



**The 2016 Election for Members of the
U.N. Committee on the Rights of Persons with Disabilities:
Why Leadership by Women Matters and Strategies Going Forward**



By Stephanie Ortoleva, President & Legal Director, and
Amanda McRae, Legal Advisor, Women Enabled International



Background

On June 14, 2016, the States Parties to the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) held an election to replace the nine members of the Committee on the Rights of Persons with Disabilities (CRPD Committee)—the body of independent experts that monitors CRPD implementation by states—whose terms were scheduled to end in December 2016. The States Parties elected to fill all nine seats with male candidates, despite the fact that four women—including one current member of the CRPD Committee—also ran as candidates for membership.

Prior to this election, the CRPD Committee had six female members and twelve male members. As a result of the recent elections, as of January 1, 2017, seventeen of the eighteen members of the CRPD Committee are men, and only one is a woman. As such, the CRPD Committee is the second most gender-imbalanced treaty monitoring body, with 94% male membership, topped only by the Committee on the Elimination of Discrimination against Women (CEDAW Committee), which has almost exclusively female membership but is also specifically mandated to monitor women’s rights in States Parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹ The next CRPD Committee member election will take place in 2018, with new members scheduled to take their seats in January 2019. Thus, the gender imbalance on the CRPD Committee will continue until at least 2019.

Gender Balance and Human Rights Treaty Monitoring Bodies

The results of the recent CRPD Committee election contravene States Parties’ obligations under the CRPD. As Article 34(4) of the CRPD states, “[t]he members of the [CRPD] Committee shall be elected by States Parties, consideration being given to...balanced gender representation.”² While achieving a gender-balanced CRPD Committee is not a strict requirement, under Article 34(4), States Parties should take measures to ensure that a) enough women are nominated to achieve a gender-balanced CRPD Committee; and b) enough women are successfully elected to the CRPD Committee to achieve a gender-balanced Committee.

Provisions similar to Article 34(4) of the CRPD occur in other recent UN human rights treaties and protocols. For instance, the International Convention for the Protection of All Persons from Enforced Disappearances (CED) states that, for its monitoring committee, “due account shall be taken of the usefulness of the participation in the work of the Committee of persons having relevant legal experience and of a balanced gender representation.”³ The Optional Protocol to the

¹ Office of the High Commissioner for Human Rights (OHCHR), *Elections of Treaty Body Members*, <http://www.ohchr.org/EN/HRBodies/Pages/ElectionsofTreatyBodiesMembers.aspx> (accessed Dec. 10, 2016).

² Convention on the Rights of Persons with Disabilities, adopted Dec. 13, 2006, art. 34(4), G.A. Res. A/RES/61/106, U.N. GAOR, 61st Sess., U.N. Doc. A/61/611 (entered into force May, 3 2008), *available at* https://treaties.un.org/doc/Publication/CTC/Ch_IV_15.pdf [hereinafter CRPD].

³ International Convention for the Protection of All Persons from Enforced Disappearances, adopted Dec. 20, 2006, art. 26.1, G.A. Res. A/RES/61/177, U.N. GAOR, 61st Sess., U.N. Doc. A/61/448 (entered into force Dec. 23, 2010), *available at* https://treaties.un.org/doc/Publication/CTC/Ch_IV_16.pdf.



Convention against Torture (CAT), establishing the Subcommittee on the Prevention of Torture (SPT), also states that, in the composition of the SPT, “consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.”⁴

Furthermore, ensuring women’s public and political participation is an important part of States Parties’ obligations under several of the UN human rights treaties, including the CRPD.⁵ In its recent General Comment No. 3 on women and girls with disabilities, the CRPD Committee recognizes that “ensuring the empowerment of women with disabilities means promoting their participation in public decision-making.”⁶ Furthermore, States Parties to CEDAW have an obligation to ensure that women, on an equal basis with men, can serve in public office and that “women, on equal terms with men and without any discrimination, [have] the opportunity to represent their Governments at the international level and participate in the work of international organizations.”⁷ In its General Recommendation No. 23 on women in political and public life, the CEDAW Committee recognizes that women face many barriers to participating in political and public life, including restrictions on movement, negative attitudes about their political participation, and lack of confidence and support for female candidates in the electorate.⁸ The CEDAW Committee notes that, due to historic male domination in the public sphere, women require encouragement and support to achieve full and effective participation, and this encouragement must be led by States Parties,⁹ including by balancing the number of male and female candidates and appointing women to senior decision-making roles.¹⁰ Concerning international organizations and bodies in particular, the CEDAW Committee finds that that measures should be taken “to ensure a better gender balance in membership of all United Nations bodies, including ... expert bodies, including treaty bodies, and in appointments to independent working groups or as country or special rapporteurs.”¹¹ States Parties to the CRPD overlap almost entirely with States Parties to CEDAW, meaning that state obligations under CEDAW concerning public and political participation should apply to implementation of the CRPD.

⁴ Optional Protocol to the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted Dec. 2, 2002, art. 5.4, G.A. Res. A/RES/57/1999, U.N. GAOR, 57th Sess. (entered into force June 22, 2006), available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>.

⁵ See, e.g., CRPD, *supra* note 2, arts. 6 & 29.

⁶ CRPD Committee, *General Comment No. 3: Women and girls with disabilities*, ¶ 23, U.N. Doc. CRPD/C/GC/3 (2016), available at <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx> [hereinafter CRPD Committee, *Gen. Comment No. 3*].

⁷ Convention on the Elimination of All Forms of Discrimination against Women, adopted Dec. 18, 1979, arts. 7 & 8, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, at 193, U.N. Doc. A/34/46, U.N.T.S. 13 (entered into force Sept. 3, 1981), available at <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> [hereinafter CEDAW].

⁸ CEDAW Committee, *General Recommendation No. 23: Political and public life*, ¶ 20(d), U.N. Doc. CEDAW/C/GC/23 (1997), available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf [hereinafter CEDAW Committee, *Gen Recommendation No. 23*].

⁹ *Id.*, ¶ 15.

¹⁰ *Id.*, ¶¶ 22 & 26.

¹¹ *Id.*, ¶ 49.



UN agencies have also emphasized the importance of ensuring that women, including women with disabilities, are represented on treaty monitoring bodies and in other UN institutions. The UN Office of the High Commissioner for Human Rights (OHCHR) considers gender balance an important aspect of all treaty monitoring body elections. Indeed, in a guide to treaty monitoring body elections aimed at UN member state delegates, OHCHR states that “[a]lthough only the later treaties contain specific provisions, it is expected that due consideration shall also be given to ensuring balanced gender representation within each committee.”¹² OHCHR encourages consideration of gender balance both in the nomination of candidates for the treaty monitoring bodies and in voting for treaty monitoring body members.¹³ A 2015 resolution from the UN General Assembly reaffirms these recommendations, reiterating that States Parties should take into account the “equal representation of women and men” when nominating candidates for treaty monitoring bodies.¹⁴

Concerning the CRPD Committee elections in particular, both the CRPD Committee and UN Women have weighed in. In a 2016 statement on the CRPD Committee, UN Women recognizes the unique and intersecting challenges that women with disabilities face, and that this “makes it all the more critical that women with disabilities are fully represented on panels, committees, human rights treaty bodies and across all areas of leadership so that their voices are heard.”¹⁵ UN Women then called on States Parties to support the nomination of women for the CRPD Committee during the next election cycle.¹⁶

On April 12, 2017, the CRPD Committee adopted a statement on achieving gender balance amongst its members.¹⁷ Although the Committee recognizes that the 2016 elections helped achieve greater disability diversity, it expressed concern about the “absence of gender parity,” noting that equality between men and women is one of the principles of the CRPD.¹⁸ The Committee called on States Parties “to be mindful of the need to promote ... the inclusion of women with disabilities in future elections of the Committee to secure equal geographical representation and restore gender balance....”¹⁹

The Importance of Women’s Participation and Leadership in Monitoring Human Rights

¹² OHCHR, *Human Rights Treaty Bodies and Election of Treaty Body Members: A Guide for United Nations Delegates Based in New York* 12 (Jan. 2013), available at <http://www.ohchr.org/Documents/HRBodies/TB/ElectionsGuide.pdf>.

¹³ *Id.* at 12-13.

¹⁴ U.N. General Assembly, *Resolution 70/152: Promotion of equitable geographical distribution in the membership of the human rights treaty bodies*, ¶ 1, U.N. Doc. A/RES/70/152 (2015), available at http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/152.

¹⁵ UN Women, “Statement on the Committee on the Rights of Persons with Disabilities” (July 1, 2016), available at <http://www.unwomen.org/en/news/stories/2016/6/committee-on-the-rights-of-persons-with-disabilities>.

¹⁶ *Id.*

¹⁷ CRPD Committee, Statement: “Achieving gender balance and equitable geographical distribution in the elections of members of the Committee” (April 12, 2017), available at <http://www.ohchr.org/Documents/HRBodies/CRPD/Statements/FINAL0504.docx>.

¹⁸ *Id.*

¹⁹ *Id.*



Ensuring that women take on leadership roles—and in particular participate in elected office—creates myriad benefits for both women and the institutions in which they serve. Research has found that having women members in groups is a strong predictor of collective intelligence, which means that female members make groups more effective.²⁰ Additionally, women leaders frequently contribute unique competencies to groups, as they may be more vocal on gender-salient issues, more responsive to constituents, and more focused on cooperation within groups as opposed to hierarchy or power.²¹ Furthermore, studies have shown that having women in leadership roles and elected offices encourages the adoption of women-friendly social policies. For instance, the Inter-Parliamentary Union has found that an increase in the number of women representatives in parliaments around the world has led to the introduction of more laws and policies on topics such as violence against women and women’s health.²² Furthermore, the Inter-Parliamentary Union has found that an increase in women representatives has led in some contexts to a more collaborative political environment and an increase in women contacting their representatives about issues that impact them.²³ Finally, studies have shown women’s representation in bodies that are dependent on states’ or citizens’ acceptance and participation, such as international courts, reinforces these bodies’ legitimacy, as it makes these bodies more representative of the people they serve and also demonstrates to the public that the procedures for selecting representatives are fair and just.²⁴

In the particular context of monitoring international commitments and human rights obligations, the presence of women plays an essential role. As the CEDAW Committee found in its General Recommendation No. 23 on women’s political and public participation, “[t]he globalization of the contemporary world makes the inclusion of women and their participation in international organizations, on equal terms with men, increasingly important,”²⁵ as they are more likely to integrate a gender perspective into all policies and also ensure that women’s human rights are on the agenda. The UN Working Group on the Issue of Discrimination against Women in Law and Practice has also affirmed that, as a means to ensure the enforcement and implementation of laws affecting women’s rights, “[g]ender responsiveness and gender balance in NHRIs [national human rights institutions] and other human rights institutions at the regional and international

²⁰ Christopher F. Chabris, David Engel, Lisa X. Jing, Thomas W. Malone & Anita Woolley Williams, *Reading the Mind in the Eyes or Reading between the Lines? Theory of Mind Predicts Collective Intelligence*, PUBLIC LIBRARY OF SCIENCE (Dec. 16, 2004), available at <http://dx.doi.org/10.1371/journal.pone.0115212>.

²¹ Soraya Chemaly, *Women in Politics: Why We Need More Women in Office*, THE HUFFINGTON POST, May 1, 2012, http://www.huffingtonpost.com/soraya-chemaly/women-in-politics_b_1307586.html.

²² Inter-Parliamentary Union, *Women in Parliament: 20 Years in Review* 15 (2015), available at <http://www.ipu.org/pdf/publications/WIP20Y-en.pdf>.

²³ *Id.*

²⁴ See, e.g., Nienke Grossman, *Sex on the Bench: Do Women Judges Matter to the Legitimacy of International Courts?*, 12 CHI. J. INT’L L. 647, 668–69 (2012), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1773015; Nienke Grossman, *Achieving Sex-Representative International Court Benches*, 110 AMER. J. OF INT’L L. 82, 88–89 (Jan. 2016), available at <http://www.jstor.org/stable/pdf/10.5305/amerjintelaw.110.1.0082.pdf>.

²⁵ CEDAW Committee, *Gen. Recommendation No. 23*, *supra* note 11, ¶ 39.



levels are imperative.”²⁶ Furthermore, OHCHR has recognized that it is important to the monitoring and fulfillment of human rights to ensure the participation of and respect for female human rights officers on the ground.²⁷ The UN General Assembly has also recognized the important role that women play in maintaining international peace and the full realization of human rights,²⁸ and, as such, UN member states have included women’s equal participation in leadership positions as one of the targets in the Sustainable Development Goals.²⁹

Ensuring that women are included in the monitoring of disability rights issues is particularly important. Women with disabilities account for 19.2% of women and over half of all persons with disabilities worldwide.³⁰ As the CRPD Committee’s recent General Comment No. 3 on women and girls with disabilities illustrates, there are several human rights issues that disproportionately affect women and girls with disabilities as compared to non-disabled women and men and boys with disabilities. For instance, women with disabilities are at heightened risk of violence and exploitation, including intimate partner violence and violence at the hands of caregivers and family members.³¹ Furthermore, women with disabilities experience unique violations of sexual and reproductive rights—including forced sterilization and abortion, and denial of access to sexual and reproductive health services, education, and information—based on stereotypes that assume they are asexual or hypersexual, that they cannot make important life decisions for themselves, and that they cannot be competent parents.³² The CRPD Committee has also recognised that women with disabilities face multiple and intersecting forms of discrimination in access to education and economic opportunities and may be more susceptible to economic coercion and exploitation.³³ This means that women with disabilities are more likely to live in poverty and have lower rates of formal employment and lower wages than do non-disabled women and men with disabilities.³⁴ Although men on the CRPD Committee can and should raise these issues with States Parties, it is more likely that women members would do so. Indeed, it was women with disabilities on the CRPD Committee who spearheaded the discussion, drafting, and adoption of General Comment No. 3 on women and girls with disabilities.³⁵

²⁶ Human Rights Council, *Report of the Working Group on the issue of discrimination against women in law and in practice*, ¶ 90, U.N. Doc. A/HRC/23/50 (2013), available at http://www.ohchr.org/Documents/Issues/Women/WG/A.HRC.23.50_English.pdf.

²⁷ OHCHR, *Manual on Monitoring Human Rights, Chapter 15: Integrating Gender into Human Rights Monitoring* (2015), available at <http://www.ohchr.org/Documents/Publications/Chapter15-20pp.pdf>.

²⁸ U.N. General Assembly, *Resolution 66/130: Women and political participation*, ¶ 2, U.N. Doc. A/RES/66/130 (2011), available at http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/130.

²⁹ U.N. General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, Target 5.5, U.N. Doc. A/RES/70/1 (2015), available at http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1.

³⁰ WORLD HEALTH ORGANIZATION & WORLD BANK, *WORLD REPORT ON DISABILITY 28* (2011), available at http://www.who.int/disabilities/world_report/2011/en/.

³¹ CRPD Committee, *Gen. Comment No. 3*, *supra* note 9, ¶¶ 29 & 31.

³² *Id.*, ¶¶ 38 & 44.

³³ *Id.*, ¶¶ 2, 31 & 34.

³⁴ *See, e.g.*, WORLD HEALTH ORGANIZATION & WORLD BANK, *WORLD REPORT ON DISABILITY 237, 239* (2011), available at http://www.who.int/disabilities/world_report/2011/en/.

³⁵ *See, e.g.*, OHCHR, *Half Day of General Discussion on Women and Girls with Disabilities, 17 April 2013* (2013), <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGD17April2013.aspx>.



Ensuring Women with Disabilities are Included in the CRPD Committee Moving Forward

As we look towards the 2018 CRPD Committee elections, there are several ways that States Parties, civil society organizations, and the CRPD Committee itself can help ensure a more representative and gender-balanced CRPD Committee. For instance, in preparation for and during the 2018 CRPD Committee elections:

- States Parties should identify and nominate qualified women with disabilities to serve as members of the CRPD Committee.
 - For instance, the International Disability Alliance proposes submitting an all-female nominee list for the 2018 CRPD Committee elections as a way to encourage gender balance on the Committee.³⁶
 - At the next Conference of States Parties in 2017, States Parties may also consider adopting a resolution calling for, or even requiring, gender parity in any future membership of the CRPD Committee.
 - States Parties may also consider pledging to join the GQUAL Declaration, a initiative of the Center for Justice and International Law that commits states to making gender parity a criterion for the nomination and voting processes for UN institutional elections.³⁷
 - States Parties must then prioritize voting for qualified women with disabilities to serve as members of the CRPD Committee.
- Civil society organizations should liaise with government officials to remind them of their obligations under the CRPD and other human rights treaties. These organizations should also encourage qualified women to run for the CRPD Committee, assist them with putting together the necessary materials, and help them navigate the process of applying within their state. Civil society organizations should then advocate with States Parties to nominate women as candidates for the CRPD Committee and support their candidacies during CRPD Committee elections.
- The CRPD Committee should continuously call attention to the gender imbalance on the Committee, raising this issue with States Parties during their periodic reviews before the Committee and in concluding observations to States Parties.

In the meantime, over the next two years, States Parties, civil society, and the CRPD Committee need to take concrete steps to ensure that issues affecting women with disabilities continue to be raised and addressed within the CRPD Committee. In particular:

- States Parties must prioritize collaboration with organizations of women with disabilities and identify issues affecting women with disabilities in their reporting to the CRPD Committee.

³⁶ International Disability Alliance, *Call to Action to Promote Gender Parity* (2016), available at <http://www.internationaldisabilityalliance.org/activities/call-action-promote-gender-parity>.

³⁷ Center for Justice and International Law, *The GQUAL Declaration* (2016), available at <http://www.gqualcampaign.org/about-gqual/the-gqual-declaration/>.



- Civil society organizations should prioritize shadow reporting on issues affecting women with disabilities and make recommendations to the CRPD Committee that incorporate a gender perspective.
- The CRPD Committee and its members should prioritize questioning states about issues affecting women with disabilities, through both the List of Issues process and during in-person state reviews, and should include a thorough analysis of issues affecting women with disabilities in all concluding observations.
 - The CRPD Committee may also consider postponing the adoption of any pending general comments until at least 2019, to ensure that women with disabilities have an opportunity to directly participate in their formulation, development, and adoption.

Women Enabled International (WEI) welcomes collaboration of other civil society organizations in ensuring a gender-balanced and representative CRPD Committee. If your organization is interested in participating in efforts to promote the rights of women and girls with disabilities at the CRPD Committee and in the next CRPD Committee elections, please contact WEI president and legal director Stephanie Ortoleva at President@womenenabled.org.