VOICES FROM THE BENCH: WOMEN SHAPING INTERNATIONAL JUSTICE



GQUAL

UN WOMEN

FOR ALL WOMEN AND GIRLS

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ABOUT **UN WOMEN**

UN Women exists to advance women's rights, gender equality and the empowerment of all women and girls. As the lead United Nations entity on gender equality, we shift laws, institutions, social norms and services to close the gender gap and build an equal world for all women and girls.

We keep the rights of women and girls at the centre of global progress – always, everywhere. Because gender equality is not just what we do. It is who we are.

ABOUT **GQUAL**

GQUAL is a global campaign dedicated to transforming international leadership by establishing gender parity as a permanent norm across institutions that shape international law, human rights, and international justice, including international tribunals, monitoring bodies, and other international and multilateral decision-making fora and roles. It advances the equal and inclusive representation of women in all their diversity.

To this end, GQUAL builds a global, data-driven advocacy movement that mobilises diverse sectors to reimagine and reform selection processes for international positions. It promotes transparency, accountability, and parity, and it encourages and supports a broader and more diverse cohort of women to access and succeed in leadership roles. GQUAL's vision is for women's equal leadership at the international level to be recognised not only as a matter of justice and rights, but also as a critical driver of effective responses to global challenges.

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LIST OF ACRONYMS

ACHPR - African Commission on Human and Peoples' Rights

ACtHPR – African Court on Human and Peoples' Rights

ASHR – African Commission and Court of Human Rights

CAT – Committee Against Torture

CERD – Convention on the Elimination of Racial Discrimination

CERD Committee – Committee on the Elimination of Racial Discrimination

CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

CEDAW Committee – Committee on the Elimination of Discrimination against Women

CMW – Committee on the Protection of the Rights of Migrant Workers

CJEU – Court of Justice of the European Union

CRC – Committee on the Rights of the Child

CRPD Committee – Committee on the Rights of Persons with Disabilities

EACJ – East African Court of Justice

ECCC – Extraordinary Chambers in the Courts of Cambodia

ECOWAS – Economic Community of West African Countries

ECtHR – European Court of Human Rights

HRC – UN Human Rights Council

IACHR – Inter-American Commission on Human Rights

IACtHR – Inter-American Court of Human Rights

IASHR – Inter-American Commission and Court of Human Rights

ICC – International Criminal Court

ICCA – International Council for Commercial Arbitration

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

ICJ – International Court of Justice

ICSID – International Centre for Settlement of Investment Disputes

ICTR – International Criminal Tribunal for Rwanda

ICTY – International Criminal Tribunal for the former Yugoslavia

IDLO – International Development Law Organization

ILC – International Law Commission

ITLOS – International Tribunal for the Law of the Sea

OAS – Organization of American States

OTP – Office of the Prosecutor of the International Criminal Court

SCSL – Special Court for Sierra Leone

UNTBs – United Nations Treaty Bodies

UN – United Nations

WGDAWG – UN Working Group on Discrimination against Women and Girls

WGEID – UN Working Group on Enforced or Involuntary Disappearances

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1. EXECUTIVE SUMMARY



International justice institutions play a central role in shaping international law, human rights protections, accountability, and global governance. Yet women remain significantly underrepresented in senior decision-making positions across many international and regional courts, tribunals, bodies, and mechanisms. This persistent imbalance raises concerns regarding not only equality and non-discrimination, but also institutional legitimacy, representativeness, and the quality of justice delivered.

This report examines women's access to, participation in, and impact within international justice institutions. It asks whether—and under what conditions—women's representation contributes to more inclusive, credible, and effective international decision-making. Moving beyond a purely quantitative approach, the report analyses how women's presence shapes legal reasoning, institutional practices, working cultures, and accountability outcomes.

Methodologically, the report combines a review of feminist legal and institutional scholarship with qualitative findings drawn from 23 in-depth interviews with women judges, commissioners, mandate holders, and experts serving across international and regional systems, including courts, treaty bodies, special procedures, arbitral institutions, and commissions of inquiry. Their testimonies provide rare insight into both the formal institutional dynamics and the informal norms that structure power, credibility, and influence within international justice spaces.

Access and belonging: Pathways into international justice

Interviewees' pathways into international justice institutions reflect a combination of professional excellence, resilience, and access to social capital. Entry into these spaces is often shaped by nationality, access to quality education, professional networks, and proximity to institutional gatekeepers, alongside individual merit. The testimonies show that State nomination and selection processes, informal sponsorship, and institutional culture play a decisive role in opening—or closing—these pathways, with gender either enabling access through deliberate parity efforts, or generating ambivalence when candidacies are framed in representational rather than merit-based terms.

At the same time, interviewees identified persistent structural barriers that continue to limit access and equal participation. Gender stereotypes, intersecting forms of exclusion (including language hierarchies, racialised and geographic invisibility, and credibility thresholds), and the material costs of participation (such as unpaid mandates, intensive travel, and unequal care burdens) remain significant obstacles. These dynamics underscore that achieving parity requires more than increasing numbers: It demands reforms to nomination systems, working conditions, and institutional cultures to ensure participation is genuinely inclusive, equitable, and sustainable.

Intersections: Race, socio-economic status, age, social background, disabilities, and beyond

Women's access, influence, and impact in international justice cannot be explained through gender alone. Interviewees described how intersecting factors—race, ethnicity, socioeconomic status, age, disability, geography, sexual orientation, and language—shape who gets nominated, who is perceived as credible, and whose knowledge carries authority once inside. Without an explicitly intersectional approach, parity efforts risk producing "elite parity": Women's numbers increase, but appointments still favour profiles that align with dominant professional, linguistic, and cultural norms, leaving epistemic diversity largely unchanged. Several testimonies highlighted how linguistic hierarchies, accents, institutional pedigree, and regional origin continue to structure whose contributions are heard and believed, particularly disadvantaging women from the global majority and those based outside well-resourced institutions.

At the same time, interviewees offered concrete examples of what intersectionality looks like in

practice when institutions adapt their design and working methods to the realities of diverse members. The report shows that when institutions fail to address these intersecting barriers, parity is difficult to achieve and risks reproducing exclusion in new forms. Conversely, where intersectionality is embedded in institutional design and practice, diversity strengthens legitimacy, decision-making, and responsiveness to lived realities.

Inside the system: Women driving institutional change from within

Women's presence in international justice institutions has generated significant institutional change beyond formal representation, as seen in everyday leadership choices, shifts in working methods, and sustained engagement with organisational cultures that were built around historically male norms. The testimonies point to change that is incremental but real, making visible what has long been treated as "neutral" (from informal hierarchies to assumptions of uninterrupted availability) and gradually normalising gender competence as a shared professional responsibility, not a niche concern.

At the same time, interviewees consistently resisted essentialism. They did not suggest that women have an inherent expertise in gender or that conducting a gender analysis is "women's work." Rather, greater diversity tends to redistribute epistemic authority, challenge what counts as legally relevant, and expand institutional attention to previously sidelined issues. This can include changes in workplace culture and institutional design; leadership styles that model accountability, collegiality, and care; more systematic mainstreaming of gender, including attention to masculinities; deliberate efforts to strengthen pipelines and succession; and the growth of mentoring and support networks. Yet progress remains uneven and fragile: Backlash, credibility hierarchies, siloing gender matters and "the gender person," everyday sexism, and institutional defensiveness can dilute gains, underscoring that lasting change requires not only representation, but also continuous work to shift cultures, incentives, and power dynamics.

Women's impact on advances in rights and international standards

Across international courts, treaty bodies, and UN mechanisms, women have substantively shaped the development of international law and human rights standards. Their contributions extend well beyond issues traditionally labelled as "women's rights," influencing areas such as international law and criminal law, reparations, counter-terrorism, migration, disability rights, freedom of expression, and the law of the sea.

Women advanced gender-sensitive interpretations of legal norms, reframed evidentiary and procedural standards, and expanded the scope of whom and what international law protects. They often did so by analysing the context, structural discrimination, and the lived consequences of violations. Importantly, these advances were achieved not through women's symbolic presence, but through their recognised legal expertise, strategic persuasion, and sustained engagement with peers and institutions.

THE REPORT SHOWS THAT WOMEN'S PARTICIPATION HAS STRENGTHENED THE QUALITY, RELEVANCE, AND LEGITIMACY OF INTERNATIONAL LEGAL STANDARDS.

Across the interviews, a shared message emerges for future generations: Access to international justice requires rigorous preparation, perseverance, and collective responsibility. Knowledge, technical excellence, and continuous learning were consistently identified as essential foundations for

credibility and resilience, alongside the confidence to claim space, take risks, and remain engaged even in the face of resistance. At the same time, interviewees emphasised that individual progress is inseparable from solidarity, created through mentorship, professional networks, and intergenerational support that help widen pathways for those who follow.

The report concludes that women's participation in international justice has had a measurable and transformative impact on institutional legitimacy, legal development, and organisational culture. Gender-balanced institutions are better equipped to deliberate, recognise complex forms of harm, and respond credibly to the societies they serve. However, progress remains uneven and reversible.

Ultimately, gender parity in international justice is a matter of not only equality, but also legitimacy, quality, and credibility. The experiences documented in this report show that when women enter international decision-making spaces, they do not simply occupy seats, they reshape how institutions function, deliberate, and respond to injustice. Yet, true parity cannot be reduced to numerical balance alone. It requires transforming the institutional cultures, working conditions, and nomination processes that continue to reproduce exclusion so participation becomes genuinely inclusive, equitable, and sustainable over time. Only by redesigning the structures that govern access, belonging, and authority can international justice bodies fully reflect—and effectively serve—the diversity of the societies they are meant to protect.

2. INTRODUCTION



International justice bodies play a pivotal role in shaping decisions that impact the lives of individuals, communities, nations, and institutions worldwide. The decisions of these bodies on crucial issues, including international law and human rights, climate change, peace and security, trade, development, and economics, shape local, national, and international politics and governance.[1] Historically, while actively contributing to the work of these institutions in different capacities, women have remained markedly underrepresented in the highest decision-making roles in international justice spaces. When the voices, experiences, and perspectives of half of humanity are absent or at the margins, the resulting decisions risk being narrower, less inclusive, and less attuned to the realities they are meant to govern.

The argument for gender parity in international decision-making has three pillars. The first is derived from the **principle of equality** enshrined in numerous international treaties: Equal and inclusive participation in decision-making is a fundamental human right that extends to international spaces, and the systematic exclusion of women is a democratic deficit that international bodies should not tolerate. The second relates to **institutional legitimacy:** Diverse representation strengthens the credibility of institutions in the opinion of States, affected communities, and the global public, making them more effective. Finally, the third argument refers to the growing body of evidence suggesting **that equal representation improves the quality of judicial and policy outcomes**, allowing for broader perspectives and lived experiences to be taken into account and to shape results, making decisions more impactful.[2]

This publication examines whether the presence of women in international justice bodies affects decisions, procedures, and institutional developments, leading to better justice outcomes and processes, focusing mainly on the third argument mentioned above as well as the cyclic and self-reinforcing nature of all three. It draws on both qualitative data and the lived experiences of women who have served in these institutions, as captured through in-depth interviews. Their stories illustrate the pathways into these positions, the barriers encountered, and the contributions they and other women have made, often in the face of entrenched norms and institutional resistance. Together, the analysis and personal narratives aim to offer a nuanced, evidence-based account of why gender parity in international decision-making matters and what is at stake when it remains unfulfilled.

Against these benchmarks, **this publication assesses whether, and in what ways, the presence of women in international judicial and decision-making bodies contributes to outcomes that meet concrete standards of quality, effectiveness, and legitimacy.** This approach allows an examination of not only the numbers, but also the impact of women's participation as well as the institutional, structural, and cultural factors that ensure increased equal representation translates into better justice.

In sum, this publication **furthers the case for gender parity in international decision-making institutions. Gender-balanced benches and bodies realise women's right to equality, foster better deliberation, improve workplace dynamics, and strengthen collegiality and cooperation within institutions and across systems.**

1 GQUAL Campaign, Strategic Plan 2024–2028 (2024), available at: https://gqualcampaign.org/wp-content/uploads/2024/06/Strategic-vision-2024-28.pdf.

2 Viviana Krsticevic, "Gender Equality in International Tribunals and Bodies: An Achievable Step with Global Impact," GQUAL: A Global Campaign for Gender Parity in International Representation (web page, 15 September 2015), available at: https://gqualcampaign.org/xxxxx/. See also, María Leoni & Alejandra Vicente, "Transforming Decision-Making – An Introduction to the Symposium on CEDAW's General Recommendation No. 40, GQUAL Campaign, (2025), available at: https://gqualcampaign.org/wp-content/uploads/2025/07/Symposium-Collection-GR40.pdf.

3. METHODOLOGY



This report is the outcome of a qualitative analysis that combined a comprehensive literature review with in-depth interviews with women serving in international justice institutions. It includes thematic case studies that arose from the systematic review of the sources and interviews.

The literature review examined and synthesised findings from over 50 academic sources, including legal and feminist scholarship and empirical studies, to capture the breadth of current knowledge and debates on the role and impact of women in international justice. The review considered how the participation of women has influenced legal outcomes, legal procedures, legitimacy, institutional developments, institutional cultures, and feminist interpretations of justice while also interrogating the barriers and exclusions women continue to face.

Additionally, 23 semi-structured interviews were conducted with women who have served in international justice institutions, including as UN Special Rapporteur and Working Groups, the International Criminal Court (ICC), the Inter-American Commission on Human Rights (IACHR), the Inter-American Court of Human Rights (IACtHR), the African Commission on Human and Peoples' Rights (ACHPR), the African Court on Human and Peoples' Rights, several UN treaty bodies, the International Tribunal for the Law of the Sea (ITLOS), the European Court of Human Rights (ECtHR), the Court of Justice of the European Union (CJEU), and the International Law Commission (ILC). In total, we interviewed 19 women jurists: 6 from Latin America and the Caribbean, 2 from North America, 6 from Europe, 3 from Africa, and 2 from Asia. We also interviewed 4 women working in academia, as legal clerks, and as human rights officers at the ICC and within the UN Petitions Unit. The interviews aimed to assess the link between symbolic, substantive, and/or institutional and procedural changes in their respective institutions while they were part of them. This included inquiring how interviewees' intersecting identities impacted their professional trajectory in entering and finding their place in international justice spaces, the structural barriers encountered in their journeys, and the strategies behind overcoming those.

Furthermore, the choice of testimonies and case studies is based on the need to spotlight women's voices and lived experiences in international justice institutions, weaving together the literature review findings, the analysis of the interviews, and illustrative examples from them. The analysis aims to offer a critical reflection on the interplay between gender, power, intersectionality, and participation. Rather than isolating individual experiences, these case studies contextualise personal narratives within broader institutional and doctrinal shifts, offering a grounded understanding of how women are not only entering, but also actively reshaping the terrain of international justice.

When we refer to "women" in this publication, we do so in the broadest and most inclusive sense. This term encompasses all individuals who self-identify as women, recognising the diversity of their experiences, backgrounds, and perspectives. We do not assume that women bring a single or uniform perspective to judicial and decision-making roles. Rather, we acknowledge that gender intersects with factors such as nationality, race, ethnicity, socioeconomic and professional background, sexual orientation, gender identity and expression, sex characteristics, and lived experience, all of which shape how individuals engage with and contribute to international justice.

When we refer to "better justice outcomes and processes," we mean outcomes and processes that meet certain practical, measurable, and recognised standards. These include:

Better justice outcomes and processes	
1.	Decisions that contribute to precedent–and standard-setting on a given legal topic or field.
2.	Decisions that are positively received by scholars, practitioners, and civil society, prompting constructive engagement and sustained credibility.
3.	Decisions and processes that enhance the perceived fairness, legitimacy, and authority of the institution itself.
4.	Decisions and processes that integrate a gender and intersectional perspective in the analysis of facts, evidence, and legal arguments.
5.	Adoption of institutional developments or changes, processes, and procedures that strengthen the effectiveness of the delivery of justice.

3.1 LIMITATIONS

While this report focuses on women who have held formal decision-making roles—such as judges, commissioners, and mandate holders—we recognise that international law is equally shaped by women acting as litigators, prosecutors, victims, experts, and advocates. It is the strategic engagement of all these actors that has driven key procedural and jurisprudential advances, often ensuring that international decisions translate into real change.[3] A full understanding of women's impact on international justice must therefore include these less visible, yet transformative, contributions.

Furthermore, the women interviewed do not represent a fully diverse cross-section of geographic regions and/or intersectional identities.[4] We recognise that future research will be enriched by bringing in additional perspectives—particularly from historically underrepresented regions, communities, and backgrounds—to further broaden and deepen the understanding of women's contributions to international justice.

3 Viviana Krsticevic, "Lightning in the Night/Un Relámpago en la Noche: On Women's Contributions to the Jurisprudence and Institutions of the Inter-American Court of Human Rights"," The Oxford Handbook of Women and International Law, Ed. by Dawuni, Grossman, Nogales & Ruiz Fabri (2025), available at: https://global.oup.com/academic/product/the-oxford-handbook-of-women-and-international-law-9780197653647?cc=ar&lang=en&#.

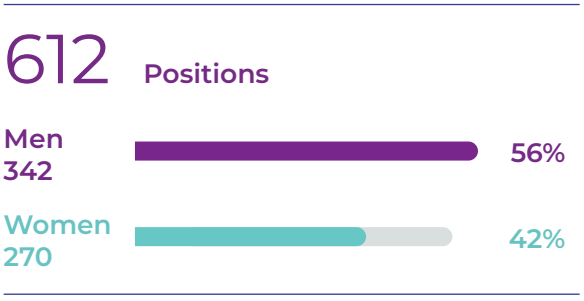
4 Over the course of our outreach, we contacted 30 women experts, but not all were available to participate given the tight timeline of the research and their competing calendars and work agendas. This helps explain why the interview sample is not geographically even.

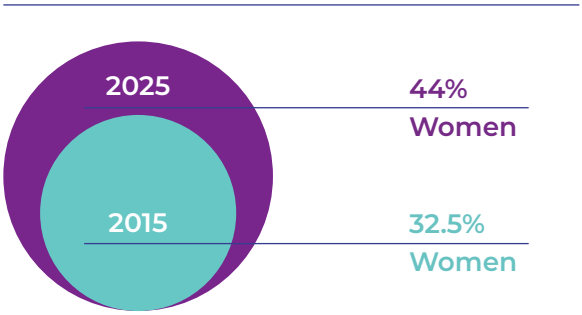
4. THE BIG PICTURE: GENDER AND POWER IN INTERNATIONAL JUSTICE



4.1 WOMEN'S UNDERREPRESENTATION IN INTERNATIONAL DECISION-MAKING

The presence of women in senior positions in the legal field remains disproportionately low, despite increased numbers of women entering the legal profession globally. A recent International Bar Association report, that examined gender disparities in senior positions across the legal profession in 11 countries spanning 5 continents, found that overall, women make up 47 per cent of lawyers and 38 per cent of senior lawyers.[5] At the international level, GQUAL monitors the composition of 102 international and regional bodies and mechanisms with mandates linked to the field of international law.[6] Currently, out of 612 existing positions matching this description, 270 are occupied by women, representing 44 per cent, and 342 by men, representing 56 per cent.[7] While these numbers fall short of evidencing parity, they reveal significant progress. When GQUAL started its work 10 years ago, women represented only 32.5 per cent of the positions monitored, which means that the gender gap in these international justice bodies has narrowed by 65 per cent since then.[8]





Gender gap narrowed by 65%

Still, gender gaps remain stark and persistent. In its 78-year history, the International Court of Justice (ICJ) has had only 6 women judges compared to 109 men, with 5 of those women currently serving. The International Tribunal for the Law of the Sea (ITLOS), over its 28 years, has counted just 7 women among its 57 members, 6 of whom serve today. Overall, women continue to account for less than 30 per cent of positions in the ICJ and ITLOS.[9] The underrepresentation of women on the International Law Commission (ILC) follows the same trend. Since its establishment in 1948, the ILC has had 249 members, of whom only 11 have been women; 6 are serving today.[10] Across the UN treaty bodies, disparities are equally evident: the Committee against Torture includes only 2 women

5 International Bar Association (IBA), Gender Progress Report (December 2024,), p. 6, available at: https://www.ibanet.org/document?id=IBA-Gender-Progress-Report-December-2024. See, Castagnola, Andrea y Pérez-Liñán, Aníbal. "La representación femenina en las Cortes Supremas y Tribunales Constitucionales de América Latina: identificando trayectorias de inclusión y perfiles de juezas", Agenda Estado de Derecho, (2021), available at: https://agendaestadodederecho.com/america-latina-representacion-femenina-en-las-cortes-supremas-y-tribunales/.

6 GQUAL Campaign, Current Composition of International and Regional Bodies and Mechanisms (data as of July 2025).), available at: https://gqualcampaign.org/data/current-composition/.

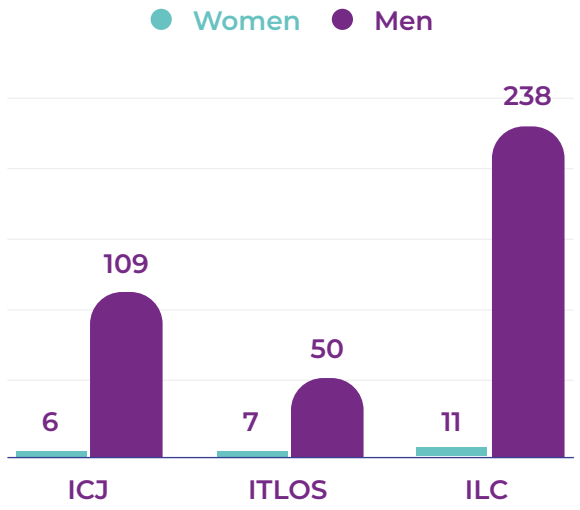
7 GQUAL Campaign, GQUAL's Presentation (February 2025) available at: https://gqualcampaign.org/wp-content/uploads/2025/02/GQUAL-Deck-1.pdf

8 *Ibid.*

9 When the International Criminal Court (ICC) is included, where women currently represent 61 per cent of judges, overall representation rises to 41.33 per cent.

10 Information available at: https://legal.un.org/ilc/ilcmembe.shtml.

among its 10 members,[11] and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families includes only 4 out of 14. In fact, only four of the ten treaty bodies have ever reached or surpassed parity: two of them are the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Committee on the Rights of the Child, which are both historically linked to women's rights and roles.



The overrepresentation of women in mandates related to women's or children's rights is a broader trend that extends beyond the UN treaty bodies. Within the UN Special Procedures, for example, women currently hold over 60 per cent of mandates; yet a significant share of these positions correspond to roles such as the Working Group on Discrimination against Women and Girls, the Special Rapporteur on violence against women and girls, and the Special Rapporteur on trafficking in persons, especially women and children. Despite notable progress, eight mandates still have never been held by a woman, including the Special Rapporteur on truth, justice and reparation and guarantees of non-recurrence and the Special Rapporteur on the right to development.[12]

At the global level, the International Centre for Settlement of Investment Disputes (ICSID) reported a continued expansion in the diversity of its arbitrators, conciliators, and committee members. In fiscal year 2025, appointments covered 48 nationalities, with women representing 30 per cent of all appointments.[13] Notably, 13 per cent of those appointed served in an ICSID case for the first time, among whom 35 per cent were women and 32 per cent were nationals of low- or middle-income economies, a sign of gradual but tangible diversification across both gender and geographic lines.[14]

At the regional level, in the Americas, even after recently achieving parity, only 13 per cent of all members of the region's three main legal bodies—the Inter-American Juridical Committee, the Inter-American Commission on Human Rights (IACHR), and the Inter-American Court of Human Rights (IACtHR)—have been women over the past 65 years. In Europe, several countries, including the United Kingdom, Italy, and France, have never had a woman of their nationality elected to the European Court of Human Rights (ECtHR), which is only 36 percent women. In Africa, while the African Union's main human rights bodies have achieved parity, women's representation in key regional courts—such as the Community Court of Justice, the Economic Community of West African Countries (ECOWAS) and the East African Court of Justice (EACJ) —stands at just 20 per cent and 9 per cent, respectively.

Gains toward gender parity remain fragile in the absence of institutional measures to sustain it. GQUAL's data and research reveal a persistent

11 An additional female expert was elected in the past election cycle and will bring the representation to three when the membership changes in January 2026.

12 Women's participation in the Special Procedures has risen from 30 per cent to 63 per cent since 2015, when GQUAL started, and at least 11 Special Procedure mandates are now led by women for the first time.

13 The ICSID Caseload – Statistics (Issue 2025-2), available at: https://icsid.worldbank.org/sites/default/files/publications/2025-2%20ENG%20-%20The%20ICSID%20Caseload%20Statistics.pdf. See also, Tatiana Herrada Sánchez, "¿Más mujeres árbitros? La equidad de género en los tribunales arbitrales", THEMIS: Revista de Derecho, No. 77, 2020, pp. 531–545.

14 *Id., p. 24.*

and troubling pattern: the more political the selection process—and the more prestigious and well-compensated the position—the harder it is for women to access it. As GQUAL's Global Ranking[15] demonstrates, States continue to act as gatekeepers, predominantly nominating and electing men to international posts. This disparity is clearly reflected in the data: Women's participation has increased much faster in mechanisms where State nominations and voting are not required, such as the UN Special Procedures, than in international tribunals and treaty bodies, where they are. Between 2018 and 2024, the number of women candidates for Special Procedures rose by 81.99 per cent, compared to only 17.4 per cent for the UN treaty bodies.

Unsurprisingly, multilateral organisations, where these justice bodies and monitoring mechanisms are housed, are no exception. Out of 62 international organisations, 21 have never been led by a woman, including the United Nations, which, in its 80-year history, has never had a woman Secretary-General.[16]

4.2 LEGAL FRAMEWORK

> "Women have the right to equal and inclusive representation in all decision-making systems on equal terms with men."
>
> *CEDAW General Recommendation No. 40*

A robust international legal framework supports gender-balanced representation in international justice institutions. The Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) all affirm the enjoyment of human rights without discrimination and prohibit discrimination based on sex or gender.[17] This includes the right of women to participate in public and political life, including in international decision-making spaces.

On this specific issue, the UN Charter affirms in its Article 8 that "the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs."[18] Similarly, Article 8 of CEDAW requires States to ensure equal rights for women to participate in political and public decision-making, including representing governments internationally and serving in international bodies.[19] This is combined with an affirmative obligation of States to take all appropriate measures to eliminate discrimination and create effective pathways for women's participation in governance and international justice.[20]

The adoption by the CEDAW Committee of General Recommendation No. 40 on the equal and inclusive representation of women in decision-making systems (GR40) in October 2024 specifically cla-

15 GQUAL Rankings, available at: https://gqualcampaign.org/rankings/.
16 GWL Voices, Women in Multilateralism 2026, pp. 13-14, available at: https://res.cloudinary.com/gwlvoices/raw/upload/v1769191013/Women%20in%20Multilateralism%202026%20-%20members.pdf.
17 Universal Declaration of Human Rights (UDHR), Art. 21; International Covenant on Civil and Political Rights (ICCPR), Art. 25; GQUAL and Berkeley Law University (UIHRLC), Achieving Gender Parity on International Judicial and Monitoring Bodies: Analysis of International Human Rights Laws and Standards Relevant to the GQUAL Campaign, IHRLC Working Paper Series No. 4 (October 2017).
18 United Nations Charter, Chapter III, Art. 8.
19 Claudia Martín, "The Potential of Article 8 of the CEDAW Convention to Guarantee Women's Equal Representation in International Representation" (2023), available at: https://gqualcampaign.org/paper-analysis-cedaw-article-8/.
20 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Arts. 7, 8.

rifies and strengthens this obligation.[21] It asserts that "equal and inclusive representation" under the treaty must be defined as 50-50 parity between women and men in all their diversity.[22] Parity is defined as both a starting point and universal norm, as well as a legal principle and a rule of good governance, which requires the sharing of power between women and men as a permanent and core feature of all areas of life.[23] GR40 highlights the centrality of Article 8 of the CEDAW Convention as the legal basis to require States to ensure the equal representation of women with men in international decision-making. As part of that obligation, States must ensure parity in diplomatic appointments and the composition of delegations, develop a foreign policy guided by a gender criterion that makes the empowerment of women and girls a central focus of government policy abroad, and institutionalise parity laws and transparent procedures at the national level for the nomination and selection for positions in multilateral and international organisations and bodies, including justice tribunals, commissions, and mechanisms.[24]

EQUAL AND INCLUSIVE REPRESENTATION MUST BE DEFINED AS 50:50 PARITY BETWEEN WOMEN AND MEN IN ALL THEIR DIVERSITY

Other international instruments reinforce this legal framework and obligations. The UN Security Council resolutions on Women, Peace and Security emphasise the importance of including women in peace and security processes. In resolution 1325 (2000), the Security Council urges Member States to "ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict."[25] In resolution 2106 (2013), the Security Council requests the UN to assist national authorities with the effective participation of women, including in the justice and security sector.[26] The Beijing Declaration and Platform for Action urges governments to eliminate barriers to women's participation in decision-making, including in international justice.[27] Goal 5 of the Sustainable Development Goals focuses on closing the gender gap and ensuring equal opportunities for all,[28] while Target 5.5 specifically calls on States to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life."[29] Finally, Action 8 of the UN Pact for the Future asks to "remove all legal, social and economic barriers to achieve gender equality and ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life."[30] This commitment is further reinforced throughout the Pact, namely in Action 19, which calls for accelerated efforts to ensure the full, equal, safe, and meaningful participation of women in peace operations. In Action 42, Member States stress the need for a transparent, inclusive, and merit-based

21 Committee on the Elimination of Discrimination against Women, (CEDAW Committee), General Recommendation No. 40 on the Equal and Inclusive Representation of Women in Decision-Making Systems, UN Doc CEDAW/C/GC/40 (2 November 2024) ¶¶ 2, 24.

22 Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems, UN Doc. CEDAW/C/GC/40, ¶¶ 1-3 (25 October 2024).

23 María Leoni & Alejandra Vicente, "Transforming Decision-Making – An Introduction to the Symposium on CEDAW's General Recommendation No. 40", p. 5 et seq.

24 CEDAW General Recommendation No. 40, Ibid., ¶¶ 28-31.

25 UN Security Council resolution 1325 (2000), UN Doc S/RES/1325 (31 October 2000)), ¶ 1.

26 UN Security Council resolution 2106 (2013), UN Doc S/RES/2122 (2103), ¶1 6(c).

27 United Nations, Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, Beijing, 4–15 September 1995, UN Doc A/CONF.177/20/Rev.1(1995)),¶ 186, available at: https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/PFA_E_Final_WEB.pdf.

28 SDG 5, available at: https://www.un.org/sustainabledevelopment/gender-equality//.

29 SDG 5.5, available at: https://know-sdgs.jrc.ec.europa.eu/sdg/5.

30 UN Pact for the Future, Global Digital Compact and Declaration on Future Generations (2024), available at: https://www.un.org/sites/un2.un.org/files/sotf-pact_for_the_future_adopted.pdf.

selection and appointment process for the Secretary-General, with due regard to gender balance and regional rotation, explicitly acknowledging "the regrettable fact" that no woman has ever held the position and encouraging States to nominate female candidates.[31]

Moreover, the underrepresentation of women in international bodies has been addressed by the UN Human Rights Council (HRC) in a number of resolutions.[32] In particular, resolution 41/6 (2019) noted with concern that women remained underrepresented in several UN bodies and mechanisms responsible for developing international human rights norms and standards and monitoring their implementation. It called upon States, the United Nations, and other international institutions, to "promote a balanced gender representation" and "equitable geographical distribution" in the composition of international bodies at all levels, including by: (i) Developing guidelines and procedures at the national level, when applicable, that have due regard to the need for gender balance as a consideration for the nomination and election of candidates; and (ii) Strengthening efforts to announce available vacancies in international bodies, encouraging more women to become candidates, and to monitor and report on the progress in achieving balanced gender representation.[33] These efforts by the HRC led to the development of a report by the HRC Advisory Committee*, Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance,* that describes the applicable legal framework and systematises a number of good practices and recommendations addressed to States and UN institutions in charge of appointment procedures in order to achieve gender parity in human right bodies.[34]

At the regional level, in the Americas, the underrepresentation of women in international bodies has also raised concern and commitments from Member States. Since 2015, the Organization of American States (OAS) General Assembly has adopted at least eight resolutions addressing the need to achieve gender parity, as well as geographical and legal-systems balance, in the Inter-American Commission and Court of Human Rights.[35] These resolutions call on Member States to nominate and vote for candidates while taking gender parity into account and to develop national selection procedures and guidelines to make advances in "achieving gender equality and population-group representation in nomination and selection processes for candidates to the organs of the inter-American human rights system."[36] A result of these efforts was the development of two reports presented to the General Assembly by the Inter-American Commission on Women (CIM) that establishes the applicable legal framework and presents specific recommendations on measures to be implemented by Member States and the OAS to achieve and consolidate gender parity.[37]

31 *Ibid.*

32 UN Human Rights Council, Elimination of all forms of discrimination against women and girls, 2019. UN Doc A/HRC/RES/41/6 (19 July 2019), available at: https://docs.un.org/en/A/HRC/RES/41/6 ; UN Human Rights Council, Current level of representation of women in human rights organs and mechanisms: ensuring gender balance. - Report of the HRC Advisory Committee, UN Doc. A/HRC/47/51 (21 May 2021), available at: https://docs.un.org/A/HRC/47/51 ; UN Human Rights Council, Elimination of all forms of discrimination against women and girls, 2022. UN Doc A/HRC/RES/50/18 (29 July 2022), available at: https://digitallibrary.un.org/record/3981266?v=pdf; UN Human Rights Council, Elimination of all forms of discrimination against women and girls, 2024. UN Doc A/HRC/RES/56/22 (16 July 2024), available at: https://digitallibrary.un.org/record/4060183?ln=es&v=pdf.

33 UN Human Rights Council, Current level of representation of women in human rights bodies and mechanisms: ensuring gender balance, Report of the HRC Advisory Committee, UN Doc. A/HRC/47/51 (21 May 2021), available at: https://docs.un.org/A/HRC/47/51.

34 UN Human Rights Council, Elimination of all forms of discrimination against women and girls , UN Doc. A/HRC/RES/41/6 (19 July 2019), available at: https://docs.un.org/en/A/HRC/RES/41/6.

35 OAS, General Assembly, AG/RES. 2887 (XLVI-0/16), AG/RES. 2908 (XLVII-O/17), AG/RES. 2928 (XLVIII-O/18), AG/RES. 2941 (XLIX-019), AG/RES. 2961 (L-O/20), AG/CG/doc.10.22, AG/doc.5807/23corr.1, AG/CG/doc.2/24 add. 1.

36 OAS, General Assembly, UN Doc AG/CG/doc.2/24 add. 1 (2024) available at: https://gqualcampaign.org/wp-content/uploads/2024/09/AG09132E03.pdf.

37 OAS, Inter-American Commission of Women (CIM), Report with recommendations on best practices to consolidate gender parity and equitable geographical distribution, as well as the representation in the Inter-American Court and Commission on Human Rights (June 2023), available at: https://gqualcampaign.org/wp-content/uploads/2024/03/CIM-REPORT-EN.pdf; OAS, CIM, Follow-up Report on the Report with recommendations on good practices to consolidate gender parity, balanced geographical representation and representation of the different legal systems in the Inter-American Court and Commission on Human Rights, (March 2025.), available at: http://scm.oas.org/pdfs/2025/CP51175ECAJP.pdf. See also OAS, CIM, Model Law on Gender Parity, available at: https://www.oas.org/es/CIM/docs/Ley_Modelo_Paridad.pdf.

In Europe, the Council of Europe's Gender Equality Strategy 2024-2029 formally commits Member States to "achieving balanced participation of women and men in political, public, social and economic life."[38] In the same vein, Principle 7 of the European Commission's "Roadmap for Women's Rights" on political participation and equal representation sets as an objective the promotion of gender-balanced representation sets as an objective the promotion of "gender-balanced representation in positions of responsibility and decision-making and women's full, equal and meaningful participation in all spheres and at all levels of public and political life."[39]

Lastly, several regulatory frameworks of international bodies reflect this international obligation through direct rules that require or promote gender balance in the bodies' composition. The Rome Statute of the International Criminal Court (ICC) obliges States Parties to consider equitable gender representation in the composition of the Court, a commitment reinforced by the Assembly of States Parties, which has implemented voting guidelines that promote specific measures, including separate lists of candidates, in order to promote gender parity.[40] Several UN human rights treaties refer to gender balance as a specific criterion for the composition of the Committees that oversee their compliance, including the International Convention on the Elimination of All Forms of Racial Discrimination, International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

At the regional level, the Protocol of the African Charter on Human and Peoples' Rights that establishes the African Court on Human and Peoples' Rights states: "Due attention should be paid to appropriate gender representation in the nomination process."[41] In voting for nominees, the African Union's Assembly of Heads of State and Government should ensure that there is "representation of the main regions of Africa and of their principal legal traditions and adequate gender representation."[42] In addition, the African Union has adopted directives to ensure geographic representation and gender parity. It thus established quotas of two female judges per subregional group, of which one nominee per regional group must be a woman.[43] In the OAS, the statute of the Inter-American Juridical Committee establishes "gender parity and an equitable geographical representation shall be taken into account, insofar as possible.[44] Following a reform adopted by consensus by the OAS General Assembly in 2024,[45] the statutes of the Inter-American Juridical Committee, IACHR, IACtHR, Administrative Tribunal, and the Justice Studies Center of the Americas all incorporate a

38 Gender Equality Commission (GEC), Gender Equality Strategy (2024-2029), CM (2024)17-final - [1491/4.3a], available at: https://search.coe.int/cm?i=0900001680ae569b.

39 European Commission, "Declaration of principles for a gender-equal society", COM (2025) 97 final, 2025, Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52025DC0097&utm.

40 Rome Statute of the International Criminal Court (2002), Art. 36(8)(a)(iii). See also ICC, Resolution ICC-ASP/3/Res.6, adopted at the 6th plenary meeting, on 10 September 2004, by consensus, available at: https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ICC-ASP-ASP3-Res-06-ENG.pdf.

41 African Court on Human and Peoples' Rights, Protocol to the African Charter on Human Rights on the Establishment of the Court, Art. 12.2, available at: https://www.african-court.org/wpafc/wp-content/uploads/2020/10/2-PROTOCOL-TO-THE-AFRICAN-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS-ON-THE-ESTABLISHMENT-OF-AN-AFRICAN-COURT-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf.

42 Id., Art. 14.

43 African Union, Decision EX.CL/907 (XXVIII) on the Modalities for the Application of the Criteria for Equitable Geographical and Gender Representation in AU Organs and Institutions, adopted by the Executive Council (2016) available at: https://archives.au.int/bitstream/handle/123456789/3561/EX%20CL%20Dec%20907%20%28XXVIII%29%20_E.pdf?sequene=4&isAllowed=y. See also, African Union, EX.CL/953(XXVIII), Modalities for the implementation of the criteria for equitable geographical and gender representation in AU bodies and institutions (2016.), available at: https://archives.au.int/bitstream/handle/123456789/4949/EX%20CL%20953%20%28XXXI%29%20_E.pdf?sequence=1&isAllowed=y.

44 OAS, Statutes of the Inter-American Juridical Committee, Art. 5 ("In the election of the members of the Committee, gender parity and an equitable geographical representation shall be taken into account, insofar as possible. No two members may be nationals of the same State"), available at: https://www.oas.org/en/sla/iajc/docs/statutes_of_the_inter-american_juridical_committee_rev4_eng.pdf.

45 OAS, General Assembly, AG/doc.5854/24 rev. 1, Resolution on the Promotion of Parity in Elections of Collegiate Bodies, Organizations, and Entities of the Organization of American States (Adopted at the Fourth Plenary Session, 28 June 2024, Fifty-Fourth Regular Session, Asunción, Paraguay), (2024), available at: https://gqualcampaign.org/wp-content/uploads/2025/09/AG09113E04.pdf.

mandatory extension of the nomination deadlines whenever the pool of candidates does not reflect gender parity.[46] In the case of the ECtHR, the election procedure before the Parliamentary Assembly includes an examination of the shortlist submitted by each State. The Assembly may reject the list by a majority vote if it determines that the national election procedure lacks impartiality, transparency, and/or consistency or that the list is not balanced between men and women. Lists that are unrepresentative will be rejected, unless the candidates belong to the gender underrepresented on the ECtHR (40 per cent or less).[47]

The above shows that **international law recognises gender parity, including in international justice institutions, as a legal obligation.** Compliance requires States and international institutions to implement structural measures that ensure equal representation rather than relying solely on general non-discrimination principles. Furthermore, this normative framework makes clear that achieving gender parity in international justice is also about defining concrete State obligations. International and regional instruments, including CEDAW Committee General Recommendation No. 40, require States to establish transparent, participatory, and gender-parity oriented nomination and selection procedures and to develop clear guidelines for voting and appointment processes that uphold parity standards. They also call for the systematic collection, publication, and monitoring of sex-disaggregated data on representation within international and regional institutions so progress can be measured and accountability ensured.

4.3 REPRESENTATION AND LEGITIMACY

Increasing judicial diversity enhances the legitimacy of international bodies and institutions by ensuring they better reflect the populations affected by their decisions and by improving representational fairness.[48] Courts that lack gender diversity suffer from a "legitimacy deficit."[49] The exclusion of women from international benches not only distorts the demographic reality of the global population, but also undermines public trust in the neutrality and fairness of judicial decisions.[50] Gender parity is not simply a matter of equality, but a foundational requirement for institutional

46 OAS, General Assembly, AG/doc.5854/24 rev. 1, Promotion of parity in elections of collegiate bodies, organizations, and entities of the organizations of American States (2024), available at: https://gqualcampaign.org/wp-content/uploads/2025/09/AG09113E04.pdf.

47 ECtHR, Composition and election process, available at: https://cglj.org/wp-content/uploads/2020/07/ECtHR-EC-mini-guidefinal-1.pdf.

48 Fionnuala Ní Aoláin, "More Women – But Which Women? A Reply to Stéphanie Hennette Vauchez" 26(1) European Journal of International Law 229, 2015, available at: https://doi.org/10.1093/ejil/chv010; Joanna Adamska-Gallant, "Women Judges in Transitional Justice and Their Impact on Trials on Cases of Sexual and Gender-Based Violence Committed as War Crimes", Trayectorias Humanas Trascontinentales (HS No 10) 141, 2023, available at: https://doi.org/10.25965/trahs.5189; Lilian Chenwi, "Women's Representation and Rights in the African Court", 18 The Age of Human Rights Journal 69, 2022, available at: https://doi.org/10.17561/tahrj.v18.6896; Patricia Pérez Golberg, "Women's Representation in International in International Courts and Bodies", Trayectorias Humans Transcontinentales (TraHs), Número especial 10, 2023 available at: https://www.unilim.fr/trahs/index.php?id=5282&lang=es; Tracy Robinson, "¿Por qué la diversidad es importante?", en Centro por la Justicia y el Derecho Internacional (CEJIL), Proceso de selección de integrantes de la Comisión y la Corte Interamericana de Derechos Humanos: Reflexiones hacia una reforma, No. 10, 2014. See also, Council of Europe, European Commission for the Efficiency of Justice (CEPEJ), Guidelines on Gender Equality in the Judiciary, CEPEJ(2022)10 (2 December 2022), available at: https://rm.coe.int/cepej-2022-10-guidelines-on-gender-equality-en-adopted/1680a95679; UN, Human Rights Council, A/HRC/47/51 "Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance", 2021, available at: https://gqualcampaign.org/wp-content/uploads/2023/12/HRC-4751-INGLES.pdf, OAS, Inter-American Commission of Women (CIM), Report with recommendations on best practices to consolidate gender parity and equitable geographical distribution, as well as the representation in the Inter-American Court and Commission on Human Rights, June 2023, available at: https://gqualcampaign.org/wp-content/uploads/2024/03/CIM-REPORT-EN.pdf and OAS, CIM, Follow-up Report on the Report with recommendations on good practices to consolidate gender parity, balanced geographical representation and representation of the different legal systems in the Inter-American Court and Commission on Human Rights, March 2025, available at: http://scm.oas.org/pdfs/2025/CP51175ECAJP.pdf.

49 Nienke Grossman, "The Effect of the Participation of Women Judges on the Legitimacy of International Courts and Tribunals," Cambridge University Press on behalf of the American Society of International Law (2011), p. 454 et seq; Nienke Grossman, "Achieving Sex-Representative International Court Benches", p. 88 et seq.

50 *Ibid*

credibility and democratic legitimacy in international adjudication.[51] Increasing women's participation in the judicial system is, first, a matter of equal access to professional opportunities and positions of public authority.[52] At the same time, women's inclusion has a democratic dimension: It enhances the representativeness of the judiciary by incorporating perspectives shaped by experiences of social exclusion.[53]

Moreover, when women occupy positions of power, they can influence how girls and other women perceive their own opportunities—through both their presence and mentoring—by signalling that access to similar roles and venues is possible.[54] Greater diversity in international judicial institutions can therefore contribute to a shared sense of ownership and legitimacy of the international justice system.[55]

This contribution rests not on essentialist claims that women hold inherently different values or are better spokespersons for women's interests, but rather on the fact that, as members of a historically excluded group, they can bring viewpoints that broaden deliberation and improve the delivery of justice, ultimately supporting the pursuit of substantive equality and the dismantling of women's subordination.[56]

Besides, *"difference-blindness"* affects international institutions, often normalising unequal representations and masking them as the result of personal choices rather than structural barriers.[57] As such, behind the rhetoric of impartiality and equality, institutions continue to privilege white, heterosexual, elite-educated men; meanwhile women, especially those belonging to historically excluded groups, remain underrepresented or relegated to gender-related mandates and issues or specific areas of the law. Such dynamics both sustain the "glass ceiling" and reinforce the relegation of women to specific fields of law, highlighting the need to institutionalise differences if structural inequalities are to be dismantled.[58] This is evident when women's issues are isolated and women are treated as a monolithic group with a single voice or gender is conflated with women, sidelining critical gender analysis such as the examination of masculinities.[59] Overcoming stereotypes that link men with "hard" areas of law and women with "soft law" or gender-related mandates requires not only addressing underrepresentation, but also confronting the structural biases that still shape perceptions of expertise.[60]

In addition, while women's participation is essential for enhancing diversity, effectiveness, and legitimacy and their mere presence in international justice institutions has some positive impacts, it is not, by itself, sufficient to ensure gender-transformative outcomes or stronger gender competency in the work of institutions.[61] Tokenistic appointments—where women are present but lack power or meaningful roles—can obscure structural imbalances.[62]

51 *Ibid*

52 Paola Bergallo, "Igualdad de oportunidades y representatividad democrática", pp. 201-202. See also, María Adelaida Ceballos Bedoya and Kelly Giraldo Viana, "La paridad en la Corte Constitucional está en riesgo," Dejusticia (June 20, 2025), available at: https://www.dejusticia.org/column/la-paridad-en-la-corte-constitucional-esta-en-riesgo/ ; María Adelaida Ceballos Bedoya, "Por una justicia más diversa," Dejusticia (November 8, 2023), available at: https://www.dejusticia.org/column/por-una-justicia-diversa-en-colombia/

53 Paola Bergallo, "Igualdad de oportunidades y representatividad democrática", pp. 203.

54 Nienke Grossman "Achieving Sex-Representative International Court Benches", p. 89 (citing Christina Wolbrecht & David E. Campbell, Leading by Example: Female Members of Parliament as Political Role Models, 51 AM. J. POL. SCI. 921–39 (2007); Crawford, Kijana & Smith, Danielle, "The We and the Us: Mentoring African American Women," 36 J. African-descendant STUD. 52 (2005).

55 Neus Torbisco-Casals, "The legitimacy of international courts: the challenge of diversity", Journal of Social Philosophy 52 (2021), p. 499, available at: https://onlinelibrary.wiley.com/doi/10.1111/josp.12452.

56 Ibid., p. 203

57 Neus Torbisco-Casals, "Why Fighting Structural Inequalities Requires Institutionalizing Difference: A Response To Nienke Grossman", AJIL Unbound, vol. 110, 2016, JSTOR, p. 93, doi:10.1017/S2398772300002877.

58 Id, pp. 93-94.

59 Hillary Charlesworth & Christine Chinkin, "The Boundaries of International Law: A Feminist Analysis, with a New Introduction", (New ed, Manchester University Press 2022), available at: https://doi.org/10.7765/9781526163592, pp. 195-196.

60 See Memooda Ebrahim-Carstens, "Gender Representation On The Tribunals Of The United Nations Internal Justice System: A Response To Nienke Grossman".

61 Charlesworth & Chinkin, "The Boundaries of International Law", p. 193. Heather Frederick, "Judicial Selection and the Underrepresentation of Women on the Pennsylvania Courts of Common Pleas" (2009), pp. 21–22.

Achieving transformative gender justice requires judges and members of international bodies—women and men alike—to demonstrate and apply a genuine commitment to equality in their work and bring in their authentic perspectives rather than those attributed to them based on gender. Both selection processes and institutional cultures must therefore be intentionally designed to foster and sustain this commitment.

4.4 REPRESENTATION AND INTERSECTIONALITY

The experiences of women who pursue careers in international justice are shaped not only by gender, but also by race, ethnicity, ability, socioeconomic status, and nationality, among others. These factors also come into play in their access to international legal spaces, namely, in how women's competence is assessed and legitimised. Therefore, addressing these structural intersections is a key element in the conversation around the participation of women in international judicial institutions.

WOMEN FROM THE GLOBAL MAJORITY, INDIGENOUS COMMUNITIES, AND RACIALISED BACKGROUNDS OFTEN FACE COMPOUNDED EXCLUSION CONSISTING OF MULTIPLE LAYERS OF BARRIERS THAT SHAPE THEIR PATHWAYS TO JUDICIAL OFFICES.[63]

These patterns are shaped in part by the legacy of colonialism and geographic bias in the international legal system. Several scholars have argued that international law often assumes a "neutral" legal subject imagined as Western and male.[64] This framing privileges credentials and knowledge from the Global North and limits the recognition

62 CEDAW, General Recommendation No. 40, ¶32; See also Claudia Martín, "Symposium by GQUAL on CEDAW's GR40: Reinvigorating Equal and Inclusive Participation of Women in International Decision-making – CEDAW's General Recommendation 40 and a Renewed Interpretation of Article 8 of the CEDAW Convention" (2025), available at: https://opiniojuris.org/2025/02/03/symposium-by-gqual-on-cedaws-gr40-reinvigorating-equal-and-inclusive-participation-of-women-in-international-decision-making-cedaws-general-recommendation-40-and-a-renewed-interp. See also Cathrine Holst, "Descriptive Representation of Women in International Courts," 52(S1) Journal of Social Philosophy (2021), p. 4; Hilary Charlesworth, "Feminist Methods in International Law" 93(2) American Journal of International Law (1999), pp. 379, 384; Paola Bergallo, "Igualdad de oportunidades y representatividad democrática en el Poder Judicial", in Juan A. Cruz Parcero y Rodolfo Vázquez (coords.), Debates constitucionales sobre derechos humanos de las mujeres, Colección Género, Derecho y Justicia, México, Fontamara / Suprema Corte de Justicia de la Nación, 2008.

63 Jeremy I. Levitt, (ed), Black Women and International Law: Deliberate Interactions, Movements and Actions (Cambridge University Press 2015); Jarpa Dawuni, "Intersectionality, Feminist Judgments, and the International Criminal Court: Whose Feminist Is It Anyway?" in Kate McLoughlin, Rosemary Grey, Louise Chappell and Sara Varrall (eds), Feminist Judgments: Reimagining the International Criminal Court (Cambridge University Press 2025), pp. 87–103.

64 Johanna Bond, "Foundations of Intersectionality Theory" in Johanna Bond (ed), International Intersectionality and Human Rights (Oxford University Press 2021), pp. 6–26, available at: https://academic.oup.com/book/39803/chapter/339913228. See also, Jarpa Dawuni, 'Intersectionality, Feminist Judgments, and the International Criminal Court: Whose Feminist Is It Anyway?', ibid., p. 87–103. Lilian Chenwi, 'Women's Representation and Rights in the African Court', The Age of Human Rights Journal, 2022, available at: https://revistaselectronicas.ujaen.es/index.php/TAHRJ/article/view/6896/6787.

of non-Western, Indigenous, or racially marginalised women as authoritative legal actors. Some scholars remain sceptical about how the question of diversity has been framed.[65] They express that mainstream conversations about diversity sound progressive but actually keep the system unchanged. Instead of transforming international justice, they mainly help make existing institutions seem more "legitimate" without addressing deeper power inequalities. Therefore, the real reasons for exclusion—colonialism, racism, elitism, and patriarchy—are left untouched.[66]

Inequities are exacerbated by opaque nomination processes and the persistent dominance of male professional and informal networks, which often function as gatekeepers to international appointments. Achieving genuine equality and inclusiveness in international justice requires more than improving representation numbers. It calls for rethinking what counts as merit, democratising nomination and selection processes, ensuring greater representation, and embedding parity within broader institutional reforms.[67] Feminist scholars also advocate for transformative equality: an approach that recognises how all women can enrich the legitimacy and scope of international law.[68]

Transformative equality shifts attention away from essentialist claims about gender difference toward questions of institutional change. The central issue is not whether women judges decide cases differently, but how their inclusion—particularly when accompanied by feminist perspectives—can disrupt and reform the masculinised cultures and entrenched norms of international adjudication.[69]

4.5 REPRESENTATION AND SUBSTANTIVE CONTRIBUTIONS TO GENDER JUSTICE

Women's presence in international justice bodies and mechanisms has played a key role in how international justice responds to gender-based violations and crimes. International criminal law is perhaps the field where the impact of women on the development of gender-sensitive jurisprudence has been most documented in literature, while their contributions go well beyond this specific field, as the research in the sections below show.



Existing literature shows clearly how women judges have helped advance the recognition of

65 Juliana Santos de Carvalho & Justina Uriburu, "Problematising Diversity: The Change That International Lawyers (Do Not) Want for International Courts", 10 London Review of International Law 391, 2022.

66 *Ibid.*

67 Nienke Grossman "Achieving Sex-Representative International Court Benches", The American Journal of International Law, Vol. 110, No. 1 (2016), pp. 82-95, Cambridge University Press; Loveday Hodson,"Gender and the International Judge: Towards a Transformative Equality Approach," Leiden Journal of International Law, vol. 35, no. 4, 2022, pp. 913–30, https://doi.org/10.1017/S0922156522000462; Neus Torbisco-Casals,"Why fighting structural inequalities requires institutionalizing difference: a response to Nienke Grossman", pp. 92–97.

68 Loveday Hodson, "Gender and the International Judge: Towards a Transformative Equality Approach";Hilary Charlesworth & Christine Chinkin, "The Boundaries of International Law: A Feminist Analysis"; Nienke Grossman, "Achieving Sex-Representative International Court Benche".

69 As Hodson notes: "Gender matters because gender derives from social and legal systems that are steeped in injustice. Attention must turn to the highly gendered (racialized, heteronormative, ableist) exclusionary frameworks within which the judge operates. Enquiring into the ways in which gender operates in practice in international courts and tribunals... points us to the structural injustices that undergird the stark statistical inequalities on international benches." Id. at 914.

gender-based crimes and also transformed the ways in which gender itself is understood within international legal processes. Women judges have introduced changes in how gender-based crimes are investigated, prosecuted, and judged, leading to stronger legal outcomes and more inclusive forms of justice. On the contrary, when international courts and tribunals have not included women on their benches, crimes and violations committed against women have been ignored.[70]

In the *Dragan Nikolic* case at the International Criminal Tribunal for the former Yugoslavia (ICTY), Judge Elizabeth Odio Benito urged the Prosecutor to revisit the evidence regarding sexual violence.[71] Although the Prosecutor initially believed there was insufficient evidence, her prompting led to the inclusion of gender-based charges.[72] This ultimately led to the conviction of Nikolic, including for aiding and abetting rape as a crime against humanity.[73] Judge Odio Benito has publicly shared the challenges she and fellow women judges—including Judge Gabrielle Macdonald—faced while at the ICTY, one of them being the resistance to characterise gender-based crimes and torture as such.[74]

Another clear and well-documented example of the impact of a woman judge is the *Akayesu* case at the International Criminal Tribunal for Rwanda (ICTR). The prosecution of rape as a form of genocide and a crime against humanity came about because Judge Navanethem (Navi) Pillay—the only woman in the Chamber assigned to this case—pushed for testimony on sexual violence to be properly examined.[75] Until that point, this kind of evidence had been overlooked. The judge's insistence ensured the Prosecutor amended the charges, resulting in Akayesu being convicted not only for genocide, but also for rape as a crime against humanity and an act of genocide.[76] This marked the first time an international court recognised rape as constitutive of genocide.

At the Special Court for Sierra Leone (SCSL), Judges Teresa Doherty and Julia Sebutinde actively examined witnesses in multiple cases, uncovering extensive evidence about gender-based crimes, including rape and forced marriage.[77] Their leadership on the bench resulted in amended indictments and convictions that recognised these as crimes against humanity, furthering the legal acknowledgment of such patterns in contexts of systematic violence.

In Cambodia, the Extraordinary Chambers in the Courts of Cambodia (ECCC) in *Prosecutor v Nuon and Khieu (Case 002/02)* prosecuted and convicted the defendants for forced marriage as a crime against humanity of "other inhumane acts" and rape in forced marriage, including against male victims.[78] Notably, it was women civil party

70 Kelly D. Askin, "War Crimes against Women: Prosecution in International War Crimes Tribunals" (Martinus Nijhoff Publishers (1997)), pp. 202–203; Richard J Goldstone, "Prosecuting Rape as a War Crime", 34(3) Case Western Reserve Journal of International Law 277, (2002), p. 279.

71 International Criminal Tribunal for the former Yugoslavia (ICTY), Prosecutor v Dragan Nikolić, Order (20 October 1995), available at: https://www.icty.org/x/cases/dragan_nikolic/tord/en/951020.pdf.

72 Anna Adamska-Gallant, "Women judges in transitional justice and their impact on trials on cases of sexual and gender-based violence committed as war crimes," p. 146.

73 ICTY, "Nikolić Case Information Sheet" available at: https://www.icty.org/en/sid/8131; See also Prosecutor v Dragan Nikolić, Appeals Judgment (4 February 2005), available at: https://www.icty.org/x/cases/dragan_nikolic/acjug/en/nik-jsa050204e.pdf.

74 Elizabeth Odio Benito, "Symposium on Gender Representation: Gender Parity in International Courts – The Voice of an International Judge," Opinio Juris (4 October 2021) available at: https://opiniojuris.org/2021/10/04/symposium-on-gender-representation-gender-parity-in-international-courts-the-voice-of-an-international-judge/. See also Elizabeth Odio Benito, 'My Experience in Three International Tribunals,'Institute on Gender Equality and Women's History (8 December 2017) available at: https://prod-cdn.atria.nl/wp-content/uploads/2017/12/04150606/my-experience-in_three-international-tribunals-elizabeth-odio-benito.pdf.

75 Hilary Charlesworth & Christine Chinkin, "The Boundaries of International Law: A Feminist Analysis", pp. 309–310; Anna Adamska-Gallant, "Women judges in transitional justice and their impact on trials on cases of sexual and gender-based violence committed as war crimes'crimes," p. 146.

76 International Criminal Tribunal for Rwanda (ICTR), Prosecutor v. Jean-Paul Akayesu, 2 September 1998, available at: https://unictr.irmct.org/en/cases/ictr-96-04.

77 Anna Adamska-Gallant, "Women judges in transitional justice and their impact on trials on cases of sexual and gender-based violence committed as war crimes," p. 147; See also Hiba Husseini, "International Criminal Court and Gender Justice" (2018) 13(1) FIU Law Review 111, available at: https://ecollections.law.fiu.edu/cgi/viewcontent.cgi?article=1476&context=lawreview.

78 Extraordinary Chambers in the Courts of Cambodia, Summary of Supreme Court Chamber Judgment on Appeals in Case 002/02 (22 September 2022,) available at: https://www.eccc.gov.kh/en/document/court/summary-supreme-court-chamber-judgement-appeals-case-00202; see algo. See also Opinion Juris, "Symposium on the ECCC: Forced Marriage in the ECCC", 2 November 2022, available at: http://opiniojuris.org/2022/11/02/symposium-on-the-eccc-forced-marriage-in-the-eccc/.

lawyers and legal teams representing survivors who successfully urged the prosecution to include forced-marriage related charges in *Case 02*.[79]

While women's contributions to addressing impunity for gender-based crimes have been studied more, women's contributions to international law are equally, if not more, far-reaching.[80] Women have profoundly shaped the substance and evolution of international law itself as well as contributed to developing the scope of protection on a diversity of rights beyond equality. A notable example of this is former ICJ Judge Rosalyn Higgins, who was the first woman elected at the ICJ in 1995 and the President from 2006 to 2009. Former ICJ Judge Thomas Buergenthal has credited her with shaping much of the court's jurisprudence.[81] Her separate and dissenting opinions on the *Nuclear Weapons Advisory Opinion*[82] and the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*[83] as well as her role as President in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* and in other important decisions[84] reflect her leadership and conviction that international law is not a static set of neutral rules, but a system of decision-making directed toward the protection of human values.[85]

Building on this legacy, this report seeks to highlight contributions made by women that include, but go beyond, the sphere of women's rights. By highlighting these broader inputs, the report aims to provide a more complete picture of women's transformative role in the evolution of international law and its institutions, as both interpreters and creators of its norms and institutional architecture.

4.6 REPRESENTATION, INSTITUTIONAL DEVELOPMENTS, AND CULTURE

The inclusion of women in legal leadership roles as judges, prosecutors, independent experts, and senior staff in international bodies, mechanisms, and commissions has produced substantive changes in institutional practice, culture, and policy within international justice bodies.

Transforming institutions is essential, as these spaces are not neutral and oftentimes mirror patriarchal structures due to the exclusion of women from their shaping. The radical potential of appointing women to predominantly masculine spaces lies not merely in increasing numbers, but in shifting the institutional equilibrium itself.[86] This requires more than having women occupying decision-making roles: It involves confronting hidden norms and everyday interactions that sustain exclusionary cultures and deliberately embedding

79 Opinio Juris, "Symposium on the ECCC: Beyond Forced Marriage – Sexual, Gender-Based and Reproductive Crimes in the ECCC" (3 November 2022) available at: https://opiniojuris.org/2022/11/03/symposium-on-the-eccc-beyond-forced-marriage-sexual-gender-based-and-reproductive-crimes-in-the-eccc/; See also ECCC, Redacted Judgment in Case 002/02, available at: https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D268_Redacted_EN.pdf and https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E11_EN.pdf.

80 Loveday Hodson, "Gender and the International Judge: Towards a Transformative Equality Approach", p. 926.

81 Thomas Buergenthal, "Rosalyn Higgins: Judge and President of the International Court of Justice", (2009) 22(4) Leiden Journal of International Law 703, p. 707.

82 International Court of Justice (ICJ), Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, (1996) ICJ Rep 66, available at: https://www.icj-cij.org/sites/default/files/case-related/95/095-19960708-ADV-01-14-EN.pdf.

83 ICJ, Legality of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion (9 July 2004) [2004] ICJ Rep 136, available at: https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf.

84 Thomas Buergenthal, "Rosalyn Higgins: Judge and President of the International Court of Justice," pp. 711-712.

85 Id., pp. 708-709

86 Fionnuala Ní Aoláin, "More Women – But Which Women? A Reply to Stéphanie Hennette Vauchez", European Journal of International Law, Vol. 26, No. 1, 2015, p. 234..

practices that recast the gendered nature of international institutions.[87]

Examples from international criminal law show how women judges, prosecutors, litigators, and experts have been instrumental in developing protective testimony measures for survivors of gender-based crimes. These include the use of *in camera* testimony, anonymisation, and restrictions on using survivors' sexual history as evidence, directly reducing re-traumatisation and making courts more accessible for survivors of sexual violence.[88] In addition, it is well documented that women experts have shaped the development of specialised gender units within various international bodies (e.g., the Gender and Children Unit at the ICC Office of the Prosecutor) and have influenced training programs for lawyers, investigators, and support staff, thereby embedding gender competence in institutional culture.[89]

In the Inter-American system, women advocates and civil society organisations played a pivotal role in advancing access to justice for victims, particularly those unable to secure legal counsel. Recognising the growing number of victims appearing before the Inter-American Court without adequate representation, several women leaders of NGOs proposed the creation of a Victims' Legal Aid Fund and compiled a roster of qualified attorneys, NGOs, and legal clinics to provide pro bono representation.[90] Their efforts were supported by Cecilia Medina, President of the IACtHR at the time, who was also concerned by the lack of qualified legal representation for victims without the support of civil society or lawyers experienced in international litigation. Determined to close this gap, she worked with Judge Sergio García Ramírez, Secretary of the Court Pablo Saavedra, and Stella Maris Martínez, head of Argentina's Federal Public Defender's Office at the Inter-American Association of Public Defenders (AIDEF), to institutionalise access to counsel for unrepresented victims. This collaboration led to the creation of the Inter-American Public Defender's System, and a 2009 agreement between the IACtHR and AIDEF to ensure legal assistance.[91] This development was later reflected in amendments to the Court's Rules of Procedure, allowing the designation of an Inter-American Defender[92], a turning point in the Inter-American system.[93]

In addition to concrete institutional developments, research also documents a clear "role model effect" whereby the presence of women in leadership roles encourages other women to enter legal practice and pursue senior office. Women judges, prosecutors, experts, and members of international bodies are more likely to mentor and provide professional guidance to junior women lawyers, fostering a new generation of female experts and improving diversity throughout institutions.[94]

In this spirit, this report seeks to identify more diverse examples of how institutions change because of women entering decision-making spaces and how institutions continue to be shaped and transformed by women's contributions and proposals.

87 *Ibid.*

88 Anna Adamska-Gallant, "Women Judges in Transitional Justice and Their Impact on Trials on Cases of Sexual and Gender-Based Violence Committed as War Crimes," p. 146; Kim Thuy Seelinger, "The Investigation and Prosecution of Sexual Violence" (Working Paper, University of California Berkeley 2015), available at: https://www.law.berkeley.edu/wp-content/uploads/2015/04/The-Investigation-and-Prosecution-of-Sexual-Violence-SV-Working-Paper.pdf; Priya Gopalan et al., "Proving Crimes of Sexual Violence" in Serge Brammertz and Michelle Jarvis (eds), Prosecuting Conflict-Related Sexual Violence at the ICTY (Oxford University Press 2016) Ch 5, available at: https://doi.org/10.1093/law/9780198768562.003.0005.

89 Anna Adamska-Gallant, "Women Judges in Transitional Justice and Their Impact on Trials on Cases of Sexual and Gender-Based Violence Committed as War Crimes"; International Commission of Jurists (ICJ), Women and the Judiciary: Geneva Forum Series 1 Conference Report (2014), available at: https://www.icj.org/wp-content/uploads/2014/10/Universal-Women-and-Judiciary-Gva-For-1-Publications-Conference-Report-2014-ENG.pdf; ICJ, Bangkok General Guidance on Women and the Judiciary (2023), available at: https://www.icj.org/wp-content/uploads/2023/02/ICJ_Bangkok_General_Guidance-1.pdf.

90 Viviana Krsticevic, "Lightning in the Night", pp.168-169.

91 *Ibid.*

92 A legal representative designated by the Court to act on behalf of a victim who does not have their own counsel.

93 Viviana Krsticevic, "Lightning in the Night", ibid.

94 Nienke Grossman, "Achieving Sex-Representative International Court Benches," p. 89.

5. CHANGING THE PICTURE: STORIES AND CONTRIBUTIONS TRANSFORMING INTERNATIONAL JUSTICE



5.1 ACCESS AND BELONGING: PATHWAYS INTO INTERNATIONAL JUSTICE

> "Equal and inclusive representation in decision-making means that all roles are accessible to women and men at all levels. It also means revaluing and prioritising issues, as well as ensuring parity across issues."
>
> *CEDAW Committee General Recommendation No. 40*

Interviewees' journeys into international justice institutions are marked by a mix of the professional excellence, personal resilience, and social capital needed to cross the thresholds of these spaces. The women quoted herein are acutely aware of the opportunities that enabled their entry, whether through nationality, access to quality higher education at home and abroad, sustained support from their families and professional networks, and access to and contact with key stakeholders who often act as gatekeepers. Yet, their experiences also reveal persistent structural barriers that continue to limit access and equal participation for women and people from underrepresented backgrounds.

This first section starts tracing the different pathways through which women reach these roles, including the decisive influence of national nomination and selection processes, professional networks, and forms of social capital that can either open doors or reinforce exclusion.

The section then explores how gender operates as a differentiated factor across appointment trajectories, sometimes enabling breakthroughs through deliberate parity efforts, while also generating ambivalence when candidacies are framed through "unique selling points" rather than merit. It closes by identifying the principal barriers to accessing and sustaining these roles, including gender stereotypes, intersecting constraints (such as language hierarchies, racialised and geographic invisibility, and credibility thresholds), and the material costs of participation (such as unpaid mandates, intensive travel, and care burdens), highlighting why parity requires structural reforms to nomination systems, working conditions, and institutional cultures.

a. Nomination and selection processes: Gender as a differentiated factor



is considered as a strong criterion for nomination and election, women experts who are strongly qualified can break glass ceilings and access international positions. Yet, these still seem to be exceptional cases and States and international institutions need to do more to ensure that gender parity representation is fully integrated within their nomination and voting processes.

Most experts acknowledged that their professional networks and prior relationships with key stakeholders in the government proved significant in being considered as candidates, alongside gender. In other cases, governments actively sought to integrate the perspectives of underrepresented groups or consulted civil society before finalising nominations. ***Theresia Degener***, former Chair of the Committee on the Rights of Persons with Disabilities (CRPD Committee), recalled:[95]

"When the German government had the first chance to put forward a candidate for the CRPD, they approached me, probably because I had written a book called 'Human Rights and Disabled Persons'.[96] They also looked for someone who was disabled, and I'm a disabled person […] and they wanted someone with legal expertise, and I was already a law professor."

Before officially submitting her nomination, the government consulted both the National Council of Disability Organizations and the German Institute for Human Rights, which endorsed her candidacy. ***Degener*** highlighted that this participatory process—rare among UN treaty body nominations—reflected the CRPD's own principle of *"nothing about us without us."*

Several interviewees, including former UN Special Rapporteur on counter-terrorism and human rights ***Fionnuala Ní Aoláin***, UN Special Rapporteur on freedom of opinion and expression ***Irene Khan***, ILC member ***Patrícia Galvão Teles***, ***Theresia Degener,*** and ITLOS Judge ***Liesbeth Lijnzaad***, noted that along with their strong qualifications, gender played a role in their nomination and appointment.

Degener shared how her gender was a positive factor in the decision of her government to nominate her: ***"My gender was also seen as a positive aspect [for her government], since Germany had strongly supported including a special article on disabled women in the Convention, the issue of gender and human rights was on the agenda of my government at the time."***

Khan recalled how a deliberate effort to redress gender imbalances at the UN Human Rights Council (HRC) opened the door for her appointment as the first woman to lead the freedom of expression mandate:

"The President of the Human Rights Council at the time was a woman, the Austrian ambassador, and she took a deliberate position that she wanted more women in these posts. There was another Special Rapporteurship being filled just before mine. The selection process [conducted by the HRC Consultative Group] produces a shortlist of three names, and the President normally appoints the top-ranked candidate. If he/she chooses someone else, he/she must give an explanation. In that case, the second-ranked candidate was a woman, and the President noted that both the first and second had very similar qualifications. So, she decided, 'I will take number two, because gender makes the difference.' That was quite a breakthrough."

Khan reflected that this decision set an important precedent within the HRC, encouraging others to actively consider gender balance in future appointments:

"That happened just a few months before my own

95 Degener explained that, at the time of her nomination to the CRPD Committee, Germany was undergoing a gradual shift toward greater transparency in the selection of candidates for UN treaty bodies. Whereas earlier appointments had been made directly by the government, her nomination reflected an emerging practice of consultation with civil society and disability organizations. This evolution was supported by the establishment of the German Institute for Human Rights in 2002, which advocated for open, participatory, and merit-based nomination processes.

96 Theresia Degener & Yolan Koster-Dreese, "Human Rights and Disabled Persons: Essays and Relevant Human Rights Instruments", International Studies in Human Rights, vol. 40, Brill, 1995.

appointment. By the time my selection came up, people were paying attention, those leading the process were looking for more women candidates. Once that train starts moving, it gains momentum. You need those moments of courage, when someone breaks the mould and says: 'If a woman is equally qualified, why shouldn't she be the one to take the position?'"

It is worth noting that, for the position of Special Rapporteur on freedom of opinion and expression—which had never before been held by a woman—the HRC Consultative Group presented a shortlist composed entirely of women, including ***Khan***, ensuring that this historic glass ceiling would finally be broken.[97]

Similarly, ***Ní Aoláin*** recalled that, in addition to her practical experience and strong credentials, her gender played a role in her appointment as the first woman to hold the role of Special Rapporteur on counter-terrorism and human rights. That year, there had been very few applications from women to the UN Special Procedures, including to her own mandate, a traditionally masculinised area of law. Although she was not ranked first among the three final recommended candidates—and the top candidate was a man—the President of the HRC proposed her appointment, taking into account her experience as well as her gender in an underrepresented role.[98]

On the other hand, ***Patrícia Galvão Teles*** and ***Liesbeth Lijnzaad*** spoke about the ambivalence they felt when their candidacies highlighted their gender. ***Galvão Teles*** mentioned that in her ILC campaign (and re-election), she emphasised merit and credentials upfront, addressing gender balance only as a closing point often raised by other delegations. She was clear that she did not want to be elected merely *"because of a quota"* or simply *"to have the female presence,"* but on the strength of her credentials and merit. ***Lijnzaad*** explained that although being a woman was presented as one of her *"unique selling points,"* alongside her expertise, as a candidate to ITLOS, she firmly rejected the idea that gender could constitute professional merit: *"I don't think that's expertise, that's more of a fact."* Despite this, she acknowledges that her gender was important in the election process: She was selected when there was only one other female judge at ITLOS, Elsa Kelly of Argentina.

In some contexts, however, access to international judicial roles was not constrained by gender. Judge ***Ineta Ziemele*** explained that Latvia's political culture has deep roots of women's public participation: Women and men organised *on equal terms* during the 1917 movement toward statehood, and, crucially, after World War I, Latvia immediately granted women equal voting rights. That history, reinforced by repeated wars that required women to *"do everything,"* created a national norm that women can and do lead. After independence from Soviet occupation in 1990–91, the new State needed all available talent; selection for top roles was driven by competence and open procedures (publicly advertised shortlists) rather than a search to *"add gender."* In that setting, ***Ziemele's*** academic record and nation-building experience led the government to put her forward, culminating in Latvia's 2004 all-women shortlist for the ECtHR.

Latvia became the first Council of Europe Member State to nominate an all-women shortlist for the ECtHR, albeit not without difficulties. The nomination of three women judges—including Judge ***Ziemele***, currently a member of the Court of Justice of the European Union (CJEU)—was met with formal objections from the Russian Federation, which claimed that such a list violated the principle of equal rights. As ***Ziemele*** recalled, *"It was an argument that turned equality on its head."*

97 "The Consultative Group decided to recommend the following four candidates as best qualified to fulfil the mandate, ranking them in the order of preference below, with two candidates ranked equally and listed alphabetically in the third place. 1. Irene KHAN (F) (Bangladesh) 2. Nani JANSEN REVENTLOW (F) (Netherlands) 3. Agustina DEL CAMPO (F) (Argentina) and Fatou JAGNE SENGHORE (F) (Gambia)" UN, Report of the Consultative Group to the President of the Human Rights Council relating to the vacancies of mandate holders to be appointed at the forty-fourth session of the Human Rights Council 3 June 2020. Available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/CallApplications/HRC44/CG_REPORT_HRC44_FINAL_to_HRC_President_2020-06-03.pdf

98 Ms. Ní Aoláin was the first woman appointed as Special Rapporteur on the mandate by the HRC.

The Council of Europe ultimately rejected the objection, affirming that true parity could not exist while the Court remained overwhelmingly male-dominated.

Similarly, ***Meg Kinnear***—now serving as a dispute neutral in international arbitration and formerly the Secretary-General of ICSID at the World Bank—emphasised the decisive role of mentorship and institutional culture in enabling women to advance in a field historically dominated by men. She explained that throughout her career, she benefited from supportive institutions, such as the Government of Canada and the World Bank, both of which were attentive to women's representation at a time when very few women worked in international trade and investment law.

Other interviewees also reflected that their credibility and access to leadership positions were shaped not only by gender, but also by how other markers—such as expertise, seniority, or even appearance—signalled authority. ***Cecilia Medina Quiroga***—the first female president of the IACtHR—observed with irony that her *grey hair* and long academic trajectory gave her a degree of gravitas that facilitated being taken seriously in male-dominated spaces. ***Lijnzaad*** noted that hierarchy itself can become a source of protection and legitimacy once attained: *"The advantage of hierarchy—and I'm now saying something very unusual—is that when you get to that position, you don't have to fight for your position in the outside world anymore, because the position comes with seniority."*

In the case of ***Verene Shepherd***, Vice-Chair (and former Chair) of the Committee on the Elimination of Racial Discrimination (CERD Committee), her path into the international arena was shaped by the intersection of her scholarly expertise in history, leadership in gender studies, and commitment to racial justice. Having served as Director of the Institute for Gender and Development Studies at the University of the West Indies, ***Shepherd*** brought to international mechanisms a deep understanding of how gender and race intertwine in shaping global inequalities. She described her transition as a natural continuation of her academic and advocacy work. Combining her interest in gender issues with her engagement in the reparations movement, she *"saw a synergy, the possibility of continuing [her] work on the international stage to contribute to the dialogue and to the resolution of the problems that have not gone away."* For other interviewees, chance, specialisation, and patient career-building were key factors enabling their entry into international justice spaces. ***Mónica Pinto***, who became an international arbitrator after a long and successful career in international law, described her trajectory as one of endurance rather than sudden breakthroughs:

"Mine was a career built on consistency, always moving forward and never stopping. And then, at some point, things happen. Certainly, many opportunities came my way, for which I am very grateful. But they took time. If you ask how long it took me to reach international arbitration, I'd say: I graduated in 1975 and was appointed as an arbitrator in 2015. That's a lifetime. I just hope that for those who come after me, it takes less time."

Pinto attributes part of her success to an early and deliberate decision to specialise in international law at a time when this was still uncommon for women in Argentina as well as to her early trilingual education. She also emphasised the importance of mentors and networks in advancing a career in international law while highlighting the gendered dimensions of this and noting that women often have to outperform male colleagues to gain equal recognition. She recounted:

"When I began working in international law in the 1980s, it wasn't fashionable, no one was doing it. I was the only person in the Ministry of Justice handling international cases, many of them inherited from the dictatorship. Later, at the Inter-American Commission hearings in Washington, I realised how few of us there were. It took years of showing up, working hard, and speaking out."

For ***Tracy Robinson***, former Commissioner and Chair of the Inter-American Commission on Human Rights (IACHR), entry into the international system was, as she put it, *"almost by accident."* She noted that English-speaking Caribbean representation in the Inter-American system has historically been

limited to *"a few individuals who are human rights actors or thinkers in the region"* and who, by virtue of their positions, have the flexibility to serve. For her and other Caribbean nominees, the path to the IACHR has been less a structured career trajectory than an extension of sustained engagement with human rights within the Caribbean Community (CARICOM). She reflected: *"It really falls on a very small group of persons to put themselves forward to serve […] [and] the same names revolve over time."* She emphasised that she did not come to the Commission as an international human rights expert, but as a constitutional law scholar and thinker who built her international expertise *"along the way."*

BOX 1 | Parity as a structural standard (50-50 as a baseline)

Former president of the International Criminal Court ***Silvia Fernández de Gurmendi*** and former UN Working Group on Discrimination against Women and Girls (WGDAWG) member ***Melissa Upreti*** agreed that parity must mean real equality, 50-50 representation. For both, gender parity is not symbolic, but structural: the foundation of legitimacy and fairness in international justice.

Fernández stressed, *"Parity is very important, numbers matter."* Equal representation, she explained, improves deliberations, strengthens institutional culture, and enhances jurisprudential quality. Once achieved, *"It becomes very difficult to go backwards."*

Echoing this, ***Upreti*** insisted on *"50-50. Always."* Parity, she argued, must be treated as a generally accepted standard—the baseline for inclusion—ensuring that women's perspectives, across all diversities, are meaningfully present in decision-making.



Together, their reflections position parity not as a goal to reach once, but as a transformative principle anchoring legitimacy, authority, and diversity in international justice.

b. Barriers to accessing international justice spaces

Despite significant progress in women's representation across international justice institutions, access to these spaces remains shaped by deeply entrenched structural, cultural, and institutional barriers. This subsection examines how gender stereotypes, intersecting forms of exclusion, and the material costs of participation continue to shape who is able to enter, remain, and thrive within international justice systems.

i. Gender stereotyping



The career paths of some interviewed women exemplify the progress women have made and the persistent obstacles they still face when accessing international spaces. The experiences of women experts show that gender stereotypes are often obstacles in women's access to positions that have never been held by women or have been historically considered "hard law" male-led areas.

Irene Khan is a case in point. She has been the first woman to hold three top positions: Secretary-General of Amnesty International, Director-General of the International Development Law Organisation (IDLO), and UN Special Rapporteur on freedom of opinion and expression, her current mandate. She reflected,

> "The level of bias against women is very similar [...] in top leadership positions. And even other women sometimes don't trust women. You are tested to higher standards than a man would be in that same position. So, it is not enough to be good, you have to be the best."
>
> ***Irene Khan***

In her view, the heightened scrutiny makes mistakes costlier for women than for men. Yet by navigating and challenging these double standards, women not only open doors for themselves but also create pathways for other women to follow.[99]

Khan also named the personal cost of pushing through those headwinds. Constantly proving credibility demands unusual self-confidence, standing up to bias over and over, calibrating every response, risking underplaying or overplaying, and accepting that, at times, one may sound harsher than intended. *"It's quite tiring,"* she admits. *"A strain we rarely factor in when we urge women to step into these roles."*

Verene Shepherd recalled how in her first days on the CERD Committee, she perceived some reluctance from several colleagues who did not understand what she—as a historian, not a lawyer like the vast majority of members— could contribute to the mandate. *"But history is central to understanding racial discrimination, its roots, its persistence. By the end of my first year, colleagues were asking for historical context to frame our discussions."* As she reflected, history is key to framing the legal arguments for justice and repair.

99 Nienke Grossman, "The Effect of the participation of women judges on the legitimacy of international courts and tribunals," pp. 453-455.

Stereotypes also play a key role in how breaking into masculine spaces unfolds. ***Fionnuala Ní Aoláin*** noted that in her experience, women are often required to prove their competence repeatedly because it is not automatically presumed:

> "There was this sort of idea of the 'great man' Special Rapporteur—the model of someone who walks in, knows everything, and commands the room. Women, by contrast, are expected to be nice, to be facilitative. They get kudos for playing a gender-nice role. But if you come in and you behave 'like a man'—those traditional gender norms can operate against you."
>
> ***Fionnuala Ní Aoláin***

Ní Aoláin also highlighted another dimension of exclusion: the structural barriers that continue to keep women out of "hard security" fields. These barriers include limited access to relevant field postings and persistent gendered assumptions about capacity. She noted that positions in these areas often require extensive experience in conflict or national security settings, opportunities that have historically been closed to women because of family-unfriendly duty stations and care-related responsibilities, which oftentimes disproportionately fall on women. Her trajectory was shaped by her personal circumstances: Growing up in Belfast during the Northern Ireland conflict informed her studies, academic work, and skills later applicable to other conflict contexts.

Beyond these structural barriers, she emphasised that exclusion is also reinforced through self-selection: Women may opt out of spaces perceived as male-dominated or incompatible with care responsibilities. This dynamic, she observed, is evident even in academia, where her human rights law classes are mostly attended by women, while her laws-of-war courses are predominantly male. Such patterns reveal how stereotypes shape access from the outset, producing gendered knowledge and skill sets long before entry into professional practice.

In the arbitration field, ***Meg Kinnear*** recalled that, especially when she started working, gendered assumptions shaped access to high-stakes cases and reinforced circular logics of exclusion. Women were often perceived as *"too risky"* to appoint in arbitration panels unless they already had an extensive record in major disputes, which prevented them from ever obtaining the experience later demanded of them. She explained:

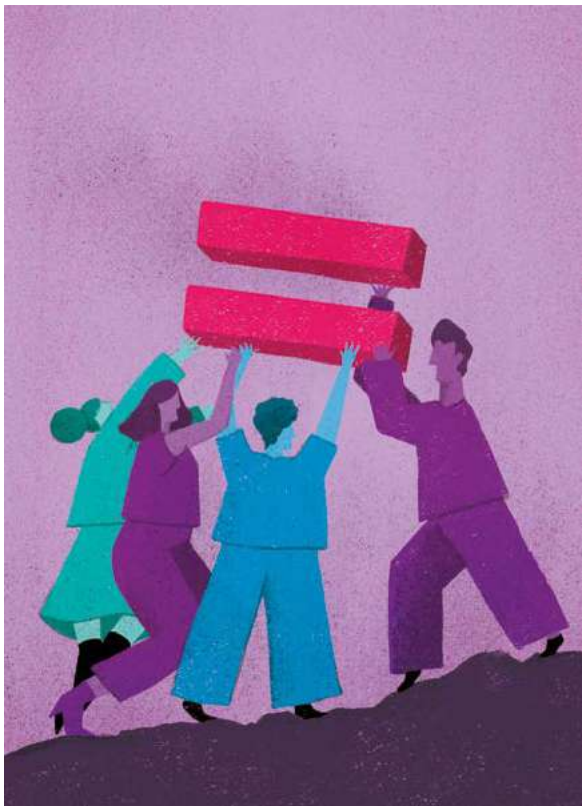
> We often heard the argument 'I'd love to appoint a woman, but my client… This is one of their biggest cases, and we can't take chances, so we need someone with an established track record.' Well, of course, you never get a track record if you don't get your first case, so it's a bit of a self-defeating prophecy.
>
> ***Meg Kinnear***

This experience paradox does not fully bar women from entering these fields, but it delays their progress, making them arrive later or more slowly than their male peers, only after they have overcome the barriers that denied them the experience now demanded of them.

Liesbeth Lijnzaad has also observed gradual, albeit

slow, progress in women's visibility before ITLOS: *"Over time, we have seen more female agents—including cases where all countries[100] appointed women as agents—and in 2019, we saw the first female judge ad hoc."* ***Lijnzaad*** emphasised the importance of these appointments, even if numerically limited, because they have helped shift perceptions about who belongs in high-level international litigation. She pointed to a recent Swiss case, explaining that the Swiss agent *"deliberately chose a female professor as judge ad hoc."* For ***Lijnzaad***, such decisions challenge the recursive logic often used to exclude women: *"You always have the threshold where people say, 'Well, you have no experience doing this, why should we choose you?' And of course, you never get experience if you're never given the opportunity."*

ii. Gendered boundaries of institutional neutrality



The interviews also revealed the persistence of a problematic narrative in which engagement with gender is treated as a source of partiality rather than a legitimate field of expertise that—like any other substantive area—can enrich the interpretation and application of international law. This framing does not usually manifest as open opposition, but rather as institutional caution and unease when gender is made explicit. For example, ***Lijnzaad*** observed that discussions around gender often exposed this form of institutional caution instead of overt resistance. For example, a proposal to host the launch of the scholarly book *Gender and the Law of the Sea*[101] was declined on the grounds of preserving the impartiality of ITLOS, an interpretation that, in her view, exposed the broader discomfort that institutions experience when explicitly engaging with gender issues. Similar sensitivities appeared in symbolic gestures. The initiative to name a room after Judge Elsa Kelly, ITLOS's first woman judge, was only accepted when paired with naming the library after the Tribunal's first President, Thomas Mensah. As ***Lijnzaad*** noted, such "balancing acts" reflect the delicate equilibrium institutions often seek to maintain between acknowledging women's contributions and preserving a perception of neutrality.

Both she and ***Mónica Pinto*** additionally underscored that gendered biases often manifest not only in institutional hierarchies, but also in the very environments where professional life unfolds. At ITLOS, ***Lijnzaad*** witnessed the Tribunal evolve from having only one woman judge to now having six. She reflected on both symbolic and structural gendered practices, noting that even seemingly minor details—such as the seating arrangement in the deliberation room—could reinforce dynamics of exclusion:

Our [deliberation room] has organised seating, which means that you sit in order of seniority. In the section where I'm sitting, where many of the women are sitting, there is also an awareness with regard to the fairness with which the internal rules

100 Case 29, San Padre Pio between Switzerland and Nigeria.

101 Isabel Lischewski, "Gender and the Law of the Sea", International Journal of Constitutional Law, Volume 18, Issue 2, 2020, pp. 651–654, available at: https://doi.org/10.1093/icon/moaa042.

are kept: who speaks, who speaks when, who gets a second turn to speak when somebody else has not yet spoken.

Pinto remarked that the world of arbitration remains *"fundamentally masculine,"* from its culture to its infrastructure. Even business hotels, she observed, seem designed for men, with closets fitted for suits rather than dresses and amenities not tailored to female travellers. She suggested that these seemingly trivial details reveal how spaces of power and prestige are built with a male professional archetype in mind.

At the same time, several interviewees highlighted how, because of their gender, women are expected to have certain expertise and focus on women's rights and gender-related topics. In 2016, following the CRPD Committee elections, ***Theresia Degener*** found herself as the Chair and the only woman among 18 experts, a stark contradiction to the treaty's own requirement of gender balance in the composition of monitoring bodies. She reflected on the direct effect of women's critical leadership through her experience as the only woman serving on the Committee. While she worked alongside supportive male colleagues, she found that it was often left to her to introduce a gender perspective in the work of the Committee, particularly when it came to LGBTIQ+ rights, a topic that others hesitated to address. ***Degener*** reflected that this imbalance began to shift once gender parity improved within the Committee, illustrating how women's presence not only diversifies perspectives, but also redistributes the responsibility for gender-sensitive analysis across all members.

iii. Costs of accessing international justice spaces

International justice roles demand extraordinary dedication, frequent international travel, and the ability to shoulder heavy responsibilities, such as adjudicating or addressing serious human rights violations. Many of these positions—including those in the UN Treaty Bodies and Special Procedures—are unpaid, requiring experts to contribute significant time and expertise while simultaneously securing other sources of income that do not create conflicts of interest. This combination of high demands and lack of remuneration places additional burdens on those with care-related responsibilities, limited independent financial means, or limited institutional support, disproportionately excluding women and individuals from the global majority from accessing or sustaining these roles.

As ***Ní Aoláin*** pointed out: *"The constraints to operate effectively in these spaces are significant, you need economic resources, resources of care, so if you are a woman and you have children, you need to have somebody to look after them because it won't be you, and the burdens of work, such as the inflexible nature of high-stakes negotiations, oftentimes require participants to 'drop everything' for weeks on end."* She concluded that work-life balance in the UN Special Procedures roles is extremely challenging, with a differentiated burden and impact on women and men with caregiving responsibilities.

Aua Baldé, a member of the UN Working Group on Enforced or Involuntary Disappearances (WGEID), emphasised that even when representation improves, structural barriers remain, including pro bono mandates, limited institutional support and resources, and personal costs, especially for women with caregiving responsibilities. These barriers continue to limit who can realistically participate:

> "The personal toll is too high. The cost is too high. Many universities or institutions don't understand this work. They don't give you time. It's not a wise financial decision."
>
> ***Aua Baldé***

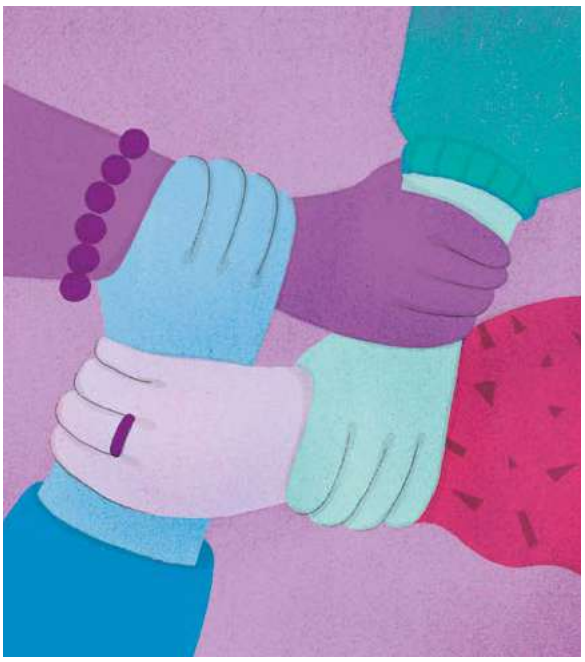
It is often difficult to secure external, sustainable sources of income that are both compatible with

UN conflict-of-interest rules and flexible enough to accommodate the intense workload and travel demands of these roles. Such opportunities are most often found in academic institutions within the Global North, further entrenching global and gender disparities in access to international justice roles.

Tracy Robinson similarly underscored the importance of economic equity as a foundation for access. In her case, academia provided the necessary space to engage in international work while continuing to teach and research. "*Those of us who have been academics have tended to have more of that space,*" she explained, adding that others who have served often do so after retirement. Reflecting on her own trajectory, she noted that even the most qualified candidates may be excluded simply because they cannot afford to serve. *"Pay experts,"* she urged, recalling how the introduction of honoraria in the Inter-American system had begun to address this imbalance. She warned that without financial support, *"some of your best possible candidates simply cannot do this work."* Her observation highlights that fair remuneration is not a matter of privilege, but one of equality: a precondition for genuine diversity in who can enter and sustain these demanding international roles. She also highlighted how working conditions can also impact women staff and limit their participation. Recalling her time as a member of the UN Independent Fact-Finding Mission on Libya, she noted: *"One challenge women staff had was, 'Can I really serve if I'm required to be based somewhere else? I can't easily take my children for only a few months in these positions.' And it impacted the continuity of recruitment of staff, and I think the results were absolutely gendered."*

Other interviewees also underscored these additional barriers rooted in the persistent traditional division of gender roles. CERD expert ***Tina Stavrinaki*** described the difficulty of reconciling responsibilities as a UN Committee member—which require participation in month-long sessions in Geneva—with personal and professional life. The challenge, she noted, is compounded by the unpaid nature of the position, which must be balanced alongside other sources of employment and ongoing obligations.

> "These positions are effectively designed for individuals who are already established and able to take approximately 10 weeks' leave to be in Geneva and set aside other obligations, an option unavailable to most. In practice, it often requires juggling more than one job while on duty, and this burden is even heavier for women, given the way social roles are allocated and distributed. The challenge is especially acute for younger women with small children. Coming from academia and an ordinary background, I found it difficult to enter a system that assumes you can simply fly to Geneva, do the work, and return. I, for one, had to unpack and teach the very next day."
>
> ***Tina Stavrinaki***



BOX 2 | GQUAL Symposium: Transforming Decision-Making

In February 2025, the GQUAL Campaign and *Opinio Juris* co-hosted an online symposium titled "Transforming Decision-Making: The Power of CEDAW's General Recommendation No. 40 in Advancing Women's Equal Representation." The event brought together 23 experts to discuss the persistent barriers women face in accessing and participating in key international decision-making spaces. Some of their concerns echoes the patterns documented in this research.[102]

For example, Hélène Tigroudja, a UN Human Rights Committee member,[103] observed that even after being elected, women experts—particularly those who are younger, from non-Western States, or non-native English speakers—continue to face patriarchal and colonial stereotypes from peers (including some women) and secretariats and within UN structures. She also emphasised that the unpaid and travel-intensive nature of treaty body work disproportionately excludes women with caregiving responsibilities or limited financial resources, an intersectional inequity that replicates, rather than disrupts, domestic patterns of exclusion.

Similarly, Laura Nyirinkindi, then-Chair of the UN Working Group on Discrimination Against Women and Girls,[104] underscored how so-called "merit-based" selection criteria routinely overlook the motherhood penalty, care burdens, exposure to violence and harassment, and the enduring presumption that men are natural leaders. She noted that even in systems with gender-responsive constitutions, laws, or quotas, male-dominated gatekeeping structures often blunt genuine progress.

Together, their reflections reinforce this report's findings: Structural biases persists across selection and mandate tenure, and addressing it requires redesigning rules, institutions, and supports.

In sum, women's access to international justice spaces remains deeply influenced by structural inequalities that extend far beyond individual merit or motivation. While many have navigated these pathways through exceptional perseverance, their trajectories reveal that access and belonging are not merely matters of opportunity, but ones of systemic design. Persistent gender stereotypes, unequal caregiving responsibilities, the unpaid nature of the jobs, language hierarchies, and resource disparities continue to determine who can enter, remain, and thrive in these institutions. True parity, therefore, requires more than balanced representation: It demands the transformation of institutional cultures, working conditions, and nomination systems so participation becomes genuinely inclusive and sustainable for all.

102 More information available at: https://gqualcampaign.org/wp-content/uploads/2025/07/Symposium-Collection-GR40.pdf.

103 More information available at: https://opiniojuris.org/2025/02/04/symposium-by-gqual-on-cedaws-gr40-gendering-and-decolonizing-human-rights-bodies-cedaw-gr-40s-impact-on-womens-representation-in-international-decision-making-organs/.

104 More information available at: https://opiniojuris.org/2025/02/04/symposium-by-gqual-on-cedaws-gr40-gender-parity-power-and-influence-the-path-less-taken/.

5.2 INTERSECTIONS: RACE, SOCIOECONOMIC STATUS, AGE, SOCIAL BACKGROUND, DISABILITIES, AND BEYOND

> "The Committee identifies seven pillars of equal and inclusive representation in decision-making systems, including intersectionality and the inclusion of women in all their diversity in decision-making systems.."
>
> *CEDAW Committee General Recommendation No. 40*

This section situates women's participation in international justice within an intersectional framework. As presented before, a complex web of privilege, opportunity, and exclusion mediates access to international justice. However, these dynamics cannot be fully understood through the lens of gender alone. Intersectional identities—including race, ethnicity, socioeconomic status, age, disability, geography, sexual orientation, and language—shape who is granted entry into these spaces and whose voices carry influence once inside. Intersectionality thus governs not only access to positions, but also whose knowledge is treated as credible or authoritative once they arrive.

In our research, many interviewees emphasised that their academic preparation, professional dedication, and expertise were fundamental to their appointments. Yet, many also cautioned that without an explicitly intersectional approach to parity, progress risks being superficial. In practice, appointments often favour women whose profiles already align with the dominant professional, linguistic, and cultural norms, rather than expanding representation across race, geography, language, and socioeconomic background. This produces a form of "elite parity," where gender representation increases without substantially widening epistemic or social diversity.

Thus, the section first maps how intersecting inequalities structure the pipelines into international roles, often producing "elite parity." It then examines how hierarchies of accent, institution, professional pedigree, and regional origin affect who is heard and believed in deliberations and public-facing mandates. Finally, it highlights moments where intersectionality becomes transformative in practice, showing how bodies that embed diversity into working methods and institutional design can shift norms, improve accessibility, and expand what institutions are able to see, prioritise, and protect.



a. Who gets in the room?

Intersectionality first determines who can access international justice spaces. Barriers related to race, geography, language, and socioeconomic status often limit which women can even become eligible for nomination or selection.

Aua Baldé, a member of the UN Working Group on Enforced or Involuntary Disappearances (WGEID), highlighted that entering international justice spaces often means navigating multiple, intersecting forms of invisibility. For her, joining the Special Procedures system involved confronting the near-erasure of Portuguese-speaking African voices within the United Nations. *"Many people I encountered did not even know where Guinea[-Bissau] was,"* she recalled, noting that Lusophone African countries remain *"further away from the curve"* because Portuguese is not a UN official language. This linguistic marginalisation compounds other structural barriers. ***Baldé*** also reflected on the social and cultural constraints she faced as a woman from the Fulani community in Guinea-Bissau, *"where girls do not have access to education and where schooling is still very much a privilege."* Her own path was made possible by parents who defied those norms, moving the family to Portugal so that their daughters could study.

Growing up in Lisbon, she confronted racism and exclusion in a context that remained largely ignorant of its colonial legacy. *"Sometimes I wonder whether things have improved, or whether it's just that I now move in different circles,"* she observed, noting that Black scholars and professionals remain strikingly underrepresented in Portugal despite its deep historical ties to Africa. After studying law and qualifying as a lawyer, ***Baldé*** returned to Guinea-Bissau to open her own legal practice—becoming the first Fulani woman to do so—and devoted her work to issues affecting her community, including the practice of female genital cutting, which she addressed through culturally grounded engagement and dialogue. Later, after earning a master's degree at Harvard Law School, she returned to West Africa to lead field initiatives on women's rights in cross-border Fulani communities. She reflected on how these experiences of transnational mobility, linguistic exclusion, and community-rooted activism continue to shape her understanding of representation, access, and justice within the UN system.

AFRICAN WOMEN IN LEADERSHIP MUST CONSTANTLY NEGOTIATE VISIBILITY, LEGITIMACY, AND BELONGING WITHIN SYSTEMS STILL SHAPED BY COLONIAL AND PATRIARCHAL HIERARCHIES.

Her journey exemplifies how the interplay of race, language, gender, and geography determines who gets to participate in international justice and whose perspectives remain unheard. Like ***Baldé's,*** the experience of Justice ***Tujilane Rose Chizumila*** of the African Court on Human and Peoples' Rights underscores how African women in leadership must constantly negotiate visibility, legitimacy, and belonging within systems still shaped by colonial and patriarchal hierarchies. In ***Chizumila's*** words: *"My journey has not been without its share of adversity. As a woman in leadership, I have faced systemic barriers, cultural resistance, and moments of isolation, particularly in male-dominated institutions."* Like other interviewees, she encountered obstacles intersecting with different layers of her identity:

"Being a former refugee added another layer of challenge, often needing to prove my credibility multiple times over, even when my track record was solid [...] Within international institutions, I encountered entrenched bureaucracies, underrepresentation of African women, and deeply rooted workplace inequalities. Advocating for equity and reform while maintaining diplomatic tact demanded emotional resilience and strategic vision."

For ***Tina Stavrinaki***, legitimacy and impact are closely tied to who is present in the room and to the lived experiences they bring with them. She emphasised that formal gender parity alone does not guarantee epistemic diversity, arguing for broader inclusion across social, regional, and cultural backgrounds. According to her, nationality and social class remain powerful axes shaping authority and deference within UN spaces. ***Stavrinaki*** acknowledged that diversity within CERD has improved—*"most of the experts are of African descent"*—yet she cautioned against tokenistic approaches and the reproduction of privilege within regions. She urged States to nominate *"more diverse people from their own contexts,"* noting, for example, that she *"would love to see a Roma woman from Greece."* She also pointed to instances of racial profiling experienced by colleagues while travelling to Geneva for sessions, which are highly problematic to promote parity and diversity in UN bodies. She noted that the lived experiences of members have resulted in the Committee's increased attention to race and gender as intersecting dimensions of discrimination rather than separate concerns.

THE NEXT PHASE OF INTERNATIONAL JUSTICE MUST TAKE DIVERSITY SERIOUSLY—NOT ONLY IN TERMS OF GENDER PARITY, BUT ALSO SOCIO-ECONOMIC BACKGROUND, RACE, AND ETHNICITY.

Patricia Sellers, a former Gender Legal Advisor at the ICTY, warned that the next phase of international justice must take diversity seriously, not only gender parity, but also socioeconomic background, race, and ethnicity. She noted that too often, international benches draw from domestic elites, reproducing exclusion through what she called "pre-selected" networks of privilege. *"You're often going to find discrimination within [a] country's judiciary, not only which women move up, but from what group, what law school, what ethnic and social background."* That pipeline, she added, remains shaped by *"ethnic, class, race, kinship or whatever"* groups with stark gaps. *"Other than in Colombia and Guatemala, I didn't see Indigenous women in the Offices of the Prosecutor or sitting on judicial benches."*

The lack of diversity in the pipelines and membership was also pointed out by ***Irene Khan***, who cautioned that the apparent geographic diversity among UN mandate holders can often obscure persistent inequalities, since many experts listed as being from the Global South are, in practice, based at well-resourced universities in the North. Very few, she noted, come from non-elite institutions in their home countries; of those, even fewer are women.

As described above, the lack of financial resources, compounded with the unpaid nature of several international positions, intersects with gender, nationality, and socioeconomic inequalities, reinforcing systemic barriers for women from the Global South without elite backgrounds. As ***Khan*** explained, the unpaid nature of UN Special Procedures forces many to rely on fundraising, which itself reflects bias:

"Sometimes donors think their money will be better managed by those coming from the Global North. So, there are other kinds of prejudices […] It applies to men as well as to women, but gender adds another layer. Even if it's not the main factor, it's an additional one, so one way or another, women do suffer."

b. Who is heard and believed? Hierarchies and representation

For those who do enter these spaces, intersecting identities further shape whose knowledge is treated as authoritative. Representation does not automatically translate into epistemic credibility.

Melissa Upreti, a former member and Chair of the WGDAWG, reflected on the additional barriers faced by women from the global majority in spaces still dominated by Northern voices. Language and cultural hierarchies, she noted, often determine whose perspectives are taken seriously:

> "If someone very fluent in the English language and from the Global North said something, it might be taken more seriously than if communicated in a different style by someone from the Global South."
>
> ***Melissa Upreti***

This sentiment was echoed by several other interviewees, such as ***Mónica Pinto***. Her experience also reveals how structural inequalities intersect with geography and language to shape women's access to international arbitration. She explained that in Latin America and other regions of the Global South, States and corporations often rely on large law firms based in Europe or the United States, which dominate international arbitration and impose English as the working language. This, she noted, creates a double barrier for women practitioners from the South, as there are fewer local firms specialising in arbitration and fewer opportunities for organic networking within the global legal community. *"If you live in Paris, Washington, or London, you meet people at the law bar, you're seen, you're part of the circle. In Buenos Aires, that doesn't happen,"* she observed. For younger professionals, she added, visibility and access remain limited: *"It takes longer for them to know who you are, for your name to circulate. You have to work twice as hard, write in another language, and build credibility from farther away."*

Tracy Robinson also observed that her leadership and experience in the IACHR could never be understood through gender alone. As an Afro-descendant Caribbean woman, her race and regional origin were constantly read alongside her gender, often filtered through stereotypes and assumptions about competence or belonging. She noted that the Inter-American system has historically been Latin American-centric, with Caribbean actors frequently perceived as peripheral. This context made her doubly aware of her identity: She confronted barriers not only as a woman, but also as an Afro-descendant from a region previously marginalised within the system. These intersections, she reflected, shaped how colleagues, States, and other actors related to her while also exposing the broader inequities faced by women professionals from similar backgrounds.

c. When intersectionality becomes institutional practice

Intersectionality becomes transformative only when institutions adapt to the realities, needs, and competencies of diverse members. This is a matter of not just demographic inclusion, but also institutional design and practice.

The Committee on the Rights of Persons with Disabilities (CRPD) offers a unique example of intersectionality embedded not only in its mandate, but also in its composition and daily functioning. As ***Theresia Degener*** clarified, the Committee's diversity of members—with experts who are blind, are deaf, have cognitive impairments, or have lived experience of institutionalisation, alongside strong geographic diversity—continuously reminded them that *"no one should be left behind."* This internal plurality often made consensus more complex, yet it enriched deliberations, compelling the Committee to account for a wider range of realities than most other treaty bodies.

This intersectional composition also spurred practical and normative innovation. The CRPD was the first UN treaty body to adopt a "Green Bureau Policy" in 2011, eliminating paper printouts that were inaccessible to many members and environmentally unsustainable. Accessibility thus became both a procedural and a symbolic commitment, an example of how intersectional awareness can reshape institutional practices. ***Degener*** noted that this diversity, combined with a conscious effort to make space for difference, allowed the Committee to *"see issues from multiple perspectives at once,"* strengthening the inclusiveness and legitimacy of its work.

Degener emphasised that individuals from marginalised backgrounds often make effective diplomats and mediators precisely because they have learned to manage complexity and difference from their lived experience: *"You have to adapt, to smile, to keep going."* Yet she cautioned that developing this confidence depends on access and opportunity; many never get the chance to prove that such experience is not a disadvantage, but a strength.

The CRPD Committee example illustrates that intersectionality is not only about who participates, but also about how institutions evolve in response to the needs and contributions of diverse members.

Furthermore, ***Aua Baldé*** illustrated how underrepresented identities can shape both the perception of expertise and the exercise of international mandates. As a Black, Portuguese-speaking African woman from the Fulani community in Guinea-Bissau, she described how she deliberately tried to build trust and connect with communities that are often marginalised or excluded from international mechanisms:

"I invested a lot of time making sure people understood how we work, what we do. There is a lot of invisibility in the African continent, specifically sub-Saharan, and in many instances, a lot of distrust. African governments often claim human rights are a Western-imposed mechanism. But if you don't understand the informal languages or local power dynamics, you will never be able to bridge that gap."

Baldé noted that in these contexts, representation matters not only symbolically, but also relationally, because it can "break the ice" in rooms shaped by elite norms. She observed that a Black African woman Chair made some communities feel seen and invited into the conversation. Even her choice to wear her natural Afro became a subtle but powerful assertion of belonging in spaces that have long coded certain bodies and expressions as "out of place." Such signals—who leads, who is visibly represented, and who understands the unspoken languages of power and context—can open doors that formal mandates or procedural guidelines alone cannot.

Baldé's testimony reflects how diversity, when embodied in leadership, can extend the reach of mandates by building trust, legitimacy, and community ownership in ways that formal authority cannot. As she put it:

> "Diversity is really important. There are things that seem straightforward to some people but are not for others, and only those who have lived similar experiences can truly understand that. If you don't have people who have walked the same path, even the simplest things can be missed."
>
> ***Aua Bladé***

At the same time, ***Baldé*** emphasised that navigating these spaces requires both patience and diplomacy, particularly in deeply patriarchal contexts or hierarchical professional cultures. As she explained, earning trust may demand skills that are never written into institutional rulebooks. *"When I go to the African continent, people assume that I'm*

young, and because I am a woman […] it takes other kinds of diplomatic skills […] Once you manage to get your message across or to build that trust, […] they will respect you for who you are." For her, this visibility created a twofold impact: It strengthened her legitimacy at home and challenged assumptions in Geneva about who belongs in global leadership. *"There is an unwritten language out there,"* she noted, and part of the work is learning to speak it while also changing its contours for those who come next.

Tracy Robinson similarly reflected on how representation and presence can transform institutional spaces and external perceptions. In her view, her presence itself carried symbolic weight: For many observers, seeing a Jamaican woman lead the LGBTI mandate disrupted assumptions about who speaks for human rights in the Americas. As she recounted, in her role as the LGBTI rapporteur, she was once chastised by a diplomat for being Jamaican. Still, her leadership demonstrated that Caribbean actors are central, not peripheral, to global human rights debates, including on sexual orientation and gender identity.

In conclusion, across these stages—access, authority, and institutional practice—intersectionality emerges not as an abstract principle but as a practical necessity for meaningful inclusion. Together, these testimonies illustrate that embedding intersectionality as a practice can meaningfully shape how international mechanisms operate and whose realities they prioritise. Lived experiences of race, class, language, disabilities, and geography fundamentally shape access to international justice, both for victims and for those mandated to serve them. When diverse women and men sit at the table, they expand what institutions can see, name, and prioritise. Intersectionality, therefore, enhances institutional intelligence, enabling mechanisms to recognise issues that might otherwise remain invisible.

Embedding intersectionality within the design and functioning of international justice bodies enhances legitimacy, fosters culturally grounded approaches, and brings protection closer to those who need it most. It transforms representation from symbolic presence into substantive change.

BOX 3 | A Closer Look — CERD Committee: Women Experts Advancing Intersectional Racial Justice

The CERD Committee has become a leading forum for expanding the scope of racial justice to encompass gendered and intersectional forms of harm. Under the leadership of its women members and Chairs, the CERD Committee's practice has increasingly centred the legacies of colonialism and the specific experiences of women of African descent and Indigenous women while also confronting internal cultures that once favoured narrow disciplinary or professional profiles.

Although the CERD Committee was the first treaty body to achieve gender parity (during the 2019–2023 cycle), persistent pipeline inequalities and nomination practices continue to determine who gains entry and whose knowledge and lived experience are accorded authority within the system.

What women changed: From rules to working methods

Women members have pushed both formal and informal levers of institutional change. ***Tina Stavrinaki*** explained:

"When the Committee's task force undertook a comprehensive revision of the Rules of Procedure, I realised that there was no reference to gender anywhere in the Rules. So, I proposed the inclusion of provisions on gender equality, and I also introduced a rule requiring that Committee members themselves respect international human rights standards, especially those related to gender equality. Unfortunately, even within these systems, one can still encounter behaviours that, while perhaps not overtly discriminatory, can be uncomfortable or inappropriate. It was important to address that."

In her 2024 presentation "Weaving Intersectional Links" at the Palais des Nations, CERD Committee member ***Verene Shepherd*** illustrated that intersectionality is not an abstract concept but a practical methodology embedded in the Committee's daily work. It informs the lists of issues sent to States, the interactive dialogues, concluding observations, General Recommendations, and even early warning, urgent action procedures, and individual communications. As she put it, *"You will notice that gender/sex is not in the Convention, but we do not ignore it: Our approach is to use intersectionality or multiple forms of discrimination to ascertain how women and girls, migrants, and minorities experience their lives in the State Party."* This approach continues to shape the CERD Committee's agenda, including its forthcoming joint General Recommendation with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on xenophobia in migration contexts, which explicitly adopts an intersectional framework.

Substantive contributions: Who speaks and what gets asked

Shepherd has consistently underlined that an intersectional reading of Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination is essential to capture the realities of discrimination faced by women, migrants, minorities, and persons of African descent. While gender is not explicitly listed among the grounds in Article 1, she explained that prompted by female members, the Committee actively asks Member States the *"gender question"* when conducting their review in order to reflect how multiple and overlapping forms of discrimination shape the lives of people, including, for instance, women who are Afro-descendant, poor, migrant, or Indigenous. This approach, she noted, allows the Committee to have *"a holistic view of the State of anti-discrimination in a particular country."*

Summary records of the interactive dialogues during the States' reports *"show that mostly women ask questions"* related to gender and LGBTIQ+ concerns, bringing focus to these issues and shaping the evidentiary record, the structure of lists of issues, and the framing of concluding observations, ***Stavrinaki*** explained.

During one review,[105] women members[106] pressed on intersectional discrimination against female migrant workers and framed headscarf restrictions as a form of intersectional discrimination primarily affecting Muslim women. They also linked reception conditions to women's health by asking whether asylum-seekers' benefits included antenatal check-ups. In another review,[107] women

105 CERD/C/SR.3027 and CERD/C/SR.3028 Committee on the Elimination of Racial Discrimination (111th session), Summary record of the 3027th meeting, UN Doc CERD/C/SR.3027 (5 December 2023); and Committee on the Elimination of Racial Discrimination (111th session), Summary record of the 3028th meeting, UN Doc CERD/C/SR.3028 (24 November 2023).

106 Ms. Chung, Ms. Stavrinaki, and Ms. Ali Al-Misnad.

107 CERD/C/SR.3063 and CERD/C/SR.3064 Committee on the Elimination of Racial Discrimination (112th session), Summary record of the 3063rd meeting, UN Doc CERD/C/SR.3063 (17 April 2024); Committee on the Elimination of Racial Discrimination (112th session), Summary record of the 3064th meeting, UN Doc CERD/C/SR.3064 (25 April 2024).

members[108] advanced a distinctly intersectional lens on labour migration by highlighting how female domestic workers face compounded harms—criminalisation after sexual abuse and the withholding of citizenship from their children—calling the latter, in the words of CERD Committee member ***Stavrinaki***, *"a textbook example of intersectional discrimination."*
Shepherd's assessment is consistent: "The more women you have on committees—especially at the top—the more you see the concern with gender issues," including for Indigenous and Afro-descendant women.

Also, the CERD Committee extensively mentioned intersectionality in its General Recommendation No. 37 on the right to health (2024).[109] It highlighted how barriers in accessing reproductive health services often have cumulative and disproportionate effects on women and girls who are Indigenous, are of African descent, or belong to ethnic minorities or lower castes as well as gender-diverse persons. These barriers are especially severe for adolescents, those living in poverty, and individuals residing in rural areas, all of whom face multiple, overlapping disadvantages in realising their right to health.[110]

5.3 INSIDE THE SYSTEM: WOMEN DRIVING INSTITUTIONAL CHANGE FROM WITHIN

> "Patriarchal structures impede the equal and inclusive representation of women in decision-making systems [...] [and] the distribution of decision-making roles also often reflects patterns of gender segregation [...] Changing these norms and stereotypes requires the structural transformation of gendered roles and responsibilities across the public and private spheres, fostering a context in which women and men can equally integrate professional duties and competencies and family and other care responsibilities, including through a new organization of work [...]"
>
> *CEDAW Committee General Recommendation No. 40*

This section examines how women's participation in international justice institutions has contributed to institutional change from within, not primarily through formal mandates or doctrinal shifts, but through everyday practices, leadership choices, and sustained engagement with organisational cultures shaped by long-standing gendered assumptions.

108 Ms. Chung and Ms. Stavrinaki.
109 Committee on the Elimination of Racial Discrimination, General Recommendation No. 37, UN Doc CERD/C/GC/37, (2024.).
110 Id., ¶ 12

The patterns described below should not be read as evidence that women possess an inherent or "natural" expertise in gender or that gender analysis is a women's issue. Rather, they reflect how institutional cultures shaped by historical exclusion have long treated dominant perspectives as neutral, rendering gender invisible and framing its explicit consideration as partial or exceptional.

In such contexts, the presence of women often functions as a disruption of entrenched norms. By bringing different life experiences and professional trajectories into spaces that were not designed with them in mind, gender diversity exposes the limits of existing interpretative frameworks and institutional practices. The resulting shift is not about individual traits, but about how greater diversity redistributes epistemic authority, challenges what counts as legally relevant, and gradually transforms gender from a marginal concern into a shared professional competence.

a. Women's presence sparking shifts in work cultures and institutional design

In the experience of many interviewees, the presence of women in international bodies is important to spark shifts in organisational cultures, challenging established norms and expectations. As women's numbers grew, presence and critical mass often functioned as catalysts for change by making visible what had long been treated as neutral: informal hierarchies, working rhythms, and institutional designs premised on uninterrupted availability.



GENDER-BALANCED BENCHES FOSTER BETTER DELIBERATION, IMPROVE WORKPLACE DYNAMICS, AND STRENGTHEN COLLEGIALITY AND COOPERATION, EVEN ACROSS INSTITUTIONS.

Silvia Fernández de Gurmendi underscored that women's participation in international justice bodies is not merely symbolic, but institutionally transformative. *"The mere presence of women—alongside men—is, in itself, an institutional contribution to decision-making,"* she explained. Gender-balanced benches foster better deliberation, improve workplace dynamics, and strengthen collegiality and cooperation, even across institutions. She emphasised, however, that the presence of women should ideally be accompanied by substantive gender expertise from all members of the bench. Referring to the ICC, she described how all candidates are now asked during nomination processes and interviews to demonstrate knowledge of gender issues and violence against women and children, criteria that she considers essential. *"It's good that civil society has helped ensure these questions are asked,"* she noted. *"It creates an incentive for candidates to study and prepare."*

Tujilane Rose Chizumila, from the ACtHPR , explained that her appointment represented a transformative moment not just for her, but also *"for many underrepresented voices on the continent."* ***Chizumila*** underscored that her presence also helped shift the Court's internal culture: *"Culturally, my presence contributed to diversifying the Court's leadership and breaking long-standing gender barriers."*

Cecilia Medina Quiroga, upon being elected in 2004 as the only woman to serve on the IACtHR, deliberately tried to challenge tokenism among her peers and to assert her place as an equal colleague. Through seemingly small gestures—such as refusing to let her male colleagues pay for her during work lunches when they were all dividing the check—and through broader initiatives to shift the Court's organisational culture, she worked to dismantle "male club" dynamics and foster a more horizontal, inclusive style of leadership. Her approach was both strategic and transformative: *"My mere presence changed the dynamics of the Court in ways I didn't even intend to influence. I treated everyone as colleagues, not subordinates, which immediately created a more horizontal environment."*

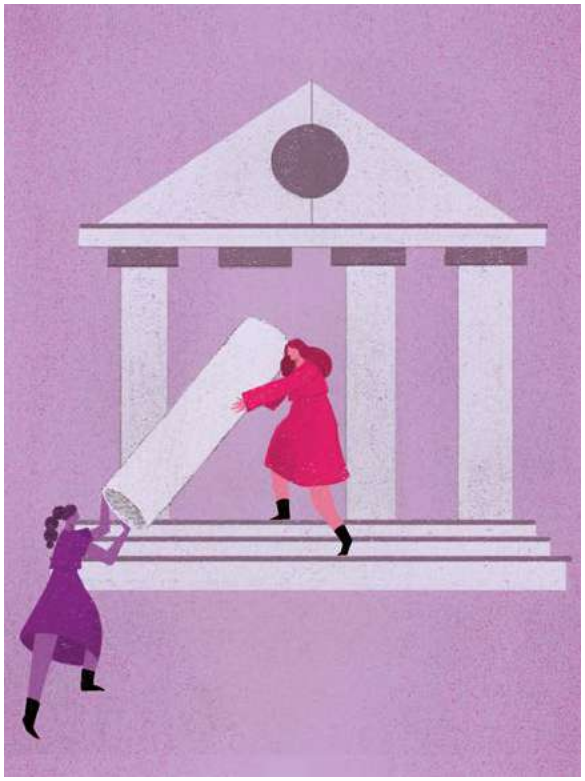
In the UN system, incremental representation is also derived from changes in institutional and organisational culture. At CERD, ***Tina Stavrinaki*** recalled that a former colleague became the first to request a breastfeeding room at the Palais Wilson in Geneva *"at one point during her mandate (2018–2022),"* revealing how even basic accommodations had not yet been institutionalised. Although senior colleagues, mostly male, were supportive, the episode showed that gender considerations remained unarticulated and informalised rather than codified, underscoring the need for clear, gender-responsive practices, culture, rules, and guidelines.

Equally, ***Ineta Ziemele's*** appointment to the ECtHR in 2004 sparked the Court's first discussions on maternity and parental leave. She was appointed while pregnant with her first child—*"a situation the institution had never faced before"*—and her arrival with a newborn revealed the absence of any provisions for parental leave or flexible arrangements for judges. The experience exposed how even high-level international institutions were built around assumptions of uninterrupted male availability. Two years later, when a Lithuanian colleague became the first sitting judge to give birth during her mandate, the Council of Europe finally adopted rules on maternity and parental leave: *"No one had anticipated that judges could be young mothers,"* she reflected. *"But life evolves, and so must the rules."*

For ***Ziemele***, the reform was not only about women's rights, but also about transforming the culture of international justice to make it more humane:

> "Judges work constantly—there is no 40-hour week, no real holidays. Extending parental leave was not only a women's issue; it was about making the profession sustainable for everyone."
>
> ***Ineta Ziemele's***

b. Transformative leadership that enables institutional change



Beyond presence and working conditions, several interviewees emphasised leadership as a key driver of institutional transformation. Women in senior roles described how they used leadership positions to model behaviour and professionalise institutional practices, shaping standards of competence, accountability, and collegial governance. Rather than relying on symbolic representation, these interventions focused on how decisions are made, authority is exercised, and responsibility for diversity and gender competence is distributed across institutions.

At the ILC, ***Patrícia Galvão Teles*** noted that the participation of a minority, but still relevant, number of women transformed the institution's working culture. She explained that female members actively started introducing a more feminist and collaborative approach to leadership, which helped foster a collegial and solution-oriented environment that contrasted with the sometimes adversarial and hierarchical dynamics that had long characterised the Commission. According to her, most women members tended to emphasise dialogue, bridge-building, and mutual respect, practices that gradually contributed to a more inclusive decision-making process.

A similar shift was described within other mechanisms where women held collective influence, particularly those with mandates requiring an intersectional vision. ***Maya Sahli-Fadel's*** former experience at the UN Working Group of Experts on People of African Descent had strengthened her belief in intersectional teamwork. She emphasised the positive impact of the effective collaboration within the Working Group, which, for much of her mandate, was composed exclusively of women. She explained that the team's collegial dynamics of work supported a consistent, intersectional lens, bringing to the fore how race, gender, and age intersect to produce distinct harms. In practice, the Working Group made a conscious effort to surface and address the layered forms of discrimination affecting women and children of African descent, ensuring these patterns were reflected in its analysis and recommendations.

At the same time, interviewees highlighted how their entry as leaders into masculinised spaces allowed them to promote changes that can model behaviour and shift institutional culture. Both ***Fionnuala Ní Aoláin*** and ***Irene Khan***, as the first women to hold their respective UN mandates, had the opportunity to change institutional practices, including by opening paths for other women to progress in their careers. ***Ní Aoláin***, for example, built a team of all-female lawyers supporting her Rapporteurship, which was—as she put it—*"purely the result of selecting the best lawyers."* This was unprecedented and unusual in the field of security and counter-terrorism. On her part, when ***Khan*** became the first woman Secretary-General of Amnesty International, she challenged certain working practices that were incompatible with family obligations (for example, attending events taking place during the weekend), allowing more junior colleagues to do the same. ***Khan*** said that she was inspired to use her leadership position to promote change by Dr. Frene Ginwala, who, as the first female President of Parliament in South Africa, changed institutional practices that prevented women from accessing parliamentary positions.

Justice Tujilane Rose Chizumila offered a particularly compelling reflection on this. She explained that when she was appointed to the ACtHPR, she consciously promoted *"an inclusive, human-centred approach to legal interpretation and procedural justice."* She fostered a more collaborative and empathetic working environment; promoted mentorship, especially of young women; and encouraged intercultural dialogue among judges. Methodologically, she pushed for *"participatory justice, digital innovation in case handling, and culturally responsive rulings that respected both continental legal traditions and global human rights standards."*

Judge ***Elizabeth Odio Benito***, who had a long judicial career at the ICTY, the ICC, and the IACtHR, recalled that her presidency at the IACtHR, as the only female judge on the bench, coincided with the onset of the COVID-19 pandemic, a period that tested the institution's resilience and capacity for

innovation. Just days after her election as President, global lockdowns and airport closures forced the Court to suspend in-person sessions. Rather than shutting down—as some other regional courts did—the IACtHR chose to adapt. *"I said: 'We cannot close. What happens to the victims if we stop working?'"* she recalled.

Beyond logistical adjustments, ***Odio Benito*** emphasised the importance of caring for the staff's mental health during prolonged isolation. Many employees—young lawyers and interns living alone or in small apartments—were under intense stress. To address this, the Court implemented therapeutic support measures and flexible working arrangements. *"It was the most difficult experience I faced as a judge and as President,"* she reflected. *"We had to think about many things, but we never stopped: We continued delivering judgments, holding hearings, and learning as we went."*

Theresia Degener similarly reflected on how juggling multiple, intersecting roles—as a mother, scholar, and disabled woman—shaped her approach to leadership and compromise. *"You learn that the perfect is the enemy of the good,"* she explained, noting that women, and particularly women with disabilities, often cultivate a distinct kind of resilience born of constant adaptation. From navigating inaccessible spaces to balancing family and professional obligations, these experiences foster empathy, flexibility, and negotiation skills that become invaluable in international arenas. ***Degener's*** insights reinforce the fact that intersectional experiences do not weaken leadership; they can strengthen it by developing competencies crucial to consensus-building and diplomacy.

Finally, ***Tracy Robinson*** described leadership as both a learned practice and a collective responsibility. Having entered the IACHR as a constitutional law scholar rather than an international human rights specialist, she saw her role as one of *"leading while learning."* She believes that leadership in human rights work requires listening as much as speaking, cultivating empathy across linguistic and cultural divides, and building trust through dialogue. ***Robinson*** viewed leadership not as solitary authority, but as collaborative and feminist, shaped by partnership, shared purpose, and attention to the power dynamics within institutions. She also reflected on how leadership within international justice institutions is not only about what women do, but also about what such experiences do to them. She described her service at the Commission as *"transformative,"* echoing her colleague Rose-Marie Antoine's view that the Commission had been *"a critical space to learn to lead and to work with others."* In ***Robinson's*** words, the significance of these roles lies as much in the inner shifts they provoke as in the institutional changes they produce. She observed:

> **"AN IMPORTANT MOMENT IS NOT SIMPLY WHAT HAPPENS WHILE YOU'RE THERE, BUT WHAT IT SHIFTS IN YOU THAT MAKES MORE OR DIFFERENT EXPANSIVE LEADERSHIP POSSIBLE LATER."**

For ***Robinson***, women's leadership is transformative because it solidifies identity through experience, shaping how leaders see themselves and the kinds of change they later pursue.

BOX 4 | Institutional Transformation within the CRPD Committee: Building Accessibility and Inclusion in UN Practice

The work of the Committee on the Rights of Persons with Disabilities (CRPD Committee) under ***Theresia Degener's*** chairpersonship, as well as previous chairs María Soledad Cisternas from Chile and Ron McCallum from Austria,[111] marked a turning point in how accessibility and inclusion were understood within the United Nations. The Committee's composition—featuring members with a range of disabilities—forced the United Nations to confront the inaccessibility of its own systems, from websites and buildings to communication and translation protocols. What began as a logistical challenge evolved into a broader institutional reflection on what it means to make space for difference within a historically exclusionary structure.

Degener recalled that when the CRPD Committee began its work, the UN website was not accessible to blind users and its buildings were not equipped for wheelchair access. The Committee's and her own persistence catalysed concrete changes across departments, embedding accessibility in everyday operations. This process became even more transformative when the CRPD Committee welcomed Robert Martin of New Zealand, the first UN human rights expert with a cognitive disability. His participation required the organisation to adopt Easy Read as a new working language and to provide multiple forms of sign-language interpretation, innovations that demanded close collaboration with UN interpretation and translation services.

Rather than treating accessibility as a technical add-on, during her time as Chair, ***Degener*** approached it as an opportunity to foster shared responsibility and institutional empathy. She worked closely with interpreters and translators, inviting them to co-design solutions rather than simply execute directives. This collaborative approach, rooted in respect and reciprocity, had a lasting impact. Interpreters expressed appreciation for her leadership. Many volunteered to train in Easy Read and disability-accessible translation, motivated by the sense that they were contributing to a meaningful institutional shift. Some approached her in the streets of Geneva to thank her for recognising their work and respecting their schedules. She insisted that the Committee should never go beyond official interpretation hours unless interpreters themselves agreed, reminding colleagues that *"they are workers, they have families."*

111 As explained by Degener, both Chairs before her were blind and also very instrumental in making the United Nations more accessible.

c. Mainstreaming gender within mandates



Once inside, many of the women interviewed actively sought to put understudied gender issues in the spotlight. Across regions and institutions, their strategies shared a common feature: pushing gender from the margins into the core of legal interpretation. In this context, greater diversity disrupted entrenched interpretive frameworks, exposing their limits and enabling gender analysis to emerge as a shared professional responsibility rather than an exceptional concern.

At the ICC, ***Elizabeth Odio Benito*** played a pivotal role in institutionalising gender awareness and legal education on the Rome Statute. As Second Vice-President of the Court , she initiated working groups to integrate gender perspectives into the Court's internal discussions and training programs, efforts that initially met some resistance. She organised seminars in The Hague with international law experts, including Christine Chinkin, Cherie Booth Blair, Cecilia Medina, and Antonio Cançado Trindade, engaging judges and legal officers in dialogue on gender justice.

During her presidency at the ICC, ***Silvia Fernández de Gurmendi*** also made a conscious effort to sensitise judges and staff on gender issues and to embed gender considerations into the institution's internal practices. Early in her tenure, she invited the then-Special Rapporteur on violence against women and girls to address one of the Court's plenary sessions, fostering reflection among judges on the gender dimensions of their work. Later, during a rotation of judicial posts, she initiated conversations with States Parties to underscore the importance of nominating women judges to maintain gender balance on the bench.

Fernández also helped lay the groundwork for the creation of the Gender Focal Point position within the ICC's Registry, an initiative that was ultimately realised after her departure. As she recalled, *"We began to promote the establishment of a focal point within the Court's Secretariat to address gender issues; the process was complex, but today, it exists as a dedicated unit to advance gender equality at the institutional level."* These efforts illustrate how women in leadership roles can leave behind structural reforms that outlast their mandates and gradually transform institutional cultures.

At the African Commission on Human and Peoples' Rights (ACHPR), Commissioner ***Maya Sahli-Fadel*** highlighted how women commissioners—who often constituted the majority and at times held both leadership positions within its Bureau—worked intentionally to mainstream gender across the Commission's work. As she explained, *"It isn't written into the Rules of Procedure, but our practice made gender a transversal question across all mandates: death penalty, enforced disappearances, torture, detention, migration, human rights defenders, etc."* ***Sahli-Fadel*** reflected that this consistent integration of gender may have been facilitated by the frequent majority presence of women within the Commission, which ensured that a gender perspective was included in reports, regardless of the topic. As she put it:

"We wanted to carry our condition as women in relation to other women living in situations of vulnerability. I remember one study conducted by a male commissioner where all categories were discussed, but he had forgotten to mention women. So, we made sure that women's situations were addressed. We were always vigilant, always on early alert regarding the situation of women, and it was necessary to highlight their condition across the different mandates."

Similarly, ***Verene Shepherd's*** leadership continued and even intensified the CERD Committee's efforts to mainstream gender into the mandate. She recalled that some resistance initially came from colleagues who viewed gender-related issues as outside the Committee's strict legal mandate, as they were not mentioned in the Convention. However, she observed that over time, these attitudes shifted as the Committee embraced a broader and more intersectional understanding of discrimination. She consistently advocated for attention to the specific experiences of Afro-descendant and Indigenous women, linking issues such as reparations, racial profiling, and access to healthcare to the enduring structural legacies of colonialism and slavery. Shepherd emphasised that much of this progress depended on interpretive creativity, despite the Convention's age and the absence of explicit references to gender in its text.

Other women used leadership positions to change not only interpretative practices, but also working methodologies in order to mainstream gender perspectives into jurisprudence. When ***Cecilia Medina Quiroga*** joined the UN Human Rights Committee, she quickly realised that women's issues were treated as an afterthought or a separate issue, confined to a single paragraph on women's rights in each country's report, as opposed to an integrated analysis addressing each right protected under the International Covenant on Civil and Political Rights. Determined to change that, she began advocating for a change in how the Committee conducted country exams and drafted reports, ensuring that violations of women's rights be recognised within each specific right protected under the Covenant. As she recalled, *"female genital mutilation had to be addressed under the right not to be tortured,"* not relegated to a separate section on women. She pushed to systematically mainstream gender analysis across the Committee's work, ensuring that gender-based violations were acknowledged as integral to broader human rights concerns. *"I said, 'This has to change—and we must do everything to change it."* Her efforts also expanded the Committee's perspective on issues that disproportionately affected women. When factory labour conditions in *maquiladoras* were discussed, she intervened to highlight that these were fundamentally affecting women. Faced with resistance—*"a colleague said to me, 'Again, the women?' "*—she replied firmly, *"yes, again."* Through persistence and conviction, ***Medina*** helped transform gender from a marginal concern into a cross-cutting dimension of human rights protection, paving the way for a more inclusive and substantive interpretation of the Covenant.

For ***Medina***, using gender as an additional lens creates spaces for intersectional understandings that help reveal previously overlooked complex social dynamics, with a clear transformative potential. As she explained, focusing on women's rights not only corrects historic exclusion—by bringing into the protective scope of international human rights law those previously left aside—but also broadens the understanding of discrimination itself: *"When you begin to look at women and at discrimination, you also begin to see society with different eyes and can better explain what happens to people in all their diversity."* Thus, when she joined the IACtHR, ***Medina*** began what she called *"asking the women question."* In one of the first cases that she participated in, a massacre case, she realised that although women were among the victims, their suffering was treated as gender-neutral. During the hearing, she asked the expert witness whether the women who had been raped experienced an additional layer of harm—a "plus of pain"—beyond the general violence of the massacre. The expert replied that indeed, they did: women who had been raped were rejected by their communities, and even by their husbands, and forced to abandon their villages.

Efforts to mainstream gender were very present for some of the experts who assumed the leadership of mandates that had never been held by a woman before. ***Fionnuala Ní Aoláin***, for example, deliberately mainstreamed gender throughout her Special Rapporteurship on counter-terrorism and human rights:

> "We integrated gender everywhere, to see both the roles that men and women are playing, not just the roles of women. Through everything we did in every country visit, in every report, I addressed gender, and that included both masculinities and femininities, and we looked at the impact of counter-terrorism measures through a gender lens."
>
> ***Fionnuala Ní Aoláin***

Likewise, ***Irene Khan***, deliberately chose to foreground gender in her mandate after discovering that a 2013 UN Human Rights Council (HRC) resolution requesting a report on "how freedom of expression empowers women's participation and advances gender equality, and the obstacles women face in exercising this right"[112] had never been implemented by the previously male mandate holders of the Rapporteurship. For ***Khan***, this was a topic of interest that followed her prior work on tackling gender violence in different contexts.[113] In her own words:

"Because I was the first woman, obviously I was interested in gender issues already, I had worked in this area, so I looked to see whether there were any reports about freedom of expression from a gender perspective and I discovered that many years ago, the Human Rights Council had adopted a resolution calling on the then-Special Rapporteur to produce a report on the impact of freedom of expression and gender equality. It had not been done. So, I picked that up, and I have pushed that through my work."

d. Institutional pathways, pipelines, and succession

Several interviewees emphasised that institutional change also depends on how pathways are built, sustained, and renewed: through recruitment, nomination practices, mentoring, and deliberate efforts to open doors for the next generation. Several women described using their positions to widen pipelines, open space for future candidates, and ensure that leadership gains translate into longer-term institutional continuity.

When reaching the end of her term at the IACtHR, and being the only female judge at the Court, ***Elizabeth Odio Benito*** launched a campaign urging governments to nominate women candidates. In her own words:

"When I was finishing my term as President and Judge, the [incoming] President asked if I wanted to be nominated again. I said no, that I was ready to retire and open the space for new generations. That has always been my approach in the tribunals where I served: to open the way for the women coming after us, especially in Latin America. Together with the Deputy Secretary, we began a campaign encouraging governments to nominate women. We reached out to former and current women judges and academics, and together, we drafted a letter to all governments in the region, urging them to put forward women candidates. The letter was signed by every woman judge from Latin America—Cecilia Medina, Silvia Steiner, Sonia

112 MUN Human Rights Council, The role of freedom of opinion and expression in women's empowerment", UN Doc A/HRC/RES/23/2 (June 2013,) ¶ 4, available at: https://docs.un.org/en/A/HRC/RES/23/2.

113 Khan's work at Amnesty International included advancing a vetting process for UN peacekeeping forces (partly intended to prevent sexual violence and other violations by peacekeepers) as well as launching Amnesty International's first global campaign on violence against women.

Picado, among others—and the response was extraordinary: In that election, there were five women candidates, and three were ultimately elected from Costa Rica, Argentina, and Chile. It was an important achievement, but we must remain vigilant to preserve a balance of at least three or four women judges on the bench."

As Secretary-General of ICSID from 2009 to 2024 , ***Meg Kinnear*** introduced structural changes to both arbitrator selection and institutional accountability, particularly in response to the historic lack of diversity in investment arbitration. When she arrived, only around 9 per cent of arbitrators had ever been women, and two white European women received most repeat appointments. To address this, ICSID began systematically requiring that its candidate lists always include at least two women, encouraged Member States to diversify their national rosters, and promoted regional inclusion by identifying arbitrators in underrepresented jurisdictions, particularly in Africa and Eastern Europe.

Kinnear emphasised that change initially came not from private actors but from arbitral institutions.[114] Early statistics showed that institutions were the ones appointing women, while parties and co-arbitrators remained reluctant to do so, revealing that the problem was not simply the small number of women in the field, but who was responsible for appointing them. Institutional appointments gave women their first opportunities to build a record of cases. As the pool of qualified women expanded, private parties gradually followed, contributing to a rise in female appointments to approximately 35–45 per cent in recent years. ***Kinnear*** also linked this shift to a recent influx of highly qualified mid- to senior-career women entering arbitration full-time, many of whom had already demonstrated excellence in private practice, governments, or international organisations: *"We have seen a huge influx, very recently, of mid-career to senior-career females going into arbitration as their full-time occupation […] incredibly capable people who have, by and large, shown their capability in private practice or other things."*

Kinnear also institutionalised a statistical monitoring system, publishing diversity data every six months to ensure public accountability and track not only how many women entered arbitration, but also who—whether institutions, States, or parties—was driving that change. She stressed that these reforms aimed not at symbolic representation, but at embedding diversity as a professional standard within investor-State dispute settlement.

Kinnear acknowledged that internal reforms were not initially welcomed by everyone. Although explicit opposition was rare, she recalled early scepticism toward diversity measures and doubts about whether change was necessary. Over time, however, resistance weakened as these policies became normalised and as a new generation of lawyers—educated in gender-balanced classrooms—entered the field. For her, the shift reflects not only institutional leadership, but also broader societal change: Diversity in arbitration no longer challenges the status quo, but forms part of it. As she explained, younger male practitioners do not perceive gender balance as exceptional or corrective, but as ordinary, having grown up in spaces where 50-50 representation is already the norm.

In both contexts, gender parity advanced where institutions assumed responsibility for building pipelines, opening access, and ensuring that leadership gains translated into lasting structural change.

114 The Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings, coordinated by the International Council for Commercial Arbitration (ICCA), documented a global increase in the appointment of women arbitrators and identified institutional policies as a key driver of change. The task force's 2022 report highlights that arbitral institutions tend to appoint women at significantly higher rates than private parties, confirming that institutional leadership can break entry barriers by giving women their first cases, an effect Kinnear described as decisive. ICCA, Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings (ICCA Reports No. 8, 2022), launched at the ICCA Edinburgh Congress, 20 September 2022.

e. Mentorship and feminist leadership as calysts for change



A fundamental institutional impact of women's equal participation—on which most interviewees agreed—was the importance of mentoring and supportive professional networks and how women's presence tends to foster and expand these practices within institutions.

Mónica Pinto and ***Melissa Upreti*** emphasised that mentoring is not a one-way process from senior to junior professionals. Both credited their students, alumni, and junior colleagues with encouraging and supporting them as they advanced toward decision-making positions. Their experiences show that intergenerational exchanges—where knowledge, solidarity, and inspiration flow in both directions—play a vital role in sustaining women's leadership and ensuring continuity in feminist advocacy within international institutions.

Many interviewees acknowledged the role that mentors had in their careers, many of whom were feminist figures. For instance, ***Fionnuala Ní Aoláin*** recalled that studying under Martha Fineman profoundly shaped her understanding of security from a feminist perspective, an approach she later integrated into her work and reports as Special Rapporteur.

Notably, many experts emphasised how female colleagues and peers often became mentors and sources of support during their mandates, forming networks that strengthened both individual and institutional growth. At the IACHR, ***Tracy Robinson*** served during a historic moment: the first time women made up the majority of the Commission, with Dinah Shelton as President. Such an environment, she said, foregrounded women's leadership, even in an institution still marked by patriarchal structures. She described the experience as transformative, not only for the Commission, but also for her personally, since much of her learning came from colleagues, victims, and female peers. Her engagement in cases such as *Jessica Lenahan (Gonzales) v. United States*[115] and her early missions with Commissioner Shelton shaped her vision of what it means to lead in international justice: enabling visibility for victims, opening new avenues for participation, and pushing for inclusivity in methods and mandates.

Robinson also recalled the strong feminist backgrounds of recent IACHR members from the Caribbean, pointing out that:

115 The Jessica Lenahan (Gonzales) v. United States case (Inter-American Commission on Human Rights, Report No. 80/11, Case 12.626 (21 July 2011) marked the first finding of an international human rights body holding the United States responsible for violating the human rights of a woman and her children due to domestic violence. The Commission found that the State failed to act with due diligence to protect Jessica Lenahan (formerly Gonzales) and her daughters from gender-based violence, constituting a violation of their rights to life and to equality before the law. As Tracy Robinson recalled, during her mandate as the IACHR's Country Rapporteur for the United States, she oversaw the follow-up and compliance phase of the case, a complex process given the relationship of the United States with the Inter-American system. Under her leadership and at the request of the victim and her representatives, the Commission held a public hearing on compliance, an unprecedented move in the IACHR's practice at the time, which had previously treated such meetings as confidential. This innovation significantly increased the visibility of the case and reinforced civil society engagement in the follow-up process.

"Among the last few of us from the Caribbean to serve on the Inter-American Commission—Margarette Macaulay, Roberta Clarke, myself, and now a new Commissioner from the Bahamas, Marion Bethel—we all came up through the circles of feminist work in the Caribbean. We share backgrounds as feminist lawyers who have worked together, and that community matters: New commissioners often emerge from those conversations with women who have already served, grounded in shared leadership and, I would add, feminist leadership."

Robinson credited early mentorship from these regional feminist leaders for modelling what *"leadership alongside others"* could look like.

Similarly, ***Cecilia Medina Quiroga*** recalled how her perspective evolved through exchanges and collaborations with female colleagues at the UN Human Rights Committee and the IACtHR. She noted that in both bodies, she worked with female colleagues who were *"more feminist"* than she perceived herself to be, leading to fruitful collaborations and discussions that influenced her work. Her reflection illustrates how peer mentorship and collaboration among women judges can foster deeper awareness of the structural dimensions of discrimination, helping to translate feminist insights into institutional practice.

Meg Kinnear credited not only supportive institutions during her professional trajectory, but also male colleagues at ICSID who actively endorsed women's leadership rather than merely "tolerating" their presence. As she recalled, many of her peers acted as genuine allies at a time when women were still a minority in the profession: *"we used to joke that the men in our group were the feminists, because, really, they were so supportive, it wasn´t even a question."*

A similar dynamic emerged in 2016, following the CRPD Committee elections, after which ***Theresia Degener*** found herself as the only woman among 18 experts. The absence of women was so striking that her male colleagues, recognising the imbalance and the symbolic weight it carried, unanimously supported her election as Chair. As ***Degener*** recalled, *"I was approached by many friends and advisors who said, 'now that you are the only woman, you need to be chair."*

In addition, experts discussed the importance of having professional support networks as part of institutional practices. Three interesting and distinct examples were shared ***by Cecilia Medina Quiroga, Elizabeth Odio Benito,*** and ***Silvia Fernández de Gurmendi.***

Medina recalled her own experience at the Human Rights Committee, where she received periodic concise, well-prepared shadow reports from feminist scholars that synthesised data and analysis on women's rights issues every time the Committee was examining a State. These materials equipped her with the background she needed to integrate gender considerations effectively into the Committee's work, demonstrating how feminist academic and civil society networks can act as quiet but powerful enablers of institutional change.

Fernández shared how she informally began meeting with the female presidents of other international criminal tribunals to exchange views on their personal experiences in leadership roles as well as to share suggestions and good practices.

At the ICTY, ***Odio Benito*** emphasised the decisive role that collaborations among women judges played in advancing the recognition of sexual and gender-based crimes as international crimes. Working closely with Judge Gabrielle Kirk McDonald, who later became President of the ICTY, and with the support of Prosecutor Richard Goldstone, ***Odio Benito*** pushed to ensure sexual and gender-based violence would no longer be treated as incidental or collateral. She also recalled that this teamwork, combined with exchanges with Judge Navi Pillay at the ICTR, created a form of sisterhood across tribunals that was both professional and political: a collective effort to make international justice hear what had long been silenced. She reflected,

"Women must be where decisions are made because their presence changes what is seen, what is said, and what is judged."

At the ICC, she acknowledged the support received by some colleagues such as Silvia Steiner, Ekaterina Trendafilova, Akua Kuenyehia, Navi Pillay, and Silvia Fernández de Gurmendi.

BOX 5 | Women in International Arbitration

ICSID is the world's leading institution devoted to international investment dispute settlements. Unlike the arbitration market, the institution itself was predominantly composed of women when ***Meg Kinnear*** arrived. Around 75 per cent of staff were female, particularly in tribunal secretary roles, positions historically perceived as behind the scenes or administrative rather than decision-making. While this representation meant that gender was not an obstacle internally, ***Kinnear***, the Secretary-General from 2009 to 2024, noted that the role had been implicitly feminised:

"People almost thought of it as a more female role […] making sure everything worked smoothly, as opposed to standing up, making arguments […] There's just been that kind of assumption."

Kinnear explained that ICSID's challenge was therefore not increasing the number of women within the institution, but diversifying responsibility and regional representation and ensuring these roles were not seen as a "female job." She added that in recent years, more men have begun applying for tribunal secretary positions, a positive shift that broadens who is perceived as qualified to perform key procedural work. At the same time, ICSID staff actively contributed to increasing diversity among arbitrators by identifying promising women at conferences, encouraging their nomination on tribunals and recommending them for rosters.

Drawing from her experience as one of the few Latin American women to serve as an international arbitrator, ***Mónica Pinto*** described how informal solidarity among women has been key to opening doors in an otherwise male-dominated field. *"I have friends in arbitration,"* she explained. *"We try to be supportive, proposing each other's names when opportunities arise."* While she acknowledged that this *"sisterhood"* is not absolute, she underlined that a genuine sense of mutual recognition often guides women's professional networks, helping others to be seen and nominated.

Pinto also noted that this culture of solidarity has been strengthened by generational change and regional differences. In her view, younger women international arbitrators—and many of their European counterparts—show a stronger awareness of gender parity and are more deliberate about ensuring balanced representation. She attributed this partly to the influence of the European Union's gender-equality policies and to evolving norms within arbitral institutions, where diversity is increasingly seen as a professional standard rather than a concession.

Kinnear likewise highlighted the importance of these networks, describing how a strong *"sisterhood"* emerged among women who began their careers as *"unicorns"* in a profession where they were rarely seen. She emphasised that these ties are not only social, but also professional, playing a concrete role in expanding opportunities, as women recommend one another for appointments, share job openings, and suggest names when arbitrator lists are being prepared. This collective support, she explained, has helped build visibility and a larger pool of experienced women who can no longer be overlooked.

For ***Pinto***, these gradual shifts are promising signs of transformation in a field historically shaped by exclusionary networks.

f. Persistent challenges to institutional progress

Despite progress, women still face significant obstacles to participating in international law institutions in full equality. The experts interviewed showed how different forms of discrimination, gender stereotypes, power dynamics, and bias still persist in some spaces and require concerted action to be eliminated. Both ***Melissa Upreti*** and ***Irene Khan*** emphasised that women's presence in international fora does not guarantee that their voices are genuinely *heard*. ***Upreti*** recalled that when the WGDAWG presented it s findings after a visit to the United States, the members who led the mission faced backlash from right-wing conservative critics who rejected its conclusions on abortion and questioned its legitimacy, asking, *"Who are these foreign women to come here and tell us what to do?"* For her, the episode illustrated the persistent resistance faced by feminist mandates and occasionally the underlying racism that ethnically non-Western women human rights experts face when challenging entrenched power structures.

Khan similarly described the need to modulate her tone—though never her substance—to be listened to in environments where *"politeness"* toward women often masked discomfort with strong female voices. She acknowledged progress over the past decade, with women increasingly asserting their equality, yet cautioned that forms of *"gendered censorship"* persist: Social norms still dictate how women should speak or behave to be accepted.

Such hierarchies of credibility are not only external, but also internal to international institutions.

Khan further reflected on how ideas of *"efficiency"* in international institutions are shaped by cultural norms that privilege certain behaviours—often associated with men from the Global North—as markers of competence and authority. She observed that such expectations reinforce a subtle but pervasive hierarchy of credibility: Those who speak often and assertively are seen as more effective while those who are more reflective or reserved are undervalued. She noted that *"[this dynamic] tends to disadvantage women in all cultures, but even more so in the Global South,"* where gendered socialisation often discourages self-promotion or interruption. As a result, many women find themselves overlooked in international settings that equate visibility with merit.

Even when women are appointed, unequal power dynamics and everyday discrimination inside international mechanisms can sideline gender expertise and blunt its impact. ***Tracy Robinson*** recalled perceiving patriarchal structures and dynamics during her time working as an expert in international organisations, which were not necessarily improved by the mere existence of gender experts in the team. ***Patricia Sellers*** also flagged the day-to-day gender dynamics inside many international institutions.

> "Harassment makes a very depressing workspace. No one works at their best when they're harassed [...] you're going to eventually get someone who burns out and goes on medical leave."
>
> ***Patricia Sellers***

Beyond overt abuse, she points to subtler forms as well. When one person is labelled "the gender person," colleagues may "seem [un]interested," sideline the work, or pile on unrelated tasks, leaving little time to build their own expertise on gender matters. For ***Sellers***, fixing these internal dynamics is not ancillary but is core to effective work: *"Those professional gender dynamics are crucial to overcome if you really want excellent documentation or investigation."*

Resistance also persists in how women's collective presence is perceived. As ***Aua Baldé*** observed, there remains some discomfort with women-majority spaces. After years in which all-male memberships passed without comment, the first all-women composition of the WGEID drew immediate scrutiny, solely because every expert was a woman. That Working Group, however, applauded its makeup: *"We did make sure to celebrate it at every single opening of a meeting, just to highlight such an achievement. Because you would take it for granted that women circulate in these spaces. And that is not true."* This asymmetry exposes lingering resistance to gender diversity.

In a similar vein, ***Mónica Pinto*** noted the unequal expectations that persist when women occupy visible positions of authority. She said, *"It is striking that when men lead or teach, no one asks why it is a man—yet when a woman gives a course or is nominated to a body, we are expected to justify it, to explain why it should be a woman."*

Together, these reflections expose how structural and cultural biases continue to shape who is listened to and whose authority is recognised, a reminder that equality of participation still falls short of equality of voice and that diverse representation of women's experiences remains critical for gender perspectives to emerge. Without confronting internal hierarchies, everyday sexism, and institutional inertia, gender diversity risks remaining cosmetic rather than transformative.

In addition, several experts pointed to the fragility of progress and the always looming possibility of regression. Former ACHPR Commissioner ***Maya Sahli-Fadel*** cautioned that advances in women's rights remain fragile and may face backlash in the future: "I do not say that everything is perfect, absolutely not. These are steps that have been achieved, but they are not finished. The struggle is still long, because when it comes to women's rights, everything is fragile. States can very well go back on certain gains."

Judge Ineta Ziemele also cautioned that progress on gender equality and institutional reform remains fragile, particularly in times of political instability and conflict. Reflecting on the current global context, she noted that institutions often shift into *"defensive mode,"* focusing primarily on preserving existing achievements rather than advancing new ones. In her words, *"At this moment, we are in a defensive mindset trying to protect what we have rather than opening space for further diversity or transformation."*

She stressed that this defensive posture, though understandable in moments of crisis, can stall the momentum for inclusion and reform.

BOX 6 | A Closer Look — ILC: Women's leadership and collaborative innovation

The ILC has long reflected a stark gender imbalance: For decades, no woman served on the Commission until 2001. A modest shift occurred in 2016, when four women, including ***Patrícia Galvão Teles***, were elected, marking a turning point in the institution's history. Yet progress remains limited; today, only 6 of its 34 members are women.[116] As member Nilüfer Oral co-wrote in the online symposium co-hosted by GQUAL and *Opinio Juris, "The absence of women in the Commission during the so-called 'golden years' of codification means that many of the foundational instruments of international law were made by men, without the voices and perspectives of women."* [117]

Galvão Teles, who later became the first woman to chair the Drafting Committee, stressed that how women worked together mattered as much as their numbers. She highlighted two working

methodologies that, alongside other female colleagues, broadened the Commission's discussions and made them more solutions-oriented.

First, with her colleague, Nilüfer Oral, ***Galvão Teles*** introduced a shared leadership model at the very top: They split the Chair across two sessions and coordinated closely. This co-chair arrangement fostered bridge-building, constructive dialogue, and a spirit of collegiality in the Commission's working methods. It also gave Chairing roles to more women.

Second, they translated that collaborative ethos into the Study Group on Sea-Level Rise, where they were both already working, by replacing the traditional single-rapporteur structure with multiple co-chairs across three interlocking tracks: law of the sea, Statehood, and protection of persons (co-led by ***Galvão Teles***). Treating sea-level rise as a "package" (territory, government, and population) allowed the group to connect doctrinal analysis with real human impacts to bring in perspectives of vulnerable groups, which widened the range and quality of debate inside the ILC.

As ***Galvão Teles*** put it: *"We cannot have the Bureau[118] just [be] male. So, we need to have at least always a woman from one of the regions […] For me, it's more about the collegiality and the cooperation and the sharing in terms of the work where the presence of women has made a bigger impact in the Commission."*

Galvão Teles also underlined the relevance of this work: The topic broke with the ILC's traditional docket, addressed urgent climate law questions (from vanishing territory to populations at risk and shifting maritime zones) and reached communities that are rarely centred in core public international law debates (from Pacific and Caribbean small island States to recent relocation cases like Panama). The Study Group's outputs gained unusual visibility for the ILC, informing UN General Assembly and Security Council discussions and feeding into advisory proceedings before the ICJ and the IACtHR, evidence, for her, that collaborative leadership can deliver concrete impacts on people.

116 Current members are Patrícia Galvão Teles, Vilawan Mangklatanakul, Phoebe Okowa, Nilüfer Oral, Alina Orosan and Penelope Ridings. Regarding the gender gap, see Opinio Juris, "Symposium by GQUAL on CEDAW's GR40: Gender Parity in the ICJ and ILC – About Time!" (2 Apr. 2025), available at: https://opiniojuris.org/2025/02/04/symposium-by-gqual-on-cedaws-gr40-gender-parity-in-the-icj-and-ilc-about-time//.

117 Gender Parity in the ICJ and ILC – About Time! Nilüfer Oral, Rashmi Ramanm, p. 26, available at: https://gqualcampaign.org/wp-content/uploads/2025/07/Symposium-Collection-GR40.pdf.

118 "At each session, the Bureau, consisting of the five officers elected at that session, considers the schedule of work and other organizational matters with respect to that session. The Enlarged Bureau, consisting of the officers elected at that session, the former Chairs of the Commission who are still members and the Special Rapporteurs, may also be called upon to consider issues relating to the organization, programme and methods of the Commission's work." Available at: https://legal.un.org/ilc/structure.shtml.

5.4 WOMEN'S IMPACT ON ADVANCES IN RIGHTS AND INTERNATIONAL STANDARDS

"The Committee observes that a growing number of disruptive and urgent challenges, including those related to peace, political stability, economic development, climate change, technological advancements, such as artificial intelligence, and the transformation and sustainability of the multilateral system and governance [...] are increasingly transforming societies. Their complexity requires the building of collective intelligence by placing parity at the core of decision-making."

CEDAW Committee General Recommendation No. 40



This section examines women's impact *from within* international justice institutions, focusing on how parity and diversity strengthen not only legitimacy, but also the quality of judicial and quasi-judicial deliberation and decision-making.

The section shows how women jurists and experts have expanded the substance and practice of international law. Their contributions have not been limited to "gender issues," but they have reshaped interpretative standards, evidentiary practices, reparations frameworks, procedural fairness, and cross-system dialogue as well. Crucially, these advances emerge from the integration of diverse life trajectories, professional backgrounds, and forms of expertise into decision-making processes, broadening what judicial or quasi-judicial institutions are able to hear, name, and resolve.

The section, therefore, advances a core insight: Diversity enhances deliberative quality. More inclusive benches and expert bodies benefit from wider informational bases, richer contextual understanding, and greater sensitivity to power, vulnerability, and lived experience. This diversity of perspectives improves legal reasoning, reduces blind spots, and produces decisions that are more responsive, robust, and legitimate. In this sense,

women's impact from within demonstrates that parity is not an end in itself, but a means of strengthening international justice as a whole.

a. Women's contributions in advancing gender justice

Women jurists have profoundly influenced how international and regional bodies conceptualise and apply gender justice. Their presence has not only diversified decision-making spaces, but also expanded the substance of international law itself. During her tenure at the Human Rights Committee, ***Cecilia Medina Quiroga*** was appointed to draft General Comment No. 28 on the equality of rights between men and women (2000). [119] The resulting text became one of the Committee's most widely used interpretative tools. In her draft, Medina systematically analysed each right under the International Covenant on Civil and Political Rights, specifying how States should report on their implementation with respect to women's rights and situations. This approach provided a concrete roadmap for integrating gender equality across all civil and political rights rather than treating it as an isolated issue. The General Comment was later adopted by the Committee in 2000 and has since been cited extensively by States, UN mechanisms, and regional courts, marking a turning point in the institutionalisation of gender-sensitive treaty interpretation.

Her contribution at the Committee marked only the beginning of a broader shift that she would later deepen at the regional level. Regarding her role at the Inter-American Court of Human Rights (IACtHR), ***Medina*** reflected on the importance of combining substantive expertise on gender issues with strategic thinking. She illustrated this through the preparation of the judgment in *Cotton Field v. Mexico*,[120] a landmark judgment in which, for the first time, the Court formally applied a gender perspective, analysing the victims' situation not only individually, but also within the broader context of structural violence against women, identifying gender stereotypes in State policies and investigative practices and ordering transformative reparations that recognised the systemic discrimination the victims had endured.[121] ***Medina*** recalled:

"In Cotton Field, a fascinating thing happened: One of the Court's lawyers had previously attended a six-month course I taught on women's human rights in the Americas. When she helped draft the ruling, she incorporated everything. I actually had to pull back and tell her, 'We can't throw the entire cavalry at people who don't understand yet.' We need to introduce changes strategically."

This gradual transformation of legal reasoning is mirrored in other institutional spaces, where women jurists used their mandates not only to apply the law, but also to expand its horizons.

Tracy Robinson, as the first person to serve as Rapporteur on the Rights of LGBTI Persons at the IACHR, used her mandate to create space for issues and communities that had long been invisible within the Inter-American system. She credited the foundational role of Victor Madrigal-Borloz, who, from within the Secretariat, had previously led the establishment of the LGBTI Unit—the precursor to the Rapporteurship—and helped the Commission articulate its initial priorities and vision for this work. During ***Robinson's*** tenure, the Rapporteurship fast-tracked key cases and organised a series of hearings—including one of the first on intersex persons in 2013—that helped broaden the Commission's understanding of sexuality, gender,

119 UN Human Rights Committee, General Comment No. 28, Art. 3 (The equality of rights between men and women, available at: https://adsdatabase.ohchr.org/IssueLibrary/HRC_General%20comment%20No28%20Article%203%20(The%20Equality%20of%20rights%20between%20men%20and%20women).pdf.

120 In 2009, the IACtHR ruled on a case concerning three women who had been killed and whose bodies were discovered on November 6, 2001, in a cotton field in Ciudad Juárez, Mexico, a context marked by pervasive gender-based violence. Inter-American Court of Human Rights Case of González et al. ("Cotton Field") v. Mexico, Judgment (16 November 2009,) available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf. For more information, see CEJIL, "González y otras (Campo Algodonero)," available at: https://summa.cejil.org/es/entity/u67ek04athi4fgvi.

121 Rebecca Cook, "Lessons from the Cotton Field Case About Gender Justice," Proceedings of the Annual Meeting (American Society of International Law), vol. 104 (2010), pp. 565–567, JSTOR, available at: https://doi.org/10.5305/procannmeetasil.104.0565.

and human rights. These hearings, she explained, were not only procedural exercises, but also sites of mutual transformation, where commissioners, civil society, and victims collectively shaped new vocabularies of rights. Her team also developed short explanatory videos to communicate the Commission's evolving thinking, making its deliberations more transparent and accessible.

Similarly, in domains traditionally perceived as "gender-neutral" or "security-driven," women mandate holders challenged the assumption that gender is irrelevant to technical areas of law. In the counter-terrorism space, ***Fionnuala Ní Aoláin*** issued the first-ever report on the human rights impact of countering terrorism and violent extremism policies and practices on the rights of women, girls, and the family.[122] The report's groundbreaking findings analysed how counter-terrorism regulations disrupt domestic and private lives, including through mass surveillance, the arrest and detention of family members, and counter-terrorism financing laws and sanction regimes. The report also highlighted the need to ensure that counter-terrorism measures were not used to stifle the work of women human rights defenders. This laid the groundwork for the identification of gender mainstreaming in and gendered effects of counter-terrorism, violent extremism, and security laws as fundamental elements in this domain.

A parallel evolution is emerging in the law of the sea. While this field has long been framed as a set of technical rules governing States, maritime zones, or navigation, ***Liesbeth Lijnzaad*** explained: *"The Law of the Sea is technically not supposed to be about people, but about States. However, today, there is a growing stream of discussion about human rights in the law of the sea. I am working on a number of papers about women and the law of the sea, and others are working on the human rights aspects of the law of the sea as well."* Her reflections underscore a subtle but significant shift: the recognition that even highly technical fields of international law, such as the law of the sea, are increasingly engaging with human rights and gender perspectives, an evolution that she herself continues to shape through scholarship and practice.

If these examples show that gender can illuminate the overlooked spots of even the most technical regimes, ***Theresia Degener's*** trajectory shows how she used intersectionality to reorient norms themselves, bringing disability rights and women's autonomy into the core of treaty interpretation. As Chair of the CRPD Committee, she played a pivotal role in clarifying the Committee's approach to abortion within a disability rights framework. ***Degener*** was determined to ensure that the Committee did not take positions that could be used by anti-choice movements to restrict women's autonomy. Her leadership thus helped articulate a nuanced distinction between individual women's rights to choose and State obligations under human rights law: Women are free to make reproductive decisions privately, and States cannot maintain laws that legitimise disability-based or sex-based discrimination.

A key milestone of her tenure was the joint statement of the CRPD–CEDAW statement on the sexual and reproductive rights of all women, including women with disabilities, which affirmed that there is no conflict between women's rights and disability rights.[123] She also engaged with the Human Rights Committee during the drafting of General Comment No. 36 (2019) on the right to life, successfully arguing against the inclusion of "fetal impairment" as a legitimate ground for abortion. Her intervention helped replace this term with "non-viable pregnancy," a shift later echoed in the World Health Organization's abortion care guidelines (2022), which explicitly discourage

122 UN Human Rights Council, Human rights impact of counter-terrorism and countering (violent) extremism policies and practices on the rights of women, girls and the family - Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, UN Doc A/HRC/46/36 (22 January 2021).

123 Committee on the Rights of Persons with Disabilities & Committee on the Elimination of Discrimination against Women, "Guaranteeing Sexual and Reproductive Health and Rights for All Women, in Particular Women with Disabilities," joint statement, 29 August 2018, available at: https://www.ohchr.org/Documents/HRBodies/CRPD/Statements/GuaranteeingSexualReproductiveHealth.DOCX.

abortion laws founded on discriminatory or stereotyped grounds or reasoning. Through these efforts, ***Degener*** advanced a vision of reproductive justice that bridges feminist and disability rights frameworks, affirming that the universality of human rights requires both the protection of women's autonomy and the rejection of ableist or discriminatory premises in abortion laws.

Importantly, her interpretive influence did not emerge only once she joined the Committee. Before being elected to the Committee, ***Degener*** had played a decisive role in shaping the gender architecture of the Convention on the Rights of Persons with Disabilities itself. During the treaty's negotiation process, she served as the facilitator of Article 6 on women with disabilities, ensuring that women's rights were not sidelined. At a time when the first drafts made no mention of women, she successfully championed what she termed a *"twin-track approach,"* combining gender mainstreaming throughout the Convention with a dedicated, standalone article on women.

During her years at the CRPD Committee, ***Degener*** also worked to ensure that sexuality, sexual orientation, and gender identity were fully integrated into the Committee's broader work. She recalled how difficult it was to include references to LGBTIQ+ rights in official documents, such as, for example, in General Comment No. 7[124] on the participation of persons with disabilities, which now explicitly recognises LGBTIQ+ persons as within its scope. ***Degener*** noted that this process became easier once more women joined the Committee, underscoring how gender balance within human rights bodies not only enriches deliberations, but also directly strengthens their inclusivity, legitimacy, and capacity to protect intersecting rights.

Also in the UN system, ***Irene Khan*** explained that she integrates feminist methodologies into her work as Special Rapporteur, emphasising that *"the process of preparing a report is as important as the report itself."* Her thematic reports, namely *Gender Justice and Freedom of Expression*[125] *and Gendered Disinformation and Its Implications for the Right to Freedom of Expression*,[126] exemplify this approach. ***Khan*** described how she deliberately structured consultations to include women's and grassroots perspectives, ensuring that the drafting process itself reflected feminist principles of participation and inclusivity. She explained that her methodology sought not only to analyse the law, but also to uncover how custom, culture, and economic factors shape women's experiences of inequality and their specific vulnerabilities in exercising freedom of expression.

Regarding international criminal law, ***Patricia Sellers*** praised the work and contributions of some of the first female judges at the ad hoc tribunals. She traced how, almost by happenstance, a small cohort of feminist judges—among them Elizabeth Odio Benito, Gabrielle Kirk McDonald, Patricia Wald, and Florence Mumba—entered the ICTY, ICTR, and hybrid tribunals and quietly shifted what had been overwhelmingly male domains. Their presence helped normalise women on international benches and produced landmark jurisprudence (for example, on sexual violence and victim protection)[127] not because they were token appointments, but because they were excellent judges who *"sat on some very important cases […] and did it from a feminist lens."* As ***Sellers*** put it, this early experience *"reassured the need to make sure that there was at least mixed-gender participation in these spaces."*

Sellers also stressed that these first women

124 CRPD/C/GC/7, available at: https://docs.un.org/en/CRPD/C/GC/7.

125 A/76/258, 30 July 2021. Gender justice and freedom of expression - Report of Special Rapporteur on the promotion and protection of freedom of opinion and expression, UN Doc A/76/258 (30 July 2021), available at: https://www.ohchr.org/en/documents/thematic-reports/a76258-gender-justice-and-freedom-expression-report-special-rapporteur.

126 A/78/288, 7 August 2023. Gendered disinformation and its implications for the right to freedom of expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc A/78/288 (7 August 2023), available at: https://www.ohchr.org/en/documents/thematic-reports/a78288-gendered-disinformation-and-its-implications-right-freedom.

127 K. Alexa Koenig et al., "The Jurisprudence of Sexual Violence, Working Paper of the Sexual Violence & Accountability Project," Human Rights Center, University of California, Berkeley (May 2011,) available at: https://humanrights.berkeley.edu/wp-content/uploads/2018/12/the-jurisprudence-of-sexual-violence-sv-working-paper_0.pdf.

international criminal judges did not work in isolation: They built coalitions and had male allies. Judge Fausto Pocar, for example, recognised the value of a gender lens and backed efforts to embed it in evidentiary practice. Crucially, support followed because, as ***Sellers*** noted, these were *"good"* and *"persuasive"* judges, able to engage colleagues *"at the same level of legal acumen,"* including on what facts and evidence should be admitted. She highlighted Judge Arlette Ramaroson's powerful dissent in the ICTR's *Kajelijeli* case,[128] where Ramaroson insisted that sexual violence had to be included, an intervention from within the bench that reinforced the necessity of treating gender-based crimes as central rather than peripheral.

Sellers also underlined achievements with lasting effects on jurisprudence, most notably the reframing of Rule 96 of the ICTR's Rules of Procedure and Evidence,[129] which Judges Gabrielle Kirk McDonald and Elizabeth Odio Benito used to transform evidentiary and procedural approaches to sexual violence. Both judges led the effort to ensure that Rule 96 would protect, not deter, survivors. They faced fierce backlash—including *"an outrageous outcry from the American Bar Association"*—over proposals limiting consent defences and requiring *in camera* proceedings when consent was at issue. As ***Sellers*** noted, had those women not been on the bench, *"the Rules of Procedure and Evidence might have looked very different."* Their intervention helped set the foundation for later jurisprudence by centring survivor protection from the outset.

Judge ***Odio Benito's*** influence, however, did not end at the ad hoc tribunals. ***Judge Silvia Fernández de Gurmendi*** reflected on Odio Benito's continued impact at the ICC, where she carried forward many of the feminist principles first tested at the ad hoc tribunals. ***Fernández*** recalled that in *Lubanga*,[130] the ICC's first case, Odio Benito—together with Judge René Blattmann—sought to expand the charges to include sexual and gender-based crimes, in line with the precedents set at the ICTR. Although her proposal was not supported by the Appeals Chamber due to procedural limitations, ***Fernández*** emphasised that it marked an early and important attempt to push the ICC toward a more comprehensive understanding of gender-based violence and victim protection. In ***Odio Benito's*** words:

"Having a clear understanding of gender differences is fundamental to everything we do. Human rights violations and crimes affect women and men differently. For women, the impact is often deeper; it extends beyond the individual to the family, and in places like Africa, to the village and the broader community. Recognising these distinctions is essential to reflecting them in our work. In the Lubanga ***case, [involving] a warlord who abducted and recruited children, the experiences of girls were markedly different from those of boys: While boys were trained to kill and some became commanders, girls were forced into domestic servitude and sexual slavery. When we reached the reparations phase, I sought to ensure that this difference was clearly acknowledged: that reparations for boys and girls reflected the distinct harm and long-term consequences they suffered. My colleagues did not accept my proposal, which led to my dissenting opinion, but I believe it has influenced later decisions. What mattered most—and what I worked closely with Judge Silvia Fernández to advance—was ensuring that victims remain at the centre of the process, including what happens to women."***

While ***Fernández*** similarly acknowledged that these efforts initially met institutional resistance, she situated them within a broader continuum of

128 ICTR, Dissenting Opinion of Judge Arlette Ramaroson [Judgement - Kajelijeli,] (1 December 2003) available at: https://www.legal-tools.org/doc/e4797f/pdf.

129 ICTR, Rules of Procedure and Evidence, IT/32/Rev.50 8 July 2015. Rule 96 Evidence in Cases of Sexual Assault (Adopted 11 Feb 1994) "In cases of sexual assault: (i) Notwithstanding Rule 90(C), no corroboration of the victim's testimony shall be required; (ii) Consent shall not be allowed as a defence if the victim: (a) Has been subjected to or threatened with or has had reason to fear violence, duress, detention or psychological oppression; or (b) Reasonably believed that if the victim did not submit, another might be so subjected, threatened or put in fear. (Amended 3 May 1995) (iii) Before evidence of the victim's consent is admitted, the accused shall satisfy the Trial Chamber in camera that the evidence is relevant and credible; [amended 30 Jan 1995] (iv) Prior sexual conduct of the victim shall not be admitted in evidence or as defence."

130 ICC, The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06.

progress at the ICC. The Court's early shortcomings—particularly the failure to include sexual violence charges in *Lubanga*—triggered sustained internal and external critiques that ultimately led to structural changes. The turning point, she noted, came with Prosecutor Fatou Bensouda's 2014 Policy Paper on Sexual and Gender-Based Crimes. As the first woman to serve as ICC Prosecutor, Bensouda embedded gender analysis into every phase of investigation and prosecution. ***Fernández*** underscored that this policy, along with technical training for investigators, consolidated a cultural shift within the Office of the Prosecutor, one that can be traced back to the groundwork laid by judges like ***Odio Benito***.

Odio Benito's long career has not been without controversy. Her dissenting opinion at the IACtHR in a case concerning the killing of a transgender woman sparked criticism from feminist and human rights circles, reflecting broader global tensions between older and newer paradigms of gender equality. While the majority of the Court applied the Convention of Belém do Pará to recognise gender-based violence against a trans woman, ***Odio Benito*** dissented, arguing that the Convention was specifically designed to address violations against women on the basis of their biological sex. In explaining her position, she emphasised that her intention was not to deny rights to LGBTIQ+ persons, but to preserve the specific historical and legal framework through which women's human rights had been recognised after decades of exclusion. *"All human beings have rights—absolutely all—but each group has its own history and its own struggle,"* she noted, warning that women's spaces and protections risked being eroded if their legal distinctiveness disappeared.

This issue illustrates broader developments in feminist legal thought and human rights law. Acknowledging these tensions is important for understanding how women's human rights law continues to evolve, adapt, and be contested, particularly as legal systems seek to respond to increasingly diverse experiences of violence and discrimination while preserving the hard-won normative foundations of gender equality.

Finally, ***Sellers*** warned about missed opportunities in international jurisprudence where gender-blind practice prevailed. For example, regarding the Twa people in Rwanda, there was no investigation into how this Indigenous group experienced the genocide. She highlighted that no cases were brought forward to explore their specific experiences, leaving a significant gap in understanding the full impact of the genocide. Similarly, in the Tokyo Tribunal, the experiences of so-called "comfort women" were largely ignored, with prosecutors failing to interview or charge crimes related to their systematic sexual enslavement. In both instances, ***Sellers*** highlighted how the lack of diverse investigative teams and gender-sensitive approaches led to significant gaps in legal documentation. ***Sellers*** emphasised that without diverse perspectives, entire groups' experiences can be overlooked, resulting in an incomplete historical and legal understanding of collective violence and preventing the establishment of important legal precedents about sexual violence, colonisation, and enslavement.

BOX 7 | A Closer Look — World Bank Administrative Tribunal: Advancing recognition of power imbalances in workplace harassment cases

During her tenure as a judge of the World Bank Administrative Tribunal (2016–2019), ***Mónica Pinto*** worked on several cases involving workplace sexual harassment within the institution. She recalled a time *"when the case came to us, the [accused] man had already retired, and we lost jurisdiction."* Pinto sought to shift the Tribunal's understanding of these situations, emphasising that *"the two parties in a harassment case are not on the same level."*

Although the first case in which the Tribunal explicitly recognised sexual harassment came in 2021–2022, after her departure, ***Pinto*** succeeded in introducing two important interpretative advances that influenced the decision: (i) establishing that investigators and adjudicators must take into account the inherent power imbalance between the alleged perpetrator and the victim; and (ii) clarifying that inaction or lack of immediate rejection cannot be construed as consent, particularly in intercultural and precarious employment contexts.

In Decision No. 615 (2019) *(FC v. International Bank for Reconstruction and Development)*, the Tribunal acknowledged for the first time that power asymmetries can inhibit victims from clearly expressing that a supervisor's conduct is unwelcome. The judgment underscored that investigators must evaluate whether the perpetrator "knew, or should have known"[131] that the behaviour was unwanted, and stressed the importance of circumstantial evidence and contextual analysis when direct proof is difficult to obtain.

The Tribunal held that in cases of sexual harassment, where direct evidence is difficult to obtain, contextual and circumstantial evidence becomes especially important.[132] It also criticised the investigative body for drawing adverse inferences from contested or unreliable evidence, underscoring the need for greater rigour and fairness in evidentiary assessment.[133]

b. Contributions beyond gender-specific portfolios

While many of the women interviewed have made groundbreaking contributions to advancing gender equality, their impact has also extended far beyond gender-specific portfolios. From procedural reforms and cross-regional cooperation to the development of new thematic frameworks, their work illustrates how women have reshaped international law in ways that reinforce both equality and institutional effectiveness.

Alongside her contributions to advancing gender equality, ***Cecilia Medina Quiroga*** devoted significant attention to strengthening due process guarantees and the right to personal integrity, both at the Human Rights Committee and at the IACtHR. Conscious of being narrowly labelled as *"the women's rights expert,"* she deliberately worked to expand her focus and recognition to other

131 World Bank Administrative Tribunal, Decision No. 615 "FC v. International Bank for Reconstruction and Development," ¶ 144.
132 Id., ¶¶ 144,148-149
133 Ibid.

substantive areas of law. Within the Committee, she became a leading voice on procedural fairness, emphasising that the protection of due process is central to the effective realisation of all rights under the International Covenant on Civil and Political Rights.

Later, at the IACtHR, ***Medina*** continued her efforts to strengthen due process and institutional coherence. She questioned long-standing procedural practices that, in her view, undermined the Court's legitimacy and impartiality. One of her most significant interventions concerned the figure of the ad hoc judge, which she regarded as incompatible with the principle that *"no one should be a judge in their own cause."* ***Medina*** argued that the presence of judges appointed ad hoc by the very States under scrutiny created an appearance of bias and compromised the equality of arms between the parties. After sustained debate, she successfully encouraged a review of the system—culminating in an Advisory Opinion requested by Argentina—that ultimately led to the abolition of ad hoc judges at the IACtHR. She considered this reform—one of her proudest contributions—a major step forward in aligning the institution's procedures with the fundamental guarantees of fairness it was meant to protect.

More recently, during her presidency at this same Court, Judge ***Elizabeth Odio Benito*** strengthened one of the IACtHR's defining legacies: its reparations jurisprudence. She regarded reparations as *"the very heart of the Court's work,"* underscoring that decisions acquire meaning only when they translate into concrete changes for victims. Under her leadership, the Court reinforced and systematised its Reparations and Compliance Unit, a specialised team composed largely of women lawyers and assistants, dedicated to *in situ* monitoring of compliance with the Court's rulings. For her, these efforts exemplify how international courts can make justice meaningful for victims and promote structural change across national legal systems in the region.

On the same topic, but in the UN system, ***Verene Shepherd*** recalled that one of her most significant contributions has been mainstreaming the discussion of reparations within CERD. When she joined, the issue of reparations *"was not really on the agenda"* and was even viewed by some as beyond the Committee's mandate. Drawing from her scholarly work and activism in the reparations movement, ***Shepherd*** argued that no analysis of racial discrimination could be complete without confronting its historical legacies: chattel enslavement, colonial underdevelopment, and the absence of reparatory justice. Through sustained advocacy, she helped shift the Committee's approach. Now, the Committee is drafting a forthcoming General Recommendation on reparations. In addition, she led the task force on racial profiling—following the non-re-election of its previous head—ensuring that the Committee continued to address emerging forms of discrimination, including algorithmic and AI bias.

Maya Sahli-Fadel's contributions to international law have been instrumental in advancing racial justice, reparations, and the protection of stateless persons in Africa. As a member of the UN Working Group of Experts on People of African Descent, from 2008 to 2014, she was directly involved in the UN process that led to the establishment of the International Year for People of African Descent (2011) and the International Decade for People of African Descent (2015–2024). Building on the momentum generated by the Durban Declaration and Programme of Action (2001), she participated in internal reflections about the need to move beyond symbolic recognition toward a longer-term framework focused on sustained action against racism, racial discrimination, xenophobia, and related intolerance. ***Sahli-Fadel*** described her particular pride in contributing to the drafting of the proclamation of the International Decade, which she viewed as a significant step in consolidating international commitments around recognition, justice, and development for people of African descent, despite political resistance from some States.

Within the African human rights system, ***Sahli-Fadel's*** decade-long work on nationality and statelessness culminated in the Protocol to the

African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa,[134] adopted in 2023 after nearly 10 years of consultations and negotiations. As the Special Rapporteur on refugees, asylum seekers, migrants and internally displaced persons, she led regional research exposing how discriminatory nationality laws prevent women from transmitting nationality to their children, leaving many women and girls stateless. Her leadership helped establish a legal framework that explicitly links nationality with gender equality and non-discrimination.[135]

Sahli-Fadel also spearheaded efforts to strengthen protection against enforced disappearances on the continent. She played a central role in the adoption of the 2022 African Commission on Human and Peoples' Rights (ACHPR) Guidelines on the Protection of All Persons from Enforced Disappearances in Africa,[136] a pioneering soft-law instrument that sets out continental standards on a practice long underreported and understudied within the African human rights system.[137] Together with other commissioners, she co-chaired expert consultations, promoted multi-stakeholder validation workshops, and ensured the inclusion of gender-sensitive standards and references to women victims of enforced disappearance.[138]

In the UN system, ***Irene Khan*** highlighted two major breakthroughs of her mandate. First, she produced *"the first report ever in the UN system on freedom of expression from a gender perspective."*[139] She described it as *"ground-breaking,"* noting that until then, the international normative framework on freedom of expression had been largely treated as "gender-neutral," with little recognition of its gender dimensions.

She also identified her earlier thematic report to the UN Human Rights Council (HRC) on disinformation as among the most impactful moments of her tenure.[140] Shortly after its publication, a group of States from the Organisation of Islamic Cooperation introduced a General Assembly resolution drawing heavily on her findings,[141] followed the next year by a HRC resolution led by Ukraine and other European States. Reflecting on the process, Khan noted how the convergence of two politically and ideologically different blocs around her recommendations embodied the purpose of the United Nations itself: *"Obviously, that's exactly what the UN is there for, you know, to bring different groups to agree on these human rights issues. And so, these were two of the first important resolutions, one in the Human Rights Council, the other in the General Assembly, that came out of my report."*

Another contribution of ***Theresia Degener*** to the CRPD Committee's jurisprudence was her leadership in unlocking the long-stalled drafting process of General Comment No. 1 on equal recognition before the law (2014).[142] When she joined the Committee in 2011, the text had been under discussion for five years without progress. ***Degener*** volunteered to chair the working group and proposed a new approach that broke the deadlock, allowing the General Comment to be completed and adopted within a year. Her leadership was instrumental in

134 Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, available at: https://au.int/sites/default/files/treaties/44126-treaty-EN_Protocol_on_Citizenship_and_Nationality.pdf.

135 See, A New Treaty on Statelessness and the Right to a Nationality in Africa, GLOBALCIT (2023), available at: https://globalcit.eu/a-new-treaty-on-Statelessness-and-the-right-to-a-nationality-in-africa/.

136 African Commission on Human and Peoples' Rights, Guidelines on the Protection of All Persons from Enforced Disappearances in Africa (2022), available at: https://achpr.au.int/en/documents/2022-10-25/guidelines-protection-persons-enforced-disappearances-africa.

137 *Ibid.*

138 See Press Release: Second Validation Workshop on the Guidelines on the Protection of All Persons from Enforced Disappearances in Africa, African Commission on Human and Peoples' Rights (, 23 March 2022,), available at: https://achpr.au.int/en/news/press-releases/2022-03-23/second-validation-workshop-guidelines-protection-all-persons-fr.

139 A/78/258, available at: https://www.ohchr.org/en/documents/thematic-reports/a76258-gender-justice-and-freedom-expression-report-special-rapporteur.

140 Disinformation and freedom of opinion and expression - Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc A/HRC/47/25, (13 April 2021), available at: https://docs.un.org/en/A/HRC/47/25.

141 UNGA, Countering disinformation for the promotion and protection of human rights and fundamental freedoms, UN Doc A/RES/76/227, (10 January 2022), available at: https://docs.un.org/es/A/RES/76/227.

142 CRPD/C/GC/1, available at: https://docs.un.org/en/CRPD/C/GC/1.

shaping this foundational document, which redefined international standards on legal capacity, affirming that persons with disabilities enjoy full legal personality and decision-making autonomy on an equal basis with others. In her words:

"I produced a new complete draft from zero, and I promised to have every perspective in the new draft, but it needed to be a new draft. That was one of my big strengths: that I really made sure that everyone who is interested in the subject can have a say and be heard. It takes away a lot of frustration, which prevented consensus sometimes. However, this idea of making everybody being able to speak up, it is not something I only did. I would be unfair to my predecessors, especially Ron McCullum from Australia, he was a great Chair."

Fionnuala Ní Aoláin recalled three main accomplishments during her mandate as UN Special Rapporteur on counter-terrorism and human rights, each of which she described as part of a longer chain of sustained change rather than isolated victories. First, she explained that when she began her mandate, there were "*very, very few human rights NGOs"* engaging in New York, despite the fact that most counter-terrorism decision-making takes place at the Security Council and General Assembly. Recognising that Geneva-centred advocacy left major gaps, she helped spearhead the creation of a coalition that now brings together *"over 100 NGOs,"* particularly from countries affected by counter-terrorism practices. She emphasised that this effort was designed not to fund her own mandate, but to *"create a structure for civil society to continue to work on these issues and be visible in these spaces."*

Second, ***Ní Aoláin*** became the first Special Rapporteur to visit the detention facility at Guantánamo Bay in 2023, concluding six years of negotiations that she had initiated under the Trump administration. On the one hand, she thought it was a success that this detention facility was finally accessible to the United Nations. For her, the key legal principle was that no place of detention should be prima facie inaccessible to assessment and review. But when she visited, there were only 34 men left, which was the main reason why the United States let her in then. All the men she interviewed said the United Nations came too late. *"They were right,"* she agreed. *"So, yes, it was a big moment of access, but the cost was that there had been no access for more than 20 years."*

Finally, ***Ní Aoláin*** pointed to her work on northeast Syria, particularly on the repatriation of women, men, and children detained in the region:

"I think we had a really significant impact on raising the reality of people's lives in northeast Syria. And I was ultimately able to visit after several years of negotiation with the previous Syrian regime. We did visit northeast Syria, but again, these things are very tempered, right? Because there are still 50,000 people detained in Syria."

Ní Aoláin also reflected on the meaning of success in the international human rights field:

"I think you have to be aware that success is really difficult in our field, but I don't think we do it for that kind of 'success.' I think it's the idea that you're part of a chain of things—that you move things along—and that's what you do as your success: that somehow it changes and stays changed because of you. Actually, that's really hard. Mostly, when we win things, we refight them again 10 years later. We have to reconceptualise the way we think of success in this field. Success is about long-term, sustained work, not about victory in a short-term sense."

c. Cross-fertilisation across systems of law and regions

The work of many women judges and experts has contributed to the cross-fertilisation of international law, international criminal law, and international human rights law across regions. A case in point relates to the work of ***Patricia Sellers*** as an expert in several cases before the IACtHR, where she brought international criminal law jurisprudence

on torture to different contexts, including on sexual violence in the favelas of Brazil.[143] ***Elizabeth Odio Benito*** was a judge then at the Court, and the decision of the case is regarded as a landmark ruling addressing police violence, including sexual violence, in peripheral neighbourhoods.

During her mandate, ***Aua Baldé*** prioritised creating stronger connections between the WGEID and African human rights institutions. She saw this as essential to ensuring that the Working Group's efforts were not seen as external to the continent, but as complementary to Africa's own mechanisms of protection. An example of this effort was the Working Group's visit to the African Union's judicial and human rights organs—timed with the 77th ordinary session of the ACHPR in Arusha, October 21–26, 2023—led by ***Baldé*** with member Ana Lorena Delgadillo Pérez.

The visit focused on exchanging experiences and identifying ways to strengthen responses to enforced disappearances within African contexts, reinforcing that the Working Group operates in partnership with regional actors rather than at a distance. The visit led to the publication of a report,[144] which, in ***Baldé's*** words, *"is one of a kind […] We wanted to give some visibility to the issue of enforced disappearance in Africa and highlight the context where it happens, why it's happening […] At least now we have a document in the system that explains a bit more the regional context."* The Working Group also published a thematic report on enforced disappearances and elections, a topic of high relevance to the African continent.[145]

Baldé, supported by her colleagues in the Working Group, also promoted the consistent inclusion of the African human rights system in the Working Group's annual statements on the International Day of the Victims of Enforced Disappearance and in dialogues,[146] opening space for African perspectives to inform the international agenda and creating visible public records of joint activities.

In Africa, ***Maya Sahli-Fadel's*** mandate at the ACHPR coincided with the implementation of "The Addis Ababa Roadmap 2012 - 2022," which she helped operationalise as the Commission's focal point. This roadmap strengthened cooperation between the ACHPR and the UN Special Procedures, enabling joint communications, panels, and country visits and marking a milestone in cross-regional collaborations between the African and UN systems.[147] Moreover, among the UN Special Procedures, ***Baldé*** was recently selected as the penholder of the roadmap. In that capacity, she conducts a wide range of activities in Africa and Geneva—and in several instances, beyond the strict mandate of the Working Group—aimed at sustaining cooperation between the UN Special Procedures and the ACHPR and ensuring the roadmap's concrete implementation and continued existence.

Irene Khan's UN work had tangible impacts at the national level. As the UN Special Rapporteur on freedom of opinion and expression, she submitted an *amicus curiae* brief in a case before the Colombian Constitutional Court concerning the interpretation of women's testimonies in rape proceedings; the Court adopted her reasoning, marking a concrete jurisprudential advance. Beyond Colombia, ***Khan*** has continued to employ this strategic use of *amicus curiae* interventions to advance feminist and human rights principles. In 2023, she submitted an *amicus* brief in the cyber libel case against Nobel Peace Prize laureate Maria Ressa before the Supreme Court of the Philippines.[148] In that brief,

143 For more information see: Public Hearing, IACtHR, Favela Nova Brasilia vs. Brazil, https://vimeopro.com/corteidh/caso-genoveva-y-otros-favela-nova-brasilia-vs-brasil/video/187097335 [in Spanish]

144 A/HRC/57/54/Add.1 UN Human Rights Council, Visit to the African Union judicial and human rights organs and other subregional bodies - Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc A/HRC/57/54/Add.1 (9 July 2024), available at: https://docs.un.org/en/A/HRC/57/54/Add.1.

145 A/HRC/57/54/Add.4 UN Human Rights Council, Enforced disappearances and elections - Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc A/HRC/57/54/Add.4 (21 August 2024), available at: https://docs.un.org/en/A/HRC/57/54/Add.4.

146 See, OHCHR, "International Day of the Victims of Enforced Disappearance," available at: https://www.ohchr.org/en/treaty-bodies/ced/international-day-victims-enforced-disappearance.

147 Addis Ababa Roadmap: 10 years - Brochure, 2022, available at: https://freeassemblyandassociation.net/wp-content/uploads/2022/10/10-years_Addis-Ababa-Roadmap-brochure_V7.pdf.

148 For more information see "Philippines: Special Rapporteur submits amicus in cyberlibel case" (9 June 2023), available at: https://www.srfreedex.org/philippines-special-rapporteur-submits-amicus-in-cyberlibel-case/.

Khan denounced the criminalisation of journalists as incompatible with freedom of expression and called for the repeal of criminal libel laws, underscoring that "the criminalisation of journalists for libel impedes public interest reporting and is incompatible with the right to freedom of expression."

Together, these contributions exemplify how women leaders have acted as bridges between legal systems, promoting cross-regional dialogue, coherence, and innovation in international justice.

d. Representation and diversity on the bench as a tool for better judging

Diversity on international benches is not symbolic; it determines whose realities shape the law, and it impacts the perspectives taken into account and the quality of deliberations.

Judge ***Ineta Ziemele*** expanded on the importance of diversity within judicial benches, drawing from her experience at the Latvian Constitutional Court, the ECtHR, and currently the Court of Justice of the European Union (CJEU). At the Latvian Constitutional Court, where she served as President, there were seven judges (three women and four men). At the ECtHR, she was 1 of 14 women among 47 judges. At the CJEU, where she sits today, only 4 of its 27 judges are women. Coming from Latvia, where women have long held positions of public authority, she found these numbers *"shocking,"* noting that the difference in gender composition directly affects working methods, atmosphere, and communication styles within courts.

For ***Ziemele***, diversity strengthens not only the legitimacy, but also the quality of judicial deliberations, allowing for a broader range of life and professional experiences to inform decisions. She explained, *"It may not always be about gender, but about the variety of what judges have gone through in life."* She underlined that empathy and resilience—qualities that cannot easily be captured in a CV and are often shaped by personal struggles—make for better judges. In her words, those who have *"had to fight their way"* or who did not come from privilege tend to bring a deeper understanding of justice and fairness.

Similarly, both ***Silvia Fernández de Gurmendi*** and ***Irene Khan*** affirmed categorically that better decisions come from broader information and a more diverse group of decision-makers. Excluding women means excluding half the world's perspectives, which lowers the quality of deliberations and outcomes. As ***Khan*** put it,

> "The best decisions are made when there are the broadest sources of information [...] When different points of view are there, then the quality of information gets better."

In ***Fernández's*** experience,

> "More diverse judges are less polarised, less driven by personal alliances, and more focused on merit-based decisions. When diversity is lacking, discussions tend to narrow, whereas diverse groups foster broader, more balanced discussion."

Diversity across genders, regions, backgrounds, and identities is therefore essential, especially in international fora addressing cross-cultural problems that no single country can solve alone.

Fionnuala Ní Aoláin cautioned against essentialism, warning that women's presence does not guarantee progressive outcomes: *"Being a woman in this field does not guarantee you a progressive person sitting in the space [...] there are women in security, but that*

doesn't mean we get progressive positions. What I argue for is diversity of viewpoint and diversity of experience […] It's going to get you better policy."

What matters for ***Ní Aoláin*** is to centre intersectionality and a plurality of expertise as part of gender balance. ***Tujilane Rose Chizumila*** agreed that it is important to avoid essentialist claims that women judges are inherently better. In her own words:

"The impact of women judges on collective and mixed benches is often subtle and operates through agenda-setting, framing of legal questions, and deliberative dynamics rather than individual authorship. For example, the presence of women judges has strengthened attention to intersectional discrimination and the practical effects of legal rules, even where judgments remain collectively authored. In my view, what enhances judicial quality is not gender alone, but experience, awareness, and ethical commitment."

Tujilane Rose Chizumila

As ***Cecilia Medina Quiroga*** put it: *"What makes a difference is not just being a woman, it is having something substantive to say about women's rights."* For her, women should not be seen as a monolithic group, but as an intersectional category encompassing diverse experiences of discrimination:

"First and foremost, it's a matter of justice. Improving justice means introducing and protecting a previously marginalised group. But beyond that, when you speak about women, you always encompass much more. Look at how the gender topic has evolved. It's no longer just about women, but about gender itself, incorporating LGBTIQ+, and others."

Like ***Chizumila, Khan,*** and ***Medina, Ní Aoláin*** believes that diversity of viewpoints and experiences (including gender, socioeconomic status, race, ethnicity, religion, and professional background) produces better, more responsive policies than like-minded elites reproducing their shared assumptions. National security and counter-terrorism arenas, she added, are highly elite and often lack economic, social, and ethnic diversity; strikingly few Muslims shape policies that disproportionately target Muslim communities.

In the same vein, ***Mónica Pinto*** explained that, in her view, the issue is fundamentally one of fairness. She finds the statement that "women make a difference" somewhat problematic, as it risks reinforcing precisely the stereotypes women seek to dismantle: that women are inherently more sensitive, caring, or holistic than men. Lacking a formal training in feminism, she described herself as largely self-taught in these matters. What she has learned, she said, is that:

"Beyond whatever specific contribution women may bring, the essential point is that we must be able to contribute." For her, fairness has two dimensions: "Not only because men and women each make up half the world, but also because our presence makes the story more representative and more democratic. If we are not there, something essential is missing."

Mónica Pinto

Fernández and ***Ziemele*** also recognised that women do not automatically hold feminist or progressive views. However, they concurred that even women judges from privileged backgrounds and from all points of view share a common experience of discrimination, simply by virtue of being women. As ***Fernández*** explained, this creates a particular *"pressure,"* including in more conservative female colleagues, who often feel that as women, *"you have to deliver,"* for instance, by ensuring gender balance in decision-making spaces or upholding equality standards within their institutions. Likewise, ***Chizumila*** considered that:

> "Women judges are often more likely to have professional or lived experience with gendered harm, social inequality, or care-related responsibilities, which can translate into heightened sensitivity to power imbalances and substantive equality. More broadly, gender equality and diversity within judicial bodies enhance both the quality and legitimacy of judicial decisions by reducing blind spots, enriching deliberation, and increasing public confidence in the justice system."
>
> ***Tujilane Rose Chizumila***

In the field of investor-State arbitration, ***Meg Kinnear*** offered a complementary perspective, noting that while these disputes may appear more technical or "dry" than human rights adjudication, diversity remains essential from a legitimacy standpoint. Tribunals, she argued, should reflect the international community they serve. In her view, diversity does not ask institutions to *"give women a chance,"* but recognises equally capable professionals who are already delivering results. As she put it, today, the question is not whether women meet the standard, but rather, *"why not women?"* The Cross-Institutional Task Force on Gender Diversity in Arbitral Appointments and Proceedings, coordinated under the International Council for Commercial Arbitration (ICCA), also links gender diversity to quality, efficiency, and legitimacy in dispute resolution in a report. Studies cited in the report—including by McKinsey & Company (2020), Catalyst (2020), and First Sentier Investors (2021)—show that gender-diverse leadership correlates with improved decision-making, better risk management, and stronger long-term performance.[149] Applied to arbitration, the Task Force argued that lack of diversity may not only be procedurally inefficient, but also unfair to parties by depriving them of adjudicators with relevant life and professional experience. It further notes that legitimacy concerns are heightened in investor-State arbitration, where tribunals exercise public-facing authority and decide disputes with significant social and economic consequences.[150]

Seeing the above testimonies, it is essential to underscore that the gender perspective should not be understood as an additional or optional contribution expected primarily from women. Rather, it constitutes a core professional competency that must be required of all members serving in international justice institutions. Expecting women alone to embody or advance gender analysis not only reinforces unequal burdens, but also perpetuates the notion that equality is a women's issue. ***Patricia Sellers*** reflected on the tendency to isolate women on gender matters without crediting their contributions to the substance and evolution of international criminal law itself. She proposed to *"flip it the other way."* The problem is not that women judges only speak on *"women's issues"* or that their contributions are narrow; it is

149 ICCA Task Force Report, 2022, pp. 12-13.
150 Ibid., pp. 15-16.

that male judges' disengagement from gendered questions often goes unnoticed. As she put it,

> "We don't notice when the women are talking in other areas, we just think they're doing normal judge work." Instead of asking why women address sexual violence issues, she suggested asking why some men do not: "Where are their questions, their interventions, their competence on these matters, including male sexual violence?"

Patricia Sellers

Flipping the lens shifts scrutiny from women's participation to the institutional expectation that all judges engage fully with gendered dimensions of international crimes.

Therefore, integrating a gender perspective must be recognised as a standard of excellence and accountability for all judges, experts, and decision-makers, irrespective of their gender. Moreover, as GQUAL has consistently argued, institutions should avoid the double standard whereby women are more harshly judged or disproportionately tasked with ensuring parity and gender sensitivity. A truly transformative approach requires gender awareness and equality to be institutional duties, embedded in the mandates, training, and evaluation of every member of international justice bodies.

BOX 8 | A Closer Look — UN WGDAWG: A roadmap for transformative change

Feminist values

"We were very clear that we were a feminist mandate in terms of our values and beliefs and never shy about it. That being said, we didn't walk around constantly proclaiming to be feminist; rather, we demonstrated it through our work, through the reports we wrote, and the positions we took." ***Melissa Upreti*** said when recalling her experience as a member of the UN WGDAWG, from 2017 to 2023.

Upreti noted that the Working Group also acted tactically: Aware that *"the word itself can create backlash,"* they let their feminist approach speak through the quality and consistency of their work.

Transformative working methods and internal leadership

"From day one, we said: 'We rise as a group, we fall as a group. So, let's figure out how to work with each other,'" said Upreti.

During ***Upreti's*** tenure, the five members of the Working Group, who were from different regions and backgrounds, deliberately prioritised collaboration, trust, and collective success. They introduced a rotating chair system based on availability and personal circumstances, recognising caregiving responsibilities as legitimate considerations. They also invested in professional coaching—together with staff from the Office of the UN High Commissioner for Human Rights supporting the mandate—to strengthen teamwork and shared purpose.

"If you want to succeed and really have impact, you need to have things like trust, commitment, and common ground. You may not agree on everything all the time, but you still need consensus to move things forward," said Upreti.

External leadership: Transversality and collaboration

The Working Group extended its feminist and intersectional approach through strong and proactive engagement with other UN mechanisms and treaty bodies.[151] As ***Upreti*** recalled, they regularly invited members of treaty bodies to their sessions and held one session each year outside Geneva, bringing the mandate closer to women and girls unable to access UN spaces.

Advancing transformative standards on abortion, political participation, and Afghanistan

During ***Upreti's*** tenure, the WGDAWG produced a series of landmark thematic reports—addressing women deprived of liberty, women's human rights in the changing world of work, sexual and reproductive rights in situations of crisis, and girls' right to political participation—at a time of growing backlash against gender equality and women human rights defenders. Each report was conceived as part of an evolving roadmap for structural change and substantive equality.

The *Women deprived of liberty* report was unique in moving beyond incarceration to examine the multiple "pathways" leading to women's deprivation of liberty—economic dependency, gender-based violence, the criminalisation of abortion, and discriminatory laws—linking them to broader patterns of structural inequality. The subsequent report on women's human rights in the changing world of work extended this systemic vision. Supported by external funding, the Working Group conducted extensive consultations on unpaid care work, informal labour, and discrimination, advancing a strong feminist framing of care as a structural issue of justice rather than a private burden.

In *Women's and girl's sexual and reproductive health rights in crisis*, led by ***Upreti*** herself, the Working Group adapted its methodology because of the COVID-19 pandemic, using extensive online consultations to reach a wider range of women and organisations. The report showed how crises exacerbate reproductive injustice and, using an intersectional lens, identified certain groups of women and girls as living in a "persistent state of crisis" with respect to their reproductive rights. It proposed an innovative set of recommendations structured around five key areas of State responsibility.

This cumulative process culminated in the *Girls' and young women's activism* report, which included girls' right to political participation, and became the basis for the first HRC resolution on the topic. Drawing on global consultations with adolescent girls, the report reframed girls as current rights holders and political actors, documenting their activism across contexts such as climate advocacy, conflict, and early pregnancy and motherhood. The experience profoundly marked the experts. ***Upreti*** reflected on how listening to the personal accounts of 13- and 14-year-old girls defending their rights and hearing how they saw the world "*deepened our sense of responsibility*

151 Including the CEDAW Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child.

and commitment. We were so humbled and enriched by this experience that we subsequently modified some of our working methods in an attempt to be better allies."

In parallel, the Working Group undertook strategic advocacy on abortion, engaging with governments and courts to advance reproductive autonomy as a core human right. It submitted an *amicus curiae* brief to the US Supreme Court in the Dobbs case, provided expert testimony before the New York State Legislature and Argentina's Congress, and issued communications reaffirming international standards. These interventions helped embed international law arguments in domestic debates and offered a reference point for activists and policymakers.

Finally, during ***Upreti's*** chairpersonship, civil society advocated extensively for the Working Group and the UN Special Rapporteur on Afghanistan to conduct a joint mission to Afghanistan to assess the situation of women and girls under Taliban rule. The joint mission was the first of its kind to be mandated by the HRC, and its findings laid the groundwork for ongoing international discussions on gender apartheid.[152]

Together, these reports and interventions positioned the Working Group as a catalyst for transformative change, linking feminist analysis to legal innovation and expanding the boundaries of international human rights law.

5.5 CLOSING REFLECTIONS: MESSAGES FOR FUTURE GENERATIONS

> "Moving towards the implementation of equal and inclusive decision-making requires […] more inclusive forms of governance where women and women's rights organizations, including with a strengthened focus on the participation of girls and young women, have more participatory, safe and inclusive spaces at domestic and international level.."
>
> *CEDAW Committee General Recommendation No. 40*

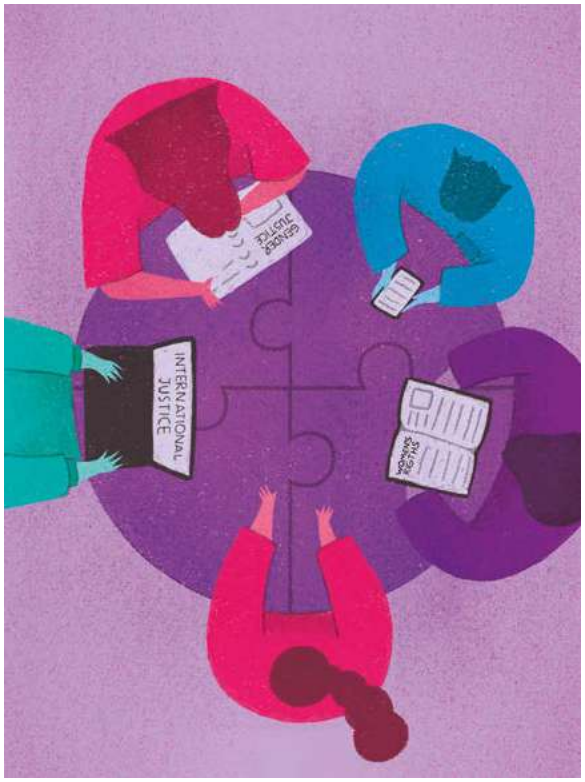
Across the interviews, one theme resonated above all: the responsibility to prepare, persevere, and lift others along the way. Most of the experts stressed the importance of building professional networks, mentoring, and supporting future generations of international lawyers and advocates.

152 Gender apartheid is a concept not yet codified in international law but increasingly discussed as a framework for accountability and an international crime that should be codified in a new treaty being developed on the prevention and punishment of crimes against humanity. See OHCHR, "Gender Apartheid Must Be Recognised as a Crime against Humanity, UN Experts Say," Press Release, Special Procedures, 20 February 2024, available at: https://www.ohchr.org/en/press-releases/2024/02/gender-apartheid-must-be-recognised-crime-against-humanity-un-experts-say.

As ***Tina Stavrinaki*** urged,

> "Don't be afraid and support each other [...] Fight for your rights and the rights of others; change often comes from 'ordinary people' entering institutions and refusing to take inequalities for granted."

a. Knowledge and expertise



For Justice ***Tujilane Rose Chizumila*** and Judge ***Cecilia Medina Quiroga***, knowledge remains the most powerful safeguard. ***Chizumila*** repeatedly emphasised the need to *"pursue education relentlessly"* as a foundation for credibility and resilience in international spaces. ***Medina*** echoed this message in her advice to younger generations: *"Prepare yourself—really prepare yourself—by acquiring as much knowledge as you can, because that is the guarantee that you will not be taken advantage of later and that you will always have arguments to respond [with]."*

Judge ***Silvia Fernández de Gurmendi*** reinforced this emphasis on rigorous preparation, while reframing gender not as a limitation, but as a source of strength. She encouraged young women: *"Study and prepare to the highest technical level, and do not be discouraged by being a woman. Everything we have fought for has created a more equal environment: Gender perspective in courts now works in your favour. Being a woman is not an obstacle; it can be an advantage, allowing you to contribute even more to this fascinating profession."*

From a different register, ***Maya Sahli-Fadel*** framed perseverance as both a personal ethic and a collective struggle. *"We must continue to fight, to be visible, to bring added value,"* she said, grounding her message in the right to education and the importance of competence as women's "*true weapon.*" She linked women's advancement to the broader development of African societies: *"As long as women continue to study and advance professionally, we strengthen democracy, governance, and stability."* ***Liesbeth Lijnzaad*** stressed that while parity is essential, it cannot succeed unless candidates know the subject matter thoroughly. As she explained,

> "There is a need for parity and a realistic gender balance. We will not reach that overnight, but it certainly is the goal, and it helps if the candidates presented are experts in their field." In her view, "it is not as if being a woman is enough to make parity work,"
>
> ***Liesbeth Lijnzaad***

underscoring that gender balance must go hand in hand with competence, experience, and credibility.

b. Courage and care

Many interviewees called for courage tempered by care, persistence, and purpose. ***Irene Khan*** urged younger generations to *"stay at it,"* reminding them that while opportunities for women have expanded, so too have the challenges. She spoke of standing *"on the shoulders of others"* and the responsibility to continue opening paths for those who follow.

Aua Baldé echoed this with a powerful invitation to *"dare to try."* Women, she said, must resist self-doubt and the tendency to over-qualify themselves before applying for roles: *"Even if you only meet half the requirements, try. You have to be in the room, even if you are the only woman there."* For her, persistence in difficult times is a moral duty: *"We cannot give up; this is when we are needed the most."*

Theresia Degener reinforced the need for self-confidence and ambition:

> "They need courage. They need to go for it and not wait until they feel ready. You will never feel ready; you learn on the job. Aim high, find mentors, and trust yourself."
>
> ***Theresia Degener***

Mónica Pinto's reflections bridged pragmatism and solidarity: *"You need good sponsors, good partners, both at home and at work. Without them, the journey becomes very hard."* She spoke candidly about the intense years of balancing motherhood, career, and public life, urging institutions to recognise caregiving not as a weakness, but as part of women's professional reality.

c. Mentorship and sisterhood

Verene Shepherd highlighted the importance of staying informed and educated while also calling for intergenerational solidarity:

> "Those of us already at the table must bring up other women and make sure they, too, know there is space for them."
>
> ***Verene Shepherd***

Fionnuala Ní Aoláin also emphasised rootedness and relationships. Change, she said, begins *"where you are."* Expertise and education are vital investments, but so is community: *"The work is really hard, and we're mostly losing, but what sustains you is relationships, the sense that you're part of something bigger."*

Meg Kinnear echoed this message, urging young women to enter arbitration and public international law not only with confidence, but also with a commitment to collective growth. She emphasised that mentorship must operate in both directions: seeking guidance while also lifting others. As she explained, *"If someone has an interest, I encourage them 100 per cent […] But I also encourage people to get a number of mentors and to be a mentor to people. That's really important and something a lot of females in arbitration have found incredibly useful."* For Kinnear, expanding women's participation is not only about individual achievement, but also about building networks that help others gain access, visibility, and support throughout their careers.

Finally, ***Tracy Robinson*** reframed leadership as enabling others. She spoke of attentiveness—to those struggling to speak and to those often unseen—and recalled that impact is measured not in standards or titles, but in empowerment: "It's not all about the standards in the end; it's about the

people you interact with, hearing their challenges and resilience, and knowing how to empower."

d. Responsibility and purpose

Judge ***Ineta Ziemele*** offered a broader call to civic and moral engagement. Drawing on her experience as a young lawyer during Latvia's independence movement, she reminded students: *"There is no choice but to take responsibility for democracy, for our planet."* She calls on future generations to combine rigorous study with active participation in democratic processes: *"It's the active position that is needed, especially now."*

Melissa Upreti added a note of humility and perseverance, particularly relevant for young lawyers navigating uncertainty:

> "There are many pathways, no two are the same. Learn from other people's journeys, stay curious, and understand that soft skills matter as much as technical expertise. Don't worry if you start small, every meaningful experience can become a stepping stone."
>
> ***Melissa Upreti***

Taken together, these reflections convey a collective message: prepare relentlessly, support each other openly, lead with integrity, and widen the circle. The next generation must not only enter international spaces, but also reshape them, making them more just, inclusive, and reflective of the world they serve. As Justice ***Tujilane Rose Chizumila*** summed up:

"To the future generations, especially young women and aspiring changemakers: Do not be defined by your beginnings. Let adversity sharpen your purpose, not limit your possibilities. Lead with integrity, serve with humility, and never underestimate the power of one voice committed to justice. Remain teachable, and cultivate emotional intelligence alongside formal qualifications. Balance ambition with service. Invest in your communities, and never be afraid to innovate, be it in law, leadership, or livelihoods. Most importantly, know that leadership is not about titles but impact. Your journey will have storms, but those very storms will shape your legacy if you stay grounded in your values."

6. CONCLUSION



The analysis and testimonies included in this publication make clear that women's presence in international justice, paired with developments and reforms they have actively driven, has strengthened the legitimacy and effectiveness of international judicial institutions and decision-making bodies. The report furthers the case for gender parity in international decision-making institutions. Gender-balanced benches and bodies foster better deliberation, improve workplace dynamics, and strengthen collegiality and cooperation, even across institutions.

The case studies featured demonstrate that far from being relegated to deal with so-called "pink law" issues, the presence of women on the bench has positively changed institutional practices, modified working methods that were embedded in patriarchal structures, and contributed to the development of legal standards in a wide range of topics in the international law field.

A judiciary that is both diverse and consciously feminist—including women and men alike—is more likely to question entrenched assumptions, broaden interpretive perspectives, and support a more inclusive understanding of justice.

Women's presence in international justice bodies and mechanisms has played and continues to play a key role in how justice systems understand and respond to gender-based violations and crimes. The contributions of women have changed how these crimes are investigated, prosecuted, and judged, leading to stronger legal outcomes and more inclusive forms of justice.

Yet, the interplay of gender and the international bench goes well beyond the context of women's rights, sexual violence, and gender discrimination. The case studies analysed illustrate how women have contributed to applying a gender lens to issues traditionally outside the scope of women's decision-making, including security and counter-terrorism, the law of the sea, freedom of expression, enforced disappearance, international humanitarian law and the interpretation of genocide, international arbitration, among others.

The presence of women in these spaces resulted in landmark jurisprudence not because they were token appointments, but because they were excellent experts who had the credentials, legal acumen, and skills required to persuade and discuss with peers and relevant stakeholders.

The report also shows that the inclusion of women in legal leadership roles as judges, prosecutors, independent experts, and senior staff in international bodies, mechanisms, and commissions has produced substantive changes in institutional practice, culture, and policy within international justice bodies, notably international law tribunals and commissions, international criminal tribunals, and human rights tribunals, treaty bodies, commissions, and mechanisms.

Despite the progress made, the experts interviewed highlighted the significant need to overcome the additional barriers that women from the global majority, Indigenous communities, and racialised backgrounds often face in their pathways to judicial office.

Pathways to international justice careers were not without challenges for those featured in this report. From overcoming the hurdles of being nominated and supported by States to feeling they had to prove themselves even more than their male colleagues, the career paths of some interviewees exemplify the obstacles women still face, including gender stereotypes and structural biases, cultural resistance and isolation by male colleagues, and other intersectional barriers.

Other challenges relate to the pro bono nature of some international positions and the difficult work-life balance, making these spaces particularly hard to access and sustain for women with caregiving responsibilities.

As such, women's access to international justice spaces remains deeply influenced by structural inequalities that extend far beyond individual merit or motivation. While many have overcome these challenges, their stories reveal that access and belonging are not merely matters of opportunity,

but ones of systemic design. Persistent gender stereotypes, unequal caregiving responsibilities, language hierarchies, and resource disparities continue to determine who can enter, remain, and thrive in these institutions. True parity, therefore, requires more than balanced representation: It demands the transformation of institutional cultures, working conditions, and nomination systems that continue to reproduce exclusion so participation becomes genuinely inclusive, equitable, and sustainable for all.

Additionally, intersectionality is a practical necessity for meaningful inclusion. As the testimonies show, lived experiences of race, class, language, and geography fundamentally shape access to international justice, both for victims and for those mandated to serve them. When diverse women and men sit at the table, they expand what institutions can see, name, and prioritise. Embedding intersectionality within the design and functioning of international justice bodies enhances their legitimacy, fosters culturally grounded approaches, and brings protection closer to those who need it most. To overcome the existing barriers and truly achieve transformative gender parity in international institutions, the relevant stakeholders should implement the following recommendations:

- States and international bodies should strengthen the openness, inclusiveness, and transparency of their nomination, voting, and appointment processes for international courts and bodies, with the aim of ensuring gender parity at all stages.
- States and regional and international bodies should reform their institutional policies and practices to remove existing structural barriers, biases, and patriarchal practices and should ensure women have equitable access to resources and compensation, accounting for their unequal caregiving responsibilities.
- States and international bodies should work together to ensure the equal participation of women in international spaces, per CEDAW Committee General Recommendation No. 40.
- Civil society organisations should closely monitor and advocate for the implementation of CEDAW Committee General Recommendation No. 40.
- States, international bodies, professional associations, and other key actors should establish and sustain formal and informal women's professional networks, initiatives, programs, and mentoring spaces that promote women's leadership and sharing of information, knowledge, resources, and opportunities.
- States should acknowledge the unique challenges faced by different groups of women and take targeted, responsive measures to address these challenges, including the adoption of intersectional approaches that ensure that all women have the necessary conditions to access and fully participate in decision-making spaces at the international level.

Ultimately, gender parity in international justice is not only a question of equality, but also one of legitimacy, quality, and credibility. The inclusion of women in all their diversity reshapes how justice is conceived, delivered, and sustained. Achieving true equality demands more than opening doors; it requires redesigning the rooms themselves: the procedures, cultures, and hierarchies that have long defined international law. The testimonies and experiences reflected in this report show that when women enter these spaces, they do not merely participate in them; they transform them. Their presence changes the international justice system from one that speaks about equality into one that embodies it.

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