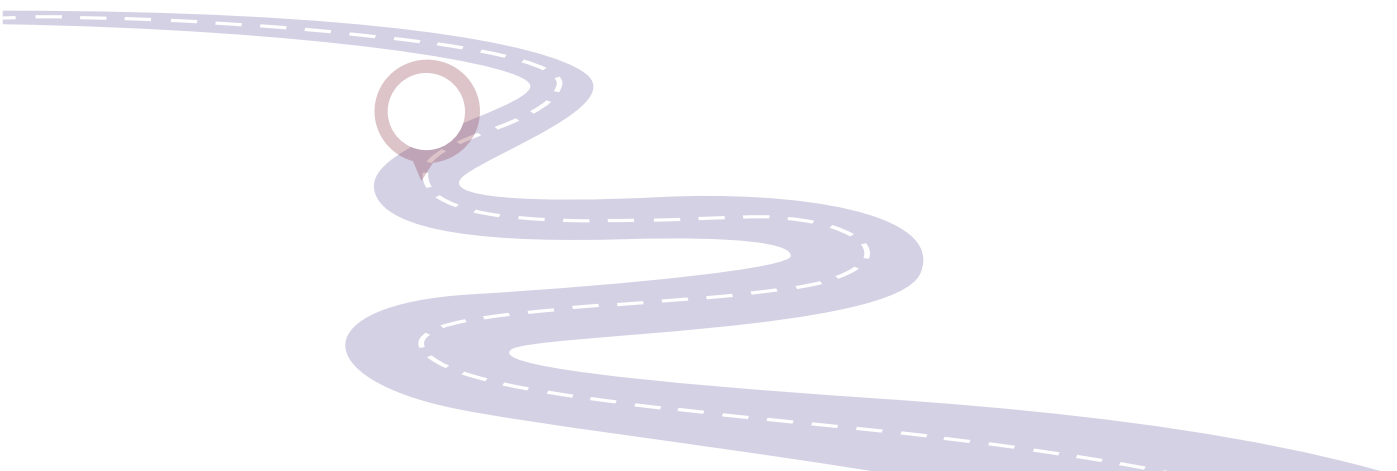
GEM Project had the privilege to contribute to the drafting process since its beginning in 2022.



06

ROADMAP TO GR 40 THE GEM'S CONTRIBUTION





11 NOVEMBER 2022 ADOPTION OF THE CONCEPT NOTE

«The future General Recommendation aims to initiate a comprehensive and harmonized analysis of all the articles of the Convention **to address structural obstacles** that prevent equal and inclusive representation of all women in decision-making systems, in particular discrimination and stereotypes preventing them from these rights, gender-based violence they face as an obstacle in accessing or remaining in such positions.

The future General Recommendation aims **at a new form of representation for women**, notably to move away from mere participation and towards equal and inclusive representation. Only such change of representation can create the **shift towards effective implementation of women's rights.**»

Concept Note on the Future General Recommendation on Equal and Inclusive Representation of Women in Decision-Making Systems, 1

22 FEBRUARY 2023
CEDAW UN-HALF DAY OF GENERAL DISCUSSION
ON THE EQUAL AND INCLUSIVE REPRESENTATION
OF WOMEN IN DECISION-MAKING SYSTEMS



**LAUNCH OF THE GR
40 ELABORATION
PROCESS**

‘Gender parity should be at the centre, both as the pre-condition and as the instrument for gender equality in political and public life, including the economy’

Patricia Schulz, Former Member
of the CEDAW Committee



26 SEPTEMBER 2023

GQUAL Campaign and the American University organized the Expert Meeting: 'Women's Equal and Inclusive Representation in International Decision-Making Systems'. More than 40 experts participated from around the world. Prof. Fornalé presented the GEM project together with the GEM Visual Tool.

Céline Georgi, Human Rights Officer, CEDAW Committee

Dr Nicole Ameline, Member CEDAW Committee

Lana Ackar, Policy Specialist, UN WOMEN

Prof. Mona Lena Krook, Professor of Political Science and Chair, Women and Politics Ph.D. Program Rutgers University





26 FEBRUARY 2024

The GEM team organized the International Conference ‘**Promoting Equal and Inclusive Representation of Women in Decision-Making Systems: A Holistic Approach to Economic Empowerment**’ at the World Trade Institute, University of Bern. More than 40 experts attended, including Dr Ameline, Dr Gbedemah, and Dr Eghobamien-Mshelia members of the CEDAW Committee, and several representatives of Embassies based in Bern.



WOMEN’S RULE OF LAW

1. **Explainability** is related to fair trials. Reasonable decisions well founded on the relevant information decisions; decisions discussed openly in the context of an aware public culture. This feature aims to protect a universal right to reasons. It is important because the provision of justification not only helps those subject to the law to grasp the meaning of the decision. This is also a way of treating them with equal concern, it makes accountability possible.

2. Sometimes decisions are made not in official settings but in informal context and many times these informal contexts are not accessible to women.

This problem introduces the question of **accessibility** as an essential element for the rule of law. It can be declined in many ways. It is access to the informal settings, social support and not only to the formal procedures. It is also access to technology that many times is denied to women. Those supports can remove existing obstacles for women. Otherwise the rights linked to participation can be completely emptied.

Prof. Isabel Truillo, University of Palermo



Prof. Claudia Martin

PROF. CLAUDIA MARTIN

Professorial Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law, American University Washington College of Law, and Member of the GQUAL Campaign Secretariat



DR FLAVIA BUSTREO

Co-Chair of The Lancet Commission on Gender-Based Violence and Maltreatment of Young People



MARCH-APRIL 2024 6 REGIONAL CONSULTATIONS

Regional Consultations took place in Istanbul (March 26 to 27), Cairo (April 15 to 16), Addis Abeba (April 18 to 19), Bogotá (April 24 to 25), and Bangkok (September 4 to 5) organized with UN WOMEN.

AIM = Ensure that the draft corresponds to the needs and priorities of each geographic region.

Several representatives from Academia, NGOs, and Regional Organizations have been involved.



UNITED NATIONS  NATIONS UNIES

**23 OCTOBER 2024
ADOPTION OF
THE GENERAL
RECOMMENDATION 40**



**NATIONS UNIES
UNITED NATIONS**

GR 40
THE 7 MAIN PILLARS



07

01

50:50 GENDER PARITY

'Parity means the full and equal 50:50 sharing of power between women and men as a permanent and core feature of all areas, including political, public, and economic life.'

General Recommendation No. 40, 15.



Image by UNCSW 2021

02

YOUNG PEOPLE'S EFFECTIVE LEADERSHIP

'A transformative approach to young people's engagement is required to reach parity in decision-making for current and future generations. Parity is essential to ensure that young people can effectively build a peaceful, equal, inclusive and sustainable world that responds to their demands, implements their rights, ensures youth co-leadership, intergenerational solidarity, and enables them to anticipate and overcome crises.'

General Recommendation No. 40, 16.

03

INTERSECTIONALITY AND INCLUSION OF WOMEN

'To ensure truly inclusive decision-making systems, women in all their diversity, with particular attention to youth as guarantors of the sustainability of parity, need to be leading forces in the implementation of legislation, strategies, policies and programmes towards realizing this right.'

General Recommendation No. 40, 17.



04 COMPREHENSIVE APPROACH

‘A joint reading of Articles 7 and 8, alongside Articles 5, 9-16 elucidate an expansive approach to women’s representation in all decision-making systems. This aligns with Articles 1 and 3, which recognize the interrelated nature of women’s rights across all fields of life.’

General Recommendation No. 40, 18.

05 WOMEN’S EQUAL POWER

‘Equal and inclusive representation in decision-making means that all portfolios are accessible to women and men at all level of representative government. It also means re-valuing and prioritizing issues, as well as ensuring parity across issue areas.’

General Recommendation No. 40, 19.

06

STRUCTURAL TRANSFORMATION

'Changing these norms and stereotypes requires the structural transformation of gendered roles and responsibilities across the public and private spheres, fostering a context where both women and men can equally integrate professional duties and competencies and family and other care obligations, including through a new organization of work, and a reconfiguration of the concepts of productivity, monetization and care economy.'

General Recommendation No. 40, 20.

07

CIVIL SOCIETY PARTICIPATION

'To create more inclusive forms of governance, States should open pathways and remove any obstacles, reverse the increasing closing of civic space, ensure rights protection, and provide financial support and capacity-building, to women's and girls' organizations and women human rights defenders, so that they can substantively participate in all fields of decision-making.'

General Recommendation No. 40, 21.



Image by UNCSW 2024



**PARITY: FROM A CAUSE TO A NORM
FROM LEAVING NO ONE BEHIND TO
BRINGING EVERYONE ALONG**

CEDAW COMMITTEE, 2024

THE GEM TOOL (GEM TEAM MEMBERS)



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David
Researcher



Ms Rahel Hirschi
Research Assistant



Ms Felicia Meyer
Research Assistant



Ms Rym Tlili
Research Assistant

LIST OF PUBLICATIONS

Fornalé E. and Cristani F. (eds.) Women empowerment and its limits. Interdisciplinary and transnational perspectives toward sustainable progress, Palgrave/Springer (2023)

Fornalé E. (ed.) Gender equality. Reflecting on power, representation, and global justice, Brill (2022)

Fornalé E., Slow violence, gender and climate agency (2023), Revista de Derecho Europeo

Fornalé E., Embracing gender parity at International and European level, in De Vido, S., Preventing and Combating Violence against Women and Domestic Violence. A Commentary on the Istanbul Convention, Edward Elgar Publisher (2023)

De Vido S. and Fornalé E., Achievements and hurdles towards women's access to climate justice', in E. Fornalé and F. Cristani (eds), Women's Empowerment and Its Limits. Interdisciplinary and Transnational Perspectives Toward Sustainable Progress (Palgrave, 2023)



KNOW THE GAP TEAM

- Sophia Thompson
- Federica Cristani
- Sandra Joseph
- Nadine De Angelis

Launch of the Intersect Observatory,
Prague 2024
www.hrjust-intersect-observatory.eu

The pandemic has highlighted how existing power structures continue to perpetuate gender inequality, making the underrepresentation of women increasingly untenable. It is essential to examine the normative implications of participatory rights, the impact of affirmative actions on fostering or hindering participation, and the ways in which institutional practices still create de facto inequality between men and women. The GEM project aims to develop a two-dimensional approach (internalization/externalization) to explore the foundational elements of women's participation at both domestic and international levels, emphasizing the importance of enhancing their complementarity.

www.womenandparticipation.org

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