

**SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS TO THE UN COMMITTEE
ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

In response to the "Call for comments on the draft general recommendation on gender stereotypes".

Submitted on 12 May 2026

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

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INTRODUCTION

1. The International Commission of Jurists ("ICJ") welcomes the opportunity to respond to the call for comments on the Draft General Recommendation No. 41 on Dismantling Gender Stereotypes and the Unequal Power Relations that Sustain them (Draft General Recommendation).¹
2. Persistent gender stereotypes and related prejudice continue to impede women's and girls' effective access to justice, and contribute to discrimination, gender-based violence, and other violations of their human rights. In addressing discrimination, harmful gender stereotypes, and barriers to access to justice, these comments draw on the work of the ICJ, including the Bangkok General Guidance for Judges on Applying a Gender Perspective (2016; updated 2022)² and research and capacity-building initiatives implemented in various jurisdictions.³ These sources provide practical insight into how gender stereotypes affect judicial reasoning and access to justice, provide guidance on counteracting such stereotypes, and inform the recommendations set out below.

Comment on Paragraph 2.

3. Paragraph 2 of the Draft General Recommendation affirms that article 5(a) of the Convention obliges States parties "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", and that this obligation is central to the transformative conception of equality under the Convention.
4. The ICJ recommends that the Committee take the opportunity to clarify explicitly that under the CEDAW, States parties bear not only obligations to refrain from discriminatory conduct but also positive obligations to take effective measures actively with a view to eliminating gender stereotypes. The Committee has expressed this in the framework of the tripartite typology in its General Recommendation No. 28.⁴ The obligation to respect requires States to abstain from direct and indirect discriminatory conduct; the obligation to protect requires States to exercise due diligence to prevent and respond to discrimination by non-State actors; and the obligation to fulfil requires States to take proactive measures, including legislative, institutional and programmatic, to achieve the *de facto* equality required by the Convention.⁵ It would be important for the Committee to explicitly frame these duties through State obligations *to respect, protect and fulfil* human rights. Although the draft General Recommendation covers in some detail the relevant

¹ The Committee on the Elimination of Discrimination against Women (CEDAW), Call for comments on the draft general recommendation on gender stereotypes (OHCHR, 2026), available at: <https://www.ohchr.org/en/calls-for-input/2026/call-comments-draft-general-recommendation-gender-stereotypes>

² International Commission of Jurists (ICJ), Bangkok General Guidance for Judges on Applying a Gender Perspective in South and Southeast Asia (updated edition, May 2022), available at: https://www.icj.org/wp-content/uploads/2023/02/ICJ_Bangkok_General_Guidance-1.pdf

³ ICJ (2026), "A Legal Guide on Discrimination and Stereotyping against Women and Girls for justice sector professionals in Uzbekistan (preliminary draft), a link may be shared upon request.

⁴ CEDAW, 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 (2010), UN Doc. CEDAW/C/GC/28, paras. 9, 13, 16, 37.

⁵ *Ibid.*, paras. 9, 13. See also UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights (2005), UN Doc. E/C.12/2005/4, paras. 11-20; UN Committee on the Rights of Persons with Disabilities (CRPD), General Comment No. 6 on equality and non-discrimination (2018), UN Doc. CRPD/C/GC/6.

substantive areas, it fails to explicitly situate the content as obligations of States parties in the tripartite framework.

5. In addition to the general considerations above, the ICJ suggests the following edits to the current paragraph 2 of the Draft General Recommendation:

2. Article 5 (a) of the Convention calls on States parties to “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.” This obligation is central to the transformative conception of equality in the Convention, requiring all branches of government to adopt appropriate measures to eliminate patterns, prejudices, and practices based on gender stereotypes. ~~Addressing~~ **Proactively gender-counteracting gender** stereotypes should be a priority focus of **all** laws, policies, programs, and practices. Social transformation requires immediate action to dismantle all gender stereotypes as a form and contributor of systemic discrimination, as reflected in social systems, institutions, and individual acts. The Committee calls on states to transform practices, systems, and institutions which are based on or promote gender stereotypes. Article 5 (b) ~~is~~ **forms an important** part of this transformative approach to the implementation of the Convention, recognizing States parties’ role in dismantling stereotypes concerning the family and maternity. **Such stereotypes have served to** ~~which have limited~~ women’s participation in public and political life, education, employment, the media, culture, religious institutions, and the digital space, among other sectors. Article 10 (c) also mandates the elimination of “any stereotyped concept of the roles of men and women” in the critical field of education, in which gender stereotypes are promoted and reproduced.

Comment on Paragraph 4.

6. Paragraph 4 of the Draft General Recommendation addresses intersectional discrimination and enumerates some of the grounds on which women may suffer intersectional discrimination and gender stereotypes. It is recommended to ensure consistency with established international human rights non-discrimination clauses as per the Committee’s approach in General Recommendations Nos. 28, 18, 27, 32, 33, 34 and 39. For instance, the list of grounds for intersecting or compounded discrimination in the General Recommendation 33 is instructive and should be retained in this General Recommendation.⁶ In addition, it should be complemented with other potential grounds of consideration.⁷
7. In light of the above, the ICJ suggests the following edits to the current paragraph 4 of the Draft General Recommendation:

4. The Committee underscores intersectionality as a critical concept to understand the scope of States parties’ obligations under the Convention to address gender stereotypes. States parties must **take into account this intersectionality** ~~consider women’s multifaceted identities~~ in all state action to transform gender stereotypes. Women often suffer intersectional discrimination and gender

⁶ CEDAW, General Recommendation No. 33 on women’s access to justice (2015), UN Doc. CEDAW/C/GC/33, para. 8.

⁷ See, eg, CESCR General Comment 20, Non-discrimination in Economic, Social and Cultural Rights, UN Doc. E/C.12/GC/20, paras. 18-35.

stereotypes based on their sex; gender; age; Indigenous origin, status or identity; race; color; **age; national, social or ethnic origin**; religion or belief; health status; HIV/AIDS status; disability; **citizenship, nationality or migration status**; language; **political or other opinion**; socioeconomic status; **birth**; marital status; widowhood; class; caste; sexual orientation and gender identity, among other **status grounds** factors.

Comment on Paragraph 14.

8. The ICJ recommends including interpersonal interactions with extended family and other relatives as constituting points where gender stereotypes are shaped, maintained and reproduced. They are thus also critical sites of potential intervention that should be fully considered in counteracting stereotypes. The Committee has recognized the role of extended family members in sustaining stereotyped expectations, including in its jurisprudence on domestic violence and family relations, and therefore the role of States in ensuring that discrimination is not perpetuated in these environments.⁸ The Committee has also recognized in the Joint General Recommendation with the Committee on the Rights of the Child on harmful practices that such practices are frequently prescribed and kept in place by the extended family, community and religious actors, as well as by individual family members.⁹

Comment on Paragraph 15.

9. The ICJ recommends that the Committee clarify that, beyond the control of women's behaviour, appearance, and activities as currently reflected in the draft General Recommendation, such practices may also result in the control or restriction of the enjoyment of human rights, including, among others, freedom of movement, freedom of assembly, access to education, healthcare, participation in public life, and the right to work. This Committee and the Human Rights Committee have both held that tradition, custom and culture must not be invoked to justify restrictions on the exercise of women's human rights.¹⁰ The same position is codified at the regional level in articles 12 and 42 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention); in article 8(b) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention); and in article 2(2) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).¹¹

Comment on Paragraph 27.

⁸ A.T. v. Hungary, CEDAW, Communication No. 2/2003, Views adopted on 26 January 2005, UN Doc. CEDAW/C/32/D/2/2003; V.K. v. Bulgaria, CEDAW, Communication No. 20/2008, Views adopted on 25 July 2011, UN Doc. CEDAW/C/49/D/20/2008, para. 9.11; CEDAW, General Recommendation No. 21, Equality in marriage and family relations (1994).

⁹ CEDAW and CRC, Joint General Recommendation No. 31 of the CEDAW / General Comment No. 18 of the CRC on harmful practices (2014), UN Doc. CEDAW/C/GC/31-CRC/C/GC/18, paras. 15, 19-29.

¹⁰ CEDAW, General Recommendation No. 35 (2017), paras. 9-12; Joint General Recommendation No. 31 / General Comment No. 18 on harmful practices (2014), paras. 15, 19-29; UN Human Rights Committee, General Comment No. 28: The equality of rights between men and women (2000), UN Doc. CCPR/C/21/Rev.1/Add.10, paras. 5, 20.

¹¹ Council of Europe Convention on preventing and combating violence against women and domestic violence, CETS No. 210, arts. 12 and 42; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, art. 8(b); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art. 2(2).

10. The ICJ recommends that the Committee clarify that, under stereotyped divisions of labour, men may be frequently perceived as having little or no responsibility for domestic tasks, as such responsibilities are primarily or exclusively attributed to women and that men's participation in such tasks is often stigmatized or regarded as inappropriate or shameful. Article 5(b) of the Convention grounds the obligation to ensure recognition of the common responsibility of men and women in the upbringing and development of their children, and the Committee has addressed this in General Recommendation No. 21.¹² The European Court of Human Rights has held that "reference to the traditional distribution of gender roles in society cannot justify the exclusion of men" from entitlements relating to parental leave and the care of children.¹³
11. In addition, the ICJ wishes to suggest the following edits to the current paragraph 27 of the Draft General Recommendation:

27. Gender stereotypes in the family are among the most common, deeply embedded and linked to social notions concerning marriage, divorce, alimony, custody, distribution of marital property, housing and land, inheritance, guardianship, nationality, and entering contracts, among other matters. A widespread stereotype is the gendered division of labour, assuming that women are innately nurturing and predestined to be wives, mothers, and the care and support for the sick and older family members, even when they do not wish to do so. This gender stereotype **perpetuates the patriarchal** ~~conveys the notion that men are breadwinners, should control the family's economic resources, and should have a lighter share of domestic responsibilities.~~ **As a result, women and girls in the home tend to experience bear a higher, disproportionate share of domestic responsibilities than men and boys based on the reproduction of these stereotypes.** Women are also ~~negatively~~ **frequently** hindered by gender stereotypes when they apply for credit, loans, business financing, mortgages, ~~and among~~ other economic resources.

[Comment on Paragraph 29.](#)

12. The ICJ recommends that the Committee explicitly recognize that gender stereotypes may also be embedded in legal and regulatory frameworks, including the practice of maintaining lists of prohibited professions for women, based on asserted reproductive health concerns. Such lists, and similar less formal practices, restrict women's equal access to employment opportunities, and rest on stereotyped assumptions about women's reproductive capacity, and have been found to be discriminatory by the CEDAW Committee.¹⁴ They are inconsistent with articles 2(f), 5(a) and 11 of the Convention. Framing such measures as "protective" does not remedy their discriminatory character.¹⁵

[Comment on Paragraph 30.](#)

13. ICJ recommends that the Committee explicitly acknowledge discriminatory practices linked to gender stereotypes that result in sex-selective abortion when the fetus is female, as such practices

¹² CEDAW, art. 5(b); UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 21, Equality in marriage and family relations (1994); General Recommendation No. 35 (2017), para. 26(c); V.K. v. Bulgaria, CEDAW, Communication No. 20/2008, para. 9.11.

¹³ Konstantin Markin v. Russia [GC], European Court of Human Rights, Application No. 30078/06, Judgment of 22 March 2012, paras. 141-143; Ünal Tekeli v. Turkey, European Court of Human Rights, Application No. 29865/96, Judgment of 16 November 2004.

¹⁴ Svetlana Medvedeva v. the Russian Federation, CEDAW, Communication No. 60/2013, Views adopted on 25 February 2016, UN Doc. CEDAW/C/63/D/60/2013, paras. 11.2-11.8 (finding violations of arts. 2(c), 2(e), 5(a) and 11(1)(c) and (f) of the Convention).

¹⁵ CEDAW, General Recommendation No. 35 (2017), para. 26(c); L.C. v. Peru, CEDAW, Communication No. 22/2009, Views adopted on 17 October 2011, UN Doc. CEDAW/C/50/D/22/2009, para. 8.15.

reflect and reinforce the devaluation of girls and constitute a severe manifestation of gender-based discrimination.¹⁶

14. The ICJ further recommends that paragraph 30 acknowledge that stereotypes in reproductive health also shape the denial of services, including emergency obstetric care and lawful termination of pregnancy, on the basis of stereotyped assumptions about “women’s primary role as mothers”. This Committee and the Human Rights Committee have both found violations of the Convention and the International Covenant on Civil and Political Rights in such circumstances.¹⁷

Comment on Paragraph 35.

15. ICJ recommends reconsidering a formulation limiting the issues to non-human rights compliant interpretations of religion and culture. In certain contexts, religious doctrines, norms, or practices themselves as well as culture, traditions and customs, may contribute to the perpetuation of gender stereotypes and unequal power relations affecting women and girls. The Committee has taken this position in General Recommendations Nos. 14, 19, 21, 31 and 35, and the Human Rights Committee has held that “traditional, historical, religious or cultural attitudes” must not be invoked to justify violations of women’s equal enjoyment of Covenant rights.¹⁸ At the regional level, this position is codified in articles 12 and 42 of the Istanbul Convention and article 8(b) of the Belém do Pará Convention.¹⁹

Comment on Paragraph 46.

16. The ICJ recommends that the Committee expressly acknowledges that stereotypes and prejudice are often not readily identifiable, even where they inform or influence decision-making. For example, the analysis of judicial decisions conducted during the elaboration of ICJ principles and guidance for legal professionals²⁰ demonstrated that stereotypical reasoning is rarely explicit in court decisions nor is such reasoning reflected in court records or minutes, yet such decisions may nonetheless be shaped by it. A similar concern arises in the work of investigators, who may tend

¹⁶ CEDAW and CRC, Joint General Recommendation No. 31 / General Comment No. 18 on harmful practices (2014), UN Doc. CEDAW/C/GC/31-CRC/C/GC/18, paras. 15, 19-29; CEDAW, General Recommendation No. 24, Article 12 of the Convention (women and health) (1999).

¹⁷ L.C. v. Peru, CEDAW, Communication No. 22/2009, Views adopted on 17 October 2011, UN Doc. CEDAW/C/50/D/22/2009, para. 8.15; Alyne da Silva Pimentel Teixeira v. Brazil, CEDAW, Communication No. 17/2008, Views adopted on 25 July 2011, UN Doc. CEDAW/C/49/D/17/2008; A.S. v. Hungary, CEDAW, Communication No. 4/2004, Views adopted on 14 August 2006, UN Doc. CEDAW/C/36/D/4/2004; Amanda Jane Mellet v. Ireland, HRC, Communication No. 2324/2013, UN Doc. CCPR/C/116/D/2324/2013; K.L. v. Peru, HRC, Communication No. 1153/2003, UN Doc. CCPR/C/85/D/1153/2003; I.V. v. Bolivia, Inter-American Court of Human Rights, Judgment of 30 November 2016, Series C No. 329, paras. 181-191.

¹⁸ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 14, Female circumcision (1990); General Recommendation No. 19, Violence against Women (1992), para. 11; General Recommendation No. 21, Equality in marriage and family relations (1994); Joint General Recommendation No. 31 / General Comment No. 18 on harmful practices (2014), paras. 15, 19-29; General Recommendation No. 35 (2017), paras. 9-12; UN Human Rights Committee, General Comment No. 28 (2000), UN Doc. CCPR/C/21/Rev.1/Add.10, para. 5; Report of the UN Special Rapporteur in the field of cultural rights, Farida Shaheed, The enjoyment of cultural rights by women on an equal basis with men, UN Doc. A/67/287 (2012).

¹⁹ Council of Europe Convention on preventing and combating violence against women and domestic violence, arts. 12 and 42; Belém do Pará Convention, art. 8(b).

²⁰ ICJ, Bangkok General Guidance for Judges on Applying a Gender Perspective in South and Southeast Asia, May 2022, accessible at: https://www.icj.org/wp-content/uploads/2023/02/ICJ_Bangkok_General_Guidance-1.pdf; see also “A Legal Guide on Discrimination and Stereotyping against Women and Girls for justice sector professionals in Uzbekistan (preliminary draft), a link may be shared upon request.

to collect and assess evidence through the prism of stereotypes about, for example, “real” victims, victim behaviour, consent, credibility, or the complainant’s private life.

17. This observation is consistent with the Committee’s jurisprudence on wrongful gender stereotyping, which has established that stereotypes applied by courts in the assessment of facts, evidence and credibility engage violations of articles 2(c), 2(f) and 5(a) of the Convention.²¹ The same is reflected in the jurisprudence of the European Court of Human Rights²² and the Inter-American Court of Human Rights.²³ General Recommendation No. 33 on women’s access to justice sets out the substantive and procedural obligations of States parties to ensure justice free of gender bias.²⁴
18. The ICJ recommends that the Committee, in paragraph 46 and related text, explicitly note the difficulty of identifying implicit stereotyping, and formulate the corresponding State obligation as one requiring positive measures to detect, rebut and document stereotyping, including through mandatory training and capacity-building, case-management and evidentiary protocols, gender-sensitive audits of judicial reasoning, and effective remedies for affected persons.²⁵

²¹ Karen Tayag Vertido v. the Philippines, CEDAW, Communication No. 18/2008, Views adopted on 16 July 2010, UN Doc. CEDAW/C/46/D/18/2008, paras. 8.4, 8.9(b); R.P.B. v. the Philippines, CEDAW, Communication No. 34/2011, Views adopted on 21 February 2014, UN Do9.11; Angela González Carreño v. Spain, CEDAW, Communication No. 47/2012, Views adopted on 16 July 2014.

²² Carvalho Pinto de Sousa Morais v. Portugal, European Court of Human Rights, Application No. 17484/15, Judgment of 25 July 2017, paras. 52-54; J.L. v. Italy, European Court of Human Rights, Application No. 5671/16, Judgment of 27 May 2021; M.C. v. Bulgaria, European Court of Human Rights, Application No. 39272/98, Judgment of 4 December 2003; Y v. Slovenia, European Court of Human Rights, Application No. 41107/10, Judgment of 28 May 2015.

²³ González et al. (“Cotton Field”) v. Mexico, Inter-American Court of Human Rights, Judgment of 16 November 2009, Series C No. 205, paras. 398-402, 450; Atala Riffo and Daughters v. Chile, Inter-American Court of Human Rights, Judgment of 24 February 2012, Series C No. 239; V.R.P., V.P.C. et al. v. Nicaragua, Inter-American Court of Human Rights, Judgment of 8 March 2018, Series C No. 350.

²⁴ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 on women’s access to justice (2015), UN Doc. CEDAW/C/GC/33, paras. 7-8, 25-29.

²⁵ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 (2015), paras. 25-29; General Recommendation No. 35 (2017), para. 26(c); Report of the Special Rapporteur on the independence of judges and lawyers, UN Doc. A/HRC/17/30 (2011); ICJ, Bangkok General Guidance for Judges on Applying a Gender Perspective in South and Southeast Asia (2022).