



CEDAW'S RECOMMENDATION NUMBER 40 ON THE EQUAL AND INCLUSIVE REPRESENTATION OF WOMEN IN DECISION-MAKING SYSTEMS

Proposal from Red de Mujeres FIO¹

1. Introduction: Who are we?

The **Ibero-American Federation of Ombudsperson (FIO)**, which was created 20 years ago, brings today a group of more than 100 ombudspersons, prosecutors, providers, as well as presidents of both national and state human rights commissions from 22 Ibero-American countries, to provide a forum for cooperation, exchange of experiences, as well as the advancement, dissemination, and strengthening of the offices of ombudspersons as human rights defenders.

The ombudspersons are institutions with a mission to protect the constitutional and fundamental rights of human beings and their communities, to supervise the fulfillment of the State's duties and the provision of public services to the population, as well as to defend and advance human rights. In order to accomplish this, the head of the institution enjoys total independence when it comes to complying with the functions conferred to them by the Constitution and in accordance with the Paris Principles. This institution is governed by the Constitution, its respective organic laws and international treaties.

FIO is organized in thematic networks, including the FIO WOMEN'S NETWORK (hereinafter, "The Network"), whose functions range from proposing policies, strategies, legal and social programs, to developing methodologies and tools to enable research, training, dissemination, and denunciation of issues related to the violation of women's rights. For more information, please visit <http://www.portalfio.org/?Ancho=1920>.

¹ 'Red de Mujeres FIO' as in FIO Women's Network.



The Network is a space for the exchange of experiences and a means to improve and strengthen the work within the offices of the ombudsperson; and above all, to advance and propose changes to eliminate the exclusion factors that affect millions of women.

The disruptive crises we are experiencing in the 21st century have highlighted the systematic fragility of women’s rights in the world—which is due, in large part, to their limited weight and power within both public institutions and political governance.

2. Analysis of the current situation

For decades, and since the democratization of Latin American countries, movements led by women and diverse groups have propelled exposure and change with the goal of reducing the gender gaps that exist in all areas of society. As a result of this work, the inequalities in this region regarding the political participation of certain groups are now visible.

Political participation from women and diverse groups constitute one of the central objectives on gender equality; and it is a necessary condition for the full exercise of a woman’s citizenship and the effective realization of democracy. However, if we take a closer look at the data, we are still very far away from reaching equality in political participation, which is also reflected on gender parity.

At the national executive branch level, and up until 2021, only 22 countries were governed by a female Head of State or Government; and in 119 countries, a woman has never been president. Moreover, 21% of those who occupied Ministries in the world were women, and only 14 countries have reached 50% of women in their government cabinets (UN Women, 2021). For the Ibero-American region, the average participation of women in ministerial cabinets is at 28,7% (Gender Equality Observatory for Latin America and the Caribbean – CEPAL). At this rate, UN Women estimate that “with an annual increase of only 0.52 percent, gender parity in ministerial positions will not be achieved by 2077.” (UN Women, 2021).

At the legislative level, and as a result of institutional interventions, such as quotas, gender-based quotas and gender parity in the lists, the indicators are improving—though very



slowly— towards parity. According to data from UN Women ([2021](#)), only 25% of the national parliamentary seats were held by women in 2021—a percentage that increased from the 11% registered in 1995. If we take Ibero-American countries, this percentage reaches 35%, with only three countries reaching or exceeding parity (Mexico, Nicaragua and Cuba); and with five of them being around 40% (Argentina, Costa Rica, Bolivia, y Granada) ([Gender Equality Observatory for Latin America and the Caribbean – CEPAL, 2022](#)).

In the judicial power, we generally find a situation where the base of the pyramid is mostly female, and the apex is mostly male-dominated. This means that the proportion of women decreases as one moves up in the hierarchical ladder. In this respect, the percentage of female ministers in the Highest Court of Justice or Supreme Court in the Ibero-American region stays at 30% ([Gender Equality Observatory for Latin America and the Caribbean – CEPAL, 2022](#)).

At the local level, gender parity in decision-making positions seems like a distant reality. From a global perspective, the participation of women in local deliberative organs is at 36% (which is similar to the European average), as compared to 25% in the Latin American region ([UN Women, 2021](#)). That said, the representation of women in local governments is not homogenous: it is lower in less urbanized areas that have more traditional gender norms, as well as in political positions of great power, such as high-level positions in local governments, executive positions, or any positions that come with spending power.

In the private sector, the glass ceiling remains intact, with one in three women in the world being a manager or a supervisor ([UN Women, 2022](#)).

3. Barriers to decision-making and exercise of power

The previous data indicates that there is still a lot of work to be done in order to achieve a real, substantive and parity-based democracy. Even though affirmative actions are fundamental and require further deepening, there are other persistent impediments to the political participation and exercise of power from women and diverse groups. Among these barriers, we identify the following:



- A. Political violence and harassment, which directly threatens women’s physical integrity and their families, creates terror, and seeks to expel them from political life.
- B. Increased workload in paid and unpaid jobs (e.g., caregiving tasks).
- C. Lower incomes and less financial autonomy.
- D. Gender stereotypes: according to the World Values Survey (conducted in 74 countries), stereotypes are entrenched everywhere and are predominant in rural areas where, on average, 47% of their inhabitants believe that males are better equipped than women when it comes to politics, as compared to 34% of residents in urban areas (UN Women, 2021).
- E. Lack of intersectional data containing the diversity of women: women in poverty, women from minority ethnic groups, indigenous women, young women, LGBTIQ+ women, or women with disabilities (UN Women, 2022).
- F. Biased participation and feminization of certain thematics: when there are women in legislative or executive positions, parity is damaged by gender stereotypes, which exclusively connects women with feminized thematics, such as social issues, education, childhood and adolescence, and gender issues.
- G. Party decision-making tables with no parity: given the absence of women in these decision-making spaces, the creation of election lists and appointments are left in the hands of men.
- H. Public budgeting without integrating a gender perspective: in fact, there is very little participation from women in the preparation of public budgeting and expenditure, and even less participation from their diverse groups.

4. Proposals for improvement

To ensure effective compliance, in particular of articles 1,2,3,4,5,6,7 and 8 of the CEDAW Convention of 1979, we propose the following:

4.1 Adoption of measures in the area concerning political parties



Political parties are regulated by certain characteristics that constitute major impediments in achieving effective parity. They still maintain patriarchal structures and practices, and in some cases, a scarce internal democratic process that ends up determining (and limiting) the electoral offer citizens will choose from. Generally, political parties operate as bottlenecks, especially when they decide the electoral lists and the order of the candidates therein. Likewise, many political parties have no formal rules for the election of their candidates, which is why so many women do not account for the same opportunities as their male counterparts, even when they have similar trajectories, training, and leadership experience within each party. Some measures to keep into account are:

- Dissemination, training, prevention and awareness-raising on gender perspective and equal participation within the political party.
- The incorporation of the principles of gender equity and non-discrimination in the internal regulations.
- The advancement of the participation of women and their diverse groups in the various structures of political parties, especially in decision-making positions.
- The incorporation of gender parity and the alternation of the creation of lists.
- The creation and strengthening of gender-based areas within political parties.
- The creation of Technical Units for the mainstreaming of gender equity within political parties.
- The design of protocols and regulations to prevent, address, and punish gender-based political violence against women and their diverse groups inside the political parties.
- Encouraging the States to allocate a part of the political party's public financing to activities that promote the women and diverse individuals who are present in political parties.

4.2 Political Violence

Most women and their diverse groups who actively participate in politics are exposed to multiple forms of violence: symbolic, psychological, economic, sexual, and in the most extreme cases, in the form of femicide (such as Juana Quispe in Bolivia, Berta Cáceres in Honduras, and



Marielle Franco in Brazil, among many others). It is crucial that the States increase the monitoring and control of gender-based political violence. It is necessary to shed light on this massive and persistent phenomenon because in order for women to be in political spaces or hold decision-making positions, they need to be free from discrimination and violence. Accordingly, we can take measures, such as:

- The development of laws and regulations for the prevention, awareness, protection, and eradication of political violence and harassment against women and diverse groups in order to prevent, effectively punish and eliminate this kind of violence.
- Training in human rights and gender perspective for journalists, so that we can avoid discriminatory and re-victimizing narratives towards women.
- Social networks are spaces where debates and exchanges of political ideas take place; and this also gives rise to discriminatory manifestations—and in many cases, very violent ones—towards those women and diverse groups who are participating in the political process.² An articulated joint effort between communication teams of women candidates or officials to develop common measures to discourage and deactivate these attacks and aggressions could not only solve isolated issues, but also tear down the wall of aggressive, misogynist, and violent comments that try to expel women and diverse groups interested in public affairs from the political arena.
- A comprehensive approach that encompasses appropriate regulations for political parties, the media, digital platforms and citizens. It's essential to establish recommendations in regards to reducing gender-based political violence.

4.3 The importance of multi-level governance.

In order to achieve policies that favor the inclusion of women and diverse groups in decision-making positions, it is important to have a multi-level perspective, thereby paying special attention to local positions and their political, social and cultural dynamics so that they are not lost if we only focus on the national levels.

² For a deeper explanation of this point, we recommend reading the following article: <https://www.calameo.com/read/0026823990f3b386972e8>



Countries that apply legislated quotas are those in which women reach a higher proportion of political decision-making positions at the local level. However, it is also at the local level where women encounter more obstacles, given there is less influence from political parties and more influence coming from traditional local dynamics. Likewise, women with fewer support systems (i.e., women with disabilities, with lower incomes, from minority ethnic groups, indigenous women, youth and/or LGBTQI+) have less influence in the dynamics of local politics (UN Women, 2021). It is also important to highlight that, in local governments, women continue to be left out from executive positions.

Given the absence of substantive data, it is not possible to assess the totality of the situation concerning local governments at the regional level, which is why we recommend the following:

- Generate data at the local level to be able to understand what level of hierarchy or power women hold in decision-making positions.
- Gather data to learn about the diversity within women (with disabilities, with low income, indigenous women, LGBTQI+), so that we can assess in more detail multiple political trajectories.

4.4 Strengthening the role of Human Rights Institutions (IDH)

Human Rights Institutions play a key role in protecting political and electoral rights, and they are the driving forces behind the transformation of socio-cultural practices towards gender equality in all areas of society, even in political representation—thereby contributing to the consolidation of democracy.

Our institutions work daily in the development and protection of the political rights of women and diverse groups. We observe, however, various limitations given that we do not have, in many instances, the power to sanction; and not all of us have monitoring prerogatives in electoral matters. Even so, and due to our daily work, we believe that we can establish ourselves as spaces for training and consultation within the States when it comes to discussing and defending the rights of women in the political arena. We can be reference points, so that



women and diverse groups who venture into politics, can count on a place that defends their rights with independence and political neutrality.

The support of the CEDAW in this Recommendation is fundamental for the institutionalization of follow-up reports, legislative initiatives, prosecutions or the filing of legal actions, and any other tool that contributes to addressing this problem and its solution. It is our duty as an IDH to defend the political rights of women; and if these were to be curtailed, to identify such situations and denounce them so that the States can effectively work on their restitution.

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Beatriz Barrera Vera
General Coordinator