



**Comments for the CEDAW Committee
on draft general recommendations on gender stereotypes**

Submitted by

**Cornell Center on the Death Penalty Worldwide
Center on Gender and Extreme Sentencing
The Advocates for Human Rights
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The Cornell Center on the Death Penalty Worldwide (CCDPW) represents women before national and international tribunals, provides data on death penalty laws, publishes reports and manuals on issues of practical relevance to lawyers and advocates, trains legal teams, and engages in targeted advocacy and litigation with a focus on intersectional gender justice. We expose the connection between gender-based discrimination and capital sentencing. Our team [monitors executions](#), produces [scholarship](#) on gender and capital punishment and routinely provides [resources](#) and expert consultations.

The Center on Gender and Extreme Sentencing (CGES) was founded in response to the exclusion of women, particularly women of color, from conversations surrounding mass incarceration in the United States. Our work addresses intersectional discrimination from a variety of angles. We shed light on hidden forms of discrimination and disrupt widespread misconceptions about its prevalence. We engage in advocacy campaigning to inform the public and mobilize new allies for change. We produce materials of practical relevance for lawyers, policy-makers, and most importantly, incarcerated people.

The Advocates for Human Rights (TAHR) implements international human rights standards to promote civil society and reinforce the rule of law. Among its many programs, TAHR monitors and documents governmental response to violence against women and makes recommendations on how to better protect women and girls. Additionally, TAHR works to educate the public about the death penalty and advocate before U.N. bodies about violations of international human rights law relating to the application of the death penalty worldwide. Through a recent court monitoring project, TAHR identified courtroom application and replication of gender-based stereotypes including sexualization of women, stereotypes about mothers, and stereotypes regarding gender-based violence survivors.

Violence Free Minnesota (VFMN), the statewide coalition to end relationship abuse in Minnesota, is composed of 90 member programs working together with a shared vision to end relationship abuse, create safety, and achieve social justice for all. VFMN represents victims and survivors of relationship abuse and member programs; challenges systems and institutions; promotes social change; and supports, educates, and connects member programs. In addition to VFMN's policy and prevention work, the coalition releases an annual Homicide Report documenting and analyzing patterns in domestic violence deaths in Minnesota. Violence Free Minnesota works in partnership with community-based advocacy to end the criminalization of survival.

Comments on General Recommendation No. 41

A. Introductory Note

We commend the Committee for this important general recommendation, which promises to draw attention to the pervasiveness of gender stereotypes across a broad spectrum of society.

CEDAW's general recommendation on gender stereotypes is being considered during a critical global inflection point and a climate of rising authoritarianism. In the United States, this has emboldened a democratic backsliding and regressive approaches against women's rights, women's dignity, and women's lives. Critically, while there is increasing global awareness that prison, criminalization, and the death penalty are also feminist issues, a lens of intersectional gender justice in this field is largely still on the margins.

Our comments focus on gender stereotypes in the criminal legal system, drawing on the research and experience of scholars, advocates, and women with direct experience of incarceration. Although the Cornell Center on the Death Penalty Worldwide is based in the United States, it has

also conducted research, provided legal representation, and engaged in advocacy on behalf of women incarcerated around the world, including in Malawi, Tanzania, Indonesia, Cameroun, Pakistan, and Iran. Our extensive work with incarcerated women, and particularly those facing the death penalty, has taught us that gender stereotypes in the criminal legal system are highly normalized and pervasive. At the same time, gender bias in the criminal legal system is understudied and, as a result, poorly documented. This may explain why the Committee’s draft General Recommendation contains little specific information about the nature of stereotypes that impede women’s access to justice and the urgency of reforms to prohibit their invocation. Our comments aim to fill this gap. We have provided citations for all critical facts.

B. Comments on Paragraphs 1-5

1. Paragraph 1

In reference to paragraph 1 on the draft general recommendations, we propose adding the following sentence:

“Gender stereotypes exacerbate social, political, and economic inequality and inhibit the full realization of a wide spectrum of human rights.”

Explanation: This modification seeks to underscore how gender stereotypes infringe on a wide range of human rights.

2. Paragraph 2

In reference to paragraph 2, we propose adding the term “legal system” to the following phrase:

*“which have limited women’s participation in public and political life, education, employment, the media, culture, religious institutions, **the legal system**, and the digital space, among other sectors.”*

Explanation: The purpose of this addition is to recognize the pervasive gender stereotypes that are present in legal systems around the world.

3. Paragraph 4

In reference to paragraph 4, to provide additional context and framing, we propose adding the following concluding sentence:

“Intersectional discrimination in different societies can be both explicit—for example, through laws that discriminate against women based on various identities—and implicit, through coded language and disparate treatment.”

Explanation: Our work has taught us that implicit bias is more pervasive than *de jure* discrimination, and can be just as detrimental to the realization of women’s human rights.

4. Paragraph 5

In reference to paragraph 5, we propose adding the following sentence:

“Women’s global incarceration rates have skyrocketed while the role of gender-based violence and trauma in bringing women in contact with the law is largely unaddressed.”

Explanation: This proposed change seeks to highlight the disturbing rise in women’s incarceration rates in many countries around the world, and the accompanying failure of legal systems to reckon with the histories of gender-based violence that pave women’s pathways to incarceration.¹

C. Comments on Paragraph 11

1. Paragraph 11

In reference to paragraph 11, we suggest adding two sentences at the end. Currently, the paragraph ends with the following sentence:

“Gender-based violence against women is also driven by stereotypical attitudes based on men’s perceived entitlement to and privilege over women, social norms regarding masculine privilege, and men’s need to assert control or power.”

We suggest adding a sentence before and a sentence after, so that the last three sentences of the paragraph read as follows:

“Gender stereotypes also serve to normalize what is never normal: gender-based violence. Gender-based violence against women is also driven by stereotypical attitudes based on men’s perceived entitlement to and privilege over women, social norms regarding masculine privilege, and men’s need to assert control or power. The myths around gender-based violence result in survivors being under-protected as victims and over-prosecuted as perpetrators.”

Explanation: We propose these changes to highlight the connection between harmful gender stereotypes and gender-based violence. Gender stereotypes inflict harm through repetition and the context of interpersonal, generational, and structural power dynamics. Akin to the normalization of racism, it is the normalization of sexism that is harmful and dangerous for women in the legal

¹ See PRISON POLICY INITIATIVE, STATES OF WOMEN’S INCARCERATION: THE GLOBAL CONTEXT 2025 (2025), available at <https://www.prisonpolicy.org/global/women/2025.html>; Sid P. Jordan, Emily Thuma, Aylaliyah Assefa Birru, Deirdre Wilson, Romarilyn Ralston, Norma Cumpian, and Joseph Hankins, *Disrupting the Abuse-Prison Nexus: The Gendered Violence of Prosecution and Abolitionist Feminist Approaches to Social Care Work*, SOCIAL SCIENCES 14:184 (2025), available at: <https://doi.org/10.3390/socsci14030184>.

system. This is especially true when it comes to the normalization of gender-based violence, which produces a cascading series of harms, particularly for criminalized survivors.

D. Comments on Paragraph 20

1. Paragraph 20

We propose adding the following sentence to Paragraph 20:

In prison, transwomen face elevated risks of violence and isolation.

Explanation: Paragraph 20 addresses the harm of stereotypes against women with diverse sexual orientations and identities. We propose adding language on the violence faced by transwomen incarcerated in men’s prisons.² These harms are documented, yet much more needs to be done to expose the violence faced by transpeople in prison. In the United States, the violence faced by incarcerated transwomen has been further exacerbated through the policies of the Trump administration, which has aggressively sought to transfer transwomen from women’s prisons to men’s prisons.

E. Comments on Paragraphs 30 and 31

1. Proposed New Paragraph 31

In this section of the draft general recommendations, between the existing paragraphs 30 (gender stereotypes in the health sector) and 31 (gender stereotypes in public office) we suggest adding a new paragraph on gendered tropes that affect women in legal systems. Draft language for the paragraph could read as follows:

“Gender stereotypes in the legal sector are present in family courts, civil courts, and criminal courts. These stereotypes restrict women’s access to justice, whether they are seeking protection from abusive intimate partners or fighting for custody of their children. Women in conflict with the law also face increased penalties, including prolonged incarceration and capital punishment, because of gender stereotypes. For example, courts around the world have ignored or dismissed women’s experiences of intimate partner violence by relying on debunked myths and stereotypes about how women in abusive relationships behave. Courts have also allowed trial actors to introduce evidence designed to expose women’s intimate sexual relationships, shame them for their shortcomings as parents, and

² Bryant, Erica. *Violence, torture, and isolation: what it’s like to be trans in prison*. VERA INSTITUTE (November 17, 2022). <https://www.vera.org/news/violence-torture-and-isolation-what-its-like-to-be-trans-in-prison>

judge them for their appearance. Court actors have also weaponized gender stereotypes to undermine and discredit women’s actual experiences of violence. The introduction of these gender stereotypes in civil or criminal proceedings creates an unacceptable risk that women will be judged based on stereotypes rather than for their actions. These stereotypes are particularly dangerous in the cases of women and girls with diverse identities.

Explanation: Scholars have documented the pernicious effects of gender stereotypes on women in legal proceedings, including victims of crimes and women in conflict with the law.³ Gender stereotypes permeate the treatment of victim/survivors who have endured gender-based violence, whether they are entering the legal system as victims, witnesses, or defendants.⁴ Women in conflict with the law are often judged harshly for their perceived failings as mothers,⁵ for their sexual relationships,⁶ and for their appearance.⁷ Women with diverse identities face particularly high risks of negative stereotypes that restrict their access to justice.⁸

In the United States, girls of color are frequently “adultified,” or viewed as older than they are and less innocent.⁹ The adultification of Black girls by law enforcement and other institutional actors makes them less likely to provide Black girls and women with protection and care, and exacerbates the risk that Black girls will face sexual violence, trafficking, and other forms of gender-based violence.¹⁰

³ See Nathalie Greenfield and Sandra Babcock, *Sex on Trial*, 46 COLUMBIA J. OF GENDER & LAW (2026), available at <https://ssrn.com/abstract=6326120> or <http://dx.doi.org/10.2139/ssrn.6326120>; Sandra Babcock, *Gendered Capital Punishment*, 31 WM. & MARY J. RACE, GENDER, & SOC. JUST. 1 (2024), available at <https://scholarship.law.wm.edu/wmjowl/vol31/iss1/1>.

⁴ See Sandra Babcock and Nathalie Greenfield, *Gender, Violence, and the Death Penalty*, 53 CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL 327, 374-75, 382-89, 394-95 (2023), available at <https://ssrn.com/abstract=4416558>; VIOLENCE FREE MINNESOTA, 2024 HOMICIDE REPORT: RELATIONSHIP ABUSE IN MINNESOTA 34-35 (2024) (describing the case of Ashley Dyr Dahl); LEIGH GOODMARK, IMPERFECT VICTIMS: CRIMINALIZED SURVIVORS AND THE PROMISE OF ABOLITION FEMINISM ~~PINCITE~~ (2023).

⁵ See *People v. Collins*, 561 P.3d 801 (2025) (describing how police interrogated the mother of a child murdered by her male partner by relying on gendered tropes such as “mother intuition”).

⁶ See Greenfield and Babcock, *Sex on Trial*, *supra* note 3.

⁷ See *Andrew v. White*, 604 U.S. 86 (2025) (describing the case of Brenda Andrew in Oklahoma, where prosecutors displayed her underwear to the jury, described her outfits and hairstyles, and presented evidence of her intimate relationships that bore no relevance to the crime she was accused of committing).

⁸ Greenfield and Babcock, *supra* note 3, explain that in the criminal legal system in the United States, women of color “are subjected to a host of stereotypes linked to sexual behavior and expression, including the ‘adultification’ of girls who are victims of gender-based violence and the stereotype of Black women as aggressive.”

⁹ Jamilla Blake and Rebecca Epstein, *Listening to Black Women and Girls: Lived Experiences of Adultification Bias*, GEORGETOWN LAW CENTER ON GENDER JUSTICE AND OPPORTUNITY (2026). Available at <https://genderjusticeandopportunity.georgetown.edu/report/listening-to-black-women-and-girls-lived-experiences-of-adultification-bias/>.

¹⁰ Kera Riddick, *Survivor Justice: Black Women and Girls Deserve Access to Healing and Support – Not Jail*, NATIONAL BLACK WOMEN’S JUSTICE INSTITUTE (October 23, 2024). Available at <https://www.nbwji.org/post/survivor-justice-black-women-and-girls-deserve-access-to-healing-and-support-not-jail>.

F. Comments on Paragraph 46

1. Paragraph 46

In paragraph 46, we suggest adding language as set forth below. Currently, the paragraph reads:

“Gendered assumptions, rather than the relevant facts and evidence, are often reflected in judicial proceedings and the interpretation of legislation. They are often present at the reporting stage, in the collection of evidence, the investigation, trial, and sentencing stages. Gender stereotypes tend to affect the weight and credibility afforded to women’s testimony and arguments during judicial proceedings. At times, the use of cultural defense arguments—combined with gender-insensitive interpretations—also contributes to the legal perpetuation of stereotypical and harmful value judgments. The Committee further draws attention to gender stereotypes that negatively affect the judicial processing of cases of women in conflict with the law and women in detention. Law enforcement authorities – including the police – may mistreat, blame, and revictimize women when they report gender-based violence and other crimes, due to prevailing views about women’s subordinate status. Process laws, rules, protocols, guidelines, and accountability mechanisms must ensure that justice officials – and law enforcement authorities - have the tools to name, identify, challenge, and dismantle victim-blaming beliefs and other stereotypes concerning women.”

We suggest amending the paragraph by adding the bolded language, as follows:

*“Gendered assumptions, rather than the relevant facts and evidence, are often reflected in judicial proceedings and the interpretation of legislation. They are often present at the reporting stage, in the collection of evidence, the investigation, trial, and sentencing stages. Gender stereotypes tend to affect the weight and credibility afforded to women’s testimony and arguments during judicial proceedings. At times, the use of cultural defense arguments—combined with gender-insensitive interpretations—also contributes to the legal perpetuation of stereotypical and harmful value judgments. **While false reports of gender-based violence are rare, stereotypes of gender-based violence often include unfounded assumptions that survivors lie about or exaggerate their abuse. With respect to women in conflict with the law, the Committee emphasizes that when legal systems fail to recognize the relevance and import of women’s experiences of gender-based violence, courts risk punishing women for the abuse to which they were subjected. Stereotypes about gender, femininity, and motherhood, as well as stigma around reproductive choices, can also lead to enhanced punishment.** The Committee further draws attention to gender stereotypes that negatively affect the judicial processing of cases of women in conflict with the law and women in detention. Law enforcement authorities –*

*including the police – may mistreat, blame, and revictimize women when they report gender-based violence and other crimes, due to prevailing views about women's subordinate status. **When deployed against women facing capital punishment, gender stereotypes create an unacceptable risk that women could be condemned to death based on stereotypes rather than facts.** Process laws, rules, protocols, guidelines, and accountability mechanisms must ensure that justice officials – and law enforcement authorities - have the tools to name, identify, challenge, and dismantle victim-blaming beliefs and other stereotypes concerning women.”*

Explanation: Stereotypes about victims of gender-based violence are pervasive, despite the efforts of experts and advocates to educate legal system actors.¹¹ These stereotypes have caused women to be under-protected as victims and over-prosecuted as perpetrators. Furthermore, the increasingly draconian laws governing access to abortion in the United States have led to increased criminalization of victims of gender-based violence who seek to terminate pregnancies.¹²

G. Comments on Paragraph 57 and 58

1. Paragraph 57

With respect to paragraph 57, we propose a few changes. Specifically, we propose adding the following language after 57(a)(iii):

“Develop guidelines that limit the ability of judicial actors to present harmful gender stereotypes regarding women in conflict with the law, including evidence that sexualizes women (such as commenting on their clothing or bodies), discredits them based on myths about gender-based violence, adultifies girls, shames them for their reproductive choices, and/or characterizes gender-diverse women as deviant or violent.”

Explanation: Gender stereotypes against criminalized women are intersectional, structural, and deeply woven into legal systems around the world. Given the multi-faceted nature of gender stereotypes against criminalized women, we propose additional problem-solving language.

2. Paragraph 58

Pertinent to paragraph 58, we propose the inclusion of the following language:

¹¹ See Ellie Williams, *Leaving Doesn't Mean Living: Analyzing the Case of Angela Vaughn, Criminalized Survivors of Gender-Based Violence, and International Human Rights Law*, 51 GA. J. INT'L & COMPAR. L. 587 (2023).

¹² Sara Ainsworth and Leigh Goodmark, *Defending Imperfect Victims from Self-Managed Abortion Criminalization: Why Evidence of Intimate Partner Violence Matters*, UNIV. OF COL. L. REV. (forthcoming 2026) (explaining that in the cases of criminalized girls and women who end their pregnancies, courts have minimized or refused to consider their histories of intimate partner violence).

“The Committee calls on all states to abolish the death penalty to eliminate the risk that gender bias could contribute to the taking of human life.”

Explanation: We recommend that the Committee urge states to abolish the death penalty. This is because intersectional gender stereotypes function to dehumanize women facing the death penalty. The imposition of the death penalty is the ultimate act of dehumanization.¹³

¹³ Notably, both the United States and Iran -- two of the countries which have yet to ratify CEDAW -- are also countries where women’s death sentences occur in contexts of pervasive gender-based stereotypes.