



Equal and Inclusive Representation of LGBTI Women in Decision-Making Systems

*Written submission to the Committee on the Elimination of Discrimination against Women for
their Draft General Recommendation No. 40 on Equal and Inclusive Representation of Women in
Decision-Making Systems*

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Submission by:

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¹ ILGA World, <https://ilga.org>, established in 1978, is a federation of more than 1900 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with United Nations human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations Treaty Bodies, Special Procedures and the Human Rights Council.

Comments to CEDAW's Draft General Recommendation No. 40 on Equal and Inclusive Representation of Women in Decision-Making Systems

A. In relation to Section I – Introduction, Subsection 2., ILGA World suggests the Committee include the following:

- When referring to 'diversity among women,' the Committee should not only refer to 'sexual orientation' and 'gender identity,' but also include 'gender expression,' and 'sex characteristics' as intersections that LGBTI women embody.

B. Pertaining to Sections IV – Scope and Objectives, Subsections. A.-F., ILGA World suggests the Committee incorporate the following recommendations:

- In relation to intersectionality and visibility, while the text acknowledges the importance of considering intersecting forms of discrimination faced by women, such as those based on race, ethnicity, religion, and disability, it could further emphasize the specific challenges faced by LGBTI women within these intersections. LGBTI women, especially those from marginalized communities, often face compounded discrimination and invisibility in decision-making processes, which can result in limited access not only to these systems but also to connected rights, such as education and healthcare. Adding explicit recognition of the unique experiences and needs of LGBTI women within diverse communities would enhance inclusivity in decision-making.
- Regarding binary and non-binary inclusion, **the Draft primarily discusses gender parity in binary terms of men and women**, which may overlook the presence and needs of non-binary and gender non-conforming individuals in decision-making systems. Recognising and including non-binary individuals in decision-making is crucial for inclusivity. Recommendations in the General Recommendation could include using gender-inclusive language and considering non-binary representation and quotas in decision-making frameworks.
- Recognising patriarchy and LGBTI experiences is fundamental, as patriarchal systems not only marginalize women but also contribute to the oppression of LGBTI women through heteronormative and cisnormative structures. Highlighting the ways in which patriarchal norms intersect with heterosexism and cissexism would provide a more comprehensive understanding of the barriers faced by LGBTI women in decision-making systems.
- The CEDAW Committee must address the inclusivity of LGBTI civil society organisations in decision-making systems. While the text acknowledges the importance of civil society participation, it could explicitly mention **the need for creating safe and inclusive spaces for LGBTI women within decision-making processes**. LGBTI organisations and human rights defenders face discrimination and

exclusion, often caused by the criminalization of diverse identities, anti-gender and anti-rights movements, and the proliferation of hate speech. Ensuring the participation of LGBTI women requires actively addressing these barriers.

- **Disaggregated data based on sexual orientation, gender identity, gender expression, and sex characteristics** are essential for understanding and addressing the specific needs of LGBTI women in decision-making systems. Advocating for comprehensive data collection practices that include LGBTI demographics would strengthen efforts towards equality in decision-making systems.
- The Draft acknowledges the necessity of challenging traditional gender roles and stereotypes, yet it could better **highlight the distinct impact of these norms on LGBTI women**. They often face heightened pressure to conform to gender norms, and efforts to challenge these norms should explicitly consider their experiences. Furthermore, gender stereotypes might pose a threat to LGBTI women when they express identities that diverge from these stereotypes.
- The text could incorporate provisions for **training and capacity-building programs tailored to the requirements of LGBTI individuals in decision-making processes**, such as establishing public consultation systems. These programs can assist in developing the skills and knowledge essential for LGBTI women to actively engage in decision-making processes and influence policy and legislation with a gender and LGBTI-inclusive approach.

C. **With regard to Section V. – Obligations of States parties in relation to equal and inclusive decision-making, ILGA World suggests the Committee consider the following recommendations:**

- Integrate **specific measures for LGBTI representation to counter the underrepresentation of LGBTI women in decision-making processes**. This may entail implementing temporary special measures and affirmative action programs, establishing safe spaces for LGBTI participation, and offering support for LGBTI candidates in elections and appointments.
- Ensure non-discrimination by strengthening the language of the Draft to **explicitly encompass sexual orientation, gender identity, gender expression, and sex characteristics**. This will ensure that LGBTI women are safeguarded from discrimination across all spheres of public and private life, encompassing political, economic, and social contexts.
- Enact provisions for **capacity-building and awareness-raising initiatives aimed at increasing responsiveness and comprehension of LGBTI issues** among policymakers, public officials, and the general public. Training programs should cover topics such as inclusive language, cultural competency, and the specific requirements of LGBTI communities.
- Ensure meaningful **consultation with LGBTI-led organisations** and human rights defenders in the formulation and execution of policies and programs related to gender

equality and representation in decision-making processes. This will guarantee that the voices and perspectives of LGBTI women are central to decision-making processes.

D. ILGA World recommendations for enhancing Paragraph No. 34 of the Draft:

- When referring to ‘intersecting forms of discrimination,’ the Committee should not only mention ‘sexual orientation’ and ‘gender identity,’ but also include ‘gender expression,’ and ‘sex characteristics’ as intersecting forms of discrimination that LGBTI women navigate.

E. ILGA World proposes that the Committee incorporate the subsequent suggestions into Paragraph No. 35 of the Draft:

- Encourage stakeholders to develop recruitment strategies to integrate LGBTI women into decision-making positions. This should explicitly include strategies to promote access, recruit, and support LGBTI women, ensuring that they are not excluded from leadership roles based on their sexual orientation, gender identity, gender expression, and/or sex characteristics, along with other intersections.
- **Disaggregated data collection of women in decision-making roles** is highly necessary. There is a need for data collection that includes sexual orientation, gender identity, gender expression, and sex characteristics. Without disaggregated data, it is difficult to assess the extent of effective representation and discrimination faced by LGBTI women in decision-making processes.
- The implementation of temporary special measures for LGBTI women is key. While temporary special measures are mentioned in the Draft as a means to address intersecting forms of discrimination, there should be **specific provisions for implementing such measures to promote the inclusion of LGBTI women**. Affirmative action programs, quotas, and targeted outreach initiatives can help overcome barriers to LGBTI representation in political, public, and economic decision-making.

F. As regards to Section C – Gender parity in political and public decision-making, ILGA World suggests the Committee consider the following recommendations:

- While the recommendations included by CEDAW in the Draft focus on repealing or amending discriminatory voting laws and facilitating voter registration for women, it is crucial to explicitly address discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics. LGBTI women may face additional barriers to exercising their right to vote due to discrimination, stigma, and lack of recognition of their identities.
- **Outreach strategies targeting illiterate women, rural women, and marginalized groups should also be tailored to reach LGBTI women**. This may involve collaborating

with LGBTI-led organisations and community groups to ensure that information about voter registration and voting procedures is accessible and culturally sensitive.

- Polling stations should be located in areas that are accessible to LGBTI women, taking into account factors such as safety concerns and community acceptance. Additionally, **efforts should be made to recruit LGBTI women as polling officers** to create a welcoming and inclusive voting environment.
- **Legal barriers, such as the lack of legal gender recognition in numerous states, present considerable challenges** for gender-diverse individuals, non-binary persons, and trans women seeking to fulfil public roles under their authentic identities. This absence of legal gender recognition results in the misidentification of political figures, who are often referred to by their dead name and legal gender instead of their chosen name and affirmed gender, despite publicly disclosing their identity (also in relation to Paragraph No. 38 of the Draft).
- Expanding opportunities for voting by mail or using digital technologies can enhance accessibility for LGBTI women, particularly those who may face barriers to access physical polling stations due to discrimination or safety concerns.
- Polling stations staff should receive **training of LGBTI-inclusive practices** to ensure that LGBTI voters are treated with dignity and respect. This training should include information on sexual orientation, gender identity, gender expression, and sex characteristics, as well as guidance on how to address instances of discrimination.

G. Regarding Section E – Participation of women on equal terms with men, ILGA World suggests the Committee consider the following recommendations:

- **Avoid tokenism of LGBTI identities in decision-making processes, particularly during elections, and ensure genuine representation.** It is necessary to appoint LGBTI women to different roles at all stages of decision-making processes, and equally important to avoid tokenism and ensure that LGBTI women have the opportunity to exercise full and equal decision-making positions.
- LGBTI women may face unique challenges in accessing child and old-age care services due to discrimination or lack of legal recognition of their families. Policies should ensure that care services are inclusive of diverse family structures and provide support for LGBTI parents and caregivers.
- Recruitment mechanisms to include women in higher positions should be inclusive of LGBTI women. Open calls for nominations and transparent selection criteria should be designed to promote diversity and inclusivity, including representation of LGBTI communities. Moreover, LGBTI women should be granted equal opportunities and working conditions as their gay and heterosexual peers.
- **Incentives for appointing women to representation and leadership positions should also apply to LGBTI women.** Legal reforms and financial incentives should encourage the appointment of LGBTI women to non-stereotypical roles in political parties, trade unions, civil society organisations, public entities, and private enterprises.