

Advocacy Tool

Language Mapping CEDAW Convention and General Recommendations

Mapping of language from the CEDAW Convention and General Recommendations (1979-2022) on gender transformative approaches and the engagement of men and boys in achieving gender equality

Version: January 2024

Convention on the Elimination of All Forms of Discrimination Against Women (1979)

<http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>

Preamble

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and **the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole**

Aware that **a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,**

Article 5

States Parties shall take all appropriate measures:

(a) **To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;**

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the **common responsibility of men and women in the upbringing and development of their children**, it being understood that the interest of the children is the primordial consideration in all cases.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(c) **The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education** by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, **by the revision of textbooks and school programmes and the adaptation of teaching methods;**

Article 11

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

General recommendation No. 1: Reporting by States parties (1986)

No relevant language

General recommendation No. 2: Reporting by States parties (1987)

No relevant language

General recommendation No. 3: Education and public information campaigns (1987)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5825_E.pdf

Further considering that, although the reports have come from States with different levels of development, they present features in varying degrees showing the existence of stereotyped conceptions of women, owing to sociocultural factors, that perpetuate discrimination based on sex and hinder the implementation of article 5 of the Convention,

Urges all States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.

General recommendation No. 4: Reservations (1987)

No relevant language

General recommendation No. 5: Temporary special measures (1988)

No relevant language

General recommendation No. 6: Effective national machinery and publicity (1988)

No relevant language

General recommendation No. 7: Resources (1988)

No relevant language

General recommendation No. 8: Implementation of article 8 of the Convention (1988)

No relevant language

General recommendation No. 9: Statistical data concerning the situation of women (1989)

No relevant language

General recommendation No. 10: Tenth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (1989)

No relevant language

General recommendation No. 11: Technical advisory services for reporting obligations (1989)

No relevant language

General recommendation No. 12: Violence against women (1989)

No relevant language

General recommendation No. 13: Equal remuneration for work of equal value (1989)

No relevant language

General recommendation No. 14: Female circumcision (1990)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3729_E.pdf

Noting with grave concern that there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices, such as female circumcision, Recommends to States parties:

- (a) That States parties take appropriate and effective measures with a view to eradicating the practice of female circumcision. Such measures could include:

The encouragement of politicians, professionals, religious and community leaders at all levels including the media and the arts to cooperate in influencing attitudes towards the eradication of female circumcision;

The introduction of appropriate educational and training programmes and seminars based on research findings about the problems arising from female circumcision;

General recommendation No. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS) (1990)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4726_E.pdf

Noting that the World Health Organization has announced that the theme of World Aids Day, 1 December 1990, will be “Women and Aids”, Recommends:

(b) That programmes to combat AIDS should give special attention to the rights and needs of women and children, **and to the factors relating to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection**

General recommendation No. 16: Unpaid women workers in rural and urban family enterprises (1991)

No relevant language

General recommendation No. 17: Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product (1991)

No relevant language

General recommendation No. 18: Disabled women (1991)

No relevant language

General recommendation No. 19: Violence against women (1992)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf

11. **Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion**, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. **Such prejudices and practices may justify gender-based violence as a form of protection or control of women.** The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities.

12. These attitudes also contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals. This in turn contributes to gender-based violence.

20. **In some States there are traditional practices perpetuated by culture and tradition that are harmful to the health of women and children.** These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation.

21. **Rural women are at risk of gender-based violence because of traditional attitudes regarding the subordinate role of women that persist in many rural communities.** Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.

23. **Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies.** Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, **which are perpetuated by traditional attitudes.** Lack of economic independence forces many women to stay in violent relationships. **The abrogation of their family responsibilities by men can be a form of violence, and coercion.** These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

Specific recommendations

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends:

(a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;

(b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. **Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;**

(c) **States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;**

(d) **Effective measures should be taken to ensure that the media respect and promote respect for women;**

(e) **States parties in their report should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women, and the kinds of violence that result.** They should report the measures that they have undertaken to overcome violence, and the effect of those measures;

(f) Effective measures should be taken to overcome these attitudes and practices. **States should introduce education and public information programmes to help eliminate prejudices which hinder women's equality** (recommendation No. 3, 1987)

(j) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace

(r) Measures that are necessary to overcome family violence should include:

Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes;

Rehabilitation programmes for perpetrators of domestic violence;

Support services for families where incest or sexual abuse has occurred;

(t) That States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:

Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women;

(v) That the reports of States parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures.

General recommendation No. 20: Reservations to the Convention (1992)

No relevant language

General recommendation No. 21: Equality in marriage and family relations (1994)

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/A_49_38\(SUPP\)_4733_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/A_49_38(SUPP)_4733_E.pdf)

3. The Convention on the Elimination of All Forms of Discrimination against Women recalls the inalienable rights of women which are already embodied in the above-mentioned conventions and declarations, but it goes further by **recognizing the importance of culture and tradition in shaping the thinking and behaviour of men and women and the significant part they play in restricting the exercise of basic rights by women.**

11. Historically, human activity in public and private life has been viewed differently and regulated accordingly. In all societies women who have traditionally performed their roles in the private or domestic sphere have long had those activities treated as inferior. (UPC)

18. Moreover, generally a de facto union is not given legal protection at all. Women living in such relationships should have their equality of status with men both in family life and in the sharing of income and assets protected by law. Such women should share equal rights and responsibilities with men for the care and raising of dependent children or family members. (UPC)

19. As provided in article 5 (b), most States recognize the **shared responsibility of parents for the care, protection and maintenance of children**. The principle that “the best interests of the child shall be the paramount consideration” has been included in the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and seems now to be universally accepted. However, in practice, some countries do not observe the principle of granting the parents of children equal status, particularly when they are not married. The children of such unions do not always enjoy the same status as those born in wedlock and, where the mothers are divorced or living apart, **many fathers fail to share the responsibility of care, protection and maintenance of their children**.

20. The shared rights and responsibilities enunciated in the Convention should be enforced at law and as appropriate through legal concepts of guardianship, wardship, trusteeship and adoption. States parties should ensure that by their laws both parents, regardless of their marital status and whether they live with their children or not, share equal rights and responsibilities for their children.

24. **A stable family is one which is based on principles of equity, justice and individual fulfilment for each member. Each partner must therefore have the right to choose a profession or employment that is best suited to his or her abilities, qualifications and aspirations, as provided in article 11 (a) and (c) of the Convention.** Moreover, each partner should have the right to choose his or her name, thereby preserving individuality and identity in the community and distinguishing that person from other members of society. When by law or custom a woman is obliged to change her name on marriage or at its dissolution, she is denied these rights.

41. The Committee has noted with alarm the number of States parties which have entered reservations to the whole or part of article 16, especially when a reservation has also been entered to article 2, claiming that compliance may conflict with a commonly held vision of the family based, inter alia, on cultural or religious beliefs or on the country’s economic or political status.

42. Many of these countries hold a belief in the patriarchal structure of a family which places a father, husband or son in a favourable position. In some countries where fundamentalist or other extremist views or economic hardships have encouraged a return to old values and traditions, women’s place in the family has deteriorated sharply. In others, where it has been recognized that a modern society depends for its economic advance and for the general good of the community on involving all adults equally, regardless of gender, these taboos and reactionary or extremist ideas have progressively been discouraged.

44. States parties should resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom, and progress to the stage where reservations, particularly to article 16, will be withdrawn

46. Their laws still contain many measures which discriminate against women based on norms, customs and sociocultural prejudices. These States, because of their specific situation regarding these articles, make it difficult for the Committee to evaluate and understand the status of women

General recommendation No. 22: Amending article 20 of the Convention (1995)

No relevant language

General recommendation No. 23: Political and public life (1997)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf

8. Public and private spheres of human activity have always been considered distinct, and have been regulated accordingly. **Invariably, women have been assigned to the private or domestic sphere, associated with reproduction and the raising of children, and in all societies these activities have been treated as inferior. By contrast, public life, which is respected and honoured, extends to a broad range of activity outside the private and domestic sphere. Men historically have both dominated public life and exercised the power to confine and subordinate women within the private sphere.**

10. In all nations, the most significant factors inhibiting women's ability to participate in public life have been **the cultural framework of values and religious beliefs, the lack of services and men's failure to share the tasks associated with the organization of the household and with the care and raising of children.** In all nations, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life.

12. **Stereotyping, including that perpetrated by the media, confines women in political life to issues such as the environment, children and health, and excludes them from responsibility for finance, budgetary control and conflict resolution.** The low involvement of women in the professions from which politicians are recruited can create another obstacle. In countries where women leaders do assume power this can be the result of the influence of their fathers, husbands or male relatives rather than electoral success in their own right

20. Factors which impede these rights include the following:

(c) In many nations, traditions and social and cultural stereotypes discourage women from exercising their right to vote. Many men influence or control the votes of women by persuasion or direct action, including voting on their behalf. Any such practices should be prevented;

(d) Other factors that in some countries inhibit women's involvement in the public or political lives of their communities include restrictions on their freedom of movement or right to participate, prevailing negative attitudes towards women's political participation, or a lack of confidence in and support for female candidates by the electorate. In addition, some women consider involvement in politics to be distasteful and avoid participation in political campaigns.

27. States parties have a further obligation to ensure that barriers to women's full participation in the formulation of government policy are identified and overcome. These barriers include complacency when token women are appointed, and traditional and customary attitudes that discourage women's participation. When women are not broadly represented in the senior levels of government or are inadequately or not consulted at all, government policy will not be comprehensive and effective.

40. The inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations and the international criminal justice system will make a difference. **In addressing armed or other conflicts, a gender perspective and analysis is necessary to understand their differing effects on women and men.**

44. States parties should explain the reason for, and effect of, any reservations to articles 7 or 8 and **indicate where the reservations reflect traditional, customary or stereotyped attitudes towards women's roles in society, as well as the steps being taken by the States parties to change those attitudes.** States parties should keep the necessity for such reservations under close review and in their reports include a timetable for their removal.

General recommendation No. 24: Article 12 of the Convention (women and health) (1999)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4738_E.pdf

6. While biological differences between women and men may lead to differences in health status, there are societal factors that are determinative of the health status of women and men and can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities.

12 (b) Socio-economic factors that vary for women in general and some groups of women in particular. **For example, unequal power relationships between women and men in the home and workplace may negatively affect women's nutrition and health.** They may also be exposed to different forms of violence which can affect their health. Girl children and adolescent girls are often vulnerable to sexual abuse by older men and family members, placing them at risk of physical and psychological harm and unwanted and early pregnancy. Some cultural or traditional practices such as female genital mutilation also carry a high risk of death and disability;

General recommendation No. 25: Article 4, paragraph 1, of the Convention (temporary special measures)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3733_E.pdf

7. Firstly, States parties' obligation is to ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination - committed by public authorities, the judiciary, organizations, enterprises or private individuals - in the public as well as the private spheres by competent tribunals as well as sanctions and other remedies. Secondly, States parties' obligation is to improve the de facto position of women through concrete and effective policies and programmes. Thirdly, **States parties' obligation is to address prevailing gender relations and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.**

10. **The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of**

opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.

38. States parties are reminded that **temporary special measures should be adopted to accelerate the modification and elimination of cultural practices and stereotypical attitudes and behaviour that discriminate against or are disadvantageous for women.** Temporary special measures should also be implemented in the areas of credit and loans, sports, culture and recreation, and legal awareness. Where necessary, such measures should be directed at women subjected to multiple discrimination, including rural women

General recommendation No. 26 on women migrant workers

No relevant language

General recommendation No. 27 on older women and protection of their human rights

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/53/PDF/G1047253.pdf?OpenElement>

11. While both men and women experience discrimination as they become older, older women experience ageing differently. **The impact of gender inequality throughout their lifespan is exacerbated in old age and is often based on deep-rooted cultural and social norms.** The discrimination that older women experience is often a result of unfair resource allocation, maltreatment, neglect and limited access to basic services.

36. States parties have an obligation to **eliminate negative stereotyping and modify social and cultural patterns of conduct that are prejudicial and harmful to older women,** so as to reduce the physical, sexual, psychological, verbal and economic abuse that older women, including those with disabilities, experience based on negative stereotyping and cultural practices.

General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women

<https://documents.un.org/doc/undoc/gen/g10/472/60/pdf/g1047260.pdf?token=GDfoxpKjBP0HjdWT0o&fe=true>

5. Although the Convention only refers to sex-based discrimination, interpreting article 1 together with articles 2 (f) and 5 (a) indicates that the Convention covers gender-based discrimination against women. The term “sex” here refers to biological differences between men and women. **The term “gender” refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women.** This social positioning of women and men is affected by political, economic, cultural, social,

religious, ideological and environmental factors and can be changed by culture, society and community. The application of the Convention to gender-based discrimination is made clear by the definition of discrimination contained in article 1. This definition points out that any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms is discrimination, even where discrimination was not intended. This would mean that identical or neutral treatment of women and men might constitute discrimination against women if such treatment resulted in or had the effect of women being denied the exercise of a right because there was no recognition of the pre-existing gender-based disadvantage and inequality that women face. The views of the Committee on this matter are evidenced by its consideration of reports, its general recommendations, decisions, suggestions and statements, its consideration of individual communications and its conduct of inquiries under the Optional Protocol.

9. Under article 2, States parties must address all aspects of their legal obligations under the Convention to respect, protect and fulfil women's right to non-discrimination and to the enjoyment of equality. The obligation to respect requires that States parties refrain from making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights. **The obligation to protect requires that States parties protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women.** The obligation to fulfil requires that States parties take a wide variety of steps to ensure that women and men enjoy equal rights de jure and de facto, including, where appropriate, the adoption of temporary special measures in line with article 4, paragraph 1, of the Convention and general recommendation No. 25 on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures. This entails obligations of means or conduct and obligations of results. States parties should consider that they have to fulfil their legal obligations to all women through designing public policies, programmes and institutional frameworks that are aimed at fulfilling the specific needs of women leading to the full development of their potential on an equal basis with men.

(d) **Undertaking specific education and training programmes about the principles and provisions of the Convention directed to all Government agencies, public officials and, in particular, the legal profession and the judiciary;** (e) **Enlisting all media in public education programmes about the equality of women and men,** and ensuring in particular that women are aware of their right to equality without discrimination, of the measures taken by the State party to implement the Convention, and of the concluding observations by the Committee on the reports of the State party;

General recommendation 29 on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution)

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslrCrOIUTv>

[LRFDjh6%2fx1pWCDn3WHqgJ3IVTSBdup3cNv3DQC%2fGcQdgTzvPZJiBl3Uvy2%2fdGCrYDfjaxHtk2Xa0GOpds69ZKD4rX0xgLCmpw%2fA](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslidCrOIUTvLRFDjh6%2fx1pWCDn3WHqgJ3IVTSBdup3cNv3DQC%2fGcQdgTzvPZJiBl3Uvy2%2fdGCrYDfjaxHtk2Xa0GOpds69ZKD4rX0xgLCmpw%2fA)

18. States parties are obligated to address the sex- and gender-based discriminatory aspects of all the various forms of family and family relationships. In respect of discrimination against women, **they must address patriarchal traditions and attitudes and open family law and policy with the same scrutiny that is given to the “public” aspects of individual and community life.**

General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslidCrOIUTvLRFDjh6%2fx1pWCVol%2bcjImPBg0gA%2fHq5Tl4bPxuafUJENxKkQQHQgPbs6rD6D03eyw2VKMujRg4KnRgN8SfU%2fTqRnQcf6ValVto>

43. The immediate aftermath of conflict can provide a strategic opportunity for States parties to adopt legislative and policy measures to eliminate discrimination against women in the political and public life of the country and to ensure that women have equal opportunities to participate in the new, post-conflict structures of governance. In many cases, however, the promotion of gender equality and women’s participation in decision-making processes is not seen as a priority at the official cessation of hostilities and may even be sidelined as incompatible with stabilization goals. **The full participation and involvement of women in formal peacemaking and post-conflict reconstruction and socioeconomic development are often not realized on account of deeply entrenched stereotypes, reflected in the traditionally male leadership of State and non-State groups, which exclude women from all aspects of decision-making, in addition to gender-based violence and other forms of discrimination against women.**

68. Even when women and girls are included in disarmament, demobilization and reintegration processes, the support is inadequate, gender stereotyped and limits their economic empowerment by providing skills development only in traditionally female fields. Disarmament, demobilization and reintegration programmes also fail to deal with the psychosocial trauma that women and girls experience in conflict and post-conflict situations. That in turn can cause further rights violations, given that women’s social stigma, isolation and economic disempowerment can force some women to remain in exploitative situations (such as with their captors) or force them into new ones if they have to turn to illicit activities to provide for themselves and their dependants

Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement>

4. Moreover, the Committees recognize that **boys are also the victims of violence, harmful practices and bias and that their rights must be addressed for their protection and to prevent gender-based violence**

and the perpetuation of bias and gender inequality later in their lives. Accordingly, reference is made herein to the obligations of States parties to the Convention on the Rights of the Child regarding harmful practices stemming from discrimination that affect boys' enjoyment of their rights.

6. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child consistently note that **harmful practices are deeply rooted in social attitudes according to which women and girls are regarded as inferior to men and boys based on stereotyped roles.** They also highlight the gender dimension of violence and indicate **that sex- and gender-based attitudes and stereotypes, power imbalances, inequalities and discrimination perpetuate the widespread existence of practices that often involve violence or coercion.** It is also important to recall that the Committees are concerned that the practices are also used to justify gender-based violence as a form of "protection" or control of women and children in the home or community, at school or in other educational settings and institutions and in wider society. Moreover, the Committees draw States parties' attention to the fact that sex- and gender-based discrimination intersects with other factors that affect women² and girls, in particular those who belong to, or are perceived as belonging to, disadvantaged groups, and who are therefore at a higher risk of becoming victims of harmful practices.

9. Many other practices having been identified as harmful practices are all strongly connected to and reinforce **socially constructed gender roles and systems of patriarchal power relations** and sometimes reflect negative perceptions of or discriminatory beliefs regarding certain disadvantaged groups of women and children, including individuals with disabilities or albinism. The practices include, but are not limited to, neglect of girls (linked to the preferential care and treatment of boys), extreme dietary restrictions, including during pregnancy (force-feeding, food taboos), virginity testing and related practices, binding, scarring, branding/infliction of tribal marks, corporal punishment, stoning, violent initiation rites, widowhood practices, accusations of witchcraft, infanticide and incest.³ They also include body modifications that are performed for the purpose of beauty or marriageability of girls and women (such as fattening, isolation, the use of lip discs and neck elongation with neck rings)⁴ or in an attempt to protect girls from early pregnancy or from being subjected to sexual harassment and violence (such as breast ironing). In addition, many women and children increasingly undergo medical treatment and/or plastic surgery to comply with social norms of the body, rather than for medical or health reasons, and many are also pressured to be fashionably thin, which has resulted in an epidemic of eating and health disorders.

16. For the purposes of the present joint general recommendation/general comment, practices should meet the following criteria to be regarded as harmful:

- (c) They are traditional, re-emerging or emerging practices that are prescribed and/or kept in place by **social norms that perpetuate male dominance and inequality of women and children,** on the basis of sex, gender, age and other intersecting factors;

17. The causes of harmful practices are multidimensional and include **stereotyped sex- and gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies and sexuality of women and girls, social inequalities and the prevalence of male-dominated power structures.** Efforts to change the practices must address those **underlying systemic and structural causes** of traditional, re-emerging and emerging harmful practices, **empower girls and women and boys and men to contribute to the transformation of traditional cultural attitudes**

that condone harmful practices, act as agents of such change and strengthen the capacity of communities to support such processes.

45. The full and inclusive participation of relevant stakeholders in the drafting of legislation against harmful practices can ensure that the primary concerns relating to the practices are accurately identified and addressed. Engaging with and soliciting input from practising communities, other relevant stakeholders and members of civil society is central to this process. Care should be taken, however, to **ensure that prevailing attitudes and social norms that support harmful practices do not weaken efforts to enact and enforce legislation.**

56. One of the first steps in combating harmful practices is through prevention. Both Committees have underlined that prevention can be best achieved through a **rights-based approach to changing social and cultural norms, empowering women and girls, building the capacity of all relevant professionals who are in regular contact with victims, potential victims and perpetrators of harmful practices at all levels and raising awareness of the causes and consequences of harmful practices, including through dialogue with relevant stakeholders.**

57. A social norm is a contributing factor to and social determinant of certain practices in a community that may be positive and strengthen its identity and cohesion or may be negative and potentially lead to harm. It is also a social rule of behaviour that members of a community are expected to observe. This creates and sustains a collective sense of social obligation and expectation that conditions the behaviour of individual community members, even if they are not personally in agreement with the practice. For example, where female genital mutilation is the social norm, parents are motivated to agree to its being performed on their daughters because they see other parents doing so and believe that others expect them to do the same. The norm or practice is often perpetuated by other women in community networks who have already undergone the procedure and exert additional pressure on younger women to conform to the practice or risk ostracism, being shunned and stigmatization. Such marginalization may include the loss of important economic and social support and social mobility. Conversely, if individuals conform to the social norm, they expect to be rewarded, for example through inclusion and praise. **Changing social norms that underlie and justify harmful practices requires that such expectations be challenged and modified.**

58. Social norms are interconnected, meaning that harmful practices cannot be addressed in isolation, but within a broader context based on a comprehensive understanding of how the practices are linked to other cultural and social norms and other practices. This indicates the need to adopt a rights-based approach that is founded on recognition that rights are indivisible and interdependent.

60. The Committees recommend that the States parties to the Conventions ensure that any efforts undertaken to **tackle harmful practices and to challenge and change underlying social norms are holistic, community based and founded on a rights-based approach that includes the active participation of all relevant stakeholders, especially women and girls.**

67. Childhood, and early adolescence at the latest, are entry points for assisting both girls and boys and supporting them to change gender-based attitudes and adopt more positive roles and forms of behaviour in the home, at school and in wider society. This means facilitating discussions with them on social norms, attitudes and expectations that are associated with traditional femininity and masculinity and sex and gender-linked stereotypical roles and working in partnership with them to

support personal and social change aimed at eliminating gender inequality and promoting the importance of valuing education, especially girls' education, in the effort to eliminate harmful practices that specifically affect pre-adolescent and adolescent girls.

69. The Committees recommend that the States parties to the Conventions:

(c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination;

(f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

70. One of the primary challenges in the elimination of harmful practices relates to the **lack of awareness or capacity of relevant professionals**, including front-line professionals, to adequately understand, identify and respond to incidents or the risks of harmful practices. A comprehensive, holistic and effective approach to capacity-building should aim to **engage influential leaders, such as traditional and religious leaders, and as many relevant professional groups as possible, including health, education and social workers, asylum and immigration authorities, the police, public prosecutors, judges and politicians at all levels**. They need to be provided with accurate information about the practice and applicable human rights norms and standards with **a view to promoting a change in the attitudes and forms of behaviour of their group and the wider community**.

74. To **challenge sociocultural norms and attitudes that underlie harmful practices, including male-dominated power structures**, sex- and gender-based discrimination and age hierarchies, both Committees regularly recommend that States parties undertake comprehensive public information and awareness-raising campaigns that are part of long-term strategies to eliminate harmful practices.

76. The launching of awareness-raising campaigns can provide an opportunity to initiate public discussions about harmful practices with a view to collectively exploring alternatives that do not cause harm or violate the human rights of women and children and **reaching agreement that the social norms underlying and sustaining harmful practices can and should be changed**. **The collective pride of a community in identifying and adopting new ways to fulfil its core values will ensure the commitment and sustainability of new social norms that do not result in the infliction of harm or violate human rights**.

77. **The most effective efforts are inclusive and engage relevant stakeholders at all levels, especially girls and women from affected communities and boys and men**. Moreover, those efforts require the active participation and support of **local leaders**, including through the allocation of adequate resources. Establishing or strengthening existing partnerships with relevant stakeholders, institutions, organizations and social networks (**religious and traditional leaders**, practitioners and civil society) can help to build bridges between constituencies.

89. States parties should include in their reports under the Conventions **information about the nature and extent of attitudes, customs and social norms that perpetuate harmful practices and on the measures guided by the present joint general recommendation/general comment that they have implemented and the effects thereof**.

General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/90/PDF/N1462790.pdf?OpenElement>

15. Gender-related forms of persecution are forms of persecution that are directed against a woman because she is a woman or that affect women disproportionately. The Committee observes that understanding the way in which women's rights are violated is critical to the identification of those forms of persecution. The Committee notes that violence against women that is a prohibited form of discrimination against women is one of the major forms of persecution experienced by women in the context of refugee status and asylum. Such violence, just as other gender-related forms of persecution, may breach specific provisions of the Convention. Such forms are recognized as legitimate grounds for international protection in law and in practice. They may include the threat of female genital mutilation, forced/early marriage, threat of violence and/or so-called "honour crimes", trafficking in women, acid attacks, rape and other forms of sexual assault, serious forms of domestic violence, the imposition of the death penalty or other physical punishments existing in discriminatory justice systems, forced sterilization, political or religious persecution for holding feminist or other views and the persecutory consequences of failing to conform to gender-prescribed social norms and mores or for claiming their rights under the Convention.

31. The Committee notes that women's claims to asylum are regularly classified under the "social group" ground in the definition of a refugee, which may reinforce the stereotyped notions of women as dependent victims. **Article 5 of the Convention requires States parties to assess women's claims to asylum without prejudices and stereotyped notions of women that are based on the inferiority or superiority of either sex. Gender stereotyping affects the right of women to a fair and just asylum process and the asylum authorities must take precautions not to create standards that are based on preconceived notions of gender-based violence and persecution.** In addition, women are active agents who play important roles as political leaders, members of Governments or opposition groups, journalists, human rights defenders and activists, lawyers and judges, among others. They are targeted on account of their political opinions and/or activities, including the expression of women's rights. Accordingly, article 7 of the Convention requires States parties to take action to realize equality for women in political and public life. It may therefore be appropriate that women bring claims to asylum on gender-related persecution grounds or political, religious, racial and ethnic grounds, including in situations in which they were compelled to flee their country of origin owing to external aggression, occupation, foreign domination or serious civil strife.

44. **States parties should ensure that their border police and immigration officials are adequately trained, supervised and monitored for gender-sensitivity and non-discriminatory practices when dealing with women asylum seekers and refugees.** They should ensure that they adopt and implement a gender-sensitive approach of a proper identification system for women asylum seekers and refugees that is not based on prejudices and stereotyped notions of women, including for victims of trafficking and/or sexual exploitation.

General recommendation No. 33 on women's access to justice (GEN/FBA/ED)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

3. In practice, the Committee has observed a number of obstacles and restrictions that impede women from realizing their right to access to justice on a basis of equality, including a lack of effective jurisdictional protection offered by States parties in relation to all dimensions of access to justice. These obstacles occur in a structural context of discrimination and inequality owing to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women. All these obstacles constitute persistent violations of women's human rights.

7. Discrimination may be directed against women on the basis of their sex and gender. Gender refers to socially constructed identities, attributes and roles for women and men and the cultural meaning imposed by society on to biological differences, which are consistently reflected within the justice system and its institutions. **Under article 5 (a) of the Convention, States parties have an obligation to expose and remove the underlying social and cultural barriers, including gender stereotypes, that prevent women from exercising and claiming their rights and impede their access to effective remedies.**

8. Discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men. In addition, discrimination against women is compounded by intersecting factors that affect some women to degrees or in ways that differ from those affecting men or other women. Grounds for intersecting or compounded discrimination may include ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership and identity as a lesbian, bisexual or transgender woman or intersex person. These intersecting factors make it more difficult for women from those groups to gain access to justice.¹

18. With regard to the good quality of justice systems, the Committee recommends that States parties:

(e) Implement mechanisms to ensure that evidentiary rules, investigations and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice;

21. Frequently, States parties have constitutional provisions, laws, regulations, procedures, customs and practices that are based on traditional gender stereotypes and norms and are, therefore, discriminatory and deny women full enjoyment of their rights under the Convention. The Committee, therefore, consistently calls upon States parties, in its concluding observations, to review their legislative frameworks and to amend and/or repeal provisions that discriminate against women. This is consistent with article 2 of the Convention, which enshrines obligations for States parties to adopt appropriate legal and other measures to eliminate all forms of discrimination against women by public authorities and non-State actors, be they individuals, organizations or enterprises.

25. The Committee recommends that States parties:

(d) Protect women and girls from interpretations of religious texts and traditional norms that create barriers to their access to justice and result in discrimination against them.

26. **Stereotyping and gender bias in the justice system have far-reaching consequences for women's full enjoyment of their human rights.** They impede women's access to justice in all areas of law, and may have a particularly negative impact on women victims and survivors of violence. Stereotyping distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts. **Often, judges adopt rigid standards about what they consider to be appropriate behaviour for women and penalize those who do not conform to those stereotypes.** Stereotyping also affects the credibility given to women's voices, arguments and testimony as parties and witnesses. Such stereotyping can cause judges to misinterpret or misapply laws. This has far-reaching consequences, for example, in criminal law, where it results in perpetrators not being held legally accountable for violations of women's rights, thereby upholding a culture of impunity. In all areas of law, stereotyping compromises the impartiality and integrity of the justice system, which can, in turn, lead to miscarriages of justice, including the revictimization of complainants.

27. Judges, magistrates and adjudicators are not the only actors in the justice system who apply, reinforce and perpetuate stereotypes. Prosecutors, law enforcement officials and other actors often allow stereotypes to influence investigations and trials, especially in cases of gender-based violence, with stereotypes undermining the claims of the victim/survivor and simultaneously supporting the defence advanced by the alleged perpetrator. Stereotyping can, therefore, permeate both the investigation and trial phases and shape the final judgement.

28. Women should be able to rely on a justice system free of myths and stereotypes, and on a judiciary whose impartiality is not compromised by those biased assumptions. **Eliminating stereotyping in the justice system is a crucial step in ensuring equality and justice for victims and survivors.**

29. The Committee recommends that States parties:

(a) Take measures, including awareness-raising and capacity-building programmes for all justice system personnel and law students, to eliminate gender stereotyping and incorporate a gender perspective into all aspects of the justice system;

(b) Include other professionals, in particular health-care providers and social workers, who potentially play an important role in cases of violence against women and in family matters, in the awareness-raising and capacity-building programmes;

(d) Consider promoting a dialogue on the negative impact of stereotyping and gender bias in the justice system and the need for improved justice outcomes for women who are victims and survivors of violence;

(e) Raise awareness of the negative impact of stereotyping and gender bias and encourage advocacy to address stereotyping and gender bias in justice systems, especially in gender-based violence cases;

30. **The provision of education from a gender perspective and raising public awareness through civil society, the media and the use of ICT are essential to overcoming the multiple forms of discrimination**

and stereotyping that have an impact on access to justice and to ensuring the effectiveness and efficiency of justice for all women.

33. The Committee recommends that States parties:

(c) Integrate, into curricula at all levels of education, educational programmes on women's rights and gender equality, including legal literacy programmes, that emphasize the crucial role of women's access to justice and the role of men and boys as advocates and stakeholders.

35. The Committee recommends that States parties:

(a) Emphasize the role that the media and ICT can play in dismantling cultural stereotypes about women in connection with their right to access to justice, paying particular attention to challenging cultural stereotypes concerning gender-based discrimination and violence, including domestic violence, rape and other forms of sexual violence;

(b) Develop and implement measures to raise awareness among the media and the population, in close collaboration with communities and civil society organizations, of the right of women to have access to justice. Such measures should be multidimensional and directed at girls and women, as well as boys and men, and should take account of the relevance and potential of ICT to transform cultural and social stereotypes;

(h) Review rules of evidence and their implementation, especially in cases of violence against women, and adopt measures with due regard to the fair trial rights of victims and defendants in criminal proceedings, to ensure that the evidentiary requirements are not overly restrictive, inflexible or influenced by gender stereotypes

43. In some communities, women are unable to approach justice systems without the assistance of a male relative, and social norms hinder their ability to exercise autonomy outside the household. Article 15 of the Convention provides that women and men are to be equal before the law and that States parties must accord to women a legal capacity in civil matters identical to that of men and the same opportunities to exercise that capacity. The civil law procedures and remedies to which women are to have access include those in the fields of contracts, private employment, personal injury, consumer protection, inheritance, land and property rights.

62. The presence of plural justice systems can, in itself, limit women's access to justice by perpetuating and reinforcing discriminatory social norms. In many contexts, the availability of multiple avenues for gaining access to justice within plural justice systems notwithstanding, women are unable to effectively exercise a choice of forum. The Committee has observed that, in some States parties in which systems of family and/or personal law based on customs, religion or community norms coexist alongside civil law systems, individual women may not be as familiar with both systems or at liberty to decide which regime applies to them.

64. The Committee recommends that, in cooperation with non-State actors, States parties:

(a) Take immediate steps, including capacity-building and training programmes on the Convention and women's rights, for justice system personnel, to ensure that religious, customary, indigenous and community justice systems harmonize their norms, procedures and

practices with the human rights standards enshrined in the Convention and other international human rights instruments;

General recommendation No. 34 on the rights of rural women (2016)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf

5. Globally, and with few exceptions, on every gender and development indicator for which data are available, rural women fare worse than rural men and urban women and men,² and rural women disproportionately experience poverty and exclusion. They face systemic discrimination in access to land and natural resources. **They carry most of the unpaid work burden owing to stereotyped gender roles,** inequality within the household and the lack of infrastructure and services, including with respect to food production and care work. Even when formally employed, they are more often engaged in work that is insecure, hazardous, poorly paid and not covered by social protection. They are less likely to be educated and are at higher risk of being trafficked and forced into labour, as well as into child and/or forced marriage and other harmful practices (see [CEDAW/C/GC/31-CRC/C/GC/18](#)). They are more likely to become ill, suffer from malnutrition or die from preventable causes, and are particularly disadvantaged with respect to access to health care.

8. Discriminatory or otherwise inadequate legal frameworks, complex legal systems, conflict and post-conflict settings, a lack of information and sociocultural constraints can combine to make justice inaccessible to rural women. **Factors that contribute to discriminatory stereotypes and practices, especially in rural areas, include the parallel existence of often overlapping and conflicting statutory, customary and religious laws and authorities.** Many rural women and girls live in communities in which informal justice mechanisms are used to resolve disputes. While informal justice may be more accessible to them, rules and mechanisms that are not in conformity with the Convention must be brought into line with it and with general recommendation No. 33 (2015) on women's access to justice.

22. Article 5 (a) addresses the elimination of **discriminatory stereotypes and practices, which are often more prevalent in rural areas.** Rural women and girls are often disadvantaged by harmful practices (see [CEDAW/C/GC/31-CRC/C/GC/18](#), para. 9), such as child and/or forced marriage, polygamy and female genital mutilation, which endanger their health and well-being and may push them to migrate in order to escape such practices, potentially exposing them to other risks. They are also disadvantaged by practices such as the inheritance of ancestral debt, which perpetuates cycles of poverty, and by **discriminatory stereotypes and related practices that prevent them from enjoying rights over land, water and natural resources,** such as male primogeniture and property grabbing from widows.

23. In line with general recommendation No. 31 (2014) on harmful practices, States parties should eliminate harmful practices, including child and/or forced marriage, female genital mutilation and the inheritance of ancestral debt, which negatively affect the health, well-being and dignity of rural women and girls. **They should eliminate discriminatory stereotypes, including those that compromise the equal rights of rural women to land, water and other natural resources. In this regard, States parties should adopt a range of measures, including outreach and support programmes, awareness-raising**

and media campaigns, in collaboration with traditional leaders and civil society, to eliminate harmful practices and stereotypes.

24. In general recommendation No. 19 (1992) on violence against women, it is stated that rural women are at risk of violence because of **traditional attitudes regarding the subordinate role of women that persist in many rural communities**. Girls from rural communities are at special risk of violence, sexual exploitation and harassment when they leave the rural community to seek employment in towns. Rural women human rights defenders are often at risk of violence when working, for example, to protect victims, transform local customs or secure natural resource rights.

25. States parties should prevent and eliminate all forms of violence against rural women and girls, and, in line with general recommendations No. 19 and No. 33:

(a) Raise the awareness of rural women and men, girls and boys, as well as local, religious and community leaders, about the rights of rural women and girls, with the aim of eliminating discriminatory social attitudes and practices, in particular those that condone gender-based violence;

32. Article 16 provides for equality for women in marriage and family relations, which is something that many rural women do not enjoy owing to **discriminatory social norms, practices and laws**, plural justice systems where they exist, or the lack of enforcement of relevant laws. Girls from rural communities are at special risk of child and/or forced marriage and early pregnancy. Rural women are also disproportionately affected by polygamy, which severely undermines equality in marriage and family relations

37. Access to health care, including sexual and reproductive health care, is often extremely limited for rural women, including older women and women with disabilities, owing to **prevailing social norms and patriarchal attitudes**, insufficient budget allocations to rural health services, the lack of infrastructure and trained personnel, the lack of information on modern methods of contraception, remoteness and the lack of transport. The lack of access to adequate food and nutrition, safe drinking water, sanitation and waste management facilities results in increased health risks. Some conditions, such as obstetric fistula, are also more prevalent among rural women and result directly from the lack of access to emergency health services capable of performing caesarean sections, and indirectly from early pregnancy and malnutrition.

43. States parties should protect the right of rural girls and women to education, and ensure that:

(b) Systematic training is provided for teaching personnel at all levels of the education system on the rights of rural girls and women and on the need to combat discriminatory sex-based and gender-based, ethnic and other stereotypes that limit the educational opportunities of rural women and girls. **Curricula should be reviewed to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society;**

53. Rural women have a right to participate in decision-making at all levels and in community-level discussions with high authorities, yet they are inadequately represented as elected officials, as civil servants, in rural extension and water, forestry or fishery services, in cooperatives and in community or elders' councils. Their limited participation may be due to a lack of education, language and literacy constraints, limited mobility and transport, conflict and security concerns, **discriminatory gender norms**

and stereotypes and a lack of time owing to childcare, the task of fetching water and other responsibilities. Limited knowledge of relevant legal, political and institutional procedures may also limit their effective participation in decision-making processes.

57. States parties should take all measures, including temporary special measures, necessary to achieve the substantive equality of rural women in relation to land and natural resources, and **design and implement a comprehensive strategy to address discriminatory stereotypes, attitudes and practices that impede their rights to land and natural resources.**

75. ICT (including radio, television, mobile phones, computers and the Internet) plays an important role in empowering rural women and girls by connecting them to the broader world and providing easy access to information and education. Various forms of technology can meet a diversity of needs, from joining online communities to taking advantage of distance learning. However, rural women and girls are disproportionately affected by gender gaps in access to ICT, which is an important dimension of the digital divide. For rural women and girls, poverty, geographic isolation, language barriers, a lack of computer literacy and **discriminatory gender stereotypes** can all hamper access to ICT.

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (2017)

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_826_7_E.pdf

2. For over 25 years, the practice of States parties has endorsed the Committee's interpretation. The opinio juris and State practice suggest that the prohibition of genderbased violence against women has evolved into a principle of customary international law. general recommendation No. 19 has been a key catalyst for this process.

7. In many states, legislation addressing gender-based violence against women remains non-existent, inadequate and/or poorly implemented. An erosion of legal and policy frameworks to eliminate gender-based discrimination or violence, often justified in the name of tradition, culture, religion or fundamentalist ideologies, and significant reductions in public spending, often as part of "austerity measures" following economic and financial crises, further weaken the state responses. In the context of shrinking democratic spaces and consequent deterioration of the rule of law, all these factors allow for the pervasiveness of gender-based violence against women and lead to a culture of impunity.

9. The concept of 'violence against women' in general recommendation No. 19 and other international instruments and documents has emphasised that this violence is genderbased. Accordingly, this document uses the expression 'gender-based violence against women', as a more precise term that makes explicit the gendered causes and impacts of the violence. This expression further strengthens the understanding of this **violence as a social - rather than an individual- problem, requiring comprehensive responses, beyond specific events, individual perpetrators and victims/survivors.**

10. The Committee considers that gender-based violence against women is one of the fundamental social, political and economic means by which the **subordinate position of women with respect to men and their stereotyped roles are perpetuated.** Throughout its work, the Committee has made clear that

this violence is a critical obstacle to achieving substantive equality between women and men as well as to women's enjoyment of human rights and fundamental freedoms enshrined in the Convention.

4. Gender-based violence affects women throughout their life cycle and accordingly references to women in this document include girls. This violence takes multiple forms, including acts or omissions intended or likely to cause or result in death¹⁸ or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty.¹⁹ Gender-based violence against women is affected and often exacerbated by cultural, economic, ideological, technological, political, religious, social and environmental factors, as evidenced, among others, in the contexts of displacement, migration, increased globalization of economic activities including global supply chains, extractive and offshoring industry, militarisation, foreign occupation, armed conflict, violent extremism and terrorism. Gender-based violence against women is also affected by political, economic and social crises, civil unrest, humanitarian emergencies, natural disasters, destruction or degradation of natural resources. Harmful practices²⁰ and crimes against women human rights defenders, politicians²¹, activists or journalists are also forms of gender-based violence against women affected by such cultural, ideological and political factors.

19. The Committee regards gender-based violence against women to be **rooted in gender-related factors such as the ideology of men's entitlement and privilege over women, social norms regarding masculinity, the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behaviour**. These factors also contribute to the explicit or **implicit social acceptance** of gender-based violence against women, often still considered as a private matter, and to the **widespread impunity** for it.

26. The general obligations described in the paragraphs above encompass all areas of State action, including the legislative, executive and judicial branches, at the federal, national, sub-national, local and decentralised levels as well as privatised services. They require the formulation of legal norms, including at the constitutional level, the design of public policies, programmes, institutional frameworks and monitoring mechanisms, aimed at eliminating all forms of gender-based violence against women, whether committed by State or non-State actors. **They also require, in accordance with articles 2 (f) and 5 (a) of the Convention, the adoption and implementation of measures to eradicate prejudices, stereotypes and practices that are the root cause of gender-based violence against women**. In general terms, and without prejudice to the specific recommendations provided in the following section, these obligations include:

a) At the legislative level, according to article 2 (b), (c), (e), (f) and (g) and article 5 (a), States are required to adopt legislation prohibiting all forms of gender-based violence against women and girls, harmonising domestic law with the Convention. This legislation should consider women victims/survivors as right holders and include age and gender-sensitive provisions and effective legal protection, including sanctions and reparation in cases of such violence. The Convention also requires the harmonization of any existing religious, customary, indigenous and community justice system norms with its standards, as well as the repeal of all laws that constitute discrimination against women, including those which cause, promote or justify gender-based violence or perpetuate impunity for these acts. Such norms may be part of statutory, customary, religious, indigenous or common law, constitutional, civil, family, criminal or administrative law, evidentiary and procedural law, such as provisions based on discriminatory or stereotypical

attitudes or practices which allow for gender-based violence against women or mitigate sentences in this context.

b) Discriminatory evidentiary rules and procedures, including procedures allowing for women's deprivation of liberty to protect them from violence, practices focused on 'virginity' and legal defences or mitigating factors based on **culture, religion or male privilege, such as the so-called 'defence of honour'**, traditional apologies, pardons from victims/survivors' families or the subsequent marriage of the victim/survivor of sexual assault to the perpetrator, procedures that result in the harshest penalties, including stoning, lashing and death being often reserved to women, as well as judicial practices that disregard a history of gender-based violence to the detriment of women defendants .

c) At the judicial level, according to articles 2 (d), (f) and 5 (a), all judicial bodies are required to refrain from engaging in any act or practice of discrimination or gender-based violence against women; and to strictly apply all criminal law provisions punishing this violence, ensuring all legal procedures in cases involving allegations of gender-based violence against women are impartial and fair, and unaffected by gender stereotypes or discriminatory interpretation of legal provisions, including international law. The application of preconceived and stereotyped notions of what constitutes genderbased violence against women, what women's responses to such violence should be and the standard of proof required to substantiate its occurrence can affect women's right to the enjoyment of equality before the law, fair trial and the right to an effective remedy established in articles 2 and 15 of the Convention.

Prevention

34. Adopt and implement effective legislative and other appropriate preventive measures to address the **underlying causes of gender-based violence against women, including patriarchal attitudes and stereotypes, inequality in the family** and the neglect or denial of women's civil, political, economic, social and cultural rights, as well as to promote women's empowerment, agency and voice.

35. Develop and implement effective measures, with the active participation of all relevant stakeholders, such as women's organisations and those representing marginalised groups of women and girls, to address and eradicate the stereotypes, prejudices, customs and practices, laid out in article 5 of the Convention, that condone or promote gender-based violence against women and underpin **structural inequality of women with men**. These measures should include:

a) The integration of gender equality content into curricula at all levels of education both public and private from the early childhood on and in education programmes with a human rights approach; it should **target stereotyped gender roles and promote values of gender equality and non-discrimination, including non-violent masculinities**, as well as ensure age-appropriate, evidence-based and scientifically accurate **comprehensive sexuality education for girls and boys**;

b) Awareness-raising programmes that (1) promote an understanding of genderbased violence against women as unacceptable and harmful and inform about available legal recourses against it encourage its reporting and by-standers' intervention; (2) address the stigma experienced by victims/survivors of such violence, and (3) **dismantle the commonly held victim-blaming beliefs**

that make women responsible for their own safety and for the violence they suffer. These programmes should target: (a) **women and men at all levels of society;** (b) **education, health, social services and law enforcement personnel** and other professionals and agencies, including at the local level, involved in prevention and protection responses; (c) **traditional and religious leaders;** and (d) **perpetrators of any form of gender-based violence, so as to prevent recidivism.**

37. Adopt and implement effective measures to encourage all media, including advertising and information and communications technologies to eliminate discrimination against women in their activity, including harmful and stereotyped portrayal of women or specific groups of women, such as women human rights' defenders. These measures should include:

a) Encouraging the creation or strengthening of self-regulatory mechanisms by the media, including online or social media, aimed at the **elimination of gender stereotypes relating to women and men**, or to specific groups of women, and to address gender-based violence against women that takes place through their services and platforms,

c) Establishing and/or strengthening the capacity of national human rights institutions to monitor or consider complaints regarding any media that **portray gender discriminatory images or content that objectify or demean women or promote violent masculinities**

38. Provide mandatory, recurrent and effective capacity-building, education and training for the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators, health-care professionals, including in the area of sexual and reproductive health, as in sexually transmitted diseases and HIV prevention and treatment services; all education, social and welfare personnel, including that working with women in institutions such as residential care homes, asylum centres and prisons, to equip them to adequately prevent and address gender-based violence against women. This education and training should include:

a) **The impact of gender stereotypes and bias, leading to gender-based violence against women and inadequate responses to it;**

b) The understanding of trauma and its effects, the **power dynamics that characterise intimate partner violence**, the varying situations of women experiencing diverse forms of gender-based violence; this shall include the intersectional discrimination affecting specific groups of women, as well as adequate ways to address women and eliminate factors that re-victimise them and weaken their confidence in State institutions and agents;

50. Undertake or support surveys, research programmes and studies on gender-based violence against women, in order to, among other things, assess the prevalence of genderbased violence experienced by women and the **social or cultural beliefs exacerbating such violence and shaping gender relations.** These studies and surveys should take into account intersecting forms of discrimination, based upon the principle of self-identification.

CEDAW General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/324/45/PDF/N2032445.pdf?OpenElement>

2. In the view of the Committee, the situation persists due to a lack of appreciation of the gender dimensions of trafficking overall and, in particular, of the trafficking of women and girls who are exposed to various types of exploitation, including sexual exploitation. A gender analysis of the crime reveals that its root causes lie in sex- based discrimination, **including the failure to address the prevailing economic and patriarchal structures and the adverse and gender-differentiated impact of the labour, migration and asylum regimes of States parties that create the situations of vulnerability leading to women and girls being trafficked.**

21. Women and girls continue to be the prime targets of traffickers for specific forms of exploitation, owing to the pervasive and persistent gender and age inequalities that result in an **economic, social and legal status of women and girls that is lower in comparison with that which is enjoyed by men and boys.** Violations of all rights under the Convention may be found at the root of trafficking in women and girls and must be addressed as part of a transformative approach that empowers women and girls by promoting gender equality and their civil, political, economic, social and cultural rights, in line with Sustainable Development Goals 1, 3, 4–5, 8, 10–11, 13 and 16.

49. Adopt a transformative approach, promoting gender equality and the empowerment of women, in order to **dismantle the structural and systemic conditions that deprive women and girls of their fundamental rights,** the consequence of which places them in situations of vulnerability to all forms of trafficking and sexual exploitation.

50. **Reduce the risk of trafficking by eradicating the pervasive and persistent gender inequality that results in an economic, social and legal status of women and girls that is lower in comparison with that which is enjoyed by men and boys,** by adopting economic and public policies that prevent a lack of sustainable livelihood options and basic living standards for women and girls.

51. **Eliminate social structures which limit women’s autonomy and access to key resources, which in turn increases their risk of being lured by promises of a means of escape from impoverished circumstances, including lower access to education and vocational training opportunities, asset and land ownership and credit, the low participation of women in decision-making, unequal pay, child and forced marriage, the pervasiveness of patriarchal gender roles, the concentration of women in insecure and vulnerable work and their lack of decent work opportunities.**

53. **Eradicate patriarchal norms and values formalized in legislation, including family laws, which facilitate trafficking for child and forced marriage.** Measures must be adopted that prevent families from agreeing to the indefinite or temporary “marriage” of their daughter in exchange for financial gain. Take into consideration the fact that so-called “women shortages” due to family planning policies in some countries have exacerbated the situation.

66. Address issues of vulnerability that members of displaced families experience, including economic insecurity, access to high-quality education, livelihoods and legal identity documentation, **stereotypes about gender roles, harmful masculinities and unequal power relations and perceptions about family honour, as well as the particular vulnerability of displaced girls to being trafficked for sexual purposes.**

General recommendation No.39 (2022) on the rights of Indigenous women and Girls

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigeneous>

12. **The Committee acknowledges that Indigenous women and girls have struggled and continue to struggle against forced assimilation policies and other large-scale human rights violations, which may in certain instances amount to genocide.** Some of these assimilation policies – in particular the forced placement in residential schools and institutions and the displacement of Indigenous Peoples from their territories in the name of development – **have resulted in killings, disappearances, sexual violence and psychological abuse, and may amount to cultural genocide.** It is critical for States parties to address the consequences of historic injustices and to provide support and reparations to the affected communities as part of the process of ensuring justice, reconciliation and the building of societies free from discrimination and gender-based violence against Indigenous women and girls. The Committee highlights, in particular, the need for States to act proactively to protect the rights of Indigenous women and girls living in urban settings, where they face racism, discrimination, assimilation policies and gender-based violence.

17. **Discrimination against Indigenous women and girls and its effects should be understood in both their individual and collective dimensions.** In its individual dimension, discrimination against Indigenous women and girls takes **intersecting forms and is carried out by both State and non-State actors, including those in the private sphere, on the basis of sex; gender; Indigenous origin, status or identity; race; ethnicity; disability; age; language; socioeconomic status; and HIV/AIDS status; among other factors. Racism, discriminatory stereotypes, marginalization and gender-based violence are interrelated violations** experienced by Indigenous women and girls. Discrimination and gender-based violence threaten the individual autonomy, personal liberty and security, privacy and integrity of all Indigenous women and girls and may also harm the collective and its well-being

33. The Committee recommends that States parties:

(a) **Ensure that Indigenous women and girls have effective access to adequate non-Indigenous and Indigenous justice systems, free from racial and/or gender-based discrimination, bias, stereotypes, retribution and reprisals;**

42. The Committee recommends that States parties:

(b) **Recognize, prevent, address, sanction and eradicate all forms of gender-based violence against Indigenous women and girls, including environmental, spiritual, political, structural, institutional and cultural violence, as well as violence attributable to extractive industries;**

CEDAW general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems

[Draft \(Forthcoming\)](#)



MenEngage Alliance

working with men and boys for gender equality

Find out more:

<https://menengage.org/our-work/advocacy/>