



NGO information submitted to the

UN Committee on the Elimination of Discrimination against Women

For reference to the draft General Recommendation on Gender Stereotypes

Submitted by:

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Submission:

10 February 2025

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I. INTRODUCTION

1. This submission has been prepared by the Validity Foundation – Mental Disability Advocacy Centre (“Validity”), Equality Now and The Women’s Probono Initiative (“WPI”).
2. Validity is an international non-governmental human rights organisation headquartered in Budapest, Hungary. Validity is a specialist legal advocacy organisation that uses legal strategies to promote, protect and defend the human rights of persons with intellectual disabilities and persons with psychosocial disabilities worldwide. Validity holds participatory status at the Council of Europe and special consultative status at the UN Economic and Social Council (ECOSOC). Validity provides legal expertise to movements of persons with disabilities, conducts monitoring, research and advocacy programmes across Europe, Africa and at other international fora, and collaborates with a broad range of networks and coalitions of persons with disabilities worldwide. For more information, please visit www.validity.ngo.
3. Equality Now is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that address violence and discrimination against all women and girls around the world. Founded in 1991, Equality Now is a global organisation with partners in every region. Ending sexual violence, ending sex trafficking, ending harmful practices and achieving legal equality are the main areas of Equality Now’s work. For more information, please visit <https://equalitynow.org/>.
4. The Women’s Probono Initiative (WPI) is a feminist non-profit organization with a reputation of boldly advancing equity, challenging discrimination and violence against women and girls, through advocacy and creative lawyering. Established in 2018, WPI was formed partly out of the recognition that there were hardly any women that were actively engaged in public interest litigation (PIL), even for cases that addressed the rights of women and girls. The absence of female litigants meant that male lawyers, with all their credentials, could articulate the facts, but not necessarily communicate them from a position of experience and deep understanding of the realities of women and girls. In addition to providing legal representation, in its quest to challenge patriarchy in all its forms, and at its root, WPI have delved into research, engaged with communities, policy makers and other organisations in the women’s movement to re-assess the meaning of gender equality, to highlight the centrality of sexual and reproductive health and rights to empowerment of women and girls, to challenge the sense of complacency that has come with increased numbers of women in various positions, and to lead the call for efforts towards a new feminist agenda that champions full autonomy for women and girls. For more information, please visit <https://womenprobono.org/>.
5. The aim of this written submission is to provide the UN Committee on the Elimination of Discrimination against Women with key information on the impact of gender stereotypes in various areas, particularly focusing on the intersectionality between gender and disability. It examines key issues such as gender-based violence against women and girls with disabilities, their access to justice, and the link between stereotypes and the placement of women and girls with intellectual and psychosocial disabilities under guardianship or institutions. Additionally, it highlights the importance of adopting disability-inclusive language and promoting inclusive education seen through the organisations’ projects, litigation, and legal advocacy work.

II. GENERAL COMMENTS

6. The submitting organisations welcome the drafting of the General Recommendation on gender stereotypes which will provide authoritative guidance on how States should fulfil their obligations under the Convention on the Elimination of All Forms of Discrimination Against Women regarding the elimination of gender stereotypes against women and girls.
7. As it will be elaborated below, the intersectionality of gender and disability creates compounded discrimination that severely impacts women and girls' enjoyment of human rights, as their experiences of exclusion and violence stem from both gendered power imbalances and disability-related stigma. This layered marginalisation underscores the critical need for CEDAW's General Recommendation on gender stereotypes to consistently integrate disability perspectives.

III. SPECIFIC COMMENTS

a) Paragraphs 15-30 - Intersectionality between gender and disability

8. The submitting organisations commend the draft General Recommendation for its acknowledgment of the vulnerability to gender stereotypes experienced by women and girls with intersectional identities, including those with disabilities (para.13). Additionally, we appreciate that the CEDAW Committee has drawn connections with the work of the Committee on the Rights of Persons with Disabilities and the UN Special Rapporteurs on violence against women and on the rights of persons with disabilities (para.29), which have addressed this critical intersection. Such recognition represents an essential step toward tackling systemic inequalities and advancing substantive and inclusive gender equality.
9. We would like to strongly emphasise that the intersectionality of gender and disability disproportionately affects women and girls with disabilities, exposing them to multiple and compounding forms of discrimination. This intersectionality must be given greater prominence to ensure that their unique experiences and challenges are adequately addressed.
10. We respectfully request the CEDAW Committee to ensure that its General Recommendation explicitly recognises language as a fundamental characteristic of gender stereotypes, especially when it comes to women and girls with disabilities. Specifically, we kindly urge the Committee to recommend that States systematically review and amend existing laws, policies, and official communications to eliminate derogatory, paternalistic, or stigmatising terminology. In addition, we suggest that the Committee recommend States to promote capacity-building initiatives aimed at policymakers, legal professionals, and public officials to enhance awareness of inclusive language practices that uphold human dignity and equality.
11. We believe it is essential to emphasise the importance of inclusive language – both disability-inclusive and gender-inclusive. The continued use of stigmatising language such as “incapable,” “impaired,” “incompetent,” or “unreasonable” in legislation, policies and official discourse perpetuates harmful stereotypes that portray persons with disabilities as unfit to make decisions about their own lives. Similarly, the absence of a gendered approach in laws, policies and practices reinforces harmful stereotypes about women and girls, particularly those with intersecting identities such as disability.

12. Therefore, we ask that the CEDAW Committee in its General Recommendation should recommend a shift towards person-centred, rights-based language that encompasses both disability and gender inclusivity to make sure that women and girls with disabilities are protected from discrimination. Such an approach affirms the autonomy, dignity, and decision-making capabilities of women and girls with disabilities while simultaneously dismantling entrenched stereotypes across all intersecting identities.

b) Paragraphs 44-50: - Right to access to justice

13. Women and girls with disabilities face unique and compounded barriers to accessing justice due to intersecting discrimination based on both gender and disability, yet worldwide “many barriers prevent persons with disabilities from accessing justice on an equal basis with others.”¹ According to the Guideline on Principle 3 of the International Principles and Guidelines on Access to Justice for Persons with Disabilities, “to avoid discrimination and guarantee the effective and equal participation of persons with disabilities in all legal proceedings, States shall provide gender and age-appropriate individualized procedural accommodations for persons with disabilities.”²
14. Women and girls with disabilities face pervasive stereotypes within the justice system that significantly hinder their ability to access justice. For them, navigating the justice system often resembles a “justice chain”, where progress depends on overcoming each preceding obstacle. For instance, patriarchal attitudes among law enforcement and judicial officials discourage women and girls with disabilities from seeking justice.
15. When cases are reported, complaints from women and girls with disabilities may be dismissed due to stereotype-based laws and practices. For example, in many jurisdictions worldwide, women and girls with disabilities are often presumed to be incapable of providing reliable testimony.³ This harmful assumption frequently leads to the wrongful dismissal of their statements, inadequate investigations into the abuses they endure, and unwarranted acquittals of perpetrators. As an example, in cases of sexual violence against women and girls with disabilities, societal biases often portray them as either asexual or hypersexual, resulting in their experiences being overlooked or trivialised. Additionally, stereotypes may lead to the belief that women with a disability could not have been targeted for certain forms of violence, such as sexual violence, due to prejudiced notions about their sexual desirability, further denying them justice and protection.
16. Even when cases proceed, discriminatory practices and lack of gender-, disability-, and age-sensitive protocols often result in re-traumatisation of survivors, loss of evidence and high attrition rates. This was evident in the exemplary case *The Women’s Probono Initiative (WPI) & CG v Attorney General & Others* whereby the High Court of Uganda found that the Applicants had not adduced enough evidence to support their claim.⁴ Furthermore, the said judgment reflects deeply entrenched gender biases and harmful stereotypes that undermine the lived realities of women with psychosocial disabilities who experience gender-based violence. The language and reasoning used in the judgment suggest troubling lack of awareness about the intersecting forms of discrimination faced by women with psychosocial disabilities. Instead of recognising the heightened vulnerability of these women to violence and exploitation, the judgment appears to

¹ OHCHR: International Principles and Guidelines on Access to Justice for Persons with Disabilities, p.6.

² Ibid, Guideline on Principle 3.

³ See for example, [‘Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities’ Project \(ENABLE\) and ENABLE Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings.](#)

⁴ The judgment was dated and delivered on 19 January 2024.

reinforce patriarchal narratives that cast doubt on their credibility, dismissing their experiences as less deserving of legal redress.

17. This judgment, which exemplifies similar rulings delivered in various jurisdictions worldwide, also engages in victim-blaming by implying that the survivor's actions or circumstances contributed to the violence inflicted upon them. This approach not only disregards the power dynamics at play in cases of gender-based violence but also perpetuates harmful stereotypes that discourage survivors from seeking justice. The failure of the judiciary in this particular case to adopt a disability- and gender-sensitive approach in its analysis underscores a critical gap in the legal system's ability to protect and uphold the rights of women with psychosocial disabilities, further entrenching their marginalisation and exclusion from justice.
18. The above-cited case is emblematic of the larger fight to hold States accountable and challenge a culture of silence especially towards women with psychosocial disabilities in cases touching on rape as many SGBV survivors face disbelief, dismissiveness and procedural challenges that deny them justice.
19. Recognising these obstacles, we respectfully urge the CEDAW Committee to explicitly address these intersectional challenges in its General Recommendation on gender stereotypes. By doing so, the Committee can foster greater accountability for discrimination and ensure that justice systems are more inclusive and responsive to the needs of women and girls with disabilities, ultimately advancing their fundamental rights and equality. To this end, we suggest adding a paragraph to the General Recommendation with the following content:

State parties shall ensure that women and girls with disabilities have equal access to justice by providing gender, age, and disability-sensitive procedural accommodations at all stages of the justice system. States should adopt inclusive legal frameworks, accessible complaint mechanisms, and procedural accommodations that address the unique challenges faced by women with disabilities in legal proceedings. Additionally, States must remove burdensome evidentiary standards and abolish discriminatory provisions that prevent women and girls with disabilities from enjoying legal capacity on an equal basis with others.

c) Paragraphs 57-60: Gender-based violence against women and girls with disabilities

20. Discrimination towards persons with disabilities, coupled with attitudes towards women in patriarchal societies put women and girls with disabilities at the increased risk of violence. Studies have indicated that women with disabilities are up to ten times more likely to experience sexual violence than women without disabilities.⁵ Moreover, they are subjected and vulnerable to specific forms of gender-based violence. For example, women with disabilities, particularly those with intellectual disabilities, have long been subjected to forced use of contraceptives or sterilisation under the guise of acting in their “best interests”.⁶ Yet the intersection of gender and disability often renders their experiences invisible in mainstream gender-based violence prevention and response frameworks.

⁵ The Roehrer Institute, ‘Violence against Women with Disabilities’, Ottawa, 2004, Public Health Agency of Canada.

⁶ Ibid.

21. The CEDAW Committee has long maintained that investigations and prosecutions must not be influenced by gender stereotypes and myths about male and female sexuality.⁷ In cases of sexual violence, such stereotypes can lead to adverse inferences regarding credibility. These include preconceived notions about how a rape victim should behave, delayed reporting being seen as suspicious, or manifestations of trauma being misinterpreted as signs of dishonesty. Victims are also subjected to biased questions and attitudes rooted in victim-blaming, misconceptions, and scrutiny of prior sexual behaviours.
22. Women and girls with disabilities who are victims of sexual violence are particularly vulnerable to such myths and stereotypes. These harmful assumptions often stem from fear, prejudice, or a lack of understanding about specificities of sexual violence and disability. According to the UN Committee on the Rights of Persons with disabilities (CRPD Committee), a common misconception is that women with disabilities lack autonomy or the capacity to make decisions about their own lives, including consenting to sexual activity.⁸
23. The CRPD Committee has stated that rights of persons with disabilities are impaired on various grounds - status approach (simply on the basis of the diagnosis of an impairment), outcome approach (where a person makes a decision that is considered to have negative consequences), and functional approach (where a person's decision-making skills are considered to be deficient). The CRPD Committee has stated that these approaches violate Article 12 of the CRPD.⁹ These discriminatory approaches are also applied to deny persons legal capacity to consent to sex.
24. It is also essential to apply standards for assessing consent for victims both with and without disabilities. Provisions from the CEDAW Committee and the Council of Europe's Convention on preventing and combating violence against women and domestic violence¹⁰ emphasise that consent must be voluntary and assessed within its broader context – an approach particularly useful when considering how a person's disability may influence their circumstances. While determining free and voluntary consent may be more complex for persons with intellectual disabilities, they have the same rights to consensual sexual relationships as those without disabilities. Consent assessments should focus on situational context rather than intellectual disabilities. For instance, an individual with cognitive disability may be capable of consenting in a healthy relationship but not when coercion or threats are involved. Ensuring justice for victims requires addressing these contextual factors without discrimination or prejudice.
25. Gender stereotypes contribute to the normalisation of violence against women and girls with disabilities as they are particularly targeted by perpetrators of violence because of social exclusion, limited mobility, lack of support structures, communication barriers, and negative social perceptions.
26. In Uganda, for instance, women with psychosocial disabilities experience extreme vulnerabilities to sexual and gender-based violence (SGBV), yet their cases are met with systemic neglect, discrimination, and deeply ingrained gender stereotypes. The ongoing cases that both Validity and WPI are litigating, illustrate the alarming intersection of

⁷ Karen Tayag Vertido v The Philippines, CEDAW/C/46/D/18/2008, 22 September 2010, para 8.4.

⁸ CRPD, GC on Art.12, para. 35.

⁹ CRPD, GC on Art.12, para. 15.

¹⁰ CEDAW Committee, GR No.35, para. 29 (e) The Council of Europe's Convention on preventing and combating violence against women and domestic violence, Article 36.

disability and gender discrimination, where state and community responses continue to reinforce harmful biases rather than protect victims. These cases demonstrate not only the failure of the justice system to hold perpetrators accountable but also the widespread lack of access to essential community health services and psychosocial support services for women with psychosocial disabilities who have endured SGBV.

27. Recognising that women and girls with disabilities are disproportionately affected by gender-based violence, including being subjected to specific and heightened forms of such violence, they are less likely to have full and equal access to prevention and response services. To address this critical gap, we respectfully urge the CEDAW Committee to explicitly acknowledge these intersectional challenges faced by women and girls with disabilities. We propose adding a paragraph to the General Recommendation with the following content:

State parties must take urgent measures to eliminate gender stereotypes that, both de jure and de facto, normalise and perpetuate violence against women and girls with disabilities and adopt comprehensive strategies to overcome negative gender and disability stereotypes and foster a culture of zero tolerance for all forms of violence, thereby advancing gender equality.

d) Paragraphs 80-85: Right to Health

28. The draft General Recommendation has not expressly addressed the right to health for women and girls with disabilities.
29. The CRPD Committee has explained that the barriers women with disabilities face when they seek to enjoy sexual and reproductive health and rights include: wrongful stereotyping on the basis of disability and gender, such as that they are asexual, incapable, irrational, lacking control and/or hypersexual; denial of access to healthcare; harmful eugenic stereotypes such as that women with disabilities will give birth to children with disabilities; subjection to sexual violence; physical inaccessible healthcare facilities and equipment; attitudinal barriers by healthcare staff; and forced interventions such as sterilisation, abortion and contraception.¹¹
30. Additionally, they are often denied sexual and reproductive health rights based on the assumption that they lack the capacity to make informed decisions about their bodies which goes against Article 12 of the CRPD. These misconceptions perpetuate exclusion and justify coercive practices, including forced sterilisation¹² and contraceptive use, on the basis of disability.
31. The CRPD Committee, in its concluding observations, has repeatedly called for legislative reforms to prohibit practices such as forced sterilisation. *Submitting organisations urge the Committee to explicitly address this aspect in the General Recommendation.*

¹¹ UN CRPD Committee, 'General comment No 3 (2016) Article 6: Women and Girls with Disabilities', [CRPD/C/GC/3](#) paras 38-46.

¹² The UN Special Rapporteur on the Rights of Persons with Disabilities has emphasised that forced sterilisation constitutes a severe human rights violation, particularly impacting women with intellectual and psychosocial disabilities. See Para 40 of the Report of the Special Rapporteur on the rights of persons with disabilities in [A/73/161](#).

e) Paragraph 89 – Equality before the Law

32. The draft General Recommendation is not addressing women and girls with disabilities in the discussion on equality before the law although the right to legal capacity is an important and cross-cutting issue that affects women and girls with disabilities in several aspects including the right to marry, the belief that women with disabilities are incapable of understanding the responsibilities of being a parent,¹³ the right to own or inherit property, to control their own financial affairs and to have equal access to bank loans,¹⁴ right to liberty and security of person,¹⁵ right to live independently and be included in the community.¹⁶
33. Stereotypes about incapacity and dependence result in the imposition of guardianship and institutionalisation for women and girls with disabilities. They are often placed under the control of guardians or institutions under the assumption that they are incapable of independent living.
34. At the intersection of Equality before the law and Article 19 of the CRPD, General Comment No.5 of the CRPD Committee, and the Guidelines on deinstitutionalization, including in emergencies,¹⁷ it is highlighted that placing persons with disabilities into institutions is a discriminatory practice and a form of violence against persons with disabilities,¹⁸ and “[w]omen with disabilities are at a heightened risk of violence, exploitation and abuse compared with other women, and gender-based violence and harmful practices such as forced contraception, forced abortion and sterilization, during institutionalization.”¹⁹
35. The CRPD explicitly prohibits institutionalisation of people with disabilities. Detaining people in institutions, “regardless of size, purpose or characteristics, or the duration of the placement,”²⁰ can therefore only be regarded as unlawful under international law. According to the Guidelines on deinstitutionalization, including in emergencies, “Institutionalization of persons with disabilities refers to any detention based on disability alone or in conjunction with other grounds such as ‘care’ or ‘treatment’.”²¹
36. Concerning the placement under guardianship-type regimes, General Comment No.1 of the CRPD Committee²² highlights that “certain jurisdictions also have higher rates of imposing substitute decision-makers on women than on men. Therefore, it is particularly important to reaffirm that the legal capacity of women with disabilities should be recognised on an equal basis with others.”²³
37. We suggest adding a paragraph to the General Recommendation with the following content:

¹³ Article 23 of the CRPD.

¹⁴ Ibid. Article 12.

¹⁵ Ibid. Article 14.

¹⁶ Ibid. Article 19.

¹⁷ UN CRPD Committee, ‘Guidelines on deinstitutionalization including in emergencies’, 2022, CRPD/C/5.

¹⁸ Ibid. Para 6.

¹⁹ Ibid. Para 42.

²⁰ Ibid. Para 17.

²¹ Ibid. Para 15.

²² UN CRPD Committee, ‘General Comment No. 1 (2014) Article 12: Equal recognition before the law’, CRPD/C/GC/1.

²³ Ibid. Para 35.

State parties shall ensure that women with disabilities shall have their right to support to exercise legal capacity recognised in all aspects of life, and shall not be placed under substituted decision-making regimes or detained in institutions.

f) Paragraphs 71-75: Inclusive education

38. Education plays a vital role in combating traditional notions of gender that perpetuate patriarchal and paternalistic societal frameworks.²⁴ Despite this, it is important to note that the draft General Recommendation does not address inclusive education for girls with disabilities.
39. The right to education for persons with disabilities under the CRPD²⁵ is understood as the right to *inclusive* education. According to UNESCO, inclusive education is a process of addressing and responding to the diverse needs of all learners by increasing participation in learning and reducing exclusion within and from education. Its objective is to support education for all, with particular emphasis on removing barriers to participation and learning for girls and women, disadvantaged groups, learners with disabilities and out-of-school children.²⁶
40. Stereotypes about the perceived ‘ineducability’ of women and girls with disabilities limit their access to education, leading to lifelong exclusion. Intersectional discrimination and exclusion pose significant barriers to the realisation of the right to education for women and girls with disabilities.²⁷
41. The CRPD Committee has addressed the need for measures to be put in place to raise awareness and challenge stereotypes, prejudices and harmful practices relating to persons with disabilities, targeting in particular practices affecting women and girls with disabilities, persons with intellectual disabilities and persons with intensive support requirements. Stereotypes, prejudices and harmful practices constitute barriers that impede both access and effective learning within the education system.²⁸
42. Submitting organisations urge the Committee to explicitly call on State parties *to provide quality and inclusive education for every girl, no matter their abilities, identities, or talents. Girls with disabilities must receive the individualised support they need to unlock their full potential. Access to education shall be a right, not a privilege. Inclusive education systems shall be established at all levels, including pre-primary, primary, secondary and tertiary education, vocational training and adult education. Curricula shall be adapted to meet the diverse needs and talents of all students, so that girls with disabilities are not left behind.*

²⁴ Committee on the Elimination of Discrimination against Women, “Concept note on the draft general recommendation on girls’/women’s right to education” (2014).

²⁵ Article 24 of the CRPD stipulates that States Parties shall ensure the realization of the right of persons with disabilities to education at all levels, including (...) primary, secondary and tertiary education, (...) - through an inclusive education system for all learners, including persons with disabilities, without discrimination and on an equal basis with others.

²⁶ UNESCO ‘Overcoming Exclusion Through Inclusive Approaches in Education: A Challenge and a Vision’, (2003). <https://unesdoc.unesco.org/ark:/48223/pf0000134785> (last accessed on 30 January 2025).

²⁷ UN CRPD Committee, ‘General Comment No.4 (2016) on the right to inclusive education’, para 46. <https://docs.un.org/en/CRPD/C/GC/4> (last accessed 30th January 2025).

²⁸ Ibid. Para 48.