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APPLYING A SOGIESC LENS TO CEDAW GENERAL RECOMMENDATION 40

Equal and inclusive representation
of LGBTI women in decision-making
systems

INTRODUCTION

In October 2024, the [UN Committee on the Elimination of Discrimination against Women \(CEDAW Committee\)](#) released [General Recommendation 40](#), which provides practicable solutions to States on enacting “governance based on parity and inclusivity as a core principle.”

This brief outlines how CEDAW GR 40 can be used to guarantee the increased representation and equal participation of lesbian, bi, trans and intersex (LGBTI) women for the structural transformation of and global accountability in decision-making systems.¹

CEDAW AND THE COMMITTEE

The [Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#) is an international human rights treaty or a set of binding legal obligations for 189 States towards

¹ In response to the call for input by the CEDAW Committee for this General Recommendation, ILGA World submitted two reports on the equal and inclusive representation of LGBTI women in decision-making systems. Access them here: [submission 1](#) and [submission 2](#).

gender equality. You can check [here](#) if your country is one of them.

The CEDAW Committee issues [General Recommendations \(GR\)](#) that serve as authoritative interpretations of CEDAW.² In other words, they are tools that guide your government in fulfilling its legally binding duties under international law. In this case, GR 40 provides guidance on legislative, policy, and programmatic measures needed to implement States’ obligations under the CEDAW Convention to ensure equality in decision-making.

The CEDAW Committee has proactively and explicitly addressed the rights of LGBTI women in its work. Learn more through the [ILGA World Database](#) and our annual treaty bodies reports.³

GENERAL RECOMMENDATION 40

This 22-page UN document contains 135 specific recommendations grounded on seven pillars, including 50:50 parity, young people’s effective leadership, intersectionality and inclusion of women in all their diversity, a comprehensive approach across all spheres, women’s equal power and influence, structural transformation of gender relations, and civil society representation.

GR 40 recognizes that women suffer from intersecting forms of discrimination based on sexual orientation and gender identity:

27. The Convention recognizes that women can face multiple and intersecting

² See SOGIESC and LGBTI references included in treaty bodies’ general comments and recommendations [here](#).

³ We publish an annual report collating SOGIESC references and trends by UN treaty bodies. You can access them here: [2020-2021](#), [2022](#), and [2023](#).

forms of discrimination, mentioning women in poverty (Preamble), women of a particular marital status (Articles 9, 11, and 16), pregnant women (Articles 11 and 12), and rural women (Article 14). By mentioning specific groups of women, the Convention clarifies that to meet the obligation to eliminate all forms of discrimination against women, States parties must also tackle all possible intersecting factors of discrimination. In various GRs and concluding observations the Committee observes how discrimination against women interacts with discrimination, including based on race, ethnicity, indigenous status, religion or belief, health, status, disability, age, class, caste, sexual orientation and gender identity, political opinion, national origin, marital and/or maternal status, socioeconomic status, refugee, asylum-seeking, displaced and migratory status, a list which is non-exhaustive and might vary across countries and over time and include newly emerging forms of discrimination, such as climate refugees. The Committee has also specifically and constantly stressed the rights of women in all their diversity to participate in decision-making at all levels.

It also repeatedly asserts that “women in all their diversity” should have equal power in decision-making. Therefore, the implementation of these recommendations should be understood to be LGBTI-inclusive.

GENERAL OBLIGATIONS

Despite there being only one explicit SOGIESC⁴ reference in GR 40 (par. 27), we have attempted to apply a SOGIESC lens to its recommendations. In this section, we provide guidance on how States can ensure an LGBTI-inclusive implementation of GR 40.⁵

⁴ Sexual orientation, gender identity, gender expression, and sex characteristics.

⁵ However, this brief cannot provide a SOGIESC lens for all 135 recommendations of

Address intersecting forms of discrimination that create barriers for women based on SOGIESC (par. 26):

- Explicitly prohibit discrimination based on sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC).
- Include SOGIESC in the collection of “intersectional data on women in all their diversity.”

Dismantle gender stereotypes against LGBTI women and girls (par. 31):

- Lead campaigns that highlight the diverse roles of LGBTI women in political, artistic and business fields.
- Invest in monitoring human rights policies and programs for LGBTI women and girls.
- Combat the spread of gender stereotypes of LGBTI women in traditional and social media, AI and robotics.

Guarantee the representation of women in all their diversity (par. 33):

- Appoint LGBTI women to different roles, including senior and leadership positions, at all stages of decision-making processes, avoid tokenism and ensure that LGBTI women can exercise full and equal decision-making positions.
- Incentivize private sector initiatives on diversity, equity and inclusion (DE&I), including in local, regional and international civil society organizations.

Ensure freedom from gender-based violence for LGBTI women and girls (par. 39):

- Adopt laws that prohibit hate crimes and hate speech based on SOGIESC.

the GR, which should be an exercise that is grounded on and responsive to national context and needs. Please see the last section on how ILGA World can guide you in this process.

- Provide SOGIESC training for law enforcement and other officials assisting GBV victims.
- Lobby with governments for the implementation of protocols and measures to prevent and eradicate GBV against LGBTI women participating in politics.

Ensure the participation of LGBTI women's organizations (par. 41):

- Ensure that they can freely create, register and operate organizations and receive funding without discrimination based on SOGIESC.
- Enable them to participate in decision-making, including through regular consultations.

SPECIFIC OBLIGATIONS

Right to vote (par. 43):

- Develop outreach strategies to marginalized groups, including LGBTI women, on voter registration and voting procedures that are accessible and culturally sensitive.
- Consider safety concerns and community acceptance of LGBTI women and girls in designing polling stations, and recruit LGBTI women as polling officers to create a welcoming and inclusive voting environment.
- Provide training on LGBTI-inclusive practices to polling staff and ensure that grievance protocols are SOGIESC-responsive.
- Ensure that trans, gender-diverse and intersex women can safely vote by enacting legal gender recognition based on self-determination.

The right to stand for an election (par. 45):

- Prevent and combat anti-LGBTI political speech and media representation

through legislative, electoral and other measures.

- Ensure that gender quotas and temporary special measures for gender parity, such as zipper systems, do not negatively impact the right of LGBTI women to stand for elections.

The right to participate in non-governmental and public and political organizations (par. 51):

- Ensure the personal safety of LGBTI representatives, including activists, and freedom from GBV.
- Support their development of LGBTI-inclusive parity, anti-discrimination and DE&I policies.

Parity in international decision-making (par. 55):

- Implement an LGBTI-inclusive foreign policy that incorporates SOGIESC into gender equality efforts.

Parity in peace and security (par. 61):

- Building on the Colombian model, explicitly incorporate the needs of LGBTI women into peace, transitional justice and security frameworks, including Women, Peace and Security (WPS).

Parity in economic decision-making (par. 66):

- Explicitly address LGBTI issues in the framework for a sustainable, inclusive and rights-based economy.
- Address queer poverty through laws prohibiting SOGIESC-based discrimination in the workplace and all areas, as well as the implementation of temporary special measures.
- Eliminate de jure and de facto economic discrimination towards LGBTI women.

Rights in the private sphere as a pre-condition to access decision-making (par. 68):

- Guarantee marriage equality.



- Criminalize non-consensual medical interventions on intersex children, SOGIESC conversion practices, and domestic abuse of LGBTI children.

ADVOCACY TIPS FOR THE LGBTI-INCLUSIVE IMPLEMENTATION OF GR 40

Comprehensive review of treaty bodies' general recommendations

Advocacy actions on GR 40 should be informed by the whole set of related recommendations, comments, concluding observations, decisions on individual communications, and human rights standards developed by international and regional human rights mechanisms.

The [ILGA World Database](#) can show you all SOGIESC recommendations to your country that have been made by the CEDAW Committee, other UN Treaty bodies, UN Special Procedures, and other countries through the Universal Periodic Review (UPR).

Development of national advocacy plans

Utilize the "Parity by 2030" goal by pushing for the structural transformation of decision-making systems that incorporate the rights and perspectives of LGBTI women, highlighting the urgency to reach parity by 2030.

ILGA World can help you develop SMART⁶ advocacy plans to guide your efforts for structural transformation to guarantee equality for LGBTI women and girls in your country. Please reach out to un@ilga.org to start this process.

Maximize UN human rights mechanisms

Aside from issuing GRs, the CEDAW Committee also has the mandate to monitor States' implementation of the CEDAW Convention. You can submit [shadow or alternative reports](#) to the Committee highlighting the issues faced by LGBTI women and girls in the country.

Check out our [guide](#) on how to do that. For specific information on when and how a submission can be made, as well as how to participate in CEDAW Committee sessions you also can contact us at untreaties@ilga.org.

If your country has [ratified](#) the Optional Protocol to CEDAW, you can also submit [individual complaints](#) to the Committee on behalf of individuals or groups who are allegedly victims of violations of the CEDAW Convention by States.

You can also engage other UN human rights mechanisms, including [UN Treaty Bodies](#), the [UN Special Procedures](#) and the [Universal Periodic Review \(UPR\)](#), on this issue.

Collaboration with human rights, democracy and women's organizations

As there are no strong explicit and specific references to LGBTI women and girls in CEDAW GR 40, LGBTI-specific advocacy actions for its implementation may risk being sidelined.

Thus, it is crucial that LGBTI women's organizations work with other organizations to mainstream the concerns of LGBTI women and girls into national efforts for the equal and inclusive representation of all women in decision-making systems and monitor the implementation of GR 40.

⁶ Specific, Measurable, Achievable, Relevant and Time-bound.

Engaging UN agencies, national human rights institutions (NHRIs) and government ministries on women's rights

CEDAW GR 40 is grounded in non-discrimination and gender equality, which are the operative principles of NHRIs and government bodies tasked with working on women's rights.

Depending on the national context, these institutions may be independent and could be relatively more receptive towards LGBTI concerns. They should be engaged to monitor the government's implementation of GR 40. For best practices on engaging NHRIs on LGBTI issues, check out this [report](#).

UN agencies, including OHCHR country and regional offices, as well as UN Women, could also be tapped to provide technical expertise and capacity building for implementation.

Implementing equal and inclusive representation in your own organizations

Start within your own spaces ensuring that LGBTI women are equally included and represented in your organization and have equal power in decision-making (par. 50).

Work with other LGBTI organizations and share best practices to achieve this goal. Lobby with local authorities to ensure the legal and practical implementation of GR 40.