

Office of the High Commissioner for Human Rights (OHCHR)

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CEDAW General Recommendation No. 40 on the equal and inclusive representation of women in decision-making systems

18 November 2024

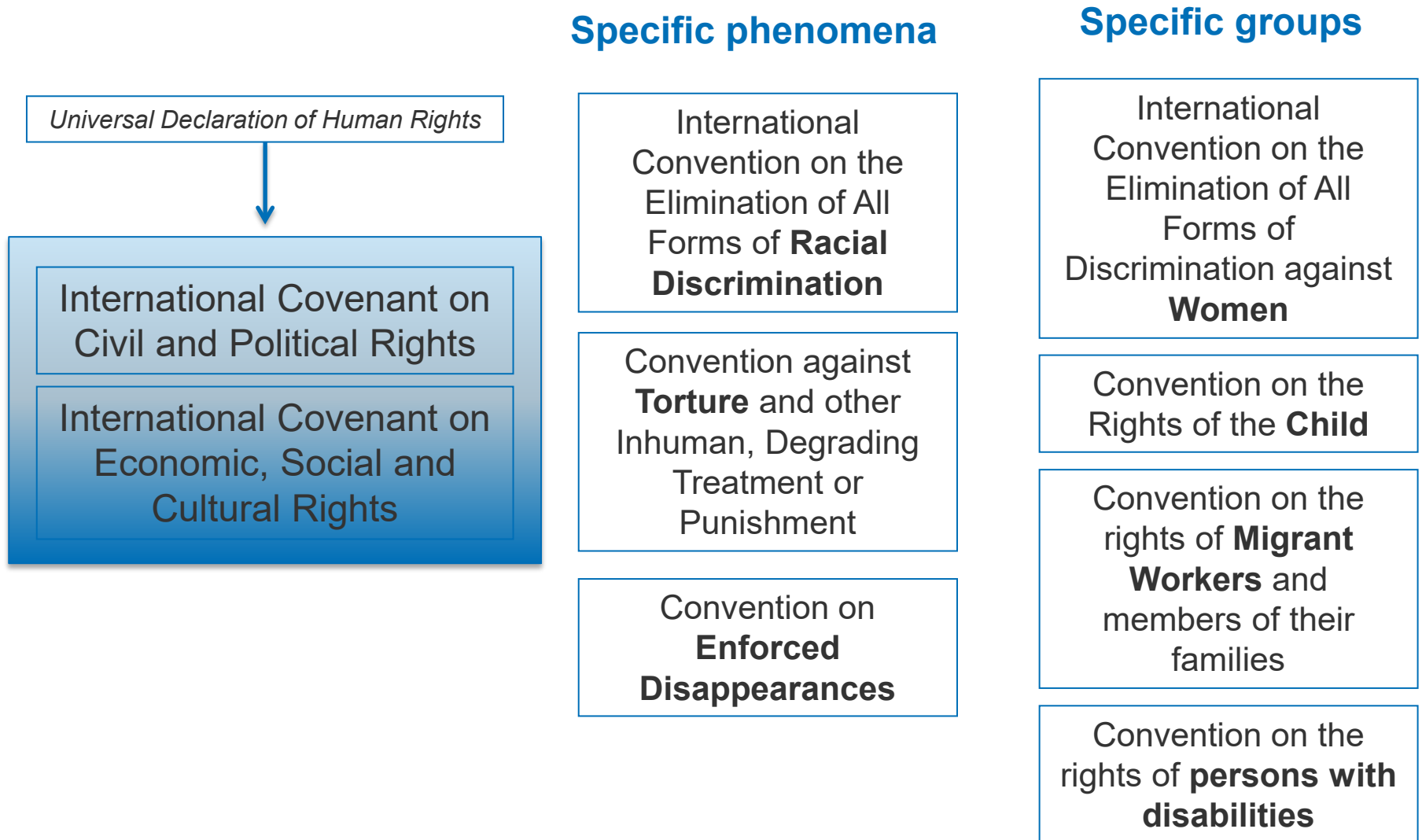


**UNITED NATIONS
HUMAN RIGHTS**
OFFICE OF THE HIGH COMMISSIONER

Outline

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International human rights treaties



What is CEDAW?

- The Convention on the Elimination of All Forms of Discrimination against Women
- Adopted by the General Assembly on 18 December 1979
- As of May 2023, 189 countries are parties to the Convention
- CEDAW Committee - monitor by various means, the implementation of the Convention by States parties

Convention on the Elimination of All Forms of Discrimination against Women

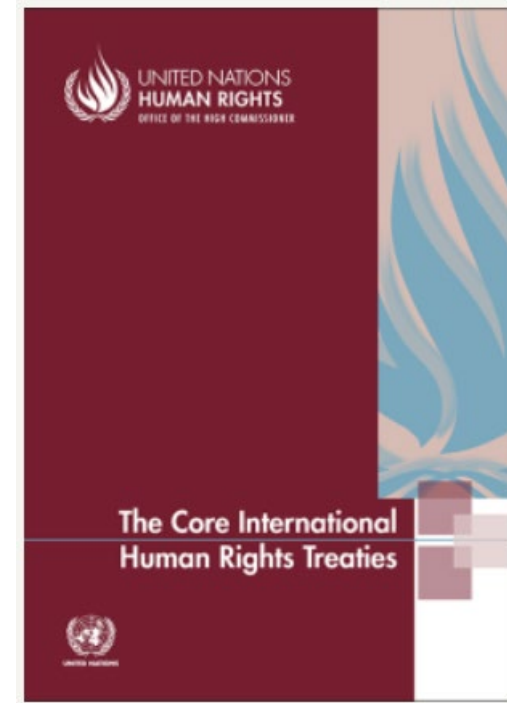
Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979

entry into force 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,



Why CEDAW?

- All Human Rights enshrined in other conventions including ICCPR and ICESCR apply to women.
- There is a general principle of equality and non-discrimination in both these instruments...

BUT

- Although they are fundamental, they are not sufficient.
- Based on a practical assessment, as stressed in the preamble of CEDAW: “extensive discrimination against women continue[d] to exist”

What are general recommendations?

- Mandate: Article 21 of the Convention authorizes the Committee to issue General Recommendations.
- Provide authoritative guidance on implementing the CEDAW Convention in specific thematic areas.
- Significance: GR No. 19 introduced the prohibition of violence as a form of discrimination, influencing laws globally and evolving into a norm of customary international law recognized in GR No. 35.
- Reflect evolving interpretations and have shaped the broader understanding of women's rights.

Overview of general recommendation No. 40

- Key Ask: Equal representation - 50:50 and equal power in all decision-making systems.
- Purpose: Address and dismantle barriers preventing gender parity in governance.
- Scope: Encompasses both public and private sectors with a holistic approach to systemic reform.
- Goal: implement women's rights and overcome global challenges.

Language: Moving away from improving to achieving



Parity as a right and as a tool

- Parity is not just a right but a governance tool.
- Collective Intelligence: Diverse groups make better decisions, benefiting society.
- Proven Benefits: Women's leadership has been linked to more equal and sustainable outcomes.
- Strengthens resilience across societies by ensuring that all voices are represented in critical decisions that impact long-term sustainability and equity.
- GR 40 relevance for Economic and Trade Sectors: Highlights the need for gender equality as a foundation for sustainable economic growth, inclusive decision-making, and fairer trade policies.



The seven pillars of GR 40

- 50:50 Parity as a Universal Standard
- Youth Leadership with Gender Parity
- Intersectionality and Inclusion
- Comprehensive Approach to Decision-Making Spheres
- Equal Power and Influence
- Structural Transformation for Inclusive Decision-Making
- Representation of Civil Society in Decision-Making

From 30 Percent to Parity Everywhere

- Shift in Standards: The 30 percent threshold is considered discriminatory.
- Rationale: Full gender parity (50/50 representation) is necessary to ensure true equality and to dismantle structural gender biases.
- Calls for a more ambitious and just approach to representation.
- Parity as foundational principle - institutionalization

Equal Power

- Avoid tokenism, stereotyped roles, less influential roles
- Parity requirements and rotation
- Parity in all sectors and at all levels
- Safeguards for private sector

Intersectionality

Intersectionality as core principle of CEDAW

Women subjected to intersecting forms of discrimination will face additional barriers to access decision-making roles

- Eradicate intersecting forms of discrimination
- Intersectional gender perspective based on data collection
- Recruitment strategies for equal access + incentives for private sector
- Promotion of role models

Economic Empowerment and Gender Equality

- **Economic Autonomy:** Women's economic independence as essential for social justice and inclusive economic growth.
- **Current challenges:**
 - ⇒ Underrepresentation in STEM, trade negotiations, financial institutions, and executive positions.
 - ⇒ Limited access to resources like capital and markets, e.g., women-owned businesses receive only 1% of public procurement.
- **Solutions Proposed:**
 - ⇒ Recognition of parity as a core priority and corresponding policy change and awareness-raising
 - ⇒ Temporary special measures, quotas, and incentives towards equal access to leadership roles.
 - ⇒ Policies to address wage disparities and promote equal access to business opportunities.

Inclusive Trade and Economic Decision-Making

- Gender-Sensitive Trade Policies: Gender-responsive economic governance, including in multilateral trade institutions and international trade agreements.
- **Challenges in Trade:**
 - ⇒ Women often concentrated in low-wage sectors, excluded from trade-related decision-making.
 - ⇒ Discrimination in access to economic resources, patents, and intellectual property.
- **Policy Recommendations:**
 - ⇒ Mandates for women's equal representation in trade bodies and public procurement.
 - ⇒ Support for women-led businesses in competitive sectors through incentives and fair access.

Inclusive Economic Framework for International Trade

- Sustainable, human rights-based economy that integrates gender equality at its core.
- **International Implications:**
 - ⇒ International organizations to adopt parity policies and feminist frameworks in economic and trade systems.
 - ⇒ Emphasis on transparent and inclusive systems to eliminate gender biases in trade and technology.
- **Conclusion:** Parity as essential to creating a balanced, resilient global economy benefiting all.

Innovative Sectors and Technological Transition

- **Women in Technology and Innovation:**

- ⇒ Critical need for gender parity in emerging fields like AI, digital economy, and tech-driven sectors.
- ⇒ Current challenges include persistent gender digital gap, severe underrepresentation in tech development (women only 18% of AI researchers and 29.2% of STEM workforce)

- **Importance of Gender Parity in Technology:**

- ⇒ Inclusive representation in tech innovation fosters diverse perspectives, avoids gender bias in AI algorithms + ethical and fair digital transformation.
- ⇒ Parity in tech sectors for overall resilience, adaptability, and societal equity in digital advancements.

Innovative Sectors and Technological Transition

- **Recommendations for Technological Parity:**

- ⇒ Understanding of equal relevance of STEM fields for women and men – policy change and awareness-raising in this regard
- ⇒ Temporary measures like quotas and incentives to overcome obstacles in women's access to STEM careers.
- ⇒ Support for women-led tech enterprises and startups, particularly in AI, patent applications, and intellectual property.
- ⇒ Creation of gender-responsive digital policies that address biases in AI and support equitable access to digital resources for women.