Commentary on CEDAW's Draft General Recommendation 41 on gender stereotypes

Submitted by

International Women's Rights Action Watch Asia Pacific

In consultation with and with input from

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This commentary on CEDAW General Recommendation 41 is submitted on behalf of International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific), a Global South feminist organisation committed to the full realisation of women's human rights through the pursuit of equality. It was written following a virtual consultation with and written input from several of our partners, including Akanksha Seva Sadan, the Asia Feminist LBQ Network, Bonhishikha, the Global Alliance Against Traffic in Women (GAATW), Nirantar Trust, the Women's Legal Centre (WLC), and Youth Unity for Voluntary Action (YUVA).

Cross-Cutting Analytical Concerns

Breadth vs Enforceability
In reifying the substantive interpretation of Article 5, the Recommendation seeks to encompass a wide range of intersecting forms of discrimination that manifest as stereotypes. Central to our concerns is the breadth of the Recommendation's scope, which presents both opportunities and challenges.

State Discretion and Risk of Formal Compliance
This expansive approach enables a flexibility that can facilitate responsiveness to local conditions and to evolving manifestations of discrimination. The same breadth affords States considerable discretion in interpretation and implementation, which may result in inconsistent application, or in compliance that is formally adequate yet substantively limited in impact.

Centrality of Intersectionality and Participation
The meaningful participation of women in all their diversity is essential in the development of legislation, policy frameworks, research initiatives, and practical interventions aimed at addressing stereotypes. Stereotypes do not affect all women identically. Policies formulated without diverse perspectives risk overlooking intersectional harms or inadvertently reproducing existing inequalities in new forms.

With a view to highlighting these reflections, we present the following recommendations:

Structural Accountability and State Obligations

1. Eliminating gender stereotypes through structural accountability

With reference to **Paragraph 3** on State obligations:

a. States parties should recognise that both actions and failures to act may result in violations, and that reliance on formally 'neutral' measures may amount to indirect discrimination where it reinforces existing inequalities. They should therefore adopt proactive, targeted, and intersectional measures to eliminate stereotypes and address structural barriers.

b. States should monitor their legal systems to ensure that all three dimensions of law—its substance, the structures through which it is implemented, and the cultural factors that shape its interpretation and application—are grounded in substantive equality and capable of dismantling stereotypes.

2. Organised backlash

Paragraph 5 of the GR acknowledges the existence of gender backlash, but it is not explicitly included in the analysis of State obligations. As it is a structural feature of norm change, and not an anomaly, States should be required to identify likely sites of resistance, map affected actors, and analyse the causes of backlash. These causes may include inter-community, inter-caste, inter-ethnic, and inter-religious tensions, especially when backlash aims to suppress or violate rights and values protected by normative standards. This assessment should lead to protective measures and safeguards for women challenging norms (i.e., legal, economic, physical protection) and support systems (e.g., shelters, legal aid, digital protection). Feedback loops to detect backlash escalation should also be built in.

3. Religious stereotyping and extraterritorial accountability

In Paragraph 35, the Committee correctly acknowledges that damaging interpretations of religious and cultural practices to uphold limiting stereotypes can cause intra-community harm. However, we would like to call attention to the fact that States can and do weaponise particular religious stereotypes of women to justify extraterritorial violence. For example, the February 2026 bombing of the Shajareh Tayyebeh elementary school in Minab, Iran, was conducted by the United States under the guise of liberating Iranian women from a repressive Islamic regime. This facile pretext succeeds because stereotypes of Muslim women and girls as being without agency and in perpetual need of liberation are disseminated without challenge. The same imperial logic is used as justification for the ongoing genocide in Palestine. States have a vested interest in upholding

certain stereotypes because of the political and 'moral' leverage they provide. Thus, the State cannot be presumed to be a neutral counter to religious stereotyping. The General Recommendation should affirm that States are not impartial actors in the production of religious and cultural stereotypes, and should:

a. recognise that such stereotypes may be strategically produced and deployed by States to generate political and moral legitimacy for extraterritorial action;
b. establish that instrumentalising women's rights narratives to justify violence or coercive intervention is incompatible with Article 5; and
c. require States to ensure coherence between their international conduct and their obligations to eliminate stereotyping, including through oversight of foreign policy, defence, and diplomatic narratives.

4. Gender-sensitive training

As noted in **Paragraphs 50, 52(h)(iii), 53(g), 54(d), 56(a)(i) and (ii), 57(a)(i), 58(a), and 59(a)(i)**, there is a reliance in the Recommendation on 'gender-sensitive training' as a catalyst for behavioural and practical change with regards to stereotypes. Our concerns here include who will be conducting these training(s) and what attitudes towards stereotypes they will bring; what substantive understandings of stereotypes will undergird the content; and how intersectionality will be meaningfully integrated. Given that the State itself is a powerful perpetuator of stereotypes, there needs to be strict guidelines around the training(s) being provided, including deep and extensive consultation and collaboration with civil society and women's rights organisations.

5. Caste-based stereotyping

The term 'caste' appears only twice in the Recommendation, in **Paragraphs 4 and 18**. We call for caste to be clearly named as a significant marker of identity-based violence and discrimination against entire communities. It disproportionately affects women and gender-diverse people and is often used to reinforce harmful gender stereotypes across those communities.

6. Disaggregated data

In **Paragraph 37**, we call for a recommendation that States collect and make publicly available disaggregated data encompassing factors such as gender, disability, ethnicity, and socio-economic status. The threat of stereotype-driven violence is compounded for historically disadvantaged groups. It is therefore crucial to enhance the availability and quality of disaggregated data so that it can be used in decision-making processes aimed at preventing discrimination and violence against women. The data should not only be accessible and for use

by the State but by civil society too, as part of their own advocacy efforts and the mechanism to hold the State accountable.

Digital Ecosystems and Transnational Harm

7. 'Digital gender-based violence'

The use of this term in **Paragraphs 59(c) and 60(g)** in lieu of 'tech-facilitated gender-based violence' does not sufficiently capture the erosion of the divide between physical spaces and digital environments. Online harassment is simultaneously driven by and itself reifies the production of stereotypes of those who 'deserve' to be targeted for violence, and this very often materialises into physical violence. Disinformation campaigns frequently use sexualised narratives, attacks on reputations, and stereotypes to silence women and gender minorities in public life. It becomes alarming in the digital space because of the sheer scale of gender-based harm they face, sometimes at the rate of millions of posts per second. Current governance approaches in countries focus too heavily on removing harmful content after the event has taken place. This is necessary but insufficient as they fail to address the upstream design choices that make such harm predictable and profitable. To counter this, evidence-based design interventions, like prompts, friction before sharing, or norm-setting, can reduce harmful behaviour and create healthier online interactions without undermining platform viability.

8. Digital rights and extraterritorial accountability

Under Section VIII on Digitalisation, Artificial Intelligence, and Cybersecurity, we call for a paragraph that addresses extraterritorial obligations. Platforms operate across borders but are not meaningfully regulated in the contexts where harm occurs, especially in the Global South, where moderation is weaker, outsourced, and often lacks linguistic and cultural grounding. For example, one investigation done by a South Asian fact-checking network reported that influencers operating from outside Bangladesh were able to build large online followings and incite and coordinate mob violence remotely, using Facebook and YouTube to spread false narratives that translated into real-world attacks within hours. This Recommendation should recognise that platform design itself can institutionalise violence discrimination. States need to regulate the systems behind such platforms through cross-border accountability, gender-sensitive algorithmic impact assessments, and decent work standards for both in-house and outsourced moderation.

9. Digital access as a site of stereotyping

Building on **Paragraph 32**, we call for digital access to be understood not only as an infrastructure or safety concern, but also as a site where gender stereotypes actively operate. For example, in India, only 30% of women who own phones use the internet. The barriers extend beyond connectivity—they include social norms that position technology as outside women's domain, compounded by platform design that does not account for non-literate users. The stereotype that technology is not for women functions as a structural barrier that is distinct from, and compounds, the lack of physical access. We recommend that States be encouraged to address stereotype-driven barriers to digital access alongside physical infrastructure, and to ensure that digital literacy programmes are designed to reach women with no prior literacy.

Legal Recognition, Access to Justice, and Inclusion

10. Reporting mechanisms for gender-based violence and discrimination

In **Paragraph 57** addressing access to justice, we recommend further clarity on reporting mechanisms mandatorily including trans women and gender non-conforming individuals, including hijra women. Those whose identities lie outside cis womanhood face great difficulty in accessing legal recourse to addressing instances of violence, harassment, and discrimination because of structural social exclusion. For example, Bangladesh officially recognises three gender identities, but legal and social recognition is still limited to two genders, rendering experiences beyond the binary structurally invisible. Non-conformity in something as 'minor' as voice, clothing, or body language results in people being barred from educational institutions, religious and community events and spaces, and workplaces.

11. Inheritance laws

In **Paragraph 54(b)**, we recommend that States should be tasked with reforming inheritance laws to prioritise equal property distribution and recognise gender-specific challenges regarding equal inheritance that include all genders beyond the binary, as well as intersectional identities.

12. Women who use/d drugs

Following **Paragraph 45**'s mention of women in conflict with the law, we recommend that women who use/d drugs be explicitly named within the Recommendation as targets of harmful stereotypes. Societal attitudes toward drug use and those involved in the drug trade have remained unsympathetic.

People who use drugs, as well as those who have been forced to traffic them, frequently face extreme stigmatisation and are stereotyped in society and by State actors. Access to health, access to work, and other basic human necessities are often denied to women who use drugs due to these pervasive stereotypes. Women who use drugs face specific and significant limitations to their reproductive and parental rights. They face abuses such as the criminalisation of pregnancy, forced sterilisation, forced termination of pregnancy, and the removal of their parental rights. Women who use drugs have also been charged with foetal and child assault for simply becoming pregnant, and are viewed as unfit mothers. Access to harm reduction services tailored to women's needs is also limited and affected by social stigma. States must be tasked with eliminating discriminatory stereotyping of women who use/d drugs to ensure equal access to healthcare services.

Health, Bodily Autonomy, and Medical Governance

13. Gender-affirming healthcare

In **Paragraph 56**, we recommend naming gender-affirming healthcare as an area in which gender stereotyping must be eliminated. In the Recommendation, trans women are mentioned insofar as they are excluded and centred as targets of violence, with less attention to how stereotypification affects their perception as subjects with agency and bodily autonomy. Gender stereotypes can produce trans identity categories (e.g., trans feminine, trans masculine, gender non-conforming, etc.) which shapes how trans people navigate externalised and internalised norms, passing, and recognition. Transphobia cannot be delinked from the production of stereotypes and should not be treated as a disparate issue. It is essential to take a proactive approach to gender-affirming healthcare to address the specific challenges faced by transgender women, many of which arise from essentialist and stereotypical notions of both womanhood and masculinity.

a. Inextricable from this right to gender-affirming healthcare must be the protection of trans people from compulsory medicalisation as a requirement for legal gender recognition. The imposition of medical, psychiatric, or surgical requirements for legal gender recognition constitutes a manifestation of gender stereotyping, enforcing normative assumptions about how bodies must align with gender identity. States must be obligated to decouple legal recognition from medicalisation, including the removal of requirements such as sterilisation, hormonal treatment, psychiatric diagnosis, or surgery and that gender-affirming healthcare must be provided on the basis of free, prior, and informed consent, and never as a precondition for the recognition of legal personhood.

Labour, Economy, and Material Conditions

14. Sex worker rights

The only allusion to sex work in the Recommendation is a mention of 'prostitution' in **Paragraph 23**, which focuses on sexual exploitation in the context of migration. There remains persistent bias around the use of the terms 'sex work' and 'sex workers' when addressing the rights of women in the informal sector. Comparable concerns are not raised for other high-risk and often coercive forms of labour, such as domestic work or intensive agricultural work, including caste-based occupations like manual scavenging. We encourage the committee to uphold its anti-discrimination mandate and avoid reinforcing exclusion based on stigmatised occupations. A paragraph is needed addressing the rights of sex workers, who are subject to a range of disturbing and discriminatory stereotypes that prevent them from accessing healthcare, education, fair working conditions, and other elements of human safety and security.

Without the explicit recognition of sex workers as fully agentic subjects, they only appear when exploitation, migration, and violence are discussed, indirectly reinforcing stereotypes of them as being without autonomy. There must be a distinction between consensual and coerced work, and an approach to sex work from a labour rights perspective. Punitive laws and policies targeting sex work often rest on the assumption that women are incapable of choosing to engage in it. This view stems from essentialist ideas about female sexuality and notions of a 'good' woman. By defining women in sex work as victims by default, these frameworks divert attention from the real violence they may face. This reductive approach legitimises repressive measures under the guise of protection, allowing states to evade their responsibility to uphold and protect the human rights of all women.

15. Stereotypes of migrant women

With reference to the mention of migrant women in **Paragraph 23**, we call for clear acknowledgement of how migration stereotypes about migrant women's inherent vulnerability are a double-edge sword: decision-makers either deem migrant women too vulnerable to know what is best for them and, for example, force them to stay in closed shelters, or subject them to raid and rescue; or, migrant women who demonstrate 'too much' power and autonomy are punished and less likely to be acquitted and/or given protective statuses such as victim of trafficking or refugee status.

Social Norms, Education, and Stereotype Formation

16. Intersectional education for teachers

In reference to **Paragraph 53(a)(vii)**, we recommend that the curricula of teacher education programmes have an intersectional framing that is grounded in the lived realities of the communities teachers serve—specifically integrating intersecting dimensions of stereotype formation including caste, class, religion, disability, and gender identity. For example, in India, Scheduled Castes/ Scheduled Tribes and Muslim girls have the highest dropout rates; girls with disabilities have the lowest school participation of any group; and transgender and gender-nonconforming students continue to face barriers to safe and inclusive school environments. Ensuring that teacher training meaningfully engages with these intersections would strengthen the substantive impact of this.

17. Discrimination against young women

Paragraph 18 of the Recommendation rightfully acknowledges discrimination against older women. We call for a paragraph similarly identifying the stereotypes levied against young women. Gender stereotypes reinforce age-related discrimination against young women by infantilising them, portraying them as inexperienced, overly emotional, or less competent, which limits how seriously they are taken in education and the workplace, as well as in social situations. This results in excluding them from opportunities in the name of safety and protection. At the same time, stereotypes that young women are less committed due to potential future caregiving roles can reduce their access to opportunities, promotions, or leadership positions and box them into unwanted caregiving responsibilities.

18. School infrastructure decisions as stereotype-perpetuating acts

Paragraph 53 assumes the existence of accessible school infrastructure as a neutral starting point. We would like to highlight that state decisions on school infrastructure—including the closure and merger of schools, particularly in rural and low-income areas—may contribute to the perpetuation of gender stereotypes through omission. School closures and mergers are often implemented on grounds of low enrolment or resource constraints, but their consequences are deeply gendered. When a school closes, the nearest alternative is frequently too far for girls to travel safely, and families, shaped by prevailing stereotypes about girls' mobility and security, withdraw them from education rather than risk the distance. The state's decision to close a school

thus becomes an act that normalises the stereotype that a girl's education is dispensable. In India, school closures have disproportionately affected girls from Scheduled Castes/Scheduled Tribes and Muslim communities. In line with the Recommendation's recognition that failures to act may result in violations, we recommend that States be encouraged to conduct gender and intersectionality impact assessments before implementing school closures or mergers, to ensure such decisions do not inadvertently reinforce existing inequalities.

19. Adult and non-formal education as a site of stereotype

In reference to **Paragraph 53**, the Recommendation's focus on education remains largely within the domain of formal schooling. We would like to draw attention to adult and non-formal education as an area that merits explicit recognition. In India, 253 million people remain non-literate, 64% of whom are women, predominantly from Scheduled Castes/Scheduled Tribes, Muslim, and other marginalised communities. Existing programmes exclude non-literate persons by design, inadvertently reproducing the conditions that limit women's access to education. We recommend that States be required to fund professional adult educators, and to design adult literacy and non-formal education programmes that are accessible to women with no prior literacy, recognising this as a structural obligation and not a residual concern.

Emerging and Underdeveloped Areas

20. Surrogacy

Paragraphs 25 and 56(c) correctly identify that the right to choose or avoid parenthood must be protected. Each path has its own attendant stereotypes. Absent in the Recommendation is an acknowledgement of the stereotypes around surrogacy that affect women's ability and capacity to choose. Women must be able to exercise full bodily and reproductive autonomy without constraint. This autonomy affirms women's ability to make decisions about their own lives including whether to become pregnant, end or prevent a pregnancy, or engage in surrogacy. These limitations are even more pronounced for marginalised women, including those living in poverty, women of colour, and those in the Global South, where intersecting inequalities intensify the effects of discrimination. While concerns about how socio-economic conditions may influence decision-making are valid, they must not be used to justify restricting women's autonomy. Overregulation, often rooted in stereotypical assumptions about women's intellectual and emotional capacity or familial/societal roles, risks undermining rights and punishing women rather than protecting them.

Our core focus is ensuring that this CEDAW General Recommendation avoids encouraging formal compliance without achieving substantive transformation in dismantling harmful stereotypes. To prevent this gap, implementation must be explicitly intersectional, recognising how stereotypes differently impact women across race, class, disability, age, sexuality, migration status, religion, and other facets of their identities; it must embed structural accountability through clear benchmarks, monitoring, and accountability for compliance; and it must ensure the meaningful participation of diverse groups of women in the design, execution, and evaluation of measures intended to eliminate stereotyping.

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