



## **Written Submission for the General Recommendation on Gender Stereotypes**

### **Submitted by**

**The Advocates for Human Rights**, a non-governmental organization in special consultative status with ECOSOC since 1996

**for the half-day of general discussion on gender stereotypes at the 90<sup>th</sup> Session of the Committee on the Elimination of Discrimination against Women  
3 - 21 February 2025**

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### **INTRODUCTION**

1. The Advocates for Human Rights (“The Advocates”) appreciates the opportunity to make a submission in support of a General Recommendation (GR) on Gender Stereotypes by the Committee on the Elimination of Discrimination against Women (“the Committee”).
2. The Advocates’ work to counter the anti-gender movement reveals how gender stereotypes of female inferiority have influenced the maintenance of or backsliding of women’s rights. States Parties repeatedly fail in their obligations to protect against gender-based violence against women and girls (GBVAW), condoning or failing to effectively respond to violence and discrimination by State authorities or private actors, or permitting the continuation of the stereotyped superiority of men and boys to women and girls. State Party perpetuation of such wrongful gender stereotypes manifests as policy and practice that disregard or deprioritize the human rights of women and girls, especially their rights to equality and non-discrimination in family life and access to justice.
3. It is crucial to address different manifestations of gender stereotypes about women’s inequality or inferiority within their marriage and family relations<sup>1</sup> (hereinafter “gender stereotypes”). States’ policies and practices that perpetuate harmful stereotypes infringe on the rights of women and girls in all their diversity under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although we acknowledge that gender stereotypes affect all women and girls, we focus this submission on the impacts of gender stereotypes experienced by cisgender women regarding their equality in marriages to men and family relations reviewed vis-à-vis State policy and practice regarding:
  - Weaknesses in GBVAW legislation and its implementation that are both caused by and fuel enduring gender stereotypes of the inferiority of cisgender women and girls;
  - The role that the gender stereotype of inferiority of cisgender women and girls plays in the discriminatory and unequal application of the judicial process;

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<sup>1</sup>For the purpose of this report, we will refer to gender stereotypes when referring to the particular gender stereotype of women’s inequality or inferiority.

- The effects of discriminatory policy and practice by States Parties related to unequal treatment of cisgender women in marriage and family relations.

Each section is accompanied by suggested recommendations to State Parties based on our joint reports with local partners focusing on addressing GBVAW and gender stereotypes and their effects on women's and girls' rights.

## **I. Examine connections between weaknesses in GBVAW legislation and implementation and gender stereotypes of inferiority of women and girls**

4. In the GR Concept Note, the Committee alludes to the impact of gender stereotypes on access to and administration of justice generally,<sup>2</sup> as well as the obligation of States Parties to enact or abolish legislation that maintains gender stereotypes.<sup>3</sup> The GR should specifically address weaknesses in domestic legislation on preventing and punishing GBVAW and its implementation. This would call on States Parties to examine their role in perpetuating this gender stereotype, better fulfill their due diligence obligations, and recognize GBVAW as a key component in the vicious cycle linking discrimination, violence, and gender stereotypes.
5. Legislative failings to prevent GBVAW demonstrate how State Parties tacitly condone gender stereotypes. In Türkiye, women lack adequate, comprehensive legislation that explicitly criminalizes GBVAW and domestic violence (DV).<sup>4</sup> In the absence of such a law, and without trainings to address judicial biases, perpetrator impunity prevails and reinforces the gender stereotype of women's inequality as a State-accepted practice and social norm.<sup>5</sup> States Parties should ensure that legislation addressing all forms of GBVAW is drafted in consultation with women and girls in all their diversity. Likewise, States must ensure that legislative action includes gender-sensitive training and monitoring implementation.
6. States Parties' contradictory laws or erasure of GBVAW from legislative systems actively encourage gender stereotypes. In Turkmenistan, gender stereotypes that elevate the superiority of men inhibit the progress of comprehensive judicial systems and legal frameworks that promote, enforce, and monitor gender equality.<sup>6</sup> Current legislation does not adequately address the use of power and control in DV.<sup>7</sup> States Parties should revise legislation to ensure it does not directly or indirectly discriminate against women and girls in all their diversity or reinforce or (re)establish harmful gender stereotypes.
7. When GBVAW is perpetrated by private actors, such as DV, gaps in legislation reflect the misperception that DV is a private matter beyond the reach of the State. States Parties may

<sup>2</sup> CEDAW Committee, *General Recommendation on Gender Stereotypes – Concept Note*, ¶59.

<sup>3</sup> Ibid. ¶6; United Nations Convention on the Elimination of All Forms of Discrimination against Women, New York, 1979, Art. 2(f).

<sup>4</sup> Penal Code of Türkiye *Articles 81, 82, and 83* regulate the crime of intentional killing, *Article 86* criminalizes intentional injury, *Article 96* criminalizes torment, *Article 102* criminalizes sexual assault, *Article 105* criminalizes sexual harassment, *Article 106* criminalizes threat, *Article 107* criminalizes blackmail, *Article 109* protects individuals against deprivation of liberty, *Article 125* criminalizes insult and *Article 134* protects the right to privacy. Penal Code of Türkiye, 2004 [Official Gazette, 2004, No. 25611].

<sup>5</sup> Women for Women's Human Rights, *Information Note – Our Assessment of the Amendments Made to Turkish Penal Code and the Code of Criminal Procedure*, Jul. 21, 2024.

<sup>6</sup> [Family Code of Turkmenistan](#), 2012 [Gazette of the Mejlis of Turkmenistan, 2012, No. 1, Art. 9]; [Law of Turkmenistan on Equality and Equal Opportunities for Men and Women](#) [Gazette of the Mejlis of Turkmenistan, 2015, No. 3, Art. 98]; UN Women, "[Turkmenistan](#)", last accessed 12 Dec. 2023.

<sup>7</sup> Criminal Code of Turkmenistan (2022). See Articles 107 on Intentional Infliction of Harm to Health of Moderate Severity; 108 on Intentional Infliction of Harm to Health of Moderate Severity; 109 on Intentional infliction of grievous bodily harm in a state of passion; and 114 on Threat of Murder or Grievous Bodily Harm.

forgo their due diligence responsibilities. In Armenia, the DV law fails to criminalize a first instance of DV that results in minor injury and encourages reconciliation between the parties.<sup>8</sup> The State's limited scope to protect victims of DV was driven by gender stereotypes that prioritize "retain(ing) solidarity in the family."<sup>9</sup> States Parties must create and implement DV legislation in a manner grounded in the elimination of harmful gender stereotypes and complemented by social change programming to eliminate harmful social norms.

8. Gender stereotypes contribute to overlooking the occurrence of GBVAW. The absence of official disaggregated data exhibits a lack of political willingness to address GBVAW. In Croatia, the only population-based surveys on different forms of GBVAW were carried out in 2003.<sup>10</sup> States Parties must invest in and implement multisectoral disaggregated data systems to facilitate information collection and analysis of GBVAW's prevalence and trends. Such analysis should guide law, judicial practice, and social service reforms.

## **II. Promote non-discriminatory conduct of the judicial process, including investigation, prosecution, and punishment of violations of their human rights as part of ending gender stereotypes on the inferiority of women and girls**

9. The Advocates share the Committee's concern that stereotypes "compromise the impartiality and integrity of the justice system.... ultimately shaping judgments and leading to miscarriages of justice."<sup>11</sup> We recognize Article 2(f)'s objective that obliges State Parties to take necessary and feasible measures to address and remove discriminatory legislation, customs, and practices that foster inequality between women and men.<sup>12</sup> The GR should specifically address biases in law enforcement and the judicial system against women and girls victims of violence throughout all stages of the judicial process. Law enforcement officers and judges must be trained to recognize and address gender biases. State Parties must examine the perpetuation of women's unequal access to justice and take action to tackle harmful stereotypes that negate due process for women.
10. The gender stereotype that women and girls must be punished if they are disobedient to men has contributed to perpetrator impunity and barriers to access to justice. In Afghanistan, courts may prosecute women and girls who are victims of violence for "morality" crimes despite protections under the 2009 Elimination of Violence against Women law.<sup>13</sup> In Turkmenistan, women are discouraged from reporting their abuse out of fear that the judge will apply "immorality" as a mitigating factor in their perpetrator's sentencing.<sup>14</sup> By exploiting victim-blaming, perpetrators take advantage of a system that maintains impunity. Furthermore, these judicial systems reinforce gender inequality by allowing patriarchal stereotypes to remain a

<sup>8</sup> The Advocates and Women's Resource Center Armenia, [Armenia's Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues](#), Jun. 1, 2020, ¶2.

<sup>9</sup> Maria Koltsova, "'Pass a Law, Even If It's a Bad One:' How Armenia Is Tackling Domestic Violence," openDemocracy (Jan. 21, 2020).

<sup>10</sup> Autonomous Women's House Zagreb, [Interpretacija rezultata istraživanja nasilja nad ženama u Republici Hrvatskoj \[Interpretation of the Results of Research into Violence against Women in the Republic of Croatia\]](#), by Diana Otročak (Zagreb: 2003); European Commission Directorate General for Employment, Social Affairs, and Equal Opportunities, [Violence Against Women and the Role of Gender Equality, Social Inclusion and Health Strategies: National Report Croatia](#), by Siniša Zrinščak (3 May 2010).

<sup>11</sup> Supra Note 2, ¶44.

<sup>12</sup> Ibid. ¶7.

<sup>13</sup> Islamic Republic of Afghanistan, [Law on Elimination of Violence Against Women](#), (Aug. 2009).

<sup>14</sup> Criminal Code of Turkmenistan dated June 12, 1997, No. 222-I: Article 56 on circumstances mitigating liability and Article 102 on Murder committed in a state of passion.

tool for controlling women's agency. States Parties should establish mandatory training for judges, prosecutors, police, social workers, psychologists, and healthcare workers on the dynamics of GBVAW and on conducting victim-centered investigation procedures in such cases.<sup>15</sup>

11. Misperceptions that DV must remain a private matter or that families should strive to reconcile at all costs place women at further risk of harm. In Türkiye, women's organizations report that law enforcement officials frequently misinform and dissuade women from applying for preventive and protective orders or seeking shelter support, often normalizing violence and engaging in reconciliatory behaviors.<sup>16</sup> In Turkmenistan, women subjected to DV usually turn to family members rather than outside support<sup>17</sup> because they feel it must remain "private."<sup>18</sup> State Parties should strengthen mechanisms of police accountability in cases of law enforcement omission to effectively respond to GBVAW and fulfill their due diligence obligations toward women and girls. State Parties should also strengthen public awareness-raising campaigns to address sociocultural stereotypes.
12. Gender stereotypes that suggest women provoke GBVAW and that men's violence is inevitable or honor-driven can persist across law enforcement and judicial systems. As a result, perpetrators evade appropriate penalties. In Türkiye, since June 2022, judges have mitigated the sentences of at least 48 of 220 judgments on men's violence against women, justifying the mitigation because of unjust provocation and/or the perpetrator's good behavior despite recent legal amendments.<sup>19</sup> Manifestations of this gender stereotype in the judicial process include how investigations are not completed promptly; arrest warrants are not implemented; and sentences are mitigated, shortened, and/or frequently commuted to fines.<sup>20</sup> Gender stereotypes influence the refusal or failure to conduct judicial processes equally, which places women under unsafe conditions, without recourse for protection, and sends a message that women and girls are not equal to men in society or before the law. State Parties should strengthen judicial mechanisms to ensure trauma-based, victim-centered, and gender-sensitive lenses in the investigation, prosecution, and punishment of GBVAW.
13. Gender stereotypes reinforce social expectations that women should be "modest, helpful, and communal,"<sup>21</sup> discouraging many women from reporting or seeking help when they are victims of GBVAW. Many women in Turkmenistan abstain from reporting DV due to shame and fear of public judgment,<sup>22</sup> or because of the perception that violence can be justified under certain

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<sup>15</sup> Human Rights Watch, "[I Thought Our Life Might Get Better': Implementing Afghanistan's Elimination of Violence Against Women Law](#)" by Fereshta Abbasi and Patricia Gossman (New York U.S.A., Feb. 2025)

<sup>16</sup> Mor Çatı Women's Shelter Foundation, [Law Enforcement Practices in Turkey to Combat Male Violence](#) by Açelya Uçan, Elif Ege, Selime Büyükgöze, Tülin Semayış (Istanbul, Türkiye, Jul 2023), p. 25.

<sup>17</sup> Institute of State, Law and Democracy of Turkmenistan, State Statistics Committee of Turkmenistan, Ministry of Health and Medical Industry of Turkmenistan, and UNFPA, [Health and Status of a Woman in the Family in Turkmenistan. Report on the results of the national sample survey](#). (2021, Ashgabat, Turkmenistan) at 31-34.

<sup>18</sup> Progres Foundation and Saglyk, [Digital Violence as a Mirror to Offline Realities What does the public in Turkmenistan think about the status of women?](#) (Turkmenistan, 2023) 28.

<sup>19</sup> Based on data collected by news outlet Bianet: Bianet, [Male Violence Report: Monitoring Male Violence](#), Feb. 9, 2025.

<sup>20</sup> Mor Çatı Women's Shelter Foundation [Shadow Report for Opuz Group Cases \(no. 33401/02\)](#) (Istanbul, October 2023), 9-11.

<sup>21</sup> Williams & Multhaup, [For Women and Minorities to Get Ahead](#), Harvard Business Review, Mar. 5, 2018

<sup>22</sup> The Advocates for Human Rights and Progres Foundation, [Turkmenistan's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Lack of Domestic Violence Protection for Women and Girls](#), (Minneapolis, Minnesota, Dec. 2023), 7.

circumstances.<sup>23</sup> As a result, women endure abusive situations to preserve a positive image and because they fear their situation could worsen. For example, in Mexico, of the 69.4% of women who do not report their violent partners, 26.9% thought it unimportant, 25.2% were afraid, 21.4% feared for their children, 19% were ashamed, 14.5% did not know they could, and 11% distrusted.<sup>24</sup> States Parties should take steps to remove the stigma and barriers to accessing institutional protection and the right to justice for victims. States Parties should also conduct awareness-raising campaigns about the nature of GBVAW and gendered power dynamics.

### **III. Further examine the gender stereotype of inferiority of women and girls as a root cause of inequality of women in marriage and family life**

14. Family dynamics can reinforce stereotypes regarding gender roles in the private and public spheres. When these harmful stereotypes portray women's primary and sole role as homemakers and caretakers, it limits women's autonomy and financial independence, which contributes to strict legislation that imposes restrictions on divorce and alimony. Under Article 5, State Parties are responsible for "modify[ing] the social and cultural patterns of conduct of men and women" to eliminate prejudices based on the "idea of inferiority or the superiority of either of the sexes."<sup>25</sup> The GR should address stereotypes that treat women as property and encourage State Parties to implement actions that elevate women's individuality and autonomy.
15. The institutionalization of harmful gender stereotypes that conflate women as solely homemakers and caretakers within the family unit interferes with their ability to autonomously determine their own life plans. In Türkiye, the Women's Empowerment Strategy Document and Action Plan (2024-2028) identifies women as "indispensable elements of the family and society that have a central role in the upbringing of future generations"<sup>26</sup> and the Vision Document and Action Plan for the Protection and Strengthening of the Family defines violence against women as a "threat against the family"<sup>27</sup> as opposed to a risk to women's safety. Such provisions subsume the individual autonomy of women to a role as the primary caretaking and reproductive unit within a family, undermine the gravity of violence against women, and advance the harmful gender stereotype that a woman's life centers around her domestic and family position. States' laws and policies must reflect respect for women's equal rights pertaining to marriage and family life by eliminating the conflation of familial identity with stereotypical roles of cisgender, heterosexual women. States Parties should also implement social change programming to uproot these harmful gender stereotypes from social norms.
16. Gender stereotypes have been used to diminish the value of women's experiences and avoid correcting power imbalances in marriage and family life. Parliamentarian Tomáš Zdechovský in the Czech Republic utilized gender stereotypes to retaliate against women's rights in discussions around the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence ("Istanbul Convention") on divorce proceedings and

<sup>23</sup> The State Committee of Turkmenistan for Statistics and UNICEF, [2019 Turkmenistan Multiple Indicator Cluster Survey: Survey Findings Report](#). ((Ashgabat, Turkmenistan, 2020), 23 & 179.

<sup>24</sup> CEDAW Committee, *Ninth periodic report submitted by Mexico under article 18 of the Convention*, (2 February 2017), UN Doc. CEDAW/C/MEX/9, ¶87.

<sup>25</sup> United Nations Convention on the Elimination of Discrimination Against Women, 1979, Art. 2(f).

<sup>26</sup> Republic of Türkiye Ministry of Family, Labour and Social Services [The Women's Empowerment Strategy Document and Action Plan \(2024-2028\)](#) (Türkiye, 2024), 21.

<sup>27</sup> Republic of Türkiye Ministry of Family, Labour and Social Services [Vision Document and Action Plan for the Protection and Strengthening of the Family \(2024-2028\)](#) (Türkiye, 2024), 20.



custody cases.<sup>28</sup> States Parties must institute accountability systems for their authorities and private actors to prevent reliance on and spreading of stereotypes, including in their effect on public opinion.

### ***Divorce and alimony***

17. The gender stereotype that men are the head of the household and women are economically dependent on them can result in laws that discourage divorce or disproportionately punish women during divorce.<sup>29</sup> In Türkiye, President Erdoğan sought to reduce the divorce rate by proposing a legal amendment limiting the duration of alimony payments to a five-year maximum.<sup>30</sup> Coupled with existing legal obstacles to receiving alimony, this amendment has the potential to force more women to stay in marriages for financial reasons, even if the relationship is abusive.<sup>31</sup> Article 174 of the Turkish Civil Code states that a monetary amount must be paid from the party-at-fault to the individual less-at-fault during a divorce.<sup>32</sup> However, there are no clear mechanisms or guidelines for determining fault, leaving this decision to the discretion of the judges, who may not receive any training on gender-sensitive procedures and who may display a bias in favor of men, by either finding women at fault or granting very low alimony.<sup>33</sup> State Parties should revise family law frameworks and judicial procedure guidelines to be more gender-sensitive and incorporate temporary special measures to overcome structural gender inequality.
18. Deeply held stereotypes about gender roles influence judges' perspectives on divorce proceedings. State authorities in Croatia fail to recognize the dynamics of GBVAW and coercive control, resulting in discrimination against women survivors in divorce proceedings.<sup>34</sup> These stereotypes influence judicial decision-makers, often leading them to label divorce cases involving GBVAW as high-conflict divorce,<sup>35</sup> rather than violence. States Parties should undertake widespread training of judicial authorities on identifying internal bias and gender stereotypes, gender-sensitive family law proceedings, the gendered nature of violence, and the unequal power distribution between GBVAW perpetrators and victims.

### ***Parental Alienation Syndrome***

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<sup>28</sup> The Advocates for Human Rights, [\*A Rollback For Human Rights: The Istanbul Convention Under Attack\*](#), (Minneapolis, Minnesota, 2021), 94.

<sup>29</sup> Supra Note 2, ¶32, ¶47.

<sup>30</sup> Yüncüler, Zeynep, “[Turkey’s Proposed Change in Alimony Law Leaves Women More Vulnerable](#),” Inside Turkey, May 16, 2019, <https://insideturkey.news/2019/05/16/turkeys-proposed-change-in-alimony-law-leaves-women-more-vulnerable/>

<sup>31</sup> Kadın Dayanışma Vafki, [\*Women’s Solidarity Foundation Poverty Alimony Monitoring Report\*](#), by F. Ceren Akcabay & Zekiye Karaca Boz (Ankara, 2024).

<sup>32</sup> [\*Turkish Civil Code - Family Law Book\*](#), Nov. 22, 2001. Law No. 4721.

<sup>33</sup> The Advocates for Human Rights and E.E., [\*Türkiye Stakeholder Report for the United Nations Universal Periodic Review: Gender-Based Violence against Women\*](#), ¶39

<sup>34</sup> The Advocates, Autonomous Women’s House Zagreb (AWHZ), and Centre for Women War Victims – ROSA (CWWW ROSA), [\*Croatia’s Compliance with the International Covenant on Civil and Political Rights: Violence against Women and Domestic Violence\*](#) (Minneapolis, Minnesota, June 2024), ¶24.

<sup>35</sup> AWHZ and CWWW ROSA submission to Committee on Economic, Social and Cultural Rights Compliance with International Covenant on Economic, Social and Cultural Rights: Suggested List of Issues Relating to the Second periodic report submitted by Croatia under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights, 2023.

19. The concept of “parental alienation syndrome” (PAS) relies on the wrongful gender stereotype that women victims of DV falsely report violence and fabricate the impression of danger.<sup>36</sup> According to the Special Rapporteur on VAW, in Spain, judicial instances incorporate an amalgam of stereotypical views on sexual violence, the family, and the ties between fathers and their children that negatively impact the rights of mothers and children, especially with judicial actors and social workers attributing a lower value to the experiences of women and their children.<sup>37</sup> In Croatia, when children resist contact with their abusive father, mothers are often blamed<sup>38</sup> for manipulating their children<sup>39</sup> or falsely reporting DV to separate the father from the children, either for revenge or to gain an advantage. As a result of the use of false PAS, women’s arguments are often delegitimized and criminalized,<sup>40</sup> which taints the fairness of the judicial process by relying on stereotypes as an objective assessment of conditions. State Parties should amend national legislation to discourage the use of PAS and introduce accountability mechanisms, investigation protocols, and sanctions for judicial and non-judicial officials who apply PAS or gender stereotypes against mothers, whether in administrative or judicial proceedings. State Parties should also undertake mandatory training in child sexual violence, gender-based violence, and human rights for all judicial and non-judicial operators who encounter decisions about family and civil legal matters and/or the protection of mothers and children from violence.
20. The gender stereotype that mothers use their children to influence their legal process impacts children’s best interests and safety. In Croatia, divorce proceedings often result in courts upholding that children must maintain contact with both parents, even if children witnessed the violence of one parent toward the other or were victims of such violence.<sup>41</sup> With the application of the false PAS, children’s right to be heard in divorce and custody proceedings is restricted,<sup>42</sup> and courts often dismiss the verbalizations of children being afraid of the reported parent. In Spain, children experience “abrupt separation from their mothers”<sup>43</sup> and judges place them in the custody of their abusive father. State Parties should establish, train officials on, and monitor applications of child- and gender-sensitive protocols on best interest determination for child custody cases. Such protocols should account for the effects of DV on children and counteract wrongful gender stereotypes.

#### IV. Conclusions

21. The Advocates thanks the Committee for the opportunity to provide this written submission. We reiterate our support for the Committee’s efforts to provide guidance on obligations under

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<sup>36</sup> Supra Note 35, ¶35.

<sup>37</sup> Mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; of the Special Rapporteur on violence against women, its causes and consequences and of the Working Group on discrimination against women and girls, *Communication Ref.: AL ESP 6/2021*, Nov. 24, 2021.

<sup>38</sup> Family Law, Official Gazette 103/15, 98/19, 47/20, 49/23, 156/23, art. 171. <https://www.zakon.hr/z/88/Obiteljski-zakon>.

<sup>39</sup> Supra Note 35, ¶27.

<sup>40</sup> The Advocates and Women’s Link Worldwide, *Spain Stakeholder Report for the United Nations Universal Periodic Review: Institutional Gender-Based Violence* (Minneapolis, Minnesota, Oct. 2024), ¶26.

<sup>41</sup> GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) – CROATIA*, (Sep. 6, 2023), ¶169, 193, 195.

<sup>42</sup> Supra Note 41, ¶14.

<sup>43</sup> Ibid, ¶28.

CEDAW regarding the elimination of stereotypes to guarantee women the right to access justice and live free from violence.