

April 2024

Recommendations for the Draft of General Recommendation No.40

The Women's International League for Peace and Freedom (WILPF) welcomes the opportunity to provide comments on the Draft of General Recommendation No. 40 "Equal and Inclusive Representation of Women in Decision-Making Systems" of the Committee on the Elimination of Discrimination against Women. Should the Committee have any questions on the comments and recommendations provided in this document, WILPF will be pleased to provide additional clarifications.

Observations about the section "Finding new solutions to game-changing challenges through equal and inclusive decision-making"

Recommendation for *Paragraph 3*: Whilst 'finding new solutions' is vital, there is need to reiterate that there is a participatory right regardless of what it hopes to achieve.

Recommendations for *Paragraph 4*: WILPF emphasises that peace is not only at risk from political instability and unrest. There are root causes of inequalities that should be iterated. We also add that failure of peace processes is not just about the absence of women directly in those processes and the lack of women negotiators and mediators, although this has a well-documented impact. Beyond representation alone, it is important to ensure that peace processes themselves are inclusive and participatory in their design. The presence of gendered language in peace agreements is critical, but is alone not necessarily a barometer of successful outcome without adequate resourcing and political will for implementation, as the cases of Colombia, and Mozambique attest.

WILPF suggests adding a reference to the massive increase in military budgets in 2024, which will inevitably lead to an increase in militarisation, gender inequality and conflict. The current international order, maintained through militarism instead of systems to promote the wellbeing of people and planet, fuels armed conflict and violence rather than preventing them. Militarism and corporate greed squander valuable resources. Instead, financing and resources should be made available for the realisation of human rights and, indeed, the attainment of the

Sustainable Development Goals.¹ We **suggest including the following recommendations for States to:**

- urgently **reduce military spending and reallocate resources** towards human security based on human rights for all.
- **strengthen public services** and live up to their obligations to respect, protect and fulfill human rights, including the right to a safe, clean, healthy and sustainable environment, and to their SDG commitments, including SDG 16 - as a matter of social justice and of conflict prevention.
- **undertake participatory, gender-responsive human rights impacts assessments of any military spending**; while ensuring mandatory due diligence requirements for the arms sector based on the UN Guiding Principles on Business and Human Rights (UNGPs).
- **invest in gender-responsive budgeting** and promote and **ensure effective public participation and oversight in national budgeting processes**.

Recommendations for Paragraph 6: WILPF also draws attention to the very nature of the global economic system and relations, which is not only highly gendered but is built on inequalities and exploitation between people and between nations. In addition, it is extractive and relies on growth, thus unless changed, the neoliberal approach will lead to environmental destruction. To that end we submit **the necessity of giving value to social reproduction and care**, work predominantly done by women, and how it should be integral to a de-growth model of economic activity, emphasising economies of care over economies of financial gain.

We also emphasise **the need to raise the lack of rights of other marginalised groups** in particular women in the garment/textile industry and in subsistence farming.

Observations about the section: “Normative Framework”

Recommendation for Paragraph 9: The Istanbul Convention should be included in the list of standards.

Observations about the section: “Obligations of States parties in relation to equal and inclusive decision-making”

Recommendations for Paragraph 42: Women around the world are more affected by precarious work arrangements, such as unregulated work, poorly paid jobs, no social

¹ Women’s International League for Peace and Freedom, “Statement to the 65th session of the Commission on the Status of Women” (1 December 2020) page 3. Available at https://www.wilpf.org/advocacy_documents/commission-on-the-status-of-women-65th-session-statement/.

protection, fixed-term contracts, and part-time contracts.² And while flexible work arrangements can be beneficial for women with well-paid and long-term jobs, for women holding precarious jobs it can mean more temporary, part-time, and non-unionised jobs with fewer benefits. This is often the case for women from marginalised racial and ethnic groups and migrant women. V. Spike Peterson explained in her book *A Critical Rewriting of Global Political Economy: Integrating Reproductive, Productive and Virtual Economies* how flexibilization of working arrangement is at the intersection of gender and race. “Worldwide, flexibilization is feminized, by reference to both degraded conditions of employment and women being sought as employees; flexibilization is racialized and geopolitically differentiated by reference to concentrations of flexibilized jobs (among the urban lower class, migrants, and semi-peripheral countries).”³ Flexibilisation of working arrangements can lead to degraded employment conditions and reinforce existing inequalities, hence **we suggest that the term ‘flexible work arrangements’ is carefully defined to ensure social and job security and safeguard against any unintended intersectional and gendered consequences.**

Regarding the recommendation on ‘paid paternity leave’, **we suggest referring to state parental leave regardless of parental gender.** Gender-neutral parental leave further challenges traditional gender roles and promotes greater gender equality in both the workplace and at home and reduces gender disparities in caregiving responsibilities.

Recommendations for Paragraph 50: We understand that this section is about ‘the right to represent governments at the international level’, however strengthening women’s meaningful participation in conflict prevention and conflict resolution should not only fall under the frame of ‘Feminist Foreign Policy’ (FFP), but instead also extend to the fulfilment of commitments under the Beijing Platform for Action and the Women, Peace and Security (WPS) Agenda. There is a misconception that the WPS agenda is a framework that only concerns conflict-affected countries, with some states reluctant to prioritise the agenda or utilising it exclusively as a foreign policy and development tool. Instead, states should also utilise the WPS framework to promote and advance peace and gender equality domestically. States must remember that the domestic, foreign, and transnational policies are intricately connected, with political implications for the lives of women within and across borders as well as for civil society members working towards the implementation of UN Security Council Resolution 1325. This outward-facing approach to implementing the WPS agenda perpetuates a neo-colonial framework of intervention, with Global North countries ‘coming to the rescue’ of Global South countries to solve their supposed problems. This approach also fails to account for the role of some Global North countries in contributing to these supposed problems through long-standing colonial pasts and legacies, including global capitalism.⁴ We think that, as it stands, the last

² International Labour Office, Bureau for Workers' Activities “From precarious work to decent work: outcome document to the workers' symposium on policies and regulations to combat precarious employment” (Geneva: ILO, 2012) page 38.

³ See V. Spike Peterson ‘A Critical Rewriting of Global Political Economy: Integrating Reproductive, Productive and Virtual Economies’ (Routledge, 2003) page 18.

⁴ Women’s International League for Peace and Freedom, UNSCR 1325 at 20 Years: Perspectives from Feminist Peace Activists and Civil Society (Geneva: Women’s International League for Peace and Freedom, 2020) page

recommendation of the paragraph only targets Global North states which would be implementing WPS/FFP abroad, when all states should be promoting women's participation in conflict prevention and resolution at home as well. We suggest adding the mention '*... central focus of government policy both abroad **and at home***' and to **include a recommendation to encourage the inclusion of women in National Action Plans on Peace and Security.**

Regarding the last recommendation, States parties should ensure **that representation is not subjected to religious or cultural restrictions.**

Recommendations for Paragraph 58: We welcome that this section understands decision-making systems as going beyond political and public life, as we have learnt from feminist analysis that the public sphere cannot be separated from the private sphere, and the political choices that are made in economic and social policies have a direct impact on women's right to participate in public and political life.⁵ We welcome that the Committee recognises the need to reduce the burden of unpaid care work on women, but this needs to go further than investing in child and elderly care. Giving real value to social reproduction, work predominantly done by women, requires investing in social infrastructure as a whole in order for women to take part in economic activities. We suggest **including a recommendation to invest in social reproduction, in particular in social infrastructure, including healthcare, education, culture, roads and the environment.**

Regarding the recommendation on 'flexible working arrangements', as explained above, flexibilisation of working arrangements can lead to degraded employment conditions and reinforce existing inequalities. We suggest **including a mention to this recommendation to ensure decent working conditions including liveable salary levels and full social benefit coverage.**

Finally, regarding the recommendation on women participation in economic decision-making on the environment, **we suggest rephrasing it as follows:**

*'Enable women in civil society to **effectively participate and perform a serious role in economic decision-making, for example through consultations related to land use and redistribution, natural resources, and climate change mitigation and the just transition***.'

13. Available at: <https://www.wilpf.org/wp-content/uploads/2020/11/WILPF_UNSCR-1325-at-20-Years_Web.pdf>. See also Magni, Michela. 2018. "The Vicious Dichotomies of the Women, Peace and Security Framework: Bridging the Gap between Norms and Reality, Dignity and Freedom." *Disrupted*. Issue 2. pp. 33-35. Available at: <<https://static1.squarespace.com/static/57cd7cd9d482e9784e4ccc34/t/5ee78252915ac6464beff20b/1592230533668/Disrupted+-+The+Post-Colonial+Issue+2.pdf>>.

⁵ Women's International League for Peace and Freedom, "Submission to the CEDAW Committee's Half-day general discussion on the equal and inclusive representation of women in decision-making systems" (14 February 2023) page 8. Available at: <https://www.wilpf.org/advocacy_documents/submission-to-the-cedaw-committees-half-day-general-discussion-on-representation-of-women-in-decision-making/>.

There is an assumption that any woman can speak for all women, but women are not a homogeneous category. Women have diverse experiences across different contexts and based on factors including age, ethnicity, indigeneity, sexual orientation and gender identity, religion, economic access, disability, country, and citizenship status. Economic decision-making needs to be shaped by diverse women's experiences in all spheres of life, and women in civil society can help in formulating adequate decisions based on their grass root work.⁶ To avoid a tokenistic inclusion of women, it is not enough to 'enable women in civil society to inform' economic decision-making, they have to 'effectively participate and perform a serious role' in economic decision-making.

The Internal Labour Organisation has defined a Just Transition as "greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind."⁷ Gender perspectives and the inclusive participation of women in all their diversity is essential in the transition away from fossil-fuels powered growth-based and extractive economies to ensure that the new economic model is truly sustainable and centering social reproduction and regenerative policies and practices.

Recommendations for Paragraph 72 and 74: The proliferation and possession of weapons directly contribute to human rights violations and abuses, including gender-based violence. In General Recommendation 30, the CEDAW Committee has noted that the "proliferation of conventional arms, especially small arms, including those diverted from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence, and as protestors or actors in resistance movements."⁸ In General Recommendation 35, the Committee further observed that the accessibility and availability of firearms heightened women's risk of exposure to serious forms of gender-based violence.⁹ Guns are often linked to notions of "manliness," as well as to activities which are seen as "manly". These notions are embedded in expectations of men to be providers, protectors of their communities, and at times violent agents of change.¹⁰ Within a context of structural discrimination and inequality, arms proliferation increases a climate of fear due to increased risks of torture and sexual and gender-based violence. It therefore restricts women's

⁶ For more information on meaningful participation of women civil society see '2020 Civil Society Roadmap on Women, Peace, and Security', available at <<https://www.womenpeacesecurity.org/wp-content/uploads/2020-Civil-Society-Roadmap.pdf>> and Women's International League for Peace and Freedom, UNSCR 1325 at 20 Years: Perspectives from Feminist Peace Activists and Civil Society (Geneva: Women's International League for Peace and Freedom, 2020). Available at: <<https://www.wilpf.org/unsr-1325-at-20-years-perspectives-from-feminist-peace-activists-and-civil-society/>>.

⁷ International Labour Organization, "Frequently Asked Questions on Just Transition" (22 October 2021).

⁸ General recommendation No.30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, paragraph 32.

⁹ General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, paragraph 42.

¹⁰ GENSAC, WILPF and PATHFINDERS, "Men and Masculinities in Gender Responsive Small Arms Control" (March 2022) page 6. Available at: <https://www.wilpf.org/mmffp_documents/men-and-masculinities-in-gender-responsive-small-arms-control/>.

freedom of movement and political participation, as well as other human rights,¹¹ and hinders their access to and use of resources, business, and employment opportunities.¹²

Thus, we suggest **including a reference to the proliferation and possession of weapons as a contributing factor to gender-based violence and harassment and including recommendations:**

- for **robust and effective regulation** of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence.
- to **integrate gender perspectives into small arms control national action plans**, in particular examining and addressing the links between masculinities and small arms.
- **arms transfer policies and regulatory bodies** among the legislative measures to be taken with regard to gender-based violence.
- signing, ratification and implementation of the **Arms Trade Treaty**.

Recommendations for Paragraph 71: We welcome that this section addresses the topics of equal access to education. Menstrual hygiene management is still a big barrier to women and girl's education around the world,¹³ we suggest **including a recommendation to ensure safe and accessible facilities for girls' students during menstruation and to take measures to prevent exclusion**. Gender issues and stereotypes should be explored and discussed at school to shift the perception that men are better able to lead and take part in decision-making. We suggest **including a recommendation to incorporate training on gender social norms, women's rights, and gender equality in the life skills curriculum of students - including comprehensive sexuality education** - in line with UNESCO's recommendations.¹⁴

¹¹ Women's International League for Peace and Freedom, "Statement to the 65th session of the Commission on the Status of Women" (1 December 2020) page 3. Available at https://www.wilpf.org/advocacy_documents/commission-on-the-status-of-women-65th-session-statement/.

¹² See also Women's International League for Peace and Freedom, "Recommendations for the Draft Update of CEDAW General Recommendation No.19" (30 September 2016). Available at: https://www.wilpf.org/advocacy_documents/submission-to-the-cedaw-committee-for-the-draft-update-of-general-recommendations-no-19-on-gender-based-violence/.

¹³ See: UNESCO, "Puberty education & menstrual hygiene management" (2014) available at: <https://unesdoc.unesco.org/ark:/48223/pf0000226792>; Water Aid "We can't wait : a report on sanitation and hygiene or women and girls" (2013) available at: <https://washmatters.wateraid.org/sites/g/files/jkxoof256/files/we%20cant%20wait.pdf>; Abdullahi Mire, "I wish I was a boy: The Kenyan girls fighting period poverty" (Aljazeera, 24 February 2020) available at: <https://www.aljazeera.com/features/2020/2/24/i-wish-i-was-a-boy-the-kenyan-girls-fighting-period-poverty>; Plan International "Nearly two million girls in the UK miss school because of their period" (20 October 2020) available at: <https://plan-uk.org/media-centre/nearly-two-million-girls-in-the-uk-miss-school-because-of-their-period>.

¹⁴ See Special Rapporteur on the right to health et al. "A Compendium on Comprehensive Sexuality Education" (OHCHR, 1 March 2023). Available at: <https://www.ohchr.org/en/documents/tools-and-resources/compendium-comprehensive-sexuality-education>; UNESCO, "Comprehensive sexuality education: For healthy, informed and empowered learners" (16 November 2023). Available at: <https://www.unesco.org/en/health-education/cse>; UNESCO "Global Education Monitoring Report: Gender equality through school: providing a safe and inclusive learning environment" (2017). Available at: <https://gem-report->

Recommendations for Paragraph 77: WILPF reiterates that participation should be a radical demand for genuine agency over decisions impacting women's and girls bodies and lives. But women's participation and quantitative representation alone are not the end goal of our movement; they are part of a broader goal of structural transformation that requires reshaping institutions to be democratic, responsive, and equal, and abolishing institutions that perpetuate oppression and marginalisation. We do not consider participation to simply mean women at the table, but rather, dismantling hierarchies that preserve power in the hands of small groups of people, often powerful white men, to the detriment of the global majority.¹⁵ We find that recommending States to 'provide capacity building to expand the expertise of women's civil society organisations to participate in all decision-making areas' does not provide the right answer. Participation in decision-making spheres is not determined by having the *right expertise*, rather it reflects entrenched power structures and decision-making mechanisms created on male norms. Rather than simply providing capacities, States should acknowledge and dismantle the patriarchal norms underlying decision-making bodies. Only by dismantling the patriarchal framework will civil society organisations truly find their rightful role. We suggest **including a recommendation to recognise the structural nature of patriarchy and the exclusion of women from decision-making and address those structural inequalities.**

Enabling women civil society organisations to participate in decision-making, also entails allocating sufficient resources and funds for this participation. Civil society has been consistent in calling for flexible, sustained, core and long-term funding that enables women and feminists to advance their own agendas and priorities for peace. **We suggest adding a mention to funds and effective consultation** in the recommendations as follows:

- *'Establish and fund inclusive and innovative modalities for the effective and consequential consultation with women's civil society organizations, for example through open invitations to testify at parliamentary committee hearings or as advisors to the government or the national machinery for the advancement of women;'*
- *'Ensure that such consultations are organised well in advance and funded, and encourage the participation of diverse women, making special efforts to incorporate the perspectives of women facing intersecting forms of discrimination'*

Observations about the section "Obligations of the international community"

Recommendations for Paragraph 79: The rationale of the UN Security Council resolution 1325 was pushed from grassroots women up. It was not only about making war safe for women,

2017.unesco.org/en/chapter/gender_accountability_through_school/#:~:text=GENDER%20EQUALITY%20IN%20EDUCATION%20REQUIRES,promote%20equality%20in%20gender%20relations.>.

¹⁵ Women's International League for Peace and Freedom, "Submission to the CEDAW Committee's Half-day general discussion on the equal and inclusive representation of women in decision-making systems" (14 February 2023) page 1-2. Available at: <https://www.wilpf.org/advocacy_documents/submission-to-the-cedaw-committees-half-day-general-discussion-on-representation-of-women-in-decision-making/>.

but was about ending war. WILPF members continue to advocate for a radical change of the foundations of the current economic system, entrenched in capitalism, patriarchy, racism and militarism. This transformative approach is part of the visions of the global Women, Peace and Security (WPS) agenda. And it is the approach that should also inform the work of the Human Rights Council.¹⁶ We suggest **including a recommendation to integrate the principles of the Women Peace and Security agenda into the work of the Human Right Council and its mechanisms.**

¹⁶ Women's International League for Peace and Freedom, "Statement on the Women, Peace and Security Agenda to the 48th Session of the Human Rights Council" (16. September 2021). Available at: <https://www.wilpf.org/advocacy_documents/hrc48-statement-on-the-women-peace-and-security-agenda/>.