INSTITUTE FOR AFRICAN WOMEN IN LAW
FLAGSHIP REPORTS

GENDER PARITY IN UN HUMAN RIGHTS BODIES
A REGIONAL CONSULTATIVE MEETING
Executive Summary

Human rights organs at the United Nations (UN) have historically failed to represent women equally in treaty bodies. Studies such as the historical overview by Anna-Karin Holmlund has demonstrated this trend across the treaty bodies. A lack of gender parity threatens the legitimacy of international justice and prevents diverse views to be heard in important decision-making positions. In July 2019, the UN Human Rights Council (HRC) passed a Resolution A/HRC/41/L that recognized the lack of gender balance in UN bodies and requested an advisory committee to prepare a report on women’s participation in UN human rights bodies and mechanisms.

This resolution and the required report represent the first time that the HRC has recognized the gender inequality in the membership of its own UN bodies and mechanisms. It is anticipated that the report will offer a unique opportunity to address the issue of women’s representation at the highest political level and create tools to work toward gender parity in the UN bodies.

The Institute for African Women in Law in partnership with Professor Elizabeth Salmón, member of the Advisory Committee of the United Nations Human Rights Council (Rapporteur), the Gender Equality Campaign, and the American University Washington College of Law Academy of Human Rights and Humanitarian Law hosted a discussion inviting experts from the African region whose understanding of the obstacles to gender parity and recommendations will be reflected in the UNHRC report. UN treaty body members must work to understand why gender parity has yet to be achieved in the human rights treaty bodies, and the call for the report recognizes the need for this information. The obstacles identified during the discussion show that intersectional gender-based challenges hinder women from accessing some of the highest political positions both nationally and internationally.

The recommendations put forth by the experts suggest that a focus on widespread and targeted advertising of treaty body positions, quota systems, mentoring opportunities, and more political opportunities for women at the national level will help reach the goal of gender parity in the UN treaty body system. We hope you enjoy learning about the obstacles and recommendations offered by experts, and we look forward to future engagement with all interested stakeholders as we work to ensure gender parity in UN human rights bodies and beyond.
MEETING PARTICIPANTS

JUDGE REINI ALAPINI-GANSOU
Judge at the International Criminal Court and former Commissioner at the African Commission for Human and Peoples' Rights.

DR. REBECCA EMIENE BADEJOGBIN
Director of Academics at the Council of Legal Education, Nigerian Law School.

JUDGE MEMOODA EBRAHIM-CARSTENS
Former Judge at the United Nations Dispute Tribunal.
JUDGE NKEMDILIM IZUAKO
Former Judge at the United Nations Dispute Tribunal.

AMBASSADOR LIBERATA MULAMULA
Former Tanzania Ambassador to the United States and former Associate Director for the Institute for African Studies at the George Washington University Elliott School of International Affairs.

JUDGE MONICA MUGENYI
Principal Judge of the East African Court of Justice (EACJ).
JUDGE ELIZABETH IBANDA NAHAMYA
Judge at the United Nations Residual Mechanism for Criminal Tribunals.

MS. OSAI OJIGHO
Country Director of Amnesty International Nigeria.

DR. PIERRE SOB
Founding Director of Horizon Learning Link Consulting and former Senior Human Rights Specialist at the Office of the United Nations High Commissioner for Human Rights.
BACKGROUND

In July 2019, the Human Rights Commission (HRC) at the United Nations (UN) adopted a resolution requesting the HRC Advisory Committee in cooperation with the UN Working Group on Discrimination Against Women and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee to prepare a report on women’s participation in the HRC organs and committees. This resolution was the first time the HRC specifically recognized the lack of gender parity in UN bodies. To prepare the report for its submission in July 2021, the HRC Advisory Committee sought the participation and views of stakeholders from around the world.

On October 20, 2020, the Institute for African Women in Law (IAWL) hosted a regional consultative meeting with stakeholders from the African region. The meeting included a total of eleven civil society organization (CSO) representatives, judges, professors and researchers, ambassadors, and lawyers. Dr. J. Jarpa Dawuni of IAWL moderated the discussion which was also supported by the Gender Equality Campaign (GQUAL), the UN Office of the High Commissioner for Human Rights (UNHCR), and the American University Washington College of Law Academy of Human Rights and Humanitarian Law. The goal of the consultative meeting was to identify some of the main obstacles to gender parity and provide recommendations to be included in the HRC report.

Introductory remarks highlighted the frequent underrepresentation of women in UN treaty bodies. A GQUAL report shows that only two out of the ten UN human rights treaty bodies have members that are 50% or more women. As the report suggests, women’s underrepresentation in treaty bodies “affects the quality, impact, and legitimacy of international justice.” Gender parity in international bodies is essential to ensuring the legitimacy of justice. The following sections reflect the discussions of both the obstacles and solutions to promoting gender parity in UN bodies during the consultative meeting of the African regional representatives.
All participants framed the conversation by recognizing that there are many qualified women who can fill positions in UN treaty bodies, but obstacles on different levels, from personal to national, regional, and international, were hindering the goal of gender parity. Dr. Badejogbin noted that obstacles can be both legal, such as the requirements for nomination and qualification, and non-legal factors, which are political and socio-economic. One of the biggest obstacles that multiple participants identified was the general lack of information about UN treaty body positions. This problem is not exclusive to developing countries and was repeated throughout the meeting.

Not only is there a lack of information about when a position in a treaty body is available, but also about the role and structure of treaty bodies broadly, even where those treaties have been domesticated. As Dr. Sob, Founder and Director of Horizon Consulting International, highlighted, the burden to educate and inform in many areas falls on civil society organizations (CSOs) and non-governmental organizations (NGOs) who do not always prioritize advertising committee positions or educating on the role of treaty bodies – “either they haven’t had the chance or they have other local and national interests.” Participants also identified general obstacles that are unique to women. Some expressed concern that women were not applying for positions because they felt they were unqualified or were concerned about the (unpaid) commitment that would divide their time even further.

One participant shared a conversation she had with her president who perceived women as reluctant to take on a position in a treaty body. Judge Nahamya at the United Nations Residual Mechanism for Criminal Tribunals identified women’s lack of confidence in applying for committee positions and a lack of knowledge of how to present their experiences and background as a barrier to their success. Osai Ojigho, Country Director of Amnesty International Nigeria (speaking in her right as a human rights lawyer), noted the general gender bias in the legal system that discriminates against women, even in things as simple as how judges are addressed in court.
Finally, the issue of gender-based specialization, where women are associated with soft or “pink” law issues, may hinder women’s consideration for treaty body positions that do not address “women’s issues” (for example issues arising beyond CEDAW and the Committee on the Rights of the Child). Judge Ebrahim-Carstens, a former judge on the United Nations Dispute Tribunal and the Industrial Court of Botswana showed that this identification of women with soft law issues is misguided, and “can pigeon hole women to certain issues.” Obstacles on the national level include spaces maintained by men in political power that prevent women from getting nominated. For treaty body positions requiring nomination by a member state, the standard pool of applicants is in fields traditionally dominated by men, such as a country’s ministry for foreign affairs.

These male-dominated spaces perpetually limit women from access due to nepotism or the behind-the-scenes conversations of “men’s clubs.” Participants stated that women may not have the social and political connections they need to be considered for a position or even learn about the nominations. Judge Alapini-Gansou at the International Criminal Court noted that while there are personal obstacles, “political actors are the biggest challenge who forget to think about women in the nomination” process. Political actors have the power to give women access to information and nominations, but by maintaining the existing personal networks (of men) and rewarding political loyalty, women are unable to make those valuable connections.

Further, because a potential nominee must be supported by the government, political affiliation to the party in power can play an important role. Ambassador Mulamula (former Ambassador to the US) showed how important the support of the government in power can be, which ensures that the government will therefore promote the campaign necessary to get the votes for approval and manage “diplomatic deceit” as it occurs in the nomination process. All of these interactions with the government require rich political networks which, as the participants identified, women are often lacking.
Obstacles may also occur on the regional and international levels. International and regional support of a nominee can provide the respect and endorsement that a candidate needs. Therefore, the lack of this support can severely hinder access to treaty bodies. At the subregional level, geopolitics may also make it difficult for women to advance their nomination. If a subregion is not unified and a woman candidate is seen as controversial, a strong male candidate will be pitted against her, greatly diminishing her chances of continuing. As Judge Mugenyi from the Ugandan Court of Appeal and the East Africa Court of Justice noted, “women need to be able to compete on merit without being bogged down by political, national, and regional interests.”

RECOMMENDATIONS

To address the challenges the group discussed, participants recommended broader and more public advertising of UN openings. This advertising campaign could occur publicly through websites and newspaper announcements or in the form of email notifications when a position is available. Some participants also encouraged CSOs to increase their activity in advertising open positions and to even reach into their networks to find candidates. Beyond the work of CSOs, other UN or regional bodies can also help circulate the information and actively seek out candidates. By addressing this lack of information, an advertising campaign supported by CSOs and regional and international bodies could encourage gender parity in UN human rights organs and mechanisms.

Multiple participants also suggested implementing a quota system to ensure gender parity in the UN human rights organs. Others mentioned quotas could be considered not only for gender parity but also to encourage more equal geographic and regional representation within the larger UN system. Several participants noted that candidates from the African continent broadly and from Sub-Saharan Africa specifically were underrepresented in the treaty bodies. When gender or other quotas are created, they must be enforced.
More broadly, the process of voting for treaty body members must be transparent and merit-based. Institutionalized screening of candidates may also help promote more women members. Judge Izuako of the United Nations Dispute Tribunal noted that the UN must also be willing to look outside of government positions for candidates and instead choose members based on the competencies the UN is seeking for the position. Women should also be part of observer missions so they can gain the necessary experience they need to take on leadership positions or serve on treaty bodies in the future.

Dr. Badejogbin, Director of Academics at the Council of Legal Education at the Nigerian Law School, mentioned the inclusion of policies that cater to family life, such as parental leave, may support women who may be concerned about dividing their time even further. To address some of the concerns on a national level, participants noted that the expansion of women’s personal political networks would help remove some barriers to treaty body membership. Women who are in positions of power need to build those networks for other women and ensure they are mentoring those with less experience.

Changes also need to occur within national governments to give women access to government positions that will prepare them for treaty body participation. Finally, several participants noted that on the national level, building a list of qualified experts through a database that lists qualifications and specializations could help ensure women are included in future considerations. Participants noted that all of these suggestions must be documented to see what best practices have been effective and what strategies have not been as effective.
CONCLUSION

With the input of key stakeholders from diverse regions around the world, the upcoming HRC Advisory Committee report has the potential to provide actionable measures at the national, regional, and international levels to ensure gender parity in UN treaty bodies. The regional meeting with representatives for the African continent showed that women faced many obstacles, such as lack of information about treaty body openings and functions, harmful gender stereotypes, and limited political networks. However, participants identified several recommendations to increase opportunities for women, including unique strategies and advertising campaigns to spread information, gender and geographic quotas on treaty bodies, transparent voting and appointment processes, and the expansion of women’s political networks. With these tools, the HRC Advisory Committee can continue working to ensure gender parity in UN treaty bodies.
Judge Reini Alapini-Gansou: Judge Reini Alapini-Gansou is a judge at the International Criminal Court. Prior to joining the ICC in 2018, Judge Reine Alapini-Gansou spent 12 years at the African Commission on Human and Peoples’ Rights (ACHPR), as Chair of the Commission (2009-2012), and as Special Rapporteur on the situation of human rights defenders in Africa (2005-2009 and 2012-2017). She has been a member of several United Nations commissions of inquiries on human rights violations, and chaired the joint working group on special procedures of the United Nations and the African Commission on human and people’s rights. In 2011, she was appointed as judge at the Permanent Court of Arbitration. Author or co-author of several publications, she has been a professor at the University of Abomey - Calavi, in Benin. She holds a joint postgraduate degree (DEA) from the Universities of Maastricht (Netherlands), Lomé (Togo) and Bhutan as well as a university degree in Common Law from the University of Lyon 3 (France). She also obtained a Master’s Degree in Business Law and Judicial Careers from the National University of Benin. She has also obtained several diplomas in the area of international human rights law (1993-2002) at the African Institute of Human Rights in Banjul, René Cassin Institute of Human Rights in Strasbourg, France; and the International Development Law Organization (IDLO) in Rome. Judge Alapini-Gansou was admitted to the Benin Bar in 1986. She worked for the Association Avocats Sans Frontières (ASF) Belgium on the project “Justice for all in Rwanda” in 2001. She is also a member of the International Criminal Bar.

Dr. Rebecca Emiene Badejogbin: Rebecca Emiene Badejogbin is a lawyer and currently a Director of Academics at the Council of Legal Education, Nigerian Law School where she has lectured since 2001. She is the Head of Academics at the Yola Campus. She has taught Constitutional Law over the years and currently teaches Property Law Practice, Professional Ethics and Skills. Her research interests also include judicial appointments at national, regional, and international courts. She has over the years carried out extensive empirical and doctrinal research on customary law, courts, and the judiciary in Nigeria and South Africa. She is published in peer-review journals and is the co-author of Law in Practice: Professional Responsibilities and Lawyering Skills in Nigeria (2014).

Judge Memooda Ebrahim-Carstens: Judge Memooda Ebrahim-Carstens served as full-time judge of the United Nations Dispute Tribunal (2009-2019) having been initially appointed to the UNDT in 2009 for a three-year term. She was reappointed effective 1 July 2012 for an additional seven-year term. She was President of the UNDT from 2011-2012 and again from 2014-2015. She was formerly a presiding judge of the High Court of Botswana. Prior to this, she served for more than 10 years as a judge of the Industrial Court of Botswana, a Superior Court of Law and Equity, a specialized labor court, where she gained considerable experience in the fields of employment/labour law, administrative law, adjudication and mediation. Having been with the Industrial Court of Botswana almost from inception, she added a wealth of jurisprudence to the area of employment law in particular. Her judgments have been reported in the Botswana Law Reports, the African Human Rights Law Reports, on the South African Legal Information Institute (SAFLII) website, and in ILO (International Labour Organisation) publications, and currently on the UN Tribunal’s website.
Judge Nkemdilim Izuako: Judge Nkemdilim Izuako served as one of the eight pioneer judges on the United Nations Dispute Tribunal (UNDT) from 2009-2019. Judge Nkemdilim Izuako has held numerous leadership positions, one being, serving as UNDT’s president. Judge Nkemdilim Izuako received a Bachelor of Laws (LLB) and Master of Laws (LLM) from Obafemi Awolowo University. From 1998 to 2003, she worked as a judge in the courts of Anambra State in Nigeria, and later promoted to the Federal High Court of Nigeria. From 2004-2008, she served as a High Court judge of the Commonwealth Secretariat in The Gambia. In 2008, Judge Izuako was dispatched to Solomon Islands by the Commonwealth to serve as a puisne judge. Nkemdilim Izuako has been a member of many national and international organizations and has worked for women’s equality throughout her life, from teaching pro bono at the Nnamdi Azikiwe University in Nigeria, and introducing an unprecedented Women and Minority Rights Law course.

Ambassador Liberata Mulamula: Ambassador Mulamula is the former Associate Director for the Institute for African Studies at the George Washington University Elliott School of International Affairs. She is a career diplomat with 35 years of experience having served in various capacities at the Tanzania Ministry of Foreign Affairs and its Diplomatic missions in New York (Permanent Mission to the UN), Canada and the USA. She also served as the first Executive Secretary of the International Conference on the Great Lakes Region of Africa for Peace, Stability and Development with headquarters in Bujumbura, Burundi. In this position, she oversaw 11 countries from 2006-2011. Before retirement in April 2016, her other senior posts included the executive ministerial post of Permanent Secretary of the Tanzania Ministry of Foreign Affairs (May to December 2015). She provided managerial and administrative leadership to the Ministry’s staff and Tanzania Diplomatic Envoys abroad. She was also the Tanzania Ambassador to the United States of America and Mexico (July 2013 to May 2015), having served as Special Advisor to His Excellency President Jakaya Mrisho Kikwete of Tanzania on all Diplomatic matters (2012-2013). During her tenure in Washington as Tanzania Ambassador to the USA, Ambassador Mulamula participated actively in the preparations for the first U.S.-Africa Summit on the partnership for economic growth. She also assisted the implementation of various programs that are funded by U.S. development agencies and institutions including the Millennium Challenge Compact, the Power Africa Initiative, the Feed the Future Program, the Scaling Up Nutrition Movement, the U.S President’s Emergency Plan for AIDS Relief, the President’s Malaria Initiative, maternal and child health care initiatives, among numerous others. She has attended the successive AU Summits, UN General Assembly sessions in New York and other multilateral gatherings, as well as various regional meetings and initiatives on peace and sustainable development.

Judge Monica Mugenyi: Judge Monica Mugenyi is a judge of the Ugandan Court of Appeal and the Presiding Judge at the East African Court of Justice. She graduated from the Faculty of Law of Makerere University, with a Bachelor of Laws, and holds a Master of Laws in International Trade Law, from the University of Essex in the United Kingdom. Prior to joining the bench, Judge Mugenyi was in private practice at Mugenyi & Company Advocates and served as the manager of corporate services at the Uganda Road Fund. She also previously worked in the Office of the Attorney General and in the Privatization Unit.
**Judge Elizabeth Ibanda Nahamya:** Judge Elizabeth Ibanda Nahamya is currently a judge at the United Nations Residual Mechanism for Criminal Tribunals. Prior to her current position, she served as a Principal Defender/ Deputy Principal Defender at the Special Court for Sierra Leone from 2004-2008. From 2009 to 2017, she served as a judge in the International Crimes Division of the High Court of Uganda. From 1996 to 2004, she was a Trial Chamber Coordinator in the United Nations Criminal Tribunal for Rwanda, Arusha, and Tanzania. Her legal career included being the founding partner of Ibanda Nahamya & Co. Advocates from 1993 – 1996. Judge Nahamya has worked in many other positions including law and policy and legal consulting. She is widely published in issues of law and human rights.

**Ms. Osai Ojigho:** Osai Ojigho is a lawyer, gender equality advocate and human rights expert. Currently, the Country Director of Amnesty International Nigeria. Prior to joining Amnesty International, she served in various roles with Oxfam including as interim Pan Africa Director of Oxfam GB’s Pan African Programme. She was the Coalition Coordinator for the SOTU (State of the Union) Coalition, a human rights observer to the African Union Mission to Mali and the Sahel and Deputy Executive Director of Alliances for Africa. She is well travelled and widely published. She is a member of the Association of Women in Development (AWID), the West African Women Elections Observation (WAWEO) team, the Nigerian Bar Association (NBA) and a life member of the Pan African Lawyers Union (PALU). She is also a consulting editor with Open Global Rights and a mentor to Mandela Washington Fellows. She sits on the Global Advisory Council of the Institute For African Women In Law (IAWL). She holds a Law degree from the University of Lagos, Nigeria, and a Masters’ in Law degree from the University of Wolverhampton, UK. Twitter: @livingtruly

**Dr. Pierre Sob:** Dr. Sob is the Founder and Director of Horizon Consulting International and President of Africa 21, an NGO and think tank. He holds a doctorate in International Relations from the Institute of International Relations of Cameroon and a doctorate in Law from the University of Geneva. He is an ILO Certified Expert in Participatory Gender Audit. He has over 20 years as a senior official in the Office of the United Nations High Commissioner for Human Rights in Geneva. Until May 2014, he was a senior official at the Office of the United Nations High Commission for Human Rights in Geneva where he served for twenty years in various positions of responsibility at headquarters and carried out numerous field missions. He was part of several international commissions of inquiry in Africa and in Latin and Central America. Before joining the UN, he served as Legal Advisor to the Minister of Foreign Affairs, attaché to the Cabinet of the President of the Republic of Cameroon in charge of diplomatic issues, and Deputy Permanent Representative to the Permanent Mission of Cameroon in Geneva.
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