accountABILITY toolkit

U.N. Standards on Gender Based Violence against Women and Girls with Disabilities
accountABILITY:

U.N. Standards on Gender Based Violence against Women and Girls with Disabilities
Cover image depicts three women in silhouette—one using a forearm crutch, one using a wheelchair, and one without any mobility aids—approaching a United Nations building in Geneva through a corridor of flags from countries around the world.

Photo credit:

Any part of this publication may be copied, translated, or adapted with permission from the authors, provided that the parts copied are distributed free or at cost (not for profit) and Women Enabled International is acknowledged as the author. Any commercial reproduction requires prior written permission from the authors. Women Enabled International would appreciate receiving a copy of any materials in which information from this publication is used.

Women Enabled International
1875 Connecticut Ave., NW, 10th Floor
Washington, D.C. 20009
United States

Tel. 1.202.630.3818

info@womenenabled.org
www.womenenabled.org
# Contents

<table>
<thead>
<tr>
<th>Acknowledgments</th>
<th>ii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using this Briefing Paper</td>
<td>1</td>
</tr>
<tr>
<td>Gender-Based Violence against Women and Girls with Disabilities: An Overview</td>
<td>2</td>
</tr>
<tr>
<td><strong>Human Rights Committee</strong></td>
<td>5</td>
</tr>
<tr>
<td>General Comments</td>
<td>5</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>7</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>14</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>14</td>
</tr>
<tr>
<td><strong>Committee on Economic, Social and Cultural Rights</strong></td>
<td>16</td>
</tr>
<tr>
<td>General Comments</td>
<td>16</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>18</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>27</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>27</td>
</tr>
<tr>
<td><strong>Committee on the Rights of Persons with Disabilities</strong></td>
<td>29</td>
</tr>
<tr>
<td>General Comments</td>
<td>29</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>30</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>36</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>36</td>
</tr>
<tr>
<td><strong>Committee on the Elimination of Discrimination against Women</strong></td>
<td>37</td>
</tr>
<tr>
<td>General Recommendations</td>
<td>37</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>40</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>51</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>54</td>
</tr>
<tr>
<td><strong>Committee on the Rights of the Child</strong></td>
<td>55</td>
</tr>
<tr>
<td>General Comments</td>
<td>55</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>58</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>68</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>68</td>
</tr>
<tr>
<td><strong>Committee against Torture</strong></td>
<td>69</td>
</tr>
<tr>
<td>General Comments</td>
<td>69</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>70</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>76</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>78</td>
</tr>
<tr>
<td><strong>Committee on the Elimination of Racial Discrimination</strong></td>
<td>79</td>
</tr>
<tr>
<td>General Recommendations</td>
<td>79</td>
</tr>
<tr>
<td>Concluding Observations</td>
<td>79</td>
</tr>
<tr>
<td>Individual Complaints</td>
<td>84</td>
</tr>
<tr>
<td>Gaps in the Standards</td>
<td>84</td>
</tr>
<tr>
<td><strong>Thematic Reports by U.N. Special Procedures</strong></td>
<td>85</td>
</tr>
</tbody>
</table>
This briefing paper is a publication of Women Enabled International (WEI) and was conceptualized by Stephanie Ortoleva and Suzannah Phillips of WEI. Suzannah Phillips, Amanda McRae, Anastasia Holoboff, Carla Villarreal Lopez, and Khawla Wakkaf of WEI authored the briefing paper, with editing support from Stephanie Ortoleva. Pro bono attorneys Hadia Hakim, Oendrila Roy, and Kirsten Odynski, of White & Case, LLP, contributed to the drafting of the briefing paper with their analysis of concluding observations by the Committee against Torture.

Extensive background research for this briefing paper was conducted with the generous pro bono support of: White & Case, LLP (Tessa Crosby, Eileen Crowly, Edwige Fowo, Sarah Goodwin, Hadia Hakim, Anna Hawker, Jake Jung, Deborah Kelly, Sara Madrid Medina, Aaron Mattis, Connie Ng, Rozita Nigrin Borden, Anne Sophie Oberreiner, Kirsten Odynski, Elizabeth Oger Gross, Shawna Pasquale, Oendrila Roy, Dipen Sabharwal, Ajita Shukla, Deana Toner, and Man Hay Yip), who researched relevant concluding observations by all U.N. treaty bodies; Morgan, Lewis, & Bockius LLP (Sarah Jane Allen, Nicole Antonopoulos, Kevin Benedicto, Robert M. Brecht Jr., Emily Calmeyer, Nicholas Frontera, Albert C. Gilbert, IV, Theresa Kradjian, Shoshana Lucich, Tim Slind, Allison Soilihi, and Alison Westwood), who researched relevant general comments/recommendations; Latham & Watkins LLP (Sharon Lau, Andrew Mamo, Dolynn Yap, and Alex Ye), who researched individual complaints; Dentons (Isobel Phillips), who researched general recommendations and individual complaints of the CEDAW Committee; and Jennifer Davidson and Kailey Mrosak, pro bono interns from the University of Virginia School of Law, who researched general comments and individual complaints by the CRPD Committee. WEI is also grateful to Dechert LLP pro bono attorneys Glenn Gundersen and Prema Soni for their guidance on protecting WEI’s intellectual property.

The accountABILITY Toolkit is dedicated to the millions of disabled women and girls around the world who routinely encounter multiple and intersecting forms of discrimination. This Toolkit is a call to action, urging and empowering us to collectively raise our voices to demand that international human rights standards protect the rights of all women and girls, regardless of ability.

Special thanks to the Channel Foundation, Open Society Foundations, and an anonymous donor, whose generous support made the publication of this briefing paper possible, and to Translators without Borders for translating this publication into Spanish.
Using this Briefing Paper

As discussed in accountABILITY: Using U.N. Human Rights Mechanisms to Advance the Rights of Women and Girls with Disabilities, the U.N. treaty bodies are independent human rights experts whose job it is to (1) monitor whether governments are meeting their international legal obligations under the relevant treaty, and (2) interpret the meaning and content of the corresponding human rights treaty through the development of General Comments/Recommendations, Concluding Observations, and, in some instances, Individual Complaints. Together, these three types of documents make up the “jurisprudence” of the treaty body. By looking at this jurisprudence, we can better understand what types of actions violate international human rights standards and what governments must do to meet their international legal obligations.

When we engage in international human rights advocacy—for instance, when we submit written information like shadow reports—our advocacy is strengthened with an analysis of the existing human rights standards on an issue. When we can demonstrate that treaty bodies have previously interpreted international human rights obligations in a way that supports what we are saying, we are more persuasive, treaty bodies may be more likely to take up our issues, and they may provide better guidance to governments on how they can remedy the issues that we raise.

This briefing paper provides an in-depth summary of what U.N. treaty bodies have said about gender-based violence generally, and in some instances, violence against women and girls with disabilities specifically. This paper identifies what the U.N. treaty bodies have said in their concluding observations and individual complaints through 2016 and what they have said in their general comments/general recommendations through 2017. The briefing paper uses the treaty bodies’ language as much as possible. Advocates can use this briefing paper to identify what one or more treaty bodies have said on an issue in the past to help explain why specific situations or actions violate protected rights and what governments must do to instead protect those rights. For each standard or recommendation outlined here, the briefing paper also footnotes the original source(s) for the issues discussed. Advocates can cite to these original sources to help support their interpretation of a particular human rights obligation. Although the majority of citations in this briefing paper include all identified instances where a treaty body addresses a specific issue, there are a few instances where the volume of similar concluding observations on a given topic is too large to cite to each instance; in these cases, the footnotes instead include a set of representative citations from different years and regions. When engaging in country-specific advocacy, we also recommend that advocates always review prior concluding observations for that particular country. Prior concluding observations can be found on the country’s homepage through the website of the Office of the High Commissioner for Human Rights (OHCHR).*

In addition to summarizing what U.N. treaty bodies have said on gender-based violence, this briefing paper also identifies some gaps in the standards, particularly as related to women and girls with disabilities. Identification of such gaps provides opportunities for treaty bodies to strengthen their jurisprudence, ensure that their interpretations of the legal standards respond to the specific human rights issues that women and girls with disabilities face, and promote greater complementarity of international standards across all U.N. treaty bodies. We encourage advocates to consider this discussion of the gaps in the legal standards as an invitation to raise these issues in written submissions to U.N. human rights mechanisms and to give the treaty bodies more information on these specific issues to help build stronger and more responsive standards.

Several of the U.N. Special Procedure mandate holders have also taken up issues around gender-based violence and violence against women and girls with disabilities in their thematic reports. Referring to these reports in our advocacy can also strengthen our advocacy. Accordingly, we provide a brief overview of some of the most relevant Special Procedure reports issued through 2017 at the end of this briefing paper.

* Links to the country homepages for all U.N. member States can be found on the website of the Office of the High Commissioner of Human Rights (OHCHR) here: http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.
Gender-Based Violence against Women and Girls with Disabilities: An Overview

Women and girls with disabilities\(^1\) are at least two to three times more likely than women without disabilities to experience violence and abuse in various spheres,\(^1\) and they are likely to experience abuse over a longer period of time, resulting in more severe injuries.\(^2\) However, as the U.N. Special Rapporteur on Violence against Women has noted, “the impact of the combined effects of both gender and disability have not gained sufficient attention, and violence against women with disabilities remains largely unaddressed.”\(^3\) Indeed, existing laws, policies, and programs on gender-based violence seldom address the specific concerns of women and girls with disabilities, and it is difficult to find accurate and comprehensive data disaggregated by both gender and disability.

Forms and Manifestations of Violence against Women and Girls with Disabilities

The World Health Organization defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”\(^4\) As this definition suggests, violence committed against women with disabilities can take a variety of forms—physical, emotional, sexual, economic—and includes intimate partner violence, violence at the hands of caregivers, sexual violence, sexual harassment, human trafficking, institutional violence, and violence in conflict and post-conflict settings.\(^5\) Forced sterilization and forced abortions are another form of gender-based violence that women with disabilities experience; international standards on these issues are addressed in the companion briefing paper, accountABILITY: U.N. Standards on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities. Women with disabilities who also belong to, or are perceived as belonging to, other groups that face heightened vulnerability to discrimination and violence—such as women with disabilities who are also immigrants, racial or ethnic minorities, indigenous, LGBT, older women, or adolescents—may experience compounded forms of gender-based violence.\(^6\)

Protection and Remedies for Women with Disabilities

Women with disabilities encounter numerous barriers to leaving abusers and ending the cycle of violence. Women with disabilities may fear leaving or reporting their abuser because of emotional, financial, or physical dependence. For instance, women with disabilities may fear retribution, institutionalization, or loss of assistive devices and other supports, all of which can also prevent them from reporting violence.\(^7\) Additionally, there is a serious lack of emergency services for women with disabilities seeking to escape violent situations in the home. Shortages of accessible domestic violence shelters and available beds are widespread,\(^8\) and shelters and spaces that are available are often inaccessible and fail to provide reasonable accommodations to women with disabilities or exclude them altogether.\(^9\) Additionally shelters may have “no animal” policies that serve as a barrier to women who rely on a service animal such as a guide dog.\(^10\) Service providers, including social workers and health care providers, often lack necessary training on providing care to women and girls with disabilities who are victims of violence. Health care providers generally demonstrate a lack of sensitivity, courtesy, and support for women and girls with disabilities,\(^11\) and provider misconception that persons with disabilities are not sexually active may result in the failure to perform screenings for domestic or sexual violence.\(^12\)

Access to Justice

Women with disabilities also encounter significant barriers to reporting abusers and accessing justice. Police stations may not have the resources necessary to ensure that witnesses with disabilities are able to adequately...
communicate with the police or access information. For instance, sign language interpreters may not be readily accessible to assist women with hearing impairments. Information may not be available in Braille or other alternative formats, making it more difficult for women with a visual disability to pursue their complaints to the fullest extent of the law. Information about legal rights is not often provided in clear, easy-to-understand formats, which can prevent women with cognitive disabilities from understanding their rights. Stairs leading to a building, inaccessible witness chairs, lack of technology to enable persons with disabilities to understand or participate in proceedings, and failure to provide materials in alternative formats for women who are blind or sign language interpreters for Deaf women similarly create substantial barriers to justice for women with disabilities.

Stigma and stereotypes also play a significant role in limiting access to justice for women with disabilities subjected to violence. Women with disabilities may fear losing custody of their children if they report domestic violence or try to leave a violent relationship, particularly as courts may enforce the discriminatory stereotype that the non-disabled partner must be a more competent parent. Furthermore, judicial systems systematically fail to acknowledge women with disabilities as competent witnesses or give sufficient credence to their testimony, which is particularly problematic in cases involving sexual assault or other forms of gender-based violence where the complaining witness’s testimony may provide the only evidence against the assailant. Women with cognitive disabilities can also have trouble remembering the sequence of events, which can make them seem less credible as witnesses. Because society generally fails to see women with disabilities as sexual beings, such stereotypes may lead judges and juries to discount their testimony.

Barriers to access to justice can limit women’s ability to seek protection or redress, such barriers can functionally perpetuate violence against women with disabilities by compelling women to remain in the abusive situation and emboldening abusers who know that the justice system is unlikely to take complaints seriously.

Questions to Consider

The following questions, while not exhaustive, may help advocates identify key issues to raise in a country-specific submission addressing violence against women and girls with disabilities:

- What are the relevant laws, policies, programs, and national plans aimed at addressing gender-based violence? Do these laws criminalize domestic violence and/or marital rape? Do they make any provisions for violence against women with disabilities specifically?
- What are the relevant laws, policies, programs, and national plans aimed at addressing the rights of persons with disabilities? Do these laws or policies make any provisions for violence against women with disabilities specifically? Do they set up mechanisms to monitor institutions where women with disabilities live to prevent violence?
- To what extent do existing legal frameworks promote or hinder access to police stations, courts, or other public buildings for women with disabilities? Do they address who is competent to testify and/or provide for interpreters for those who need them? Are there any policies or practices in place to support women with disabilities who may require assistance to provide testimony?
- Does the State collect data on violence against women and girls with disabilities? Or is there a need for gender-based violence data to be disaggregated on the basis of disability and other characteristics?
- Is there general data on gender-based violence? Are there any quantitative or qualitative small/regional studies on gender-based violence against women and girls with disabilities that could shed light on the situation for women and girls with disabilities nationwide?
- Has the State implemented any public awareness campaigns either aimed at eliminating violence against women and girls with disabilities or at reducing negative stereotypes and discrimination against women and girls with disabilities, generally?
- Are there any prevailing cultural or other stereotypes that contribute to a heightened vulnerability to gender-based violence for women and girls with disabilities?
To what extent, if at all, is any information on the rights of women and girls and the rights of persons with disabilities available in alternative formats?

To what extent are existing shelters accessible to women and girls with disabilities? Does the State make any express provisions to ensure such accessibility? How well are shelters distributed geographically across the country?

Are shelter staff or other service providers, including social workers and medical personnel, given any training on responding to women with disabilities who are victims of gender-based violence?

Are police, judicial officials or other law enforcement personnel provided with training on responding to women with disabilities who are victims of gender-based violence or on the rights of persons with disabilities in general?

What steps has the government taken to encourage investigation, prosecution and punishment of perpetrators of gender-based violence, particularly against women with disabilities?

Is there any data available on the number of gender-based violence cases that have been successfully investigated and prosecuted?

Are there any programs in place to provide legal assistance to victims of gender-based violence? To what extent are any such programs accessible to women and girls with disabilities? Are personnel in any such programs trained on working with women with disabilities who experience gender-based violence?

To what extent are women and/or children with disabilities at risk of trafficking in the country? Are there any laws, policies, or programs that are aimed at minimizing the risk of trafficking for women and children with disabilities in particular?

To what extent are measures being implemented to protect women and girls with disabilities who are living in refugee or displacement camps or settlements from gender-based violence? Are essential facilities in camps or settlements accessible to women with disabilities?

As discussed in Chapter 3 of accountABILITY: Using U.N. Human Rights Mechanisms to Advance the Rights of Women and Girls with Disabilities, it is important that the factual information provided in a written submission include detailed information and be well-substantiated, including with citations or annexed documentation. The most effective submissions will include information of the type addressed in the above questions to establish that a problem is of a systemic or generalized nature, as well as a few detailed case studies to illustrate the impact of the problem on individuals.
The Human Rights Committee is the expert body that monitors implementation of the International Covenant on Civil and Political Rights (ICCPR). Through its general comments, concluding observations, and individual complaints, the Human Rights Committee has demonstrated that the ICCPR safeguards the right to be free from gender-based violence. Failure to exercise due diligence to prevent, protect against, investigate, prosecute, and punish gender-based violence—and provide remedies to individuals who have been subjected to gender-based violence—can amount to a violation of the ICCPR. In particular, the Human Rights Committee has found that violations of the right to be free from gender-based violence contravene articles 3 (equality of men and women), 6 (right to life), 7 (right to be free from torture), 8 (right to be free from slavery), 9 (right to liberty and security of the person), 14 (right to equality before the courts), 23 (rights in the family), 24 (protection of children), and 26 (equal protection of the law).

**General Comments**

- **General Comment No. 20: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment (1992)**

  In its General Comment No. 20, the Human Rights Committee explains that the right to be free from torture or cruel, inhuman, or degrading treatment or punishment prohibits “acts that cause mental suffering,” in addition to acts that cause physical pain, and that the prohibition extends to children in educational or medical institutions. The Human Rights Committee further notes that States have an obligation to ensure special protection with regard to medical or scientific experimentation for “persons not capable of giving valid consent.” The Human Rights Committee also indicates that States must take “safeguards for the special protection of particularly vulnerable persons.” Although the Human Rights Committee does not explicitly mention sexual or gender-based violence, this General Comment supports an analysis that sexual or gender-based violence in educational, medical, prison, or other institutional settings violates State obligations with respect to the right to be free from torture or cruel, inhuman or degrading treatment or punishment.

- **General Comment No. 28: Article 3 (The equality of rights between men and women) (2000)**

  In its General Comment No. 28, the Human Rights Committee addresses some of the measures that States must take to address gender-based violence in order to ensure men’s and women’s equal rights under the International Covenant on Civil and Political Rights (ICCPR). Specifically, the Human Rights Committee notes that women are particularly vulnerable to gender-based violence in times of conflict, and it calls on States to report on all measures taken “to protect women from rape, abduction and other forms of gender-based violence” in times of armed conflict. The Human Rights Committee also denounces sexual and gender-based violence, including domestic violence, as a violation of ICCPR articles 7 and 24 (with respect to children), and calls on States to provide information on national laws and practices to address these forms of violence, as well as information on “measures of protection, including legal remedies, for women whose rights under article 7 have been violated.” The Human Rights Committee further notes that women’s equal right to privacy under article 17 of the ICCPR may be violated “where the sexual life of a woman is taken into consideration in deciding the extent of her legal rights and protections, including protection against rape.” The Human Rights Committee explains that women’s equal rights under the ICCPR are also infringed upon “by laws which allow the rapist to have his criminal responsibility extinguished or mitigated if he marries the victim.”

In its General Comment No. 31, the Human Rights Committee affirms that States have positive obligations to prevent human rights violations by third parties (non-state actors). Specifically, in General Comment No. 31, the Human Rights Committee emphasizes that States must take positive measures to prevent torture or cruel, inhuman or degrading treatment by private persons or entities under Article 7 of the ICCPR. Although the General Comment does not explicitly address sexual and gender-based violence, this obligation can be understood to require States to take measures to prevent sexual and gender-based violence that violate Article 7.

General Comment No. 32: Right to Equality before Courts and Tribunals and to Fair Trial (2007)

In its General Comment No. 32, the Human Rights Committee addresses equality of access to the courts, noting that “[a]ccess to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice.” The Human Rights Committee explains that “this guarantee prohibits any distinctions regarding access to courts and tribunals that are not based on law and cannot be justified on objective and reasonable grounds,” which means that no one may be barred from bringing suit on the basis of their sex, among other prohibited grounds. Although disability is not expressly mentioned in the General Comment, disability is typically included in the category of “other status,” which is listed among the prohibited grounds of discrimination. The Human Rights Committee further notes that “[t]he availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way,” and accordingly encourages States to provide free legal aid (noting that in certain instances, free legal assistance may be required).

Notably, this General Comment does not address the need to give credence to testimony by women and girls (and especially women and girls with disabilities) or issues of competency to testify, provision of information about rights and remedies in alternative formats, or physical access to the courts, all of which are essential to ensuring access to justice for victims of violence against women with disabilities.

General Comment No. 35: Article 9 (Liberty and security of person) (2014)

In its General Comment No. 35, the Human Rights Committee explains that State obligations with respect to Article 9 (on liberty and security of persons) include an obligation “generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors,” which requires measures to both prevent such injury from occurring in the first place and to enforce criminal laws to punish such acts after the fact. The Human Rights Committee explicitly notes that this obligation includes a duty to “respon[se] appropriately to patterns of violence against categories of victims such as … violence against women, including domestic violence, … violence against children, violence against persons on the basis of their sexual orientation or gender identity, and violence against persons with disabilities.”

In this General Comment, the Human Rights Committee also notes that involuntary hospitalization and institutional custody of children are examples of deprivation of liberty and that there can be inherent harms to such deprivations of liberty. The Human Rights Committee explains that States must take steps to provide alternatives, such as “adequate community-based or alternative social-care services for persons with psychosocial disabilities, in order to provide less restrictive alternatives to confinement,” in an effort to counter the inherent harms of institutionalization. The Human Rights Committee further emphasizes that “[t]he existence of a disability shall not in itself justify a deprivation of liberty,” but instead notes that such measures must “be necessary and proportionate, for the purpose of protecting the individual in question from serious harm or preventing injury to others.” The Human Rights Committee goes on to note that any such deprivations of liberty must be subject to periodic judicial reviews to monitor the lawfulness of continued institutionalization. This General Comment also outlines some measures of protection that must be accorded to “some categories of vulnerable persons,” including persons with mental disabilities, in situations involving their arrest.
Concluding Observations

Through its concluding observations, the Human Rights Committee regularly expresses concern about high rates of gender-based violence, including rape and domestic violence, and calls on States to adopt a comprehensive approach to preventing and addressing violence against women and children in all of its forms and manifestations.

LEGISLATIVE AND POLICY REFORM

Comprehensive Gender-Based Violence Legislation

The Human Rights Committee routinely emphasizes the need for States to establish comprehensive laws and policies to prevent and punish domestic violence and other forms of gender-based violence. In particular, the Human Rights Committee has called on States to prohibit and criminalize both domestic violence and marital rape. In at least one instance, the Human Rights Committee has called on a State to establish the specific crime of femicide. The Human Rights Committee expressed concern about at least one State’s failure to legally obligate law enforcement to act with due diligence (i.e. to prevent, protect, prosecute, punish, and remedy) in incidences of domestic violence. The Human Rights Committee has called on States to introduce or facilitate issuance of restraining orders as a means of protecting women and children from domestic violence as a component of comprehensive legislation. In at least one recommendation, the Human Rights Committee called for women’s participation in decision-making matters related to legislation and policy on gender-based violence.

Mitigating Laws

In addition to calling for enactment of comprehensive legislation, the Human Rights Committee expressed concern about existing laws that mitigate punishment for rapists or abusive spouses in certain situations—including laws that exonerate perpetrators of rape where the rapist offers to or marries the victim, that lessen the criminal punishment for a husband who murders his wife on suspicion of adultery, or that criminalize spousal rape only in instances of official separation—and has called on States to eliminate such exceptions.

Full and Effective Implementation

The Human Rights Committee also regularly expressed concern over the continuing prevalence of domestic violence even in the face of specific legislation, national plans of action, or other policies aimed at addressing such violence. It has urged States to ensure the full and effective implementation of such legislative and policy efforts to curb violence against women. The Human Rights Committee has further called on States to enact implementing legislation to overcome shortcomings in the effective implementation of existing laws and policies on gender-based violence and to allocate appropriate resources necessary for implementation. In at least one instance, the Human Rights Committee has called on a State to review domestic violence legislation to ensure that it encourages victims to report incidences of gender-based violence.

Customary or Traditional Law

In several instances, the Human Rights Committee has expressed concern about discriminatory treatment of women in customary law or traditional codes, calling on States to adopt and implement policies to combat the discriminatory application of customary law to better protect victims of gender-based violence.

DATA COLLECTION AND AWARENESS-RAISING

Statistics and Data Collection

The Human Rights Committee frequently notes with concern the lack of statistical data on gender-based violence, and has emphasized the need for States to conduct studies and collect data to establish the magnitude of the problem, its causes, and its consequences. The Human Rights Committee has further called for systematic compilation of statistics on domestic violence and discrimination against women with a view to maintaining reliable data on the scope of these problems and to monitor trends. The Human Rights Committee
has called on at least two States to improve their research and data collection methods and another State to expedite the updating of a National Information System on domestic violence. The Human Rights Committee has called for data to be disaggregated, including by age, ethnicity, sex, and family relationships between the perpetrator and victim. The Human Rights Committee has also called for this information to be made public in at least one instance.

**Awareness-Raising**

The Human Rights Committee has also expressed concern over a lack of awareness among women of their rights and the remedies available to them. In order to remedy lack of awareness, the Human Rights Committee has recommended information campaigns to raise women’s awareness of their rights and available remedies. The Human Rights Committee has similarly emphasized, in at least two instances, the need to develop public awareness campaigns on the rights of children and people with disabilities to combat abuse and exploitation.

The Human Rights Committee further emphasizes the need to raise awareness among both the general public and key actors—including the police, judiciary, prosecutors, State officials, community representatives, teachers, and religious or traditional leaders—about women’s rights and gender-based violence, the criminal nature of gender-based violence, the negative effects of such violence, and the importance of combating it. In addressing the need for awareness raising, the Human Rights Committee has underscored the importance of encouraging non-violent forms of discipline as an alternative to corporal punishment, to change the perception of women’s role in society, and of widely disseminating information about domestic violence—and available services—through the media, educational programs, and school curricula.

**INTIMATE PARTNER AND DOMESTIC VIOLENCE**

The Human Rights Committee has repeatedly underscored States’ obligations to take effective and concrete measures to combat domestic violence against women, including marital rape. Related to this obligation, the Committee has expressed concern where at least two States do not acknowledge domestic violence or marital rape to be a problem. On at least one occasion, the Human Rights Committee has emphasized in particular concern about the high incidence of domestic violence against women and girls with disabilities.

The Human Rights Committee has called on several States to address the factors that contribute to women’s vulnerability to domestic violence, including economic dependence on partners. In at least one instance, the Human Rights Committee has lamented the disproportionate impact of gun violence on women, minorities, and children, calling for stronger enforcement of legislation aimed at preventing domestic violence perpetrators from legally obtaining a firearm. The Committee has also denounced the practice in at least one State of placing victims at risk of so-called honor crimes in involuntary protective custody akin to involuntary detention, and called on the State to terminate this practice.

**Remedies and Redress**

The Human Rights Committee routinely urges States to ensure that victims of domestic violence have access to a wide range of effective remedies/redress, assistance and protection, including emergency shelters, safe housing, crisis center hotlines, child care, adequate child support, rehabilitation services, legal representation, emergency protective orders, and victim support centers equipped to provide medical, psychological, legal, and social support. In several instances, the Human Rights Committee has emphasized that access to redress and protection must be immediate, and that prevention and assistance measures must receive adequate resources. The Human Rights Committee has also clarified on at least one occasion the need to ensure that victims with “special needs,” such as non-citizens, receive assistance.

**Emergency Shelters**

With respect to shelters for victims of domestic violence, the Human Rights Committee has lamented the inadequacy of shelters available to domestic violence victims in a number of States, noting a complete absence of shelters in some areas and a lack of information about shelter availability in other States.
Accordingly, the Committee regularly emphasizes the need to ensure a sufficient number of shelters are available throughout the country (which may require increasing the number of shelters), and that such shelters must be adequately resourced and have qualified staff. In a few instances, the Human Rights Committee has explained that this may require increasing financial support for private or NGO-operated assistance programs. The Human Rights Committee has told at least one State that shelters should meet the specific needs of women and children with disabilities, and in at least one other instance, clarified that shelters must be available to all victims of domestic violence, regardless of age or gender.

**Social Services**

The Human Rights Committee has also expressed concern over insufficient social services available for victims of domestic violence, lack of funding for such services, and a dependence on NGOs to provide services for gender-based violence victims. The Human Rights Committee has called on States to strengthen the services available to domestic violence survivors and to ensure an adequate number of such programs. In this regard, the Human Rights Committee frequently calls for the training of relevant professionals, emphasizing in particular social workers and medical personnel, on service provision for gender-based violence victims, including the need to improve collection of medical evidence in gender-based violence cases. With respect to foreign victims of domestic violence, the Human Rights Committee has expressed concern in at least one instance about delays in granting legal status to victims, effectively barring them from seeking stable employment or accessing social security benefits.

**SEXUAL VIOLENCE**

**Strengthening Laws against Sexual Violence**

The Human Rights Committee has emphasized the need for domestic laws to prohibit and punish sexual violence, and has called on at least one State to raise the age of legal consent for sexual activity. In at least one recommendation, the Human Rights Committee expressed concern that rape and other forms of sexual violence are viewed as customary issues and, accordingly, are dealt with in customary courts rather than criminal courts. The Human Rights Committee noted with concern where at least one State narrowly defines rape to include only sexual intercourse between men and women, and called on the State to broaden the legal definition of rape to capture other forms of sexual violence, including rape of men, sexual abuse other than sexual intercourse, and incest. The Human Rights Committee has also denounced legal requirements that limit prosecution of rape, including the requirement that a rape victim produce a witness and the requirement of a medical certificate in order for prosecution to proceed, and has said on at least one occasion that a victim’s testimony should be sufficient to initiate criminal proceedings against rapists.

**Responding to Sexual Violence**

On several occasions, the Human Rights Committee has raised concerns about the fact that rape, in particular, goes underreported, noting with concern in at least one instance that rape victims may face risk criminal prosecution themselves when they report sexual violence. The Human Rights Committee has also registered its concern at a lack of doctors and nurses trained to respond to sexual violence. The Human Rights Committee has called on at least one State to increase initiatives aimed at rehabilitating men convicted of sexual violence and other violent offences.

**Sexual Violence against Children**

The Human Rights Committee has raised concerns about the frequency with which children, particularly street children, experience sexual violence, and has called on States to take all necessary steps to put an end to such violence, including taking efforts to identify the causes of a rising number of street children, developing programs to address these causes, and the provision of shelters for street children and other efforts aimed at protecting and rehabilitating children.
**SEXUAL HARASSMENT**

The Human Rights Committee has raised concerns about rates of sexual harassment, and on at least one occasion explicitly recognized it as a form of gender-based discrimination. In at least one instance, the Human Rights Committee has expressed concern at the lack of legislation aimed at eliminating sexual harassment, and called on the State to investigate and punish such harassment, to provide adequate remedies to victims of sexual harassment, and to take measures to raise awareness of the problem. The Human Rights Committee has also called on a couple of States to enact specific legislation to prohibit sexual harassment. The Human Rights Committee expressed concern to at least one State about the persistence of the practice despite legislative advancements criminalizing sexual harassment, and called on the State to improve training to legal institutions and the police force to combat it.

**ACCESS TO JUSTICE**

**Barriers to Access to Justice**

On numerous occasions, the Human Rights Committee has underscored the need for States to ensure access to justice for victims of gender-based violence. Related to this obligation, the Human Rights Committee has expressed serious concern over ineffective police investigations into complaints of gender-based violence, lack of coordination across law enforcement bodies in efforts to eradicate such violence, the limited number of complaints of gender-based violence reported to or registered by authorities, problems with issuing and/or following-up on protection orders, the low number of gender-based violence cases that are actually brought to justice and appropriately sanctioned, the lack of competent judicial authorities in rural areas, and sociocultural norms—all of which contribute to a climate of impunity around gender-based violence. In a few instances, the Human Rights Committee has linked impunity for gender-based violence to high rates of femicide. The Human Rights Committee has noted in at least one recommendation that victim behavior should not contribute to impunity for gender-based violence crimes. The Human Rights Committee has also expressed concern over laws that required victim consent to proceed with prosecution of sexual violence crimes, and called on at least one State to revise this requirement. In at least one instance, the Human Rights Committee has expressed concern that lengthy prosecution procedures act as a barrier to victims filing complaints and can increase their vulnerability to violence.

**Due Diligence Obligations**

To ensure access to justice for victims of gender-based violence, the Human Rights Committee routinely calls for effective and thorough investigations into such cases, prosecution of perpetrators of gender-based violence, appropriate punishments for convicted perpetrators, and adequate compensation for victims. In at least one instance, the Human Rights Committee has emphasized the need for a special prosecutor to be empowered to address acts of gender-based violence committed by government officials. With respect to orders of protection, the Human Rights Committee has called on States to facilitate the process for obtaining orders of protection, has emphasized the need for police follow up to ensure the safety of victims, and called for appropriate sanctions for those that violate protective orders.

To address the low numbers of cases that are reported to law enforcement, the Human Rights Committee has called on States to encourage victims to report instances of gender-based violence to the authorities, to facilitate the filing of complaints of such violence, to protect women from any form of reprisal or social stigmatization as a result of reporting gender-based violence, and to remove the burden on victims to prove resistance or produce a witness in cases involving sexual assault.

**Training and Guidance for Relevant Authorities**

The Human Rights Committee has also emphasized the need for local authorities and law enforcement—including police officers, prosecutors, and the judiciary—to be trained on detecting, working with, and advising victims of gender-based violence to ensure that such cases are handled appropriately. On at least two occasions, the Human Rights Committee has called for the provision of clear guidelines to police officers to...
better facilitate access to justice for victims of gender-based violence. The Human Rights Committee has also called on several States to improve coordination across the bodies, including between state and federal entities, responsible for preventing and punishing gender-based violence to make their responses more effective. In at least one recommendation, the Human Rights Committee called on the State to guarantee specialized professional attention to gender-based violence cases by police, lawyers, and the judiciary.

Legal Assistance to Victims

While welcoming developments in at least one State to provide legal assistance to victims of domestic violence, the Human Rights Committee expressed concern over the limited geographic scope of such assistance and called on the State to guarantee free legal assistance in domestic violence cases across the country.

Statistics and Data Collection

In a number of instances, the Human Rights Committee has noted with concern a lack of information around investigations, prosecutions, and punishments in cases involving gender-based violence, as well as the lack of information on remedies awarded to victims in such cases. Accordingly, the Human Rights Committee frequently calls for States to monitor investigations and prosecutions in gender-based violence cases, including the use of restraining orders, types of punishments imposed, and remedies awarded.

TRAFFICKING AND SEXUAL EXPLOITATION

Barriers to Eradicating Trafficking

The Human Rights Committee regularly emphasizes that States have an obligation to combat human trafficking. While welcoming legislative and programmatic steps that some States have taken to combat trafficking, the Human Rights Committee has expressed grave concerns over the fact that numerous States continue to serve as origin, transit, and destination countries for human trafficking. The Human Rights Committee has lamented the lack of policy and legislative measures to respond to human trafficking, including the failure to adequately address trafficking in the criminal code; inadequate budgetary allocations; shortcomings in identifying women victims of trafficking; the low number of trafficking cases that have been brought to justice; the limited number of shelters available for trafficking victims; the lack of comprehensive support for trafficking victims; and leniency of sentences for convicted perpetrators. In a few instances, the Human Rights Committee has expressed concern about reports of the involvement of police and government officials in trafficking, and called on the State to take steps to combat trafficking-related corruption.

Obligations to Prevent and Punish Trafficking

To address these shortcomings in responding to human trafficking, the Human Rights Committee has recommended States to strengthen domestic efforts and improve international cooperation to prevent and eradicate trafficking; adopt and implement comprehensive national laws and strategies (including the obligation to criminalize human trafficking); train judges, prosecutors, law enforcement, and immigration officers and border patrol on gender-sensitivity, anti-trafficking standards, and detection of trafficking victims; intensify efforts to identify victims of trafficking; raise public awareness about trafficking and the unlawful nature of sexual exploitation; prosecute and punish perpetrators appropriately; and address the demand for and root causes of trafficking. The Human Rights Committee has also called for the compilation of reliable statistics on trafficking—in at least one instance suggesting that such statistics be disaggregated by gender, age, ethnicity, and country of origin—to better combat this phenomenon.

Remedies and Redress

The Human Rights Committee also routinely underscores the need for States to provide assistance, protection, and rehabilitation services to witnesses and victims of trafficking—including a need for appropriate shelters and the opportunity to give evidence against those responsible for the trafficking. In at least one recommendation, the Human Rights Committee has noted that the State must allocate sufficient resources to assistance and protection programs. The Human Rights Committee clarified in at least one instance that this
may require providing support to private shelters. The Human Rights Committee has emphasized that victim assistance may include ensuring interpretation, medical care, counseling, social services, legal assistance, and immigration help. The Human Rights Committee has also emphasized that women and girls trafficked into the sex trade in particular must receive appropriate support and assistance. The Human Rights Committee has also called on States to ensure that victims of trafficking are awarded appropriate compensation or reparations. In a few instances, the Human Rights Committee has noted that protection and assistance must be equally accessible to all victims of trafficking and has expressed concern where permission for trafficking victims to stay in the country was tied to cooperation with criminal proceedings.

**Trafficking of Children**

The Human Rights Committee has also expressed particular concern at the prevalence of trafficking in children, noting the specific vulnerability of ethnic minority children, street children, unaccompanied immigrant children, and orphans, to such exploitation. Recalling States’ obligation to ensure special protection to children, the Human Rights Committee has emphasized that States should increase efforts to combat trafficking in children, including providing support to economically disadvantaged families to allow them to properly care for and protect their children; creating mechanisms to monitor placement of children (noting that kidnappings be easily disguised as adoptions), rehabilitating street children, increasing public awareness of the problem, investigating kidnappings and cases of missing children, and prosecuting and punishing perpetrators who sexually exploit children.

**INSTITUTIONAL VIOLENCE**

The Human Rights Committee has raised concerns in a few instances about violence in institutional settings. On at least one occasion, the Human Rights Committee expressed concern about reports of physical abuse of persons with disabilities who reside in institutions or sheltered housing, and called on the State to increase awareness among persons with disabilities about their rights and possible forms of protection and redress.

**Violence in Schools**

The Human Rights Committee has also expressed concern at reports in a few States about child abuse, sexual exploitation, and sexual harassment in schools. The Human Rights Committee has called on States to take steps to reduce sexual violence in school settings, including by raising awareness among and training educational personnel and students, improving mechanisms for early detection, encouraging reporting of suspected and actual abuse, and ensuring the thorough investigation, prosecution, and punishment of perpetrators in such cases.

**Sexual Violence in Prisons**

Sexual violence in prisons is also an issue of concern to the Human Rights Committee, and the Committee has emphasized concern about allegations of sexual violence against juvenile offenders in particular and the lack of investigations into and prosecutions of such violence. To address sexual violence in prisons, the Human Rights Committee has called for the separation of juvenile offenders from adult offenders, alternative sanctions to jail time for juvenile offenders, and the investigation and prosecution of perpetrators of sexual violence in prisons. On at least one occasion, the Human Rights Committee has called for mandatory gender-sensitive training of prison officers regarding sexual violence.

**CONFLICT AND POST-CONFLICT SETTINGS**

The Human Rights Committee has expressed deep concern over high rates of rape and other forms of sexual violence committed in areas of conflict—especially those perpetrated by militias, armed forces, UN troops, and police—and has noted in particular the difficulties that refugee and displaced women face in accessing justice for such violence.
Preventing Sexual and Gender-Based Violence in Conflict and Post-Conflict Settings

The Human Rights Committee has called on States to increase protection for civilians in areas of conflict, emphasizing the particular vulnerability of displaced persons within and around camps; strengthen the capacity to protect displaced women from sexual violence; provide victims of sexual violence with necessary assistance; conduct birth registration campaigns and issue birth certificates to newborn children of refugee parents; adopt a legal framework to address concerns specific to internal displacement; and create conditions that offer lasting solutions to displaced persons, including voluntary and safe return. Where security forces are responsible for sexual violence, the Human Rights Committee has urged the dismissal, investigation, prosecution, and punishment for any security force members that commit crimes involving sexual violence and has called for guidelines and compulsory human rights trainings for members of the armed forces.

Access to Justice in Conflict and Post-Conflict Settings

The Human Rights Committee has emphasized that States must improve access to justice for victims of sexual and gender-based violence in conflict and post-conflict settings. In particular, the Human Rights Committee has called on States to conduct investigations, and prosecute and punish perpetrators of sexual violence of refugees and displaced persons. The Committee has also encouraged at least one State to consider developing mobile courts to facilitate access to justice for displaced persons living in camps. The Human Rights Committee has further expressed concern over the slow pace of investigations and prosecutions for sexual violence that occurred during times of conflict, as well as the lack of support that sexual violence victims experienced throughout the process and challenges they face in reporting crimes of sexual violence. Accordingly, the Human Rights Committee has urged States to ensure adequate psychological support to victims of sexual violence, particularly during trials and called on at least two States to push forward their efforts to ensure that war crimes and other human rights violations—including sexual violence—do not go unpunished. The Human Rights Committee further encouraged States to ensure that domestic criminal codes treat sexual violence during conflict with the seriousness that such crimes demand. The Human Rights Committee has also called on at least one State to adopt and effectively implement laws and policies aimed at ensuring access to justice and reparations for civilian victims of conflict, including survivors of sexual violence and other forms of torture, and to ensure that civilian victims of war have equal access to social benefits, including personal disability benefits.

INTERSECTIONAL VIOLENCE

The Human Rights Committee has expressed concern about the disproportionate impact of gender-based violence against specific populations, including women and girls with disabilities, ethnic minorities, indigenous women, immigrants, and older women.

Indigenous Women

In at least one instance, the Human Rights Committee has called for better cooperation with tribal authorities to better address the disproportionate violence that indigenous women face. In another instance, the Human Rights Committee has called on a State to strengthen efforts to eliminate violence against indigenous women.

Older Women

The Human Rights Committee has called on at least one State to take measures to protect older women who are accused of witchcraft from ill treatment and abuse, recommending the State to carry out awareness-raising campaigns about the negative effects of such violence.

Individuals in Same Sex Relationships

The Human Rights Committee has further noted that same-sex couples may face challenges in obtaining protection against gender-based violence, and called on at least one State to ensure thorough investigations into reports of domestic violence in same-sex relationships.
Immigrant Women

The Human Rights Committee has noted that immigrant women may similarly face challenges in obtaining gender-based violence protection, and called for laws and policies to ensure that immigrant victims of gender-based violence do not risk losing their visa status when reporting such violence, calling on at least one State to ensure that immigration laws do not effectively force immigrant women to remain in abusive relationships.

Individual Complaints

- **Kaba v. Canada (2010)**

  In 2001, Diene Kaba found her husband and two practitioners of female circumcision about to perform the procedure on her six-year-old daughter. She fled with her daughter to Canada and applied for refugee status, which she was denied in 2002; she then applied for humanitarian relief based on the widespread practice of female circumcision in her home country of Guinea and the evidence of her husband’s desire to perform the procedure on her daughter, but was also denied this relief. The Human Rights Committee found that Kaba’s daughter was at real risk of being subjected to female circumcision if returned to Guinea, and that female circumcision was a form of torture or ill-treatment under Article 7. As such, the Committee determined that deportation to Guinea would be a violation of Article 7, read in conjunction with Article 24 (ensuring special protection for minors), and that Canada must refrain from deporting Kaba’s daughter.

- **L.N.P. v Argentina (2011)**

  L.N.P., a member of an ethnic minority group, was raped at age 15 by three individuals who were not members of that group. When she reported the crime, she faced numerous barriers to accessing justice, including not being provided with information in her language, not being informed of the right to testify, and not being informed of the judgment acquitting the perpetrators such that she could not file an appeal. The Human Rights Committee found that Argentina had violated L.N.P.’s rights in several respects, including her rights to special protection as a minor, to non-discrimination based on both gender and ethnicity, to be free from torture or ill-treatment, to privacy, to access courts in conditions of equality, and to an effective remedy. As part of its judgment, the Human Rights Committee called on Argentina to provide agreed-to compensation to L.N.P. and to take measures to ensure that similar violations do not happen in the future, including by ensuring access to courts in conditions of equality.

Gaps in the Standards

The Human Rights Committee has covered many of the aspects of the right to be free from gender-based violence that it can within its mandate under the ICCPR. However, there are a few areas where the Human Rights Committee could provide more thorough recommendations to States on how to better protect the right of women with disabilities to be free from gender-based violence.

With respect to legislative and policy reform, the Human Rights Committee could encourage States to ensure that laws and policies to prevent and punish domestic violence and other forms of gender-based violence address the full range of forms of gender-based violence that women with disabilities face, such as violence at the hands of caregivers. Encouraging participation not just by women, but by diverse groups of women including women with disabilities, in decision-making matters related to legislation and policy would also help to address this issue. The Human Rights Committee could also better address the need to tackle the factors and root causes that contribute to the heightened vulnerability of women with disabilities to gender-based violence.

Although the Human Rights Committee has addressed the need for disaggregated data, it has not identified disability as a basis for disaggregation, and it would be important for the Human Rights Committee to include disability among the identified characteristics. The Human Rights Committee could additionally underscore the
need for disaggregated data on disability and human trafficking. The Human Rights Committee could also more consistently address the undertake awareness raising campaigns on the rights of people with disabilities to be free from violence, with a particular focus on the rights of women with disabilities to be free from gender-based violence.

The Human Rights Committee has not consistently addressed the need to ensure that services to prevent, protect, and rehabilitate survivors of gender-based violence (and information about such services) are accessible to survivors with disabilities and that service providers, social workers, and other staff are trained on the needs of disabled women who have experienced gender-based violence. Where States have not provided such information, the Human Rights Committee should urge States to assess accessibility of essential gender-based violence services for women with disabilities. Furthermore, in addressing access to justice for gender-based violence victims, the Human Rights Committee has not addressed barriers that women with disabilities face in accessing justice, such as accessibility of police stations and courts, the need for information about rights and legal procedures in alternative formats, the competency of women and girls with disabilities to testify, the need to respect legal capacity of women with disabilities, and the need to train law enforcement and judicial officers on the unique concerns of women with disabilities who have experienced gender-based violence, among others.

For violence in institutional settings, it would be important for the Human Rights Committee to underscore the need for training for institutional personnel on the rights and needs of people with disabilities, especially in light of the high rates of institutionalization (including imprisonment) of people with disabilities, and the fact that people with disabilities are more likely to experience violence in a range of institutional settings, including in prisons, schools, and mental health facilities.

Finally, the Human Rights Committee has not addressed the need for sexual and reproductive health services for victims of violence, including pregnancy termination, screening for HIV and other STIs, and services focused on the unique needs of disabled women and girls.
Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social, and Cultural Rights (ESCR Committee) is the expert body that monitors implementation of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Through its General Comments and Concluding Observations, the ESCR Committee has demonstrated that, under the ICESCR, States must take appropriate measures to combat gender-based violence, as well as act with due diligence to prevent, investigate, prosecute, and redress acts of violence committed against women with disabilities. In particular, the ESCR Committee has found that violations of the right to be free from gender-based violence contravene articles 2 (non-discrimination), 3 (equal right of men and women to enjoyment of all economic, social, and cultural rights), 7 (right to just and favorable conditions of work), 10 (family protection), 11 (adequate housing), and 12 (right to health).

General Comments

- **General Comment No. 5: Persons with disabilities (1995)**
  In its General Comment No. 5, the ESCR Committee recognizes that women with disabilities suffer double discrimination as women and as persons with disabilities, noting, however, that this double discrimination is often neglected due to the fact that persons with disabilities are often treated as “genderless human beings.” The Committee thus encourages States to address this double discrimination. The Committee recognizes that disability-related discrimination can take various forms, including neglect, prejudices, and false assumptions, which can prevent people with disabilities from realizing their economic, social, and cultural rights.

- **General Comment No. 7: The right to adequate housing (1997)**
  In its General Comment No. 7, the ESCR Committee emphasizes that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction, which it defines as the “permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” Women are especially vulnerable to forced evictions, and, when rendered homeless, they are particularly vulnerable to acts of violence and sexual abuse. Recognizing this heightened vulnerability, the ESCR Committee explained that States owe women an additional obligation to take appropriate measures to ensure that no form of discrimination is involved where evictions occur. The Committee further called on States to adopt procedural protections to prevent the harsh effects that can result from forced evictions, such as being rendered homeless or being vulnerable to the violation of other human rights.

- **General Comment No. 13: The right to education (1999)**
  In its General Comment No. 13, the ESCR Committee emphasizes education is essential to empowering women and safeguarding children from sexual exploitation. The Committee also calls for States to eliminate gender and other stereotyping which impedes the educational access of girls, women, and other disadvantaged groups. The ESCR Committee explains that stopping girls from going to school, failing to repeal discriminatory legislation, and failing to take measures to address de facto educational discrimination all violate the right to education as protected under the ICESCR.
General Comment No. 14: The right to the highest attainable standard of health (2000)

In its General Comment No. 14, the ESCR Committee notes that a major goal for States should be reducing women’s health risks, including protecting women from domestic violence. To this end, the Committee explains that States must “take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence.” The Committee further explains that a failure to protect women against violence or to prosecute perpetrators to discourage the continued observance of harmful traditional medical or cultural practices violates the right to health. Furthermore, the ESCR Committee notes that the right to the highest attainable standard of physical and mental health is comprised of a set of freedoms, including the right to sexual and reproductive freedom and to be free from non-consensual medical treatments.

In identifying State obligations to protect the right to health, the ESCR Committee explains that States must ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family-planning and must prevent both state and non-state actors from coercing women to undergo traditional practices. Further obligations include information campaigns, including on domestic violence.

General Comment No. 16: The equal right of men and women to enjoyment of all economic, social, and cultural rights (2005)

In its General Comment No. 16, the ESCR Committee explains that gender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. In this sense, States must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors. The Committee also notes that implementing Article 3, in relation to Article 10, requires States to provide victims of domestic violence with access to safe housing, remedies and redress for physical, mental and emotional damage.

The ESCR Committee further explains that States must ensure that men and women have an equal right to choose if, whom and when to marry, that boys and girls are equally protected from practices that promote child marriage or marriage by proxy or coercion, and that women have equal rights to marital property and inheritance upon their husband’s death. States additionally must create favorable conditions to ensure the safety of children, in particular girls, on their way to and from school, and must utilize information and awareness-raising campaigns to deter families from giving preferential treatment to boys when sending their children to school.

General Comment No. 20: Non-discrimination in economic and social rights (2009)

In its General Comment No. 20, the ESCR Committee details the grounds on which discrimination is prohibited under the ICESCR, including sex, disability, and intersecting identities like both sex and disability. The ESCR Committee recognizes that discrimination is frequently encountered in families, workplaces, and other sectors of society but notably, the General Comment does not discuss gender-based violence or disability-based abuses as a form of discrimination.

General Comment No. 22: The right to sexual and reproductive health (2016)

In its General Comment No. 22, the ESCR Committee recognizes that the right to sexual and reproductive health intersects with the right to be free from gender-based violence in numerous interconnected ways. First, the Committee notes that the right to sexual and reproductive health includes the right to make free and responsible decisions and choices, free of violence, coercion, and discrimination, over one’s body and sexual and reproductive health. To that end, the Committee has an obligation to enact “laws, policies and programs to prevent, address and redress violations of all individuals’ right to autonomous decision-making on matters regarding their sexual and reproductive health, free from violence, coercion, and discrimination.”
The ESCR Committee also explains that States have an obligation to provide essential health services—including both physical and mental health services and access to post-exposure prevention, emergency contraception, and safe abortion services—to survivors of sexual and domestic violence in all situations.  

Additionally, the ESCR Committee explains that the right to sexual and reproductive health includes the right to the underlying determinants of sexual and reproductive health, including, among others, effective protection from all forms of violence, torture and discrimination. Accordingly, States must take necessary measures to protect individuals from harmful practices and gender-based violence that deny them their sexual and reproductive health, including female genital mutilation, early and forced marriage and domestic and sexual violence including marital rape. The Committee recognizes that individuals belonging to particular groups, including persons with disabilities, may be disproportionately impacted by discrimination with respect to realizing their sexual and reproductive health. For example, the ESCR Committee notes that women and girls living in conflict situations are disproportionately exposed to the high risk of violence—including systematic rape, sexual slavery, forced pregnancy and forced sterilization—that infringes on their fundamental rights. Accordingly, the ESCR Committee explains that States must take steps to prevent and eliminate discrimination, stigmatization, and negative stereotyping, an obligation that may include the devotion of additional resources to overcome systemic discrimination.

---

### General Comment No. 23: The right to just and favourable conditions of work (2016)

In its General Comment No. 23, the ESCR Committee highlights that workers should be free from sexual and other forms of harassment, such as on the basis of sex, gender identity, and disability. The Committee further explains that legislation, such as anti-discrimination laws, the Penal Code and labor laws, should define harassment broadly, with explicit reference to sexual and other forms of harassment, such as on the basis of sex, disability, race, sexual orientation, gender identity, and intersex status. States have an obligation to define and prohibit harassment, including sexual harassment at work through law, ensure appropriate complaints procedures and mechanisms and establish criminal sanctions for sexual harassment; among other measures.

### General Comment No. 24: State Obligations under the ICESC in the Context of Business Activities (2017)

In its General Comment No. 24, the ESCR Committee recognizes that investment-linked evictions and displacements often result in physical and sexual violence against, and inadequate compensation and additional burdens related to resettlement for, women and girls, in particular, indigenous women and girls due to their gender and because they identify as indigenous people. The Committee accordingly recommends that States parties incorporate a gender perspective into all measures to regulate business activities that may adversely affect economic, social and cultural rights. Moreover, the ESCR Committee explains that the obligation to protect entails a duty to adopt a legal framework requiring business entities to exercise human rights due diligence in order to identify, prevent and mitigate the risks of violations of Covenant rights, and to account for the adverse impacts caused or contributed to by their decisions and operations. Therefore, States should adopt measures such as imposing due diligence requirements to prevent abuses in a business entity’s supply chain and by subcontractors, suppliers, franchisees, or other business partners.

### Concluding Observations

Through its concluding observations, the ESCR Committee routinely expresses concern about high rates of gender-based violence, including sexual and domestic violence, and frequently calls on States to take necessary and effective measures to combat violence against women and children.
LEGISLATIVE AND POLICY REFORM

Comprehensive Gender-Based Violence Legislation

On several occasions, the ESCR Committee has expressed concern about the limits of existing legislation in ensuring access to justice for victims of gender-based violence, including gaps in provisions on the investigation and sanctioning of perpetrators. The ESCR Committee has expressed concern to several States about a failure to criminalize domestic violence, including marital rape and psychological violence, as well as the lack of specific legislation on domestic or gender-based violence. The ESCR Committee has also lamented the failure of some States to adopt a comprehensive strategy to combat all forms of violence against women or to support victims of domestic and gender-based violence. The ESCR Committee has expressed concern to at least one State that the legislative definition of incest throughout much of the country does not adequately protect victims of incest, including children.

The ESCR Committee has called on a number of States to adopt and implement legislation, national plans of action, and other measures aimed at eliminating all forms of domestic, sexual, and other forms of gender-based violence, and has emphasized on a number of occasions the need for laws to criminalize domestic violence, spousal rape, sexual harassment, and certain harmful practices, such as female genital mutilation and breast ironing. In at least one instance, the ESCR Committee has said that effective legislation must define the offenses of domestic violence and incest, as well as the sentences for perpetrators of such acts. The ESCR Committee has called on at least one State to ensure that a criminal law on rape comprise all forms of sexual violence, including marital rape, and provide for adequate protection of victims against additional trauma. The Committee has asked at least one other State to expressly provide for protection orders in legislation addressing domestic violence. The ESCR Committee has urged at least two States to adopt legislation providing for effective compensation to and services for victims of gender-based violence. The ESCR Committee has asked at least one State to provide information about legislative and other measures it is taking to address domestic and gender-based violence during its next review.

In at least one instance, the ESCR Committee has emphasized the need for a State to maintain and promote forums for direct participation by women in decision-making at the local and national level in respect to violence against women and to ensure their participation and representation by civil society.

Full and Effective Implementation

In addition to gaps in existing legislation, the ESCR Committee has also expressed concern about the prevalence of violence against women and children due to inadequate implementation of legislation, national action plans, and other measures.

The ESCR Committee has called on a number of States to ensure effective enforcement and implementation of laws, policies, and national action plans aimed at eliminating gender-based violence, including domestic violence, by allocating adequate human and financial resources necessary to implement such measures. It has further recommended that States adequately resource action plans and government bodies working to reduce sexual and gender violence. In at least one instance, the ESCR Committee expressed concern about a lack of harmonization between different laws that address the crime of domestic violence, and encouraged the State to harmonize these laws to ensure effective implementation. The Committee has called on at least one State to assess the implementation of various measures and plans on the incidence of violence against women.

The ESCR Committee has called on at least one State to involve civil society in the monitoring of a national plan to combat violence against women.

Mitigating Laws

In at least one instance, the ESCR Committee expressed concern about the fact that one State maintains a Penal Code provision that exonerates rapists who marry their victims, as well as provisions that allow mitigated sentences for violent acts against girls and women that are committed under the pretext of “family honor.”
ESCR Committee called on this State to repeal these sections of the Penal Code with a view to ensuring zero tolerance of gender-based violence.\textsuperscript{367}

**DATA COLLECTION AND AWARENESS-RAISING**

**Statistics and Data Collection**

The ESCR Committee has expressed concern about the lack of systematic data collection on domestic violence or available statistics on violence against women, including sexual exploitation of women and children.\textsuperscript{368} The Committee has similarly lamented the lack of data disaggregated by sex, age, and other relevant status, as well as the relationship between victim and perpetrator.\textsuperscript{369} In at least one instance, the ESCR Committee has expressed concern about the fact that statistical data is not readily accessible to the general public.\textsuperscript{370} The ESCR Committee has also expressed concern to at least two States about the lack of information on the effective implementation of measures taken and their impact on the decrease of gender-based violence, as well as lack of information on the number of women affected by gender-based violence, including in rural areas.\textsuperscript{371}

The ESCR Committee has called for improved, systematic data collection on gender-based violence\textsuperscript{372} and has emphasized to a few States the need for data to be disaggregated by a range of relevant factors, including sex, age, disability, ethnicity/minority status, urban/rural status, and relationship between victim and perpetrator.\textsuperscript{373} The ESCR Committee called on at least one State to carry out an in-depth analysis of available data, and called on another State to conduct research on the prevalence, causes, and consequences of all forms of violence against women, including domestic violence and marital rape, to devise targeted policies and strategies to combat all forms of violence against women.\textsuperscript{374}

The ESCR Committee has asked at least one State to make statistical data on domestic violence readily accessible to the public.\textsuperscript{375} The ESCR Committee has called on several States to include information, including disaggregated data, in its next report about the incidence of various forms of violence against women and girls,\textsuperscript{376} together with statistics on prosecutions and convictions.\textsuperscript{377}

**Awareness-Raising**

The ESCR Committee regularly urges States to use awareness raising campaigns to combat domestic and gender-based violence,\textsuperscript{378} including by raising awareness about the gravity and criminal nature of domestic violence\textsuperscript{379} and the negative effects of gender-based violence.\textsuperscript{380} The ESCR Committee has called on a few States to carry out awareness-raising campaigns to eliminate patriarchal attitudes and gender stereotypes and to inform women about their rights,\textsuperscript{381} and called on another State to address the causes of domestic violence, as well as the specific needs of domestic violence victims.\textsuperscript{382} The Committee has also emphasized to several States the need for awareness-raising efforts to address violence against disadvantaged and marginalized groups,\textsuperscript{383} including migrant and ethnic minority women,\textsuperscript{384} and to address abuse and neglect of children.\textsuperscript{385} It has also urged at least one State to use awareness raising campaigns to dispel the traditional belief that domestic violence is a private family matter.\textsuperscript{386}

The ESCR Committee has recommended States target certain sectors of the population with awareness raising campaigns. For instance, the Committee emphasized to at least two States the need for awareness-raising campaigns and trainings to sensitize boys and men in particular about the unacceptability of any form of domestic violence and to combat the attitudes and behaviors that perpetuate violence against women in all forms.\textsuperscript{387} The ESCR Committee has also urged several States to focus on raising awareness of law enforcement officials about domestic violence.\textsuperscript{388} In at least one instance, the ESCR Committee has emphasized the need for nation-wide awareness-raising campaigns, including through use of the media, to promote substantive equality between men and women.\textsuperscript{389} The Committee has also emphasized on at least two occasions the need for awareness-raising efforts to reach rural or remote areas.\textsuperscript{390}

The ESCR Committee has expressed concern to at least two States about the lack of information on the impact of the State’s awareness-raising campaigns on the reduction of domestic violence,\textsuperscript{391} and in at least one
instance, asked a State to report on the impact of awareness raising campaigns in reducing domestic violence.392

INTIMATE PARTNER AND DOMESTIC VIOLENCE

The ESCR Committee regularly expresses concern about the prevalence of domestic violence,393 noting with concern that domestic violence can lead to life-threatening physical injuries.394 At least once, the ESCR Committee has recognized domestic violence as a harmful practice,395 and in another instance, the ESCR Committee noted that domestic violence, and particularly marital rape, are particularly pervasive in forced marriages.396 In at least two instances, the ESCR Committee has expressed concern about both the fact that women and girls with disabilities experience high rates of domestic violence and that State efforts to respond to violence against women and girls with disabilities have been inadequate.397 The ESCR Committee has called on a number of States to adopt and/or strengthen measures to prevent and combat domestic violence.398

In particular, the ESCR Committee has explicitly recognized the need to address root causes of gender-based and domestic violence.399 The Committee expressed concern to at least two States that the persistence of negative gender roles, including representation of women as sex objects and traditional stereotypes of women in the family and society, make women more vulnerable to domestic violence.400 In at least a few instances, the ESCR Committee has called on States to address economic inequality, particularly between men and women, which is an underlying cause of gender-based and domestic violence. For example, the ESCR Committee called on at least two States to ensure that women have equal rights to property and inheritance,401 including ensuring that such rights are not dependent upon marital status.402 In another instance, the ESCR Committee expressed concern about the impact of austerity measures on the realization of fundamental rights of disadvantaged and marginalized individuals and groups.403

Remedies and Redress

The ESCR Committee has expressed concern about insufficient support services for, and inadequate or ineffective measures to protect, domestic violence victims,404 citing budget cuts for such services as an underlying cause in at least two States.405 The ESCR Committee has also expressed concern about a lack of shelters for victims.406 In at least one instance, the ESCR Committee expressed further concern about the fact that shelters for victims of violence are inadequately resourced and that women victims of violence are often unaware of their location or the procedures necessary to access such shelters.407 In one instance, the Committee was concerned about a lack of information about available protective measures, including assistance, rehabilitation, and shelters.408 The ESCR Committee expressed concern to at least one State that health care services were inadequate to support victims of domestic violence and failed to offer appropriate treatment programs.409

The ESCR Committee has called on States to strengthen support, protective, and rehabilitation services for victims of domestic violence,410 including offering adequate access to shelters and other safe housing options,411 crisis centers and hotlines,412 legal assistance,413 medical care,414 psychological support and counselling,415 and redress and compensation.416 In at least two instances, the ESCR Committee has emphasized the need to ensure that support services are available to women with disabilities and that they receive adequate assistance.417 The ESCR Committee emphasized to at least one State the need to ensure that restrictive austerity measures do not undermine the protection afforded to victims.418 On at least one occasion, the Committee has called for adequate staffing of victim support services,419 and it has also called on at least one State to increase support services available at the local level.420

With respect to shelters, the ESCR Committee has emphasized the need to ensure sufficient numbers of shelters,421 and to ensure that such shelters are well-distributed, including in rural and remote areas, to ensure they are available throughout the country422 and that they receive adequate resources.423

The ESCR Committee has also underscored the need to train medical and/or social workers on domestic violence (including both how to detect and how to advise victims of domestic violence) and women’s rights more
The ESCR Committee in one instance expressly emphasized the need for medical and social workers to be trained on the special needs of persons with disabilities in the context of domestic violence, and in another instance, about how to detect and advise refugee women and girls who are victims of domestic violence.

The ESCR Committee has called on at least one State to include information about the measures taken to address domestic violence, including facilities and remedies provided for victims, in its next report.

**Domestic Abuse of Children**

The ESCR Committee has expressed concern to a few States about the high prevalence of domestic abuse of children, expressing concern about high rates of psychological violence (including neglect), sexual abuse, and other forms of physical violence (including the use of corporal punishment). It also expressed concern about the lack of access to, and inadequate budgets for, Child Protection Units, particularly in rural areas, as well as the lack of access to psychosocial support for child victims of domestic violence.

The ESCR Committee has called on at least two States to take appropriate measures to prevent and eliminate domestic violence against children, including through legislative, policy and institutional measures to prevent and counter sexual abuse and physical and psychological violence against children in the family, and by prohibiting all forms of corporal punishment, including in family settings. The Committee has also urged at least one State to identify and protect children who are most vulnerable to abuse, neglect, and sexual exploitation. The Committee further recommended adequate access to and appropriate budgetary support for Child Protection Units to ensure support for children who are victims of such violence. In at least one instance, the ESCR Committee called on a State to ensure adequate crisis centers, including safe lodging and assistance, for all victims of domestic violence, including children who are abused or neglected.

**SEXUAL VIOLENCE**

The ESCR Committee expressed concern to States about the prevalence of sexual violence, despite legislative measures to address it. It has also expressed concern to at least one State about the low number of rape cases that are brought to courts. In at least one instance, the ESCR Committee has emphasized the need to provide training for law enforcement officials on sexual violence. The ESCR Committee has also recommended to at least one State the provision of adequate assistance and rehabilitation to victims of sexual violence.

**Sexual Violence against Children**

The ESCR Committee has expressed concern about the prevalence of sexual violence against children, particularly girls. In at least one other instance, the Committee expressed concern about sexual abuse of children who are left in the care of other people while their parents seek work abroad. The Committee expressed concern to at least one State about the high rates of street children who are exposed to various forms of violence, including sexual abuse and exploitation. It has further expressed concern to at least one State about the lack of information on the extent of sexual abuse and exploitation of children.

The ESCR Committee has recommended that at least two States implement measures against sexual abuse of children, especially girls, including through monitoring, reporting, prosecution, and information campaigns targeting parents, communities, and children. It called on another State to conduct a comprehensive assessment of the extent of sexual abuse of children, with a view to reviewing the need for additional legislative or administrative measures to address the problem. The Committee has called on at least one State to take steps to protect children without parental care from sexual abuse and exploitation, and called on another State to address the root causes of street children. The Committee has also emphasized the need to provide support services for the physical and psychological recovery and social reintegration of child victims of rape and other sexual abuse or violence.
**SEXUAL HARASSMENT**

The ESCR Committee has expressed concern to several States about the persistence of sexual harassment in the workplace, and has noted with concern the lack of data in one State on complaints and court cases related to sexual harassment and their outcome.

The ESCR Committee called on several States to take all appropriate measures to combat sexual harassment, including by ensuring implementation of existing legislation. It has also requested at least two States to provide information on sexual harassment in the workplace in its next periodic report, including data on the number of cases brought to the courts and their outcome. The ESCR Committee has also recommended at least one State intensify efforts to raise public awareness about sexual harassment.

**ACCESS TO JUSTICE**

**Barriers to Access to Justice**

On several occasions, the ESCR Committee has expressed concern about barriers to access to justice for victims of gender-based violence, including legislative gaps for the investigation and sanctioning of perpetrators and failure to provide legislative protection and assistance to victims of domestic violence, inadequate protection facilities, ineffective enforcement of existing laws, and insufficient coordination among different levels of governance. In at least one instance, the ESCR Committee noted that reliance on traditional forms of justice can often override women's rights. The ESCR Committee has expressed concern in at least one instance that high rates of gender-based violence and sexual assault are linked to gender-biased attitudes that blame the female victim. The ESCR Committee has also expressed concern to at least one State about a persistent climate of impunity for femicide and other forms of violence against women, as well as fear among victims with regard to reporting cases of gender-based violence.

The ESCR Committee has emphasized to several States the need to ensure effective access to justice for victims of gender-based violence.

**Due Diligence Obligations**

The ESCR Committee regularly expresses concern about the low numbers of domestic violence prosecutions and/or convictions, citing concerns about inaction, delays, and/or lack of knowledge of relevant laws on the part of law enforcement and the court system, lack of reporting such violence to the police, and lack of skilled investigations. The ESCR Committee has also expressed concern in at least two States that perpetrators of domestic violence go unpunished or under-punished (such as in cases where penalties take the form of fines or suspended prison sentences). The ESCR Committee has also expressed concern to several States about the lack of information on investigations, prosecutions, convictions, and sanctions against perpetrators of gender-based violence and on compensation for victims, and asked several States to provide such information in their next report. The Committee expressed concern to a few States that redress for victims of violence against women is limited, noting to at least one State concern about the fact that protective orders are seldom issued.

The ESCR Committee has recommended that States strengthen measures to respond to cases of gender-based and domestic violence, including measures to ensure prompt and impartial investigations and to prosecute and punish perpetrators of such violence. The Committee also has emphasized the need to guarantee effective and immediate protection, assistance, rehabilitation, and compensation to redress victims. The ESCR Committee has regularly recommended that States take steps to encourage reporting of domestic violence, including by ensuring that victims are adequately protected against retaliation, by raising awareness among women and girls (including of legal avenues to receive protection from domestic violence), by making it easier for women to file complaints, and by ensuring that complaints are handled without any inherent bias or skepticism toward alleged victims. In at least one instance, the ESCR Committee called on a State to provide police protection for victims of gender-based violence, and in another instance, it recommended the recruitment of female police officers. The ESCR Committee has also called on at least one State to encourage
and facilitate coordination among all actors working on domestic violence cases, and it called on another State to monitor public officials dealing with domestic violence to ensure that they are meeting their responsibilities.

The ESCR Committee has recommended that at least two States facilitate access to complaint procedures for women and girls with disabilities and that they ensure that domestic violence victims with disabilities receive adequate protection, support, and assistance.

The ESCR Committee has emphasized to at least one State the need to ensure that perpetrators of sexual abuse are prosecuted and punished, and that child victims of sexual abuse have access to recovery and reintegration services.

**Training and Guidance for Relevant Authorities**

The ESCR Committee has called on a number of States to provide training for law enforcement officials, judges, and/or prosecutors about handling gender-based and sexual violence cases and the criminal nature of domestic violence. It suggested at least one State specifically target police officers in police units for women with such trainings, and encouraged at least two States to make such trainings mandatory. In at least one instance, it has also called for training regarding the treatment of caste-based and other crimes related to discriminatory attitudes and prejudices.

The ESCR Committee in one instance expressly emphasized the need for law enforcement to be trained on the “special” needs of persons with disabilities in the context of domestic violence.

**Legal Assistance to Victims**

In at least one instance, the ESCR Committee has expressed concern about the lack of free legal aid services, which prevents especially disadvantaged and marginalized individuals and groups from claiming their rights and obtaining appropriate remedies. The ESCR Committee called on several States to provide legal support for victims of gender-based and domestic violence. The Committee has further called on at least one State to strengthen and expand legal counseling programs by allocating necessary resources to the courts and tribunals dealing with femicide and other forms of violence against women. In at least one instance, the Committee has underscored the need for a State to ensure adequate protection of victims against additional trauma during the various stages of the legal proceedings.

**Access to Justice for Children**

In at least one instance, the ESCR Committee has recommended that a State properly investigate instances of abuse and neglect of children with a child-sensitive inquiry. The Committee has similarly recommended that judicial procedures be carried out to ensure better protection of child victims, including protection of their rights to privacy. The Committee has encouraged at least one State to provide support services to children victims of violence in legal proceedings. The Committee also called on at least one State to provide information on the number of cases of infanticide that are reported to the police and the number of perpetrators brought to justice.

**TRAFFICKING AND SEXUAL EXPLOITATION**

The ESCR Committee has expressed concern to several States about the persistence of trafficking in persons, particularly women and children for sexual exploitation and forced labor, despite measures taken to combat it in most instances. In at least one instance, the ESCR Committee has lamented a failure to adopt specific provisions of criminal law prohibiting trafficking in adults. The Committee noted particular concern in one instance about the failure of law enforcement officers to identify victims of trafficking. The ESCR Committee has also expressed concern to at least one State about the prevalence of bride kidnapping. In at least one instance, the ESCR Committee has expressed concern about the lack of information on investigations, prosecutions, convictions, and sanctions imposed on traffickers.
The ESCR Committee called on several States to take measures to prevent and combat various forms of trafficking,
506 calling for the development and effective implementation of anti-trafficking legislation and national action plans (including through the allocation of sufficient funding),
507 adequate training of law enforcement officers, the judiciary, and other relevant authorities (including to improve early identification of victims),
508 investigation, prosecution, and sanctioning of trafficking cases,
509 raising public awareness about anti-trafficking measures and the criminal nature of trafficking,
510 and increased efforts to enforce criminalization of bride kidnapping and to carry out awareness-raising campaigns on the illegality of bride kidnapping.
511 In at least one instance, the Committee encouraged a State to adopt language that explicitly criminalizes human trafficking,
512 and, in another instance, suggested that a State impose on traffickers penalties commensurate with the seriousness of the case.
513 The ESCR Committee has also called for improved measures to remedy and redress victims of trafficking, calling on at least one State to provide shelters and support for victims of bride kidnapping
514 and another to provide rehabilitation and reparation to trafficking victims.
515 Similarly, the Committee has called for improved protection and assistance for victims, including witness protection programs.
516 The ESCR Committee has further called for improved international cooperation to prevent and combat trafficking.
517

**Trafficking of Children**

The ESCR Committee has expressed particular concerns about trafficking and economic exploitation of children,
518 including for sexual exploitation
519 and forced marriage.
520

The ESCR Committee has called on a few States to intensify economic and social support measures for poor, disadvantaged, and/or marginalized families to combat child trafficking, including by establishing and implementing a comprehensive regulatory framework
521 and by facilitating access to education for poor and disadvantaged children.
522 Similarly, the Committee has called on at least one State to improve protection and reintegration programs that focus on family empowerment, including positive parenting programs, to eliminate various forms of abuse and economic exploitation of children.
523 The ESCR Committee has also recommended at least one State to investigate, prosecute, and sanction individuals responsible for child labor and trafficking.
524

**INSTITUTIONAL VIOLENCE**

**Institutions for Persons with Disabilities**

On several occasions, the ESCR Committee has expressed concern about poor living conditions in residential institutions for people with disabilities,
525 including a lack of inspection of such institutions
526 and substandard treatment and care.
527 The Committee expressed concern to at least one State about high rates of suicide among women with psychosocial disabilities living in such psychiatric institutions.
528 The Committee has called on at least one State to improve living conditions in residential institutions, including through regular inspections and the development and enforcement of appropriate standards to prevent maltreatment and neglect.
529 The Committee requested another State to provide information about facilities for people with disabilities and legal safeguards for the protection against abuse and neglect of patients.
530

**Violence in Schools**

The ESCR Committee has expressed concern to at least two States about the prevalence of violence and discrimination in schools.
531 The Committee has accordingly urged that a State intensify the implementation of measures to prevent violence and discrimination in schools, including through peer programs and enhanced intra-school relations.
532 It has also recommended that a State systematically collect data on violence in schools, monitor the impact on student mental health and well-being, and to assess the effectiveness of measures in countering such violence.
533

**Institutions for Children**

In at least one instance, the ESCR Committee has expressed concern about reports of sexual, physical, and mental abuse of children at the hands of caregivers in state-run children’s homes and so-called places of safety.
534 The ESCR Committee called on the State to ensure the protection of children in state-run child care
institutions, including through the adoption of necessary reforms to effectively monitor, identify, and prosecute individuals responsible for child abuse.\textsuperscript{535}

**CONFLICT AND POST-CONFLICT SETTINGS**

The ESCR Committee has expressed concern to at least one State about high rates of sexual violence, including rape, in and around sites for internally displaced persons and refugee camps.\textsuperscript{536} The Committee has expressed concern that women and girls in communities of refugees and internally displaced persons are not afforded appropriate protection from, or remedies in respect of, violence in all its forms,\textsuperscript{537} including concerns about the failure of law enforcement officials to intervene in violence against refugee women and girls.\textsuperscript{538} Similarly, in another instance, the ESCR Committee expressed concern about the fact that women and girls who are freed from the Islamic State of Iraq and the Levant (ISIL) receive very little support for their treatment and recovery and that they may be subject to tribal violence upon release.\textsuperscript{539} The ESCR Committee has also expressed concern about the use of traditional conflict-resolution methods that perpetuate impunity and open the way for violence.\textsuperscript{540}

The ESCR Committee has urged at least one State to take steps to investigate and punish all perpetrators of violence against refugees and internally displaced women and children.\textsuperscript{541} To that end, the Committee recommended a State to assign more staff to, and include more women in, the police forces responsible for security at camps for refugees and internally displaced persons.\textsuperscript{542} The ESCR Committee called on the State to redouble its efforts to protect women and girls from attacks by ISIL and to take specific measures to provide psychological and other necessary support services and recovery to women and girls freed from ISIL and to ensure that they are not further subjected to tribal violence.\textsuperscript{543} The Committee has asked at least one State to provide comprehensive information in its next report on the measures taken to protect refugee and internally displaced women and children from all forms of violence, as well as the mechanisms to offer them remedies and opportunities for social reintegration.\textsuperscript{544}

**INTERSECTIONAL VIOLENCE**

The ESCR Committee periodically raises concerns about a heightened risk of violence for individuals with certain characteristics or identities. In at least one instance, it has urged a State to generally pay attention to the range of factors that may put certain women at a greater risk of gender-based violence, including due to social environment, drug addiction, illness, and other disadvantageous circumstances.\textsuperscript{545} The Committee has also expressed concern to at least one State that discrimination, harassment, and violence is widespread and often socially accepted when directed at members of disadvantaged and marginalized groups, including women, people with disabilities, indigenous peoples, the urban poor, internally displaced persons, religious minorities, and persons living with HIV.\textsuperscript{546}

**Women and Children with Disabilities**

In at least two instances, the ESCR Committee has recognized that women and girls with disabilities are at disproportionate risk of domestic violence.\textsuperscript{547} The Committee has also recognized that children with disabilities are at a higher risk of being abused, stigmatized or discriminated against.\textsuperscript{548} The Committee expressed concern in at least one instance about the lack of information about safeguards against abuse and neglect for people with disabilities.\textsuperscript{549} The Committee has called on a few States to recognize the ways in which women and girls with disabilities experience domestic violence.\textsuperscript{550} For instance, the Committee expressed concern to at least one State about reports of killings of so-called “witch children,” including infants with disabilities.\textsuperscript{551} The Committee called on the State to step up its efforts to prevent and halt killings of “witch children” by enacting criminal laws to prohibit the practice and organizing campaigns to raise awareness of its criminal nature among local authorities, doctors, midwives, and the population at large.\textsuperscript{552}

The ESCR Committee has also called on States to facilitate the ability of women and girls with disabilities who are victims of gender-based violence to lodge complaints,\textsuperscript{553} and to ensure that they receive adequate protection,
support, and assistance in the process. The Committee has also called on at least one State to ensure that its child protection system includes procedures to identify, refer, and manage cases of children with disabilities, in addition to enhancing access of children with disabilities to services.

**Social Status**
The ESCR Committee has expressed concern to at least one State that women in the Dalit caste experience multiple forms of discrimination and are more vulnerable to sexual exploitation, trafficking, and various forms of violence against women, including domestic violence. The Committee urged the State to implement laws and policies aimed at eliminating discrimination on the basis of caste, including sensitizing law enforcement officials, investigating and prosecuting acts of discrimination against Dalits, and conducting awareness raising campaigns on the rights of Dalits. The Committee further urged the State to take specific measures to protect the rights of Dalit women.

**Migrant Women**
On at least one occasion, the ESCR Committee has recognized that migrant women are at greater risk of violence and abuse. The ESCR Committee has also expressed concern to at least one State that immigrant women may not be aware of their rights to a family reunification permit when marriage or cohabitation ends due to domestic violence.

The ESCR Committee has urged at least two States to provide adequate information to immigrant women about their rights, including in the context of domestic violence and immigration law, and it called on at least one State to sign bilateral agreements with host countries to better protect the rights of migrant women workers. Recognizing the specific vulnerabilities of domestic workers to abuse, the ESCR Committee has, on at least one occasion, called on a State to establish effective mechanisms for reporting abuses and exploitation of domestic workers.

**LGBTI Persons**
In at least two instances, the ESCR Committee has expressed concern about the criminalization of consensual sexual relationships between same-sex couples, noting that such criminalization can perpetuate discrimination against LGBT individuals in all spheres. The ESCR Committee has called on at least one State to send a clear public message that any form of discrimination, harassment or violence against individuals for their sexual orientation is not tolerated, and called on another State to remove the classification of lesbianism as a sexual offence in the Penal Code. The Committee has further called for the swift and effective investigation, prosecution and sanctioning of violence against individuals on the basis of their sexual orientation.

**Ethnic Minority Women**
In at least one instance, the ESCR Committee has expressed concern about an increase in violence against women from certain ethnic groups, and called on the State to assess the impact of measures to address gender-based violence against ethnic minority women.

**Individual Complaints**
The ESCR Committee has not issued any decisions on individual complaints related to gender-based violence as of December 2016.

**Gaps in the Standards**
Although the ESCR Committee has explicitly addressed violence against women and girls with disabilities in a few of its General Comments and concluding observations, there are several areas where the ESCR Committee could provide more thorough guidance to States to better protect the rights of women and girls with disabilities to be free from gender-based violence.
While the ESCR Committee has called on a few States to recognize the ways in which women and girls with disabilities experience domestic violence, the Committee could do this more consistently and could also provide more concrete guidance on the myriad forms of gender-based violence that women with disabilities face and that should be reflected in laws and policies aimed at eradicating such violence, including abandonment, neglect, withholding of medications and mobility aids, and violence in long-term residential institutions. Encouraging participation not just by women, but by diverse groups of women including women with disabilities, in decision-making matters related to legislation and policy would also help to address this issue. The ESCR Committee could also better address the need to tackle the factors and root causes that contribute to the heightened vulnerability of women with disabilities to gender-based violence.

The ESCR Committee could more consistently identify disability as a basis for disaggregation of data and could additionally underscore the need for disaggregated data on disability and human trafficking. In addition, the ESCR Committee has recognized that certain groups are more vulnerable to gender-based violence, and accordingly should receive heightened attention in awareness-raising campaigns. It would be important for the Committee to recommend States undertake awareness raising campaigns on the rights of people with disabilities to be free from violence, with a particular focus on the rights of women with disabilities to be free from gender-based violence.

It would be important to see the ESCR Committee more consistently encourage States to ensure that support services are available and accessible to women and girls with disabilities who are victims of domestic and gender-based violence and to train relevant medical and service providers about the forms of violence that women with disabilities face and their unique needs in the face of gender-based violence. The ESCR Committee could also provide more concrete guidance to States about how to make support and protective services accessible, including by ensuring that transportation to and from such services is accessible, that they have physically accessible facilities, and that information is provided in a variety of formats (including Braille, easy read, and sign language). Similarly, the ESCR Committee could more consistently call on States to ensure that access to justice mechanisms are accessible to women and girls with disabilities and that law enforcement and the judiciary are trained to work with victims of gender-based violence with disabilities.

Given the strength of the ESCR Committee’s General Comment No. 22 identifying the intersections between gender-based violence and sexual and reproductive health, the Committee could draw from that General Comment to encourage more States to ensure the availability of sexual and reproductive health services for victims of violence, including pregnancy termination, screening for HIV and other STIs, and services focused on the unique needs of disabled women and girls.
The Committee on the Rights of Persons with Disabilities (CRPD Committee) is the expert body that monitors implementation of the Convention on the Rights of Persons with Disabilities (CRPD). Through its General Comments and Concluding Observations, the CRPD Committee has recognized that violence against women and girls with disabilities violates their fundamental rights protected in the CRPD and that States have an obligation to exercise due diligence to prevent, investigate, prosecute, and redress acts of violence committed against women with disabilities and to combat the negative stereotypes and discrimination that make women and girls with disabilities particularly vulnerable to gender-based violence. In particular, violations of the right to be free from gender-based violence implicates CRPD articles 5 (equality and non-discrimination); 6 (women and girls with disabilities); 9 (accessibility); 11 (situations of risk and humanitarian emergencies); 12 (equal recognition before the law); 13 (access to justice); 14 (liberty and security of the person); 15 (freedom from torture or cruel, inhuman or degrading treatment); 16 (freedom from exploitation, violence, and abuse); 17 (protecting the integrity of the person); 19 (independent living); 23 (respect for the family); 24 (education); and 25 (health).

General Comments

### General Comment No. 1: Article 12: Equal recognition before the law (2014)

In its General Comment No. 1, the Committee on the Rights of Persons with Disabilities (CRPD Committee) addresses the right to equality before the law, noting that such equality “is a basic general principle of human rights protection and is indispensable for the exercise of other human rights.” The CRPD Committee emphasizes that this right “implies that legal capacity is a universal attribute inherent in all persons by virtue of their humanity and must be upheld for persons with disabilities on an equal basis with others,” and notes that such recognition is essential to, among other things, “the right to give consent for intimate relationships and medical treatment.”

The CRPD Committee importantly distinguishes between legal capacity and mental capacity, noting that “the provision of support to exercise legal capacity should not hinge on mental capacity assessments.”

The CRPD Committee further emphasizes that legal capacity is essential to the access to justice for persons with disabilities, noting that “[p]olice officers, social workers and other first responders must be trained to recognize persons with disabilities as full persons before the law and to give the same weight to complaints and statements from persons with disabilities as they would to nondisabled persons.”

To give full effect to this principle of legal capacity, States must provide training and awareness-raising to the police, judiciary, and other professions that may come into contact with victims of violence and abuse with disabilities. The CRPD Committee also explains that States may need to provide support in various forms—including recognition of diverse communication methods, allowing video testimony in certain situations, procedural accommodation, the provision of professional sign language interpretation and other assistive methods—in order to ensure that persons with disabilities are able to testify on an equal basis with nondisabled persons.

### General Comment No. 2: Article 9: Accessibility (2014)

In its General Comment No. 2, the CRPD Committee addresses accessibility as an essential component of the right of persons with disabilities to live independently and to participate fully and equally in society. The CRPD Committee emphasizes that the right to accessibility “encompass[es] the physical environment, transportation, information and communication, and services,” and notes that the right “should especially take into account gender and age perspectives for persons with disabilities.” General Comment No. 2 identifies accessibility as crucial to the realization of other fundamental rights protected in the CRPD. With respect to gender-based violence, the CRPD Committee notes that “[t]here can be no effective access to justice if the buildings in which law-enforcement agencies and the judiciary are located are not physically accessible, or if the services, information and communication they provide are not accessible to persons with
disabilities.” The CRPD Committee further emphasizes that “[s]afe houses, support services and procedures must all be accessible in order to provide effective and meaningful protection from violence, abuse and exploitation to persons with disabilities, especially women and children.”

- **General Comment No. 3: Article 6: Women and girls with disabilities (2016)**

  In its General Comment No. 3, the CRPD Committee examines violence as one of three key issues uniquely and disproportionately affecting the rights of women and girls with disabilities. It notes that the right to be free from violence can be impacted by harmful stereotypes that heighten the risk of violence, including ones that infantilize women with disabilities, question their ability to make judgements, perceptions that they are asexual or hypersexual, and superstitions about having sex with women with disabilities or albinism. The Committee further notes that women with disabilities experience violence in unique forms, including, among others, abandonment, neglect, withholding of medication or communication and mobility aids, and refusal of caregivers to provide assistance with basic activities. It also notes that violence against women with disabilities takes place in many different settings, including in the family and in institutions, and that women and girls with disabilities are more susceptible to harmful practices due to their gender and disability. Finally, the Committee finds that women and girls with disabilities face barriers accessing justice, particularly following violence, exploitation, and abuse, owing to harmful stereotypes, discrimination, and lack of reasonable accommodation. It then recommends that States criminalize all forms of violence against women and girls with disabilities.

- **General Comment No. 4: Article 24: Right to inclusive education (2016)**

  In its General Comment No. 4, the CRPD Committee recognizes that States must, in order to ensure the right to inclusive education, remove gender- and disability-based barriers to accessing education, including gender-based violence. The Committee also recognizes that persons with disabilities, particularly women and girls, are more susceptible to certain forms of violence and abuse in schools, such as the use of seclusion or restraints, other corporal punishment, and bullying. The CRPD Committee finds that, under the CRPD, States are required to take all appropriate age-, gender-, and disability-sensitive measures to prevent and redress this violence.

- **General Comment No. 5: Article 19: Right to independent living (2017)**

  In its General Comment No. 5, the CRPD Committee finds that persons with disabilities in general, and women with disabilities in particular, are more susceptible to violence when they are socially excluded from the community. It notes that women and girls with disabilities often face more restrictions on their place of residence and living arrangements based on both gender and disability discrimination. In particular, the Committee finds that women with disabilities who face domestic violence are often more dependent on their abusers, which prevents them from leaving abusive relationships. As a result, the Committee recommends that States implement the right to live independently and be included in the community with particular attention to gender equality, the elimination of gender-based discrimination, and patriarchal social patterns. It further recommends that States ensure that shelters for victims of gender-based violence are accessible to women and girls with disabilities and that States monitor institutions and services delivered to persons with disabilities to ensure freedom from violence, exploitation, and abuse. Finally, the Committee recommends that States ensure that women with disabilities have access to redress for gender-based violence, as part of their obligation to ensure the right to live independently and be included in the community.

**Concluding Observations**

Through its concluding observations, the CRPD Committee expresses concern about the heightened risk of violence that women and girls with disabilities face, in violation of several rights protected in the Convention on the Rights of Persons with Disabilities, and has emphasized the need for a comprehensive approach to addressing violence against women and girls with disabilities.
LEGISLATIVE AND POLICY REFORM

Mainstreaming Disability in Gender-Based Violence Legislation

In several instances, the CRPD Committee has welcomed the inclusion of disability-specific provisions in gender-based violence legislation,\(^{601}\) including the inclusion in one State’s law that provides for the aggravated offense of femicide where the victim is a woman with a disability.\(^{602}\) In general, however, the CRPD Committee has expressed concern over States’ lack of strategy for mainstreaming gender and disability issues into legislation and program development\(^ {603}\) including on issues around violence.\(^ {604}\) In particular, the CRPD Committee has expressed concern in a number of instances about the failure of laws and policies on violence against women to adequately address the specific situation of women and children with disabilities.\(^ {605}\) In at least one instance, the CRPD Committee expressed additional concern about the use of derogatory language in legislation on domestic violence.\(^ {606}\) In another instance, the CRPD Committee expressed concern that a domestic violence law might not adequately protect the range of relationships that may lead to domestic abuse of persons with disabilities, including relationships with caregivers and other support staff in live-in or home-care situations.\(^ {607}\) The CRPD Committee expressed concern to at least two States about the absence of any legislation on domestic or gender-based violence,\(^ {608}\) noting with additional concern that women and girls with disabilities were not included in the ongoing consultation process for the development of such legislation for one of these States.\(^ {609}\)

The CRPD Committee has accordingly called on a number of States to mainstream a disability perspective in its legislation to ensure more comprehensive consideration of the needs of women with disabilities in developing laws, policies, and programs,\(^ {610}\) including those on gender-based violence.\(^ {611}\) In at least one instance, the CRPD Committee has called on a State to adopt legislation to prevent, investigate, and punish exploitation, violence, and abuse involving persons with disabilities, with a particular focus on women and children.\(^ {612}\) The CRPD Committee recommends that States facilitate the full and effective participation by women with disabilities in the formulation of laws, policies, and programs on an equal basis with women without disabilities,\(^ {613}\) for instance through a formal consultation mechanism.\(^ {614}\) In at least one instance, the CRPD Committee urged a State to ensure that domestic violence legislation capture the range of domestic relationships that persons with disabilities encounter.\(^ {615}\)

Full and Effective Implementation

The CRPD Committee has expressed the need for at least one State to implement existing legislative and policy measures to prevent violence against women and girls with disabilities.\(^ {616}\) The CRPD Committee has called on another State to revise legislation and develop appropriate implementing regulations to incorporate a disability perspective, guaranteeing protection against violence for women and children with disabilities.\(^ {617}\) In its recommendations to another State, the CRPD Committee called for the development of specific measures, targets, and indicators to ensure laws, policies, and programs effectively prevent and redress violence against women and girls with disabilities.\(^ {618}\)

Corporal Punishment for Children

In at least one instance, the CRPD Committee has lamented the lack of an express ban on corporal punishment of children with disabilities,\(^ {619}\) and called on the State to expressly prohibit all forms of corporal punishment, ensuring that the prohibition includes practices in institutions for children with disabilities.\(^ {620}\)

DATA COLLECTION AND AWARENESS-RAISING

Statistics and Data Collection

The CRPD Committee has often expressed concern about the lack of data on persons with disabilities generally,\(^ {621}\) and women with disabilities in particular.\(^ {622}\) It has accordingly called on States to systematize the collection, analysis, and dissemination of statistics and data on persons with disabilities,\(^ {623}\) emphasizing the particular need for such data collection to take into account specific groups of persons with disabilities who may be subject to multiple forms of exclusion such as women, children, and persons in institutions.\(^ {624}\) To this end, the CRPD Committee has recommended that a number of States improve capacity building measures on data
collection, for instance through the development of nationally consistent measures for data collection and specific indicators that will be reflective of multiple discrimination on grounds of disability, gender, age, and other identifying characteristics. In at least two instances, the CRPD Committee has recommended funding a comprehensive data collection on the situation of women and girls with disabilities to establish a baseline of disaggregated data against which to measure progress toward the implementation of the CRPD, and further recommended on at least one occasion the establishment of a mechanism to monitor progress. The CRPD Committee has recommended data to be disaggregated by age, sex/gender, disability, place of residence, region, and cultural background. The CRPD Committee has called on at least two States to ensure consultation with persons with disabilities, women with disabilities, and their representative organizations in implementing such data collection strategies.

The CRPD Committee expressed concern about the lack of information on violence against women and girls with disabilities in particular. As a result, it has called on a number of States to undertake data collection and/or research on violence against persons with disabilities, requesting States to pay particular attention to women, children, and persons living in institutional settings.

**Awareness-Raising**

The CRPD Committee has urged States to launch awareness-raising campaigns targeting both the private sector and the public at large to break down cultural barriers and prejudices against persons with disabilities, including women and girls with disabilities. The CRPD Committee has also recommended that States conduct campaigns and education programs to raise awareness among families, guardians, medical professionals, and managers of institutions of the rights of women and girls with disabilities, as well as of their capabilities and contributions. In at least one instance, the CRPD Committee has urged the integration of a disability-sensitive perspective in the development of educational programs on preventing sexual and domestic violence, and the CRPD Committee has called on at least one other State to develop awareness campaigns and educational programs on the heightened vulnerability of women and girls with disabilities to violence and abuse.

**INTIMATE PARTNER AND DOMESTIC VIOLENCE**

The CRPD Committee has routinely expressed concern about high rates of exploitation, violence, and abuse of persons with disabilities, especially women and children with disabilities, including in domestic settings, and the lack of preventative measures or protection against such violence. In a number of instances, the CRPD Committee has expressed concern that gender-based violence prevention measures and services are neither effective in addressing violence against—nor accessible to—women and girls with disabilities. In at least one instance, the CRPD Committee has also expressed concern over a lack of information on incest. The CRPD Committee also expressed concern to at least one State over the lack of permanent funding to prevent violence against women.

To address these concerns, the CRPD Committee frequently encourages States to adopt measures to prevent and eliminate domestic violence against women and children with disabilities that are both effective and accessible. In at least two instances, the CRPD Committee emphasized the need for adequate funding for a comprehensive and effective strategy to protecting women and girls with disabilities from gender-based violence.

**Remedies and Redress**

The CRPD Committee routinely calls on States to ensure the protection of persons with disabilities, including women and children, from violence, exploitation and abuse. The CRPD Committee has expressed concern about the inaccessibility of women's assistance hotlines and shelters to women with disabilities, noting in particular concerns about both physical access to and accessible information on mechanisms for protection against gender-based violence. In at least one instance, the CRPD Committee has also expressed concern about limited geographic distribution of gender-based violence service centers.
Accordingly, the CRPD Committee regularly urges States to offer services and information that are targeted at and accessible to women with disabilities, emphasizing to at least one State that such services should be age-, gender-, and disability sensitive. In particular, the CRPD Committee has recommended that States fund accessible helplines, shelters, victim support services, and therapies and other measures aimed at both psycho-social and physical recovery for women with disabilities who experience domestic and other forms of gender-based violence. In at least one instance, the CRPD Committee has emphasized that such support services must be based in the community. In several other recommendations, the CRPD Committee emphasized the need for such services to be available throughout the country, including in rural areas. The CRPD Committee has also called for specific training for relevant professionals, including health care workers, school officials, counsellors, and social workers to detect and report violence against—and provide appropriate services to—women with disabilities who are victims of gender-based violence. In at least one instance, the CRPD Committee has called on the State to collect information about women with disabilities who have benefited from gender-based violence services.

**SEXUAL VIOLENCE**

The CRPD Committee has lamented in several cases the heightened risk of sexual violence and abuse that women with disabilities face, as well as the lack of measures that at least one State has taken to prevent and combat sexual violence against children with disabilities. The CRPD Committee has accordingly highlighted the need for at least one State to develop an effective integrated response system to deal with sexual abuse against women with disabilities.

**SEXUAL HARASSMENT**

The CRPD Committee has not yet issued concluding observations on sexual harassment.

**ACCESS TO JUSTICE**

**Barriers to Access to Justice**

The CRPD Committee has expressed concern over certain barriers to justice for women and children with disabilities. Related to this concern, the CRPD Committee lamented the inaccessibility of judicial facilities, authorities’ reluctance to open investigations and prosecutions in cases involving violence against persons with disabilities, and the lack of credence given to witness statements by women and girls with disabilities, all of which contribute to a climate of impunity around violence and abuse against women with disabilities.

The CRPD Committee has also lamented a lack of appropriate accommodations for persons with disabilities in judicial proceedings, including a lack of gender-sensitive and age-appropriate accommodations and a lack of training on or protocols for handling women with disabilities who are victims or witnesses in cases involving exploitation, violence or abuse. The CRPD Committee has also highlighted the lack of information available in accessible formats, barriers to adequate or affordable sign language interpreters, and a lack of free legal aid as additional barriers to access to justice for women and girls with disabilities.

**Due Diligence Obligations**

The CRPD Committee has explained on multiple occasions that States have an obligation to investigate, prosecute, and punish perpetrators of such violence, and to ensure effective remedies, including compensation and reparations, for victims.

In particular, the CRPD Committee has emphasized the need to establish institutional mechanisms aimed at protecting persons with disabilities from violence, exploitation, and abuse, and to ensure that such mechanisms are independent and geared toward for the early detection of situations of violence.
In several instances, the CRPD Committee has encouraged States to ensure accessibility of a complaint mechanism to facilitate the handling of claims involving domestic violence and abuse against women and girls with disabilities.688

**Training and Guidance**
The CRPD Committee has called on a number of States to undertake effective training of personnel in judicial, police, and prison systems on the rights of persons with disabilities689 and the appropriate handling of cases of violence against women with disabilities690 to better ensure access to justice. The CRPD Committee has recommended to at least one State that such training programs for law enforcement be mandatory.691 In at least one instance, the CRPD Committee has also called for the development of protocols for the investigation of violence against persons with disabilities.692

**Accessibility and Appropriate Accommodations**
The CRPD Committee has called on multiple States to ensure appropriate accommodations for women and children with disabilities in legal proceedings.693 The CRPD Committee has indicated that such accommodations require adequate attention to the role of women with disabilities as witnesses and their ability to testify694 and to ensuring that children with disabilities receive necessary age- and disability-related accommodations to express their views.695 In at least one instance, the CRPD Committee also called for appropriate accommodations necessary to facilitate prosecution and punishment of perpetrators of violence against individuals with disabilities.696 The CRPD Committee urged at least one State to ensure that the duty of the judiciary to provide procedural accommodations for persons with disabilities are explicitly defined in legal instruments.697 The CRPD Committee further called on another State to establish effective reporting channels to ensure that victims with disabilities are taken seriously and provided with adequate support when requested.698 The CRPD Committee has also recommended at least two States improve access to judicial buildings.699

**Legal Assistance to Victims**
The CRPD Committee has also called on several States to provide legal assistance to persons with disabilities,700 as well as information and communications about legal cases in accessible formats701 and trained sign language interpreters,702 to promote greater access to justice.

**Statistics and Data Collection**
The CRPD Committee has expressed concern to at least one State about the lack of official records of cases involving exploitation, violence, and abuse of persons with disabilities, especially women and children.703

**TRAFFICKING AND SEXUAL EXPLOITATION**
The CRPD Committee has expressed concern about the lack of information on trafficking in persons with disabilities to at least one State.704 In at least one other instance, the CRPD Committee expressed concern about reports of trafficking, sexual abuse, and exploitation of women with disabilities in institutions,705 and urged the State to take all necessary measures to investigate, prosecute, and punish reports of such trafficking.706

**Trafficking of Children with Disabilities**
The CRPD Committee has expressed concern in several instances that children with disabilities are at risk of commercial exploitation in the context of begging.707 To address this concern, the CRPD Committee called on at least one State to investigate the situations of children with disabilities who are begging708 and urged at least two other States to take measures to prevent such exploitation.709 The CRPD Committee has further recommended in several instances that States establish programs to rehabilitate children in such circumstances and to promote their integration or inclusion in family and community life.710
INSTITUTIONAL VIOLENCE

Institutions for Persons with Disabilities

The CRPD Committee has frequently expressed concern about violence and abuse against individuals with disabilities living in institutions, noting that women and girls and children and adolescents face a heightened risk of violence in institutional settings. In at least two instances, the CRPD Committee has expressed concern about the use of institutionalization as the primary recourse in dealing with women and children with disabilities who have been abandoned or abused. In recommendations to at least two other States, the CRPD Committee expressed concern about inadequate legislative and other mechanisms to sufficiently protect institutionalized persons with disabilities from violence.

The CRPD Committee has called on a number of States to develop appropriate guidelines, protocols, and strategies to monitor institutions that care for persons with disabilities to prevent and eliminate violence in institutional settings and to promote access to justice. The CRPD Committee has emphasized in particular the need for several States to investigate without delay situations of violence, exploitation and abuse experienced by women and girls with disabilities in institutional settings and called on them to take appropriate measures in response, including the prosecution of perpetrators. In several instances, the CRPD Committee emphasized that monitoring of institutions must be handled by an independent body in accordance with the obligations of CRPD article 16(3).

Violence in Prisons

The CRPD Committee has lamented the overrepresentation of persons with disabilities, and particularly women and children with disabilities, in prison and juvenile justice systems in at least one case. The CRPD Committee further expressed concern to at least two States regarding the deprivation of liberty on the basis of disability. The CRPD Committee has urged at least one State to establish mandatory guidelines to ensure that persons with disabilities in the prison system are provided with appropriate support and accommodations. The CRPD Committee has also called on at least one State to provide training to staff providing custodial care in prisons and other detention centers to prevent and protect against violence against persons with disabilities.

CONFLICT AND POST-CONFLICT SETTINGS

The CRPD Committee has not yet issued concluding observations on violence against women and girls with disabilities in conflict and post-conflict settings.

INTERSECTIONAL VIOLENCE

Older Persons

The CRPD Committee has expressed concern in at least one instance about the situation of older persons with disabilities in institutional settings, and called on the State to place a special emphasis on monitoring institutions that care for older individuals with disabilities.

Persons with Albinism

The CRPD Committee expressed concern to at least one State that persons with albinism, particularly girls with albinism, experience specific types of violence, including kidnappings, killings, and attacks for the purpose of witchcraft practices. The CRPD Committee called on the State to promptly investigate cases involving violence against persons with albinism and to ensure that such cases are appropriately prosecuted and punished. The CRPD Committee also called for the establishment of shelters and redress services, including health care, counseling and free legal aid, for persons with albinism who are victims of violence. The CRPD Committee further urged the State to expand efforts to raise awareness about the rights and dignity of persons with albinism and to eliminate the stigma and myths that underpin such violence.
**Indigenous Women**

The CRPD Committee has expressed concern in at least one instance that women and girls with disabilities from indigenous communities experience high rates of gender-based violence, yet lack effective protection mechanisms and access to justice.

**Individual Complaints**

The CRPD Committee has not issued any decisions on individual complaints related to gender-based violence as of December 2016.

**Gaps in the Standards**

The CRPD Committee has begun to build a strong body of jurisprudence addressing gender-based violence against women and girls with disabilities. It would be important to see the Committee to regularly address this issue in each State review to build on this strong foundation to provide greater and more specific guidance to States about how to combat such violence and how to ensure that support, protections, and justice mechanisms are accessible to women and girls with disabilities and responsive to the unique ways that women and girls with disabilities experience gender-based violence.

For example, the CRPD Committee could strengthen its recommendations on awareness-raising by addressing the need for States to develop campaigns specifically on the heightened risks of violence that women and girls with disabilities face and their rights and remedies in the face of such violence, and to ensure that the information in such campaigns are available in accessible formats.

Additionally, the CRPD Committee often mentions the need for States to adopt effective measures to prevent multiple and intersecting forms of discrimination against women and girls with disabilities without expressly acknowledging domestic violence and other forms of gender-based violence as a pernicious manifestation of such discrimination. It would be important for the Committee to explicitly recognize that the heightened risk of gender-based violence that women and girls with disabilities face is a form of double discrimination on the basis of gender and disability.

In addressing violence in prisons, the CRPD Committee has not addressed gender-based or sexual violence directed at women and girls with disabilities in detention settings. It would be important for the Committee to recognize the unique concerns of female prisoners with disabilities and to urge States to take specific measures to protect female prisoners with disabilities from sexual and other forms of gender-based violence.

Finally, the CRPD Committee has only periodically addressed sexual violence against women and girls with disabilities, despite the fact that women and girls with disabilities globally experience a heightened risk of sexual violence, and the Committee has not yet addressed sexual harassment of women and girls with disabilities. Nor has it taken up the issue of violence against women and girls with disabilities in conflict and post-conflict settings. It would be important for the Committee to request that States provide information on these forms of gender-based violence and to provide more concrete guidance to States on their obligations to eliminate such violence.
Committee on the Elimination of Discrimination against Women

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) is the expert body that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although CEDAW does not explicitly prohibit gender-based violence, through its General Recommendations, Concluding Observations, and decisions on Individual Complaints, the CEDAW Committee has demonstrated that CEDAW safeguards the right of women, including women with disabilities, to be free from gender-based violence. Under CEDAW, States must prevent, protect against, investigate, prosecute, and punish gender-based violence, while ensuring that women and girls have access to justice, adequate redress, and appropriate support services when they experience such violence. The CEDAW Committee has further called on States to take measures to protect specific groups of women—including women with disabilities—from gender-based violence. In particular, the CEDAW Committee has determined that gender-based violence is a form of gender-based discrimination in contravention of article 1 (definition of discrimination) and, as such, that violations of the right to be free from gender-based violence can implicate all other rights protected in CEDAW.

General Recommendations

- **General Recommendation No. 19: Violence against women (1992)**

  Through its General Recommendation No. 19, the CEDAW Committee establishes that, although CEDAW does not explicitly prohibit gender-based violence, the definition of discrimination under article 1 of CEDAW includes gender-based violence. General Recommendation No. 19 defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately and notes that such violence includes “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” The CEDAW Committee recognizes that gender-based violence can be committed by both state and non-state actors, and that States have obligations to protect against gender-based violence committed in both circumstances. Concerning non-state actors in particular, the Committee finds that States have an obligation to exercise due diligence “to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”

  The CEDAW Committee notes that stereotypical views, subordination of women, poverty, unemployment or discrimination in employment, conflict, rural status, and lack of access to health services all contribute to violations in the context of gender-based violence. It also notes that sexual violence, trafficking, female circumcision, dowry marriage, sexual harassment, “compulsory” sterilization or abortion, familial violence, exploitation including sexual exploitation, forced marriage, and acid attacks are all forms of gender-based violence. The Committee recommends that States undertake a range of measures to prevent and eliminate gender-based violence, including adopting strong legal frameworks, raising awareness about the issue, and ensuring effective complaints procedures and remedies to victims, among several other tasks.

- **General Recommendation No. 21: Equality in marriage and family relations (1994)**

  In its General Recommendation No. 21, the CEDAW Committee specifically notes that violence against women has a significant impact on women’s ability to enjoy rights and freedoms on an equal basis with men, and calls on States to ensure that women are free from gender-based violence in both public and family life.


  In its General Recommendation No. 24, the CEDAW Committee notes that different forms of violence can impact women’s health. It notes that girl children in particular are vulnerable to sexual abuse by older men and family members, leading to physical and psychological harm, as well as the possibility of unwanted pregnancies. The Committee also notes that confidentiality is essential to ensuring that women and girls receive needed medical care following gender-based violence. The Committee recommends that States...
enact and enforce laws on violence against women, implement hospital guidelines and protocols to address this violence, ensure gender-sensitive training of health care workers to detect and manage gender-based violence, and create effective complaint mechanisms and ensure appropriate sanctions when medical staff are the perpetrators of gender-based violence.746

- **General Recommendation No. 26 on women migrant workers (2008)**
  In its General Recommendation No. 26, the CEDAW Committee notes that gender-based violence in countries of origin is one factor that contributes to women’s migration.747 It also finds that migration can put women at greater risk of gender-based violence by employers and others, such as when they lose their immigration status and when they are detained.748 The Committee notes that domestic workers are particularly vulnerable to physical and sexual assault, as well as other forms of abuse, by their employers, while women in other areas, such as in farm work, may be more at risk of sexual harassment.746 The Committee also finds that women migrant workers may face significant obstacles to accessing justice in these circumstances.750 The Committee recommends that States make particular efforts to protect and provide redress for migrant women who are susceptible to or have experienced gender-based violence.751

- **General Recommendation No. 27 on older women and protection of their human rights (2010)**
  In its General Recommendation No. 27, the CEDAW Committee notes that both gender stereotyping and traditional and customary practices can lead to physical violence and psychological, verbal, and financial abuse against older women, particularly older women with disabilities.752 The Committee urges States to collect data disaggregated by sex on issues affecting older women, including violence and to draft legislation prohibiting all forms of violence against older women, including those with disabilities, such as domestic and sexual violence, violence in institutional settings, and violence that is the result of traditional practices and beliefs.754 The Committee also urges States to investigate, prosecute, and punish all acts of violence against older women and to take special measures to protect older women from violence during armed conflict.756

- **General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (2010)**
  In its General Recommendation No. 28, the CEDAW Committee reiterates that gender-based violence is a form of discrimination under article 1 of CEDAW.757 Concerning girls in particular, the Committee notes that they are more vulnerable to discrimination in areas such as trafficking, maltreatment, exploitation, and other forms of gender-based violence, and thus States are required to pay particular attention to the special needs of girls in these areas.758

- **General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (2013)**
  In its General Recommendation No. 30, the CEDAW Committee addresses gender-based violence in conflict prevention, conflict, and post-conflict settings in several ways. In particular, the Committee notes that the risk of gender-based violence frequently increases, and in some instances is used as a weapon, during conflict.759 Women and girls are also at heightened risk of gender-based violence in post-conflict settings, though the form and setting of that violence may change.760 Specific groups of women and girls—including women and girls with disabilities, migrant women, and women combatants, among others—are even more susceptible to gender-based violence in conflict and post-conflict settings.761 and recommends that States “[a]ddress the specific risks and particular needs of different groups of internally displaced and refugee women who are subjected to multiple and intersecting forms of discrimination, including women with disabilities.”762 The Committee also notes that trafficking is more prevalent in conflict and post-conflict settings, due to the
breakdown of political, economic, and social structures and the potential increase in demand for women’s sexual, military, and economic exploitation.\(^{763}\)

In addition to general measures to prevent, punish, monitor, and redress gender-based violence, the CEDAW Committee recommends that States work with non-state actors to prevent human rights abuses, including gender-based violence, relating to their activities in conflict-affected areas and to establish effective accountability mechanisms.\(^{764}\) It notes that many forms of gender-based violence during armed conflict covered by CEDAW are also prohibited by international criminal law, and recommends that the international criminal law definition of gender-based violence should be interpreted in line with CEDAW.\(^{765}\)

Concerning conflict prevention, the Committee finds that States have an obligation to adopt robust and effective regulations of the arms trade, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence.\(^{766}\) It also notes that gender-based violence can be an early warning sign of conflict, and that, accordingly, efforts to eliminate gender-based violence can help prevent escalation of conflict and the recurrence of violence in the post-conflict stage.\(^{767}\) It recommends that States adopt early warning and gender-specific security measures to prevent the escalation of gender-based violence.\(^{768}\)

### Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014)

In its Joint General Recommendation No. 31, the CEDAW and CRC Committees recognize that harmful practices are inextricably linked with gender-based violence: harmful practices themselves may constitute a form of gender-based violence,\(^{769}\) in some instances occur as a consequence of gender-based violence (as in the case of some so-called honor crimes),\(^{770}\) and in other instances can heighten the risk of gender-based violence. For instance, child marriage can increase the risk of domestic violence,\(^{771}\) while the payment of bride prices or dowries can heighten the risk of both physical and psychological violence for women and girls.\(^{772}\) To tackle harmful practices and violence against women, the Committees find that States have an obligation to challenge and change patriarchal ideologies and structures and ensure access to education so that women and girls can assert their rights and make autonomous decisions.\(^{773}\) The Committee also find that States must provide appropriate safety and security measures for victims of harmful practices and violence against women, including shelters and specialized services.\(^{774}\)

### General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (2014)

In its General Recommendation No. 32, the CEDAW Committee notes that some forms of gender-related persecution, including many forms of violence against women, are recognized as legitimate grounds for international protection (i.e. the application of refugee status),\(^{775}\) and States should establish early identification mechanisms for asylum seekers with specific protection needs, including victims of gender-based violence and trafficking with disabilities.\(^{776}\) The Committee also finds that under CEDAW, States have an obligation to ensure that no woman will be expelled or returned to another State where she is at risk of a serious form of discrimination, including serious forms of gender-based violence.\(^{777}\)

### General Recommendation No. 33 on women’s access to justice (2015)

In its General Recommendation No. 33, the CEDAW Committee explores how gender-based violence impacts access to justice and vice versa. It notes in particular that gender-based violence has an adverse impact on the ability of women to access justice on an equal basis with men.\(^{778}\) It also notes that gender stereotyping and bias have a significant impact on the ability of victims of gender-based violence to access justice,\(^{779}\) and that these stereotypes and biases can undermine the claims of victims and help perpetrators to escape accountability.\(^{780}\) The CEDAW Committee recognizes that women with disabilities may face compounded discrimination and unique barriers to access to justice, and recommends that States pay particular attention to access to justice systems for women with disabilities.\(^{781}\) The Committee recommends, in general, that
States provide training to law enforcement, the judiciary, law students, health care providers, social workers, and others who might play an important role in cases of gender-based violence to eliminate gender stereotyping and incorporate a gender perspective into their work, among other measures. It also calls on States to review rules of evidence in cases of violence against women and to improve the criminal justice response to domestic violence, including in applying for and receiving protection orders, among other measures.

**General Recommendation No. 34 (2016) on the rights of rural women**

In its General Recommendation No. 34, the CEDAW Committee finds that rural women are disproportionately at risk of gender-based violence and lack access to justice and effective legal remedies, due to traditional attitudes regarding the subordinate role of women, and these risks can be exacerbated when girls leave rural communities to seek employment in town and for rural women human rights defenders. The Committee finds that rural women and girls are also more vulnerable to trafficking because of the economic hardships of rural life and lack of information about trafficking and how traffickers operate. The Committee recommends that States raise awareness in rural communities about attitudes that lead to gender-based violence and about trafficking, ensure effective access to justice and redress for victims, including legal aid and compensation, ensure integrated services for victims, implement measures to protect rural women human rights defenders, and provide training on trafficking for police, border guards, and other relevant actors.

**General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (2017)**

In its General Recommendation No. 35, the CEDAW Committee provides an updated and extensive analysis of gender-based violence. Importantly, this General Recommendation includes some specific recommendations around the rights of women and girls with disabilities to be free from gender-based violence, which are summarized here. In particular, the Committee finds that States have an obligation to repeal legislation that allows, tolerates, or condones forms of gender-based violence, including medical procedures performed on women with disabilities without their informed consent. It further calls on States to repeal all laws that prevent or deter women from reporting gender-based violence, including “guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to testify in court.” The Committee also calls on States to provide appropriate and accessible protective mechanisms to prevent further or future violence, including by removing communications barriers for women with disabilities.

**General Recommendation No. 36 on the right of girls and women to education (2017)**

In its General Recommendation No. 36, the CEDAW Committee recognizes that violence against girls and women in and out of school is a significant factor preventing women and girls from claiming and enjoying their right to education. It notes that there is a significant risk of gender-based violence for women and girls travelling to and from school and that during conflict, the presence of armed men at or near schools dissuades parents from sending their girls to school for fear that they will become victims of gender-based violence. The Committee also elaborates that gender-based violence in school leads girls to experience low self-esteem, lower academic achievements, and long-term adverse health outcomes, as well as higher dropout rates and a higher likelihood that parents will keep girls out of school. The Committee notes that girls with disabilities face both gender and disability discrimination in this regard. The Committee recommends that States adopt laws and policies that specifically focus on violence against women and girls in and around schools; recruit, train, and hire more female teachers; ensure effective access to justice and remedies for victims; and provide support services for girls experiencing violence, among other measures.

**Concluding Observations**

In nearly every set of concluding observations, the CEDAW Committee has recommended that States take effective measures to prevent and eliminate gender-based violence, including intimate partner and domestic violence.
violence, sexual violence, sexual harassment, and trafficking. The Committee has also consistently called on States to eliminate gender-based violence in certain contexts—including in prisons, schools, and during conflict or post-conflict situations—and against certain groups—including migrants, women with disabilities, minority and indigenous women, and lesbian, gay, bisexual, or transgender (LGBT) women. It has further called on States to ensure effective access to justice for victims of gender-based violence and effective remedies and redress measures for those victims. The CEDAW Committee has also frequently expressed concern and made recommendations to States about forced or coerced sterilization, which can be a form of gender-based violence. For more information on how the Committee has addressed forced and coerced sterilization, please see accountABILITY: U.N. Standards on the Sexual and Reproductive Health and Rights of Women and Girls with Disabilities.

Because of the large volume of concluding observations on gender-based violence issues by the CEDAW Committee, the information below is an overview of representative recommendations the CEDAW Committee has issued to States. Please check the CEDAW Committee’s website to access the most updated concluding observations for a particular State.

**LEGISLATIVE AND POLICY REFORM**

The CEDAW Committee has consistently recommended that States adopt and implement legislation, strategies, and action plans to tackle violence against women, including legislation and plans that ensure that all forms of violence against women are criminalized, including violence within the family and online. The Committee has called for these measures to provide for risk assessments for victims and early warning mechanisms; provide appropriate budgets and time frames for implementation; ensure access to restraining orders against perpetrators; aim to combat gender stereotypes, and ensure educational and awareness-raising programs about various forms of violence against women. The Committee has further called on States to establish national violence coordination and monitoring mechanisms with the mandate to address all forms of violence against women. On several occasions, the Committee has recommended that States repeal problematic legal provisions, including those that appear to condone violence against women, such as the criminalization of sexual relations outside marriage, and to review gender-based violence legislation to ensure that it does not perpetuate direct or indirect discrimination against women. The Committee has also recommended that at least one State adopt legal frameworks that specifically provide women protection from psychological violence, at least one State to ensure protection from economic violence, at least two States to criminalize so-called honor crimes, and that at least one State prohibit stalking. The Committee has also recommended that at least one State adopt legislation specifically prohibiting acid attacks and regulating the sale and use of acid substances. It has recommended that at least one State amend the Civil Code to ensure that all births are registered, without exception, as a means of preventing gender-based violence. It has recommended that at least one State ensure that gender-based violence is reflected in national health strategic plans and ensure that health care workers are trained on comprehensive clinical care for victims.

The CEDAW Committee has also recommended that States ratify other treaties related to violence against women. For instance, the Committee has recommended that States in Europe and Central Asia ratify the Council of Europe convention on preventing and combating violence against women. It has also recommended that at least one State incorporate another regional treaty on trafficking into its legislation.

**DATA COLLECTION AND AWARENESS-RAISING**

Statistics and Data Collection

The CEDAW Committee has recommended that States put in place systems to collect comprehensive and disaggregated data about all forms of violence against women, including disaggregated by type of violence and by the relationship of the perpetrator to the victim, as well as age, sex, rural/urban status, and other
relevant factors, including disability. It has called on States to also collect data on the sentence given to the perpetrator, as well as prosecutions and convictions and remedies or reparations given to the victims, including compensation. The Committee has called on at least one State to provide adequate human, technical, and financial resources to analyze that data. It has further called on States to collect data specifically on the implementation of laws and policies in place to deal with all forms of violence against women. The Committee has also called on at least two States to undertake a study or survey on the root causes of violence against women and on at least one other State to improve its systems for collecting data, including on violence against women and trafficking. It has further called on at least one State to conduct a study on the possible link between oversexualizing of women in the media and the increasing levels of gender-based violence.

**Awareness-Raising**

The CEDAW Committee has also consistently recommended that States undertake awareness-raising campaigns and educational programs about gender-based violence as unacceptable and as a form of discrimination, including violence against women with disabilities, ethnic minority women, and women in rural areas. It has recommended that States raise awareness that marital rape is a crime and that a State undertake a large-scale public campaign to raise awareness about the criminal nature of acid attacks. The Committee has further recommended that States develop awareness-raising programs targeted at the judiciary, public officials, teaching staff, the police, social workers, and health care workers, so that they can provide adequate gender-sensitive support to victims, and also that States raise awareness among health care workers specifically on how to handle forensic examinations and health care for victims of gender-based violence.

**INTIMATE PARTNER AND DOMESTIC VIOLENCE**

The CEDAW Committee consistently recommends that States take steps, including through legislation, to criminalize domestic violence, punish acts of domestic violence, and punish perpetrators. The Committee has recommended that States adopt strategies and national action plans for tackling domestic violence and that they allocate adequate funding for their implementation. The Committee has also called on at least one State to ensure that cases of domestic violence are heard in criminal courts, rather than family courts. The Committee has recommended that at least one State consider establishing a monitoring mechanism to ensure the enforcement of the law on domestic violence.

Concerning specific policies, the CEDAW Committee has recommended that at least one other State put in place “primary aggressor” policies related to domestic violence, though they did not define what such policies might look like. The Committee recommended another State cease the practice of dual arrests in cases of domestic violence. It has also recommended that at least one State amend its law to include all intimate partner relationships, including past relationships where the former partner still poses a threat of violence, and to another State that it ensure that its law on spousal violence also applies to all women in all family settings. It has further recommended that at least one State remove the element of consent from its bill on domestic violence. The Committee has called on at least one State to take into account convictions for domestic violence in child custody and visitation decisions.

**Protective Measures**

Concerning protection orders, the Committee has recommended that States ensure that protection orders are available to victims of domestic violence and other forms of gender-based violence and are effectively enforced, including civil protective measures that allow for both emergency and long-term protection. It has further recommended that at least one State ensure that its legislation prohibiting domestic violence contains specific rights for victims to assistance, protection, and compensation. The Committee called on at least one State to expedite the judicial process for issuing emergency protection orders. It has further recommended that at least one State ensure that those protection orders are in effect even during the consideration of an appeal of those orders. The Committee has recommended that at least one State provide specific training to
law enforcement and the judiciary on the application of protection orders and that another State ensure that protection orders are in place until the victim of violence is no longer at risk. The Committee has further recommended that at least one State provide information on the number of protection orders and availability of shelters for women victims of gender-based violence. It has recommended that at least one State undertake a study of how gender stereotypes and discrimination affect the judiciary and influence women’s access to justice, including in the context of gender-based violence.

The CEDAW Committee has frequently recommended that States take particular measures to protect migrant women from domestic violence. The Committee has recommended that at least one State intensify efforts to prosecute instances of domestic violence against migrant women. The Committee has also recommended that at least one State move towards providing long-term residency or citizenship to non-citizen victims of domestic violence, and that another State review its laws on divorce to facilitate divorce in cases of domestic violence and provide legal aid to non-citizen women seeking divorce from citizen men on these grounds.

**Access to Shelters and Support Services**

The CEDAW Committee has recommended that States ensure the availability of shelters for all women who are victims of domestic violence, as well as other forms of gender-based violence, and their children, including in rural areas, and that such shelters are adequately staffed and financed. The Committee has further recommended that at least two States that they cooperate with non-governmental organizations providing shelter and other support services, that another State ensure shelters are state-funded and, in another instance, that the State provide adequate, secure, and autonomous funding to shelters and support services to women who are victims of violence. It has recommended that at least one State lift age limitations on access to shelters for victims of domestic violence. The Committee has also recommended to one State that it make childcare facilities available for victims of domestic violence and to another State that shelters themselves accept children. The Committee has recommended that shelters contain psychological counseling, rehabilitation, and other support services for victims of violence. It has recommended that at least one State guarantee national coverage by increasing the number of—and funding for—shelters, including for asylum-seeking and undocumented women. It has further recommended that States ensure the availability and accessibility of shelters for migrant women, rural women, women with disabilities, older women, refugees, and/or minority and indigenous women. The Committee has further called on at least one State to operationalize a domestic violence hotline.

**SEXUAL VIOLENCE**

The CEDAW Committee has consistently recommended that States amend criminal laws to expand the definition of rape, including by putting lack of consent at the center of this definition. In this regard, the Committee has recommended that at least one State revise its legislation on sexual offenses, including against children and against persons with intellectual disabilities, to be in line with international standards and that at least one other State amend its definition on rape to align it with international standards. It has further recommended that at least one State ensure that gang rape be considered an aggravating factor leading to a more severe punishment. The Committee has also recommended that at least one State raise the minimum penalty for statutory rape and that another State abolish the statute of limitations for registering sexual violence cases.

The Committee has then called on at least one State to establish a system to monitor and evaluate the implementation, effectiveness, and impact of legislation to combat sexual violence. The Committee has further recommended that at least one State ensure that the low number of reported cases of rape is not due to victims’ fears of retribution or stigma, or a sign of lack of confidence in the police and judiciary. Concerning prosecutions, it has recommended that at least one State step up efforts to prosecute and convict perpetrators of rape and other sexual violence and analyze and address the high number of acquittals in these cases.
has further recommended that at least one State strengthen its activities and programs related to sexual violence, sexual crimes, incest, and prostitution. The Committee has recommended that at least one State establish one-stop crisis centers for victims of violence, particularly rape, that include free and immediate access to medical attention, psychological counseling, legal aid, shelters, and other support services.

Concerning particular forms of sexual violence, the CEDAW Committee has consistently called on States to amend criminal laws so as to prohibit marital rape or increase the penalty for marital rape. The Committee has also recommended that at least one State put in place a system to encourage women to report marital rape and adopt a set of indicators and monitor trends about the reporting and incidence of this crime. It has recommended that at least two States raise awareness among women that marital rape is criminalized. The Committee has further recommended that a State repeal legal provisions exempting rapists from punishment if they marry their victims and that another State prohibit and sanction the performance of virginity tests on women, in violation of their right to privacy.

**SEXUAL HARASSMENT**

The CEDAW Committee has frequently called on States to take effective measures to tackle sexual harassment against women in the workplace, including as a means of increasing their labor force participation. In this regard, it has called on States to criminalize sexual harassment or otherwise adopt legislation on sexual harassment including legislation that requires employers to prevent sexual harassment and provides adequate sanctions for sexual harassment. The Committee has further called on at least one State to revise the definition of sexual harassment in the Labor Code to include conduct that creates a hostile work environment, require employers to prevent sexual harassment, and establish additional avenues for redress for victims and adequate sanctions for perpetrators. It has called on at least one other State to establish labor inspections to ensure effective labor law reporting and enforcement, including on the issue of sexual harassment. It has also called on at least two States to conduct an awareness-raising campaign targeted at working women in particular to break the culture of silence around sexual harassment. The Committee has further recommended that national laws on sexual harassment in the workplace be applied to domestic workers and that at least one State protect women police officers specifically from sexual harassment at work.

Concerning access to justice in cases of sexual harassment at work, the CEDAW Committee has called on at least one State to conduct awareness training on reporting sexual harassment and ease the burden of proof on victims of sexual harassment in the workplace. It has also called on States to apply effective sanctions against perpetrators of sexual harassment in the workplace and on at least two States to provide effective remedies to women, including compensation. It has also called on at least one State to develop a safe and confidential system for filing complaints of sexual harassment and to facilitate access to justice.

The CEDAW Committee has also addressed sexual harassment against women and girls in other forums. It has called on at least one State to undertake a study of the root causes of high dropout rates for girls from school, including due to sexual harassment, and on at least two States to implement a zero-tolerance policy on sexual harassment in school. The Committee has also recommended that at least one State amend its penal code to criminalize online harassment.

**ACCESS TO JUSTICE**

**Due Diligence Obligations**

The CEDAW Committee has consistently recommended that States ensure that allegations of violence against women are effectively investigated, including on complaint of the victim alone, and that perpetrators are prosecuted and punished, including both state and non-state perpetrators and including when the victims are sex workers. It has also recommended that at least two States ensure “speedy” or expeditious access to justice for victims of gender-based violence and that at least two other States strengthen the judicial
system in order to ensure justice for victims of gender-based violence and tackle cultures of impunity. It has called on States to establish specialized courts to tackle violence against women. It has further called on at least one State to ensure consistent sanctions for gender-based violence and to simplify processes and enhance coordination to prevent, treat, punish, and eliminate violence against women. The Committee has further called on at least one State to ensure that redress mechanisms are accessible to all women, including domestic workers and that at least one State ensure that information about legal remedies is available to victims of gender-based violence, including in indigenous languages and in formats accessible to women with disabilities.

The CEDAW Committee further consistently recommends that States encourage and/or assist women to report instances of violence, including by destigmatizing victims and raising awareness, including among men and boys, about the criminal nature of such acts. The Committee has also emphasized the importance of providing legal, medical, and psychological assistance and rehabilitation, including access to shelters, to encourage such reporting. It has also called on at least one State to unify reporting procedures for victims of gender-based violence and on another State to adopt victim-centered procedural and evidentiary rules in cases of violence against women. The CEDAW Committee has urged at least two States to establish victim and protection programs in the context of gender-based violence. It has also recommended that at least one State remove requirements for victims to obtain medical certificates in order to initiate criminal proceedings for rape.

Concerning effective justice, the CEDAW Committee has recommended that States ensure that gender-based violence, including domestic violence, are not addressed under mediation procedures and that victims have access to adequate remedies and redress. In particular, it has recommended that at least one State develop guidelines to specify which cases of domestic violence could be referred to “conciliation committees” and to guarantee the rights of victims whose cases are referred to these committees. Concerning another State, the Committee has recommended that police and the judiciary be trained to ensure that instances of domestic and sexual violence are not systematically referred to mediation but rather are effectively prosecuted. The Committee has also recommended that another State utilize criminal penalties for perpetrators, rather than administrative fines that could inadvertently impact the financial security of the victim. It has recommended that at least one other State ensure that decisions taken by traditional courts regarding violence against women do not violate state laws and do not lead to extrajudicial punishments.

Training
The CEDAW Committee has consistently recommended that States train members of the judiciary and police about gender-based violence, laws on gender-based violence, and/or the rights of victims of gender-based violence, as well as how to undertake gender-sensitive investigations into such violence, and has recommended that at least two States make such training mandatory. The Committee has also recommended that at least one State monitor implementation by judicial actors and law enforcement of measures for the benefit of women victims of violence, and ensure that officials who fail to properly implement those measures are appropriately sanctioned. It has further recommended that at least one State ensure that police officers fulfill their duty to protect women and girls from violence and are held accountable. The Committee has further recommended that at least one State continue efforts to ensure the recruitment of female police officers.

Remedies, Redress, and Support Services
The CEDAW Committee consistently recommends that States ensure that victims of gender-based violence have access to timely and effective remedies, such as compensation, restitution, protection, and rehabilitation. The Committee has called on States to provide comprehensive care to victims of violence against women, including legal aid, protection orders, medical and psychological support, shelters, counseling, and rehabilitation services. In this regard, the Committee has recommended that at least one State cooperate with civil society organizations and international partners to deliver these services. The Committee has further recommended that at least one State set up a public- and privately-funded trust fund to ensure compensation, legal aid, and other forms of reparation for victims of gender-based violence. It has recommended that at least one other State define the scope of measures of redress for women who are victims of violence, including the application of judicial measures of restitution, compensation, symbolic benefits, rehabilitation, satisfaction, and guarantees.
The Committee has also recommended that at least one State ensure that the quality of support services is regularly monitored. The Committee has called on States to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It has also called on at least one State to tackle with urgency the issue of trafficking for domestic servitude, forced and servile marriages, forced begging, sexual exploitation, and prostitution. The Committee has further called on at least one State to more closely monitor the adult entertainment industry so as to prevent sexual exploitation.

The CEDAW Committee has also called on States to ensure that instances of trafficking are investigated and that the perpetrators are prosecuted and provided punishments commensurate with their crimes, including by building capacity of the judicial authorities to undertake these investigations and prosecutions in a gender-sensitive manner and by tackling corruption. The Committee has further called on at least one State to adopt laws that specifically set up mechanisms to investigate, prosecute, and punish traffickers. It has called on States to engage in international, multilateral, and bilateral cooperation with other States to tackle trafficking, including through information exchange and by harmonizing legal procedures aimed at the prosecution and punishment of trafficking. The CEDAW Committee has urged at least one other State to ensure that victims are always treated as victims, free from prosecution and deportation, and provided with adequate assistance and support. The Committee has also called on at least one State to create adequate conditions for women migrant workers to bring complaints of trafficking, including by ensuring that information about their rights and remedies is in a language they can understand.

The CEDAW Committee frequently calls on States to tackle the root causes of trafficking, including poverty and high unemployment, and encourages States to undertake a study of those root causes. In at least one instance, the Committee has urged a State to strengthen efforts to tackle trafficking and the complexities that come with a crime that is international in nature. It has also called on States to raise awareness about trafficking, including deceptive recruitment agencies involved in human trafficking and the risks and criminal nature of trafficking. The Committee has also consistently called on States to collect data about trafficking. To that end, the CEDAW Committee has urged at least one State to carry out a survey on the extent and causes of trafficking, including on women engaged in prostitution, called on another State to collect sex-disaggregated data on the number of prosecutions and convictions for trafficking, and has recommended that at least one State to collect data on both internal and cross-border trafficking. The Committee has further called on at least two States to undertake a survey of the extent of trafficking in women and girls and prostitution.

The CEDAW Committee also frequently calls on States to provide support services for victims of trafficking and sexual exploitation. The Committee has called on States to establish early identification, referral, and/or support mechanisms for victims of trafficking, including refugee women and girls and women migrant workers, and has urged at least one State to build capacity of law enforcement to ensure early identification and referrals to support services. It has also called on States to establish shelters for victims of trafficking as well as medical, legal, and psychosocial assistance and alternative income-generating opportunities. The Committee has recommended that at least one State ensure non-custodial accommodation is provided to victims and potential victims of trafficking, with full access to psychological and medical support. called on another State to ensure access to legal aid for victims, and, in at least one other instance, recommended the provision of financial and other forms of support to non-government organizations working with victims of trafficking, in order
to facilitate rehabilitation and reintegration. It has further called on at least two States to provide these support services to victims of trafficking, regardless of whether they are willing to testify against the traffickers.

The CEDAW Committee frequently makes specific recommendations related to trafficking and migration. For instance, it has called on at least one State to take special measures to prevent refugee and asylum-seeking women and girls from falling victim to trafficking, to create a mechanism to identify victims of trafficking, and to ensure that those victims who have protection needs are referred to the asylum system. It has further called on at least one State to raise awareness among migrant women of the risks of trafficking and sexual exploitation. The Committee has also called on at least two States to provide victims with residence permits, where appropriate. It has also called on at least two States to establish effective measure for identifying victims of trafficking, particularly among foreign women. The Committee has further recommended that at least one State analyze the root causes of the disproportionately high number of foreign women engaged in potential trafficking, with an eye towards their specific needs and vulnerabilities, and has called on at least one State to abolish the sponsorship system for migrant workers, especially women and children, as a means of tackling trafficking.

**Sex Work and Prostitution**

The CEDAW Committee frequently comments on sex work in the context of trafficking. In particular, it has consistently recommended that States take measures to discourage women and prevent girls from entering into prostitution and that States provide support for women who wish to leave prostitution, including non-nationals or migrant women. It has specifically called on at least one State to review legislation to ensure that child prostitution is prohibited and duly sanctioned. At the same time, it has recommended that States decriminalize women’s involvement in prostitution or sex work, that at least one State remove discriminatory parts of the Penal Code related to prostitution, and that at least one State release from prison all women serving sentences for prostitution. It also has recommended that States discourage male demand for prostitution, including through criminal sanctions for consumers of prostitution. To this end, the Committee has called on at least one State to ensure that, during raids of brothel and individual establishments, victims of trafficking and forced sex work are not treated as offenders.

The CEDAW Committee has further consistently recommended that States ensure that women have access to alternative means of earning income, alongside reintegration and rehabilitation programs, while at the same time empowering them to make their own choices about their lives. The Committee has recommended that at least one State tackle the root causes of prostitution, including drug addiction and sex tourism. It has also called on at least one State to train police and provide them with adequate guidelines on dealing with women engaged in sex work. It has requested that at least two States provide information on the exploitation of sex workers and that at least one State ensure punishment and penalties for those who exploit sex workers. The Committee has further recommended that at least one other State prosecute instances of sexual assault by law enforcement against women engaged in sex work and punish perpetrators with appropriate sanctions. It has also recommended that at least one State analyze the factors that lead non-nationals engaged in sex work in order to strengthen measures to prevent trafficking and exploitation. In one instance, the Committee further recommended that the State ensure special measures to protect women from sexual exploitation from the U.N. peacekeeping mission in the country. Finally, it has called on at least two States to specifically collect data on women engaged in sex work and on another State to provide a comprehensive assessment of the factors that lead to legal and illegal prostitution, including in different areas of the country.

**INSTITUTIONAL VIOLENCE**

**Women in Prison**

The CEDAW Committee has occasionally called on States to ensure protection from gender-based violence for women in prison, including by ensuring that men are trained in a gender-sensitive manner and do not serve as front-line staff in women’s institutions; meeting international standards for ensuring human rights and dignity in prisons; and ensuring that redress and oversight mechanisms are accessible, comprehensive, and
independent. It has recommended that at least one State ensure that allegations of sexual violence against women in prisons are effectively investigated and that perpetrators are prosecuted and adequately punished. The Committee has also called on at least one State to ensure that women in detention are under the supervision of female guards.

Violence in Schools
The CEDAW Committee has frequently called on States to provide safe access to education for girls, including by raising awareness among teachers and having a zero tolerance policy about sexual abuse and harassment, providing safe transportation to and from schools and security of the roads to and from schools, ensuring that schools are free from discrimination and violence, and ensuring that perpetrators are punished appropriately. It has called on at least two States to eradicate all forms of violence against women and girls in educational institutions. In particular, it has called on at least one State to provide girls with access to effective remedies to complain about sexual violence in schools, as well as information about their sexual and reproductive rights. It called on another State to establish multidisciplinary working groups in schools to prevent sexual violence and harassment, monitor the situation, and act on reports of sexual and other violence against pupils, particularly girls. It has further called on at least one State to ensure other redress and rehabilitation for victims of violence in educational institutions, including medical examinations, psychological and social assistance, the option to change schools, counseling (including for parents), and economic compensation. In addition, the Committee urged at least one State to provide training to judicial, law enforcement, and teachers on the prompt and effective investigation, prosecution, and conviction of perpetrators of sexual violence in schools.

The CEDAW Committee additionally recommended that at least one State prohibit corporal punishment of children, including girls, requesting that the State raise awareness about the negative consequences of corporal punishment on the psychosocial development of girls.

CONFLICT AND POST-CONFLICT SETTINGS
The CEDAW Committee has called on States to ensure protection for women from gender-based violence during and after conflicts and to provide adequate reparations for victims of gender-based violence during conflict, including compensation, satisfaction, official apologies, and rehabilitative services. The Committee has also called on at least one State to establish counseling centers for victims of violence during conflict, while providing adequate health services. It has further recommended that at least one State ensure the security of internally-displaced women as a result of conflict. The Committee has recommended that at least one State publicize, prosecute, and punish sexual violence committed during a dictatorship, including as a form of crimes against humanity. It has additionally called on at least one State to enhance the inclusion and representation of women survivors in peacebuilding institutions. The Committee has further recommended that at least one State ensure that public officials refrain from making disparaging statements regarding responsibility for violence against women during a conflict situation, which serve to re-traumatize the women. It has also recommended that at least one State ensure that textbooks present objective historical facts about violence against women during the conflict.

The CEDAW Committee has further called on States to ensure women’s equal access to justice following conflict, including by investigating, prosecuting, and punishing acts of sexual violence committed by security forces, defense forces, armed groups, and law enforcement during conflicts. The Committee has also recommended that States ensure that inquiries are conducted exhaustively, impartially, and transparently, that statutes of limitations do not preclude women’s access to justice in these cases, and that victims have access to legal aid. The CEDAW Committee has called on at least one State to ensure that proceedings under a Truth and Reconciliation Commission also deal with sexual violence as a result of the conflict. It has called on at least one State to conduct a thorough and complete investigation into the perpetration of sexual abuse during conflict and post-conflict period. In another instance, the Committee called on a State to establish witness and victim protection programs specifically related to sexual violence during conflict.
INTERSECTIONAL VIOLENCE

The CEDAW Committee has recommended that States take particular measures to ensure that specific groups of women are protected from gender-based violence, including women with disabilities, migrants, rural women, minority and indigenous women, and LGBT individuals.

Women with Disabilities

The CEDAW Committee has recommended that at least two States include women with disabilities in their strategies to prevent and eliminate violence against women, and that several other States take specific or proactive measures to protect women with disabilities from violence and abuse, including by providing assistance and rehabilitation. The Committee has recommended that at least two States ensure that support services for victims of gender-based violence, including shelters, recognize the “special” needs of women with disabilities. It has further called on at least one State to bear in mind the “special” needs in terms of accessibility of information about gender-based violence for marginalized women and women with disabilities.

The Committee has recommended that at least two States ensure that support services for victims of gender-based violence, including shelters, recognize the “special” needs of women with disabilities. The Committee has recommended that at least one State provide adequate assistance to women victims of violence, including women with disabilities, by strengthening the capacity of shelters and crisis centers. The Committee has recommended that at least two States provide access to rape crisis centers and 24-hour free helplines that provide assistance for victims of violence, including women with disabilities.

The CEDAW Committee has also recommended that at least one State provide mandatory capacity-building training to law enforcement and judicial officials on gender-based violence and gender-sensitive procedures for dealing with victims, in particular women with disabilities. It has also recommended that at least one State provide adequate conditions for redress and rehabilitation for women with disabilities who are victims of violence. It has also specifically called on at least one State to ensure that women with disabilities have immediate means of redress for gender-based violence.

The CEDAW Committee has also called on at least one State to establish a monitoring mechanism to evaluate the accessibility of protection and assistance services for victims of gender-based violence, including women with disabilities. It has further called on States to collect or disaggregate data on gender-based violence by disability, in addition to other factors, including by conducting appropriate surveys to collect this information.

Migrant, Refugee, and Asylum-Seeking Women

Concerning migrant women, the CEDAW Committee has called on at least one State to collect data on violence against migrant women, including when the crime is motivated by ethnicity. It further called on at least one State to undertake an awareness-raising campaign about xenophobic violence against migrant women. The CEDAW Committee encouraged at least one other State to hire more migrants or increase the number of persons with a migrant background on police forces as a means of intensifying dialogue between police and migrant communities and preventing violence against migrant women.

The CEDAW Committee has recommended that at least one State adopt a national plan on sexual and domestic violence that takes into account the specific needs and vulnerabilities of migrant women. The Committee has also recommended that a State provide access to rape crisis centers and a 24-hour free helpline to provide assistance for victims of violence, including migrant women.

The Committee called on at least one other State to establish a protection and monitoring system to protect migrant domestic workers from gender-based violence.
State to ensure adequate security protection for refugee women housed in a camp in order to prevent gender-based violence. It has further called on at least one State to ensure to include refugee camps in its strategy and to ensure protection for women refugees and returnees from gender-based violence, as well as their access to immediate means of redress.

Concerning migrant domestic workers, the CEDAW Committee has called on at least two States to ensure that these workers have access to complaint mechanisms in cases where employers violate labor laws and inflict other abuses, and that those instances of ill-treatment are promptly investigated and punished. It has further called on at least two States to ratify the Domestic Workers Convention of the International Labor Organization, as a means of tackling trafficking. It has also called on at least one State to protect women domestic workers from economic exploitation and sexual violence.

**Indigenous Women and Minority Women**

The CEDAW Committee has recommended that at least one State take specific measures to protect ethnic and racial minority women from violence by state and non-state actors. The CEDAW Committee has also recommended that at least one State fund culturally-appropriate legal services for indigenous women as a means of tackling violence against women. It has recommended that at least two other States ensure that interpreters are provided so that indigenous women can access free legal services for victims of gender-based violence. The Committee has further recommended that support services for victims of gender-based violence be culturally appropriate for indigenous women. It has also recommended that at least one State provide adequate reparations in accordance with the culture and traditions of ethnic minority women.

The Committee has recommended that at least one State harmonize the competences of regular and traditional judges to deal with complaints of gender-based violence from ethnic minority women. The Committee has also recommended that at least one State ensure that it provides adequate assistance and protection, including access to shelters, to ethnic minority women who are victims of gender-based violence.

**Rural Women**

The Committee has recommended that at least one State adopt policies to address the vulnerability of rural women to gender-based and sexual violence, including as the result of large-scale economic development projects. It has also recommended that at least one State introduce a system of mobile courts to be available to women in rural and remote areas. It has further recommended that at least one State provide access to rape crisis centers and a 24-hour free helpline to provide assistance for victims of violence, including rural women. The Committee has recommended that at least one State ensure that medical and psychological counseling is available to women in rural areas and is adequately funded.

**LGBT Women**

The CEDAW Committee has recommended that at least one State establish a system to effectively monitor cases of violence against women, including LGBT women, to ensure that perpetrators are punished, and that judicial officers and law enforcement are trained about LGBT women’s rights under CEDAW. It has recommended that at least one State decriminalize homosexual behavior and provide effective protections from violence and discrimination against women based on their sexual orientation or gender identity.
Individual Complaints

- **A.T. v Hungary (2005)**

  A.T., a Hungarian national, was subject to continued death threats and severe domestic violence by her common law husband, resulting in her hospitalization.\(^{1088}\) A.T. claimed that Hungarian law did not provide a mechanism for her to obtain a protection order against her husband.\(^{1081}\) The CEDAW Committee found that Hungary violated its obligations by failing to protect A.T., failing to adopt appropriate legislation to combat domestic and sexual violence, and for not eliminating discrimination against women in matters relating to marriage and the family.\(^{1082}\) The CEDAW Committee accordingly recommended that Hungary enact laws that prohibit domestic violence against women and to provide protection and exclusion orders, as well as support services, for victims of domestic violence.\(^{1083}\)

- **Şahide Goekce (deceased) v Austria (2007)**

  Şahide Goekce, an Austrian national of Turkish origin, was shot and killed by her husband, Mustafa.\(^{1084}\) Prior to her death, Ms. Goekce was repeatedly subjected to serious physical violence and death threats by her husband.\(^{1085}\) The police were regularly called and requested that her husband be detained, but the public prosecutor denied the request.\(^{1086}\) An interim injunction was issued to prevent Ms. Goekce’s husband from entering the family home, but he ignored this order and it was not enforced by the police.\(^{1087}\) The CEDAW Committee found that Austria violated several of Ms. Goekce’s rights, including her rights to life and physical and mental integrity.\(^{1088}\) Among several recommendations, the CEDAW Committee called on Austria to strengthen the implementation and monitoring of its laws to protect women against violence within the family, act with due diligence to prevent domestic violence, and provide adequate sanctions for the failure of officials to do so.\(^{1089}\) The Committee also recommended that Austria prosecute perpetrators of domestic violence in a speedy manner.\(^{1090}\)

- **Fatma Yildirim (deceased) v. Austria (2007)**

  Fatma Yildirim, an Austrian national of Turkish origin, was fatally stabbed by her husband Ifran Yildirim.\(^{1091}\) Prior to her death, Ms. Yildirim was repeatedly harassed by and received death threats from her husband, who also threatened to kill her three children if she divorced him.\(^{1092}\) The police made repeated requests to the public prosecutor asking that her husband be detained, but their requests were rejected.\(^{1093}\) The CEDAW Committee found that Austria violated several of Ms. Yildirim’s rights, including her rights to life and to physical and mental integrity.\(^{1094}\) The Committee recommended, among several recommendations, that Austria strengthen the implementation and monitoring of its relevant law.\(^{1095}\) The Committee also recommended that Austria ensure that all available remedies are employed vigilantly and in a speedy manner to prosecute perpetrators of domestic violence, and that it enhance coordination among law enforcement, judicial officers, and non-governmental organizations that work to protect women victims of gender-based violence.\(^{1096}\)

- **Karen Tayag Vertido v The Philippines (2010)**

  Karen Tayag Vertido, a Filipina national and a former employee of the Davao City Chamber of Commerce and Industry, claimed that the president of the Chamber, Jose B. Custodio, raped her after offering her a lift home.\(^{1097}\) Courts in the Philippines challenged Ms. Vertido’s credibility and acquitted the defendant.\(^{1098}\) The CEDAW Committee found that the Philippines violated a number of Ms. Vertido’s rights including her right to a competent tribunal.\(^{1099}\) The Committee concluded that the assessment of her credibility was influenced by a number of stereotypes and gender-based myths about the “ideal victim.”\(^{1100}\) The Committee particularly stated that stereotyping affects a woman’s right to a fair and just trial.\(^{1101}\) The Committee recommended that the Philippines provide Ms. Vertido with appropriate compensation for the violation of her rights.\(^{1102}\) The Committee also called on the Philippines to remove the requirement that sexual assault must be committed by physical force or violence and instead adopt a definition of rape that places the lack of consent at its center, as well as a definition for sexual assault that requires a proof of consent by the accused and removes the need for coercion.\(^{1103}\)
**Abramova v Belarus (2011)**

Inga Abramova, journalist and activist and a national of Belarus, was arrested for her activism to draw public attention to the “European March.” Ms. Abramova was detained for five days in a facility staffed by men who had unrestricted visual and physical access to her. While detained, Ms. Abramova, was subject to disrespectful and humiliating treatment by male guards. The CEDAW Committee found that Belarus’ treatment of Ms. Abramova constituted discrimination based on her gender and amounted to inhuman and degrading treatment. The Committee further found that the inappropriate touching and unjustified interference with her privacy constituted sexual harassment. In its recommendations, the CEDAW Committee called on Belarus to take measures to protect the dignity, privacy, and physical and psychological safety of women detainees. The Committee also recommended that Belarus ensure access to gender-specific health care for women detainees, establish safeguards to protect female detainees from all forms of abuse, including gender-specific abuse, and investigate and prosecute perpetrators.


V.K, a Bulgarian national residing in Poland, was subject to persistent domestic and economic abuse by her husband, F.K. V.K managed to escape with her children to Bulgaria and sought protection from her husband. Bulgarian courts rejected V.K’s request to issue a permanent protection order on the ground that no domestic violence took place in the month prior to the hearing. Under these circumstances, the CEDAW Committee found that Bulgaria failed to effectively protect V.K. and her children from domestic violence. The Committee noted that gender-based violence does not require a direct and immediate threat to the life or health of the victim, and can include acts that inflict mental harm or suffering and threats of any such acts. Among several recommendation, the Committee called on Bulgaria to amend its law and abolish any provisions that prevent victims of domestic violence from obtaining protection orders, including the one-month time limit, and to ease the burden of proof in favor of victims.

**Kell v Canada (2012)**

Kell, a Canadian aboriginal woman, owned property with her partner who was not a member of the aboriginal community. After listing her partner as a co-owner, Kell was subject to domestic and economic abuse by her partner who later, without her knowledge or consent, removed her name from the Assignment of Lease and denied her access to the property. The CEDAW Committee found that Canada failed to ensure that Kell has the same property rights as her partner. Additionally, the Committee concluded that Canada discriminated against Kell on the basis of her sex, marital status, and cultural heritage when it removed her name from the lease without her consent. The Committee recommended that Canada provide appropriate compensation to Kell for the violation of her rights and to review its legal system to ensure that aboriginal women who are victims of domestic violence have effective access to justice.

**Jallow v Bulgaria (2012)**

Jallow, an illiterate woman from Gambia residing in Bulgaria, and her daughter were subjected to domestic violence, including mental and sexual abuse, by her husband. Bulgaria awarded temporary custody of Jallow’s daughter to her husband without considering the alleged domestic violence or providing translation services to Jallow. Later, in order to regain custody of her daughter, Jallow felt compelled to agree to a divorce that included numerous unfavorable terms. The CEDAW Committee found that Bulgaria violated Jallow’s rights to equality within marriage and as a parent. In particular, the Committee found Bulgaria’s failure to take Jallow’s domestic violence claims seriously perpetuated the gender stereotype that the husband is superior and the leader of the family. The Committee concluded that both Jallow and her daughter had been subjected to gender based discrimination and that Bulgaria failed to effectively protect them against domestic violence. The Committee recommended that Bulgaria take measures to ensure that women victims of domestic violence, including migrant women, have effective access to justice and services. The Committee also urged Bulgaria to adopt laws or other measures to ensure that domestic violence is taken into account when awarding custody and visitation of children.
**S.V.P. v Bulgaria (2012)**

V.P.P., a Bulgarian child and daughter of S.V.P, was sexually molested and subjected to an attempted rape by her neighbor when she was seven years old. As a result of the incident, V.P.P. suffered severe trauma and was diagnosed with mental disability, while the perpetrator accepted a plea agreement and continued to live close to her house. The CEDAW Committee found that Bulgaria violated several of V.P.P.’s rights including her right to freedom from sexual violence and to have access to appropriate healthcare services. Further, the Committee found that Bulgaria had failed to adopt legal and policy measures that punish rape and sexual violence. As a result, the Committee recommended, among other actions, that Bulgaria repeal and amend its relevant laws in relation to sexual violence and rape to ensure that such crimes are effectively investigated, that perpetrators are prosecuted, and that victims are protected from re-victimization. The Committee also called on Bulgaria to enact policies, including health-protocols, to address sexual violence against women and girls.

**González v Spain (2014)**

Angela González Carreño, a national of Spain, was the mother of seven-year-old daughter, Andrea, who was murdered by her father during a court-approved parental visitation. Prior to the murder, Ms. González sought protective orders against the father and repeatedly reported instances of physical abuse and death threats to the police. The CEDAW Committee found that Spain failed to take the best interests of the child into account and to act with due diligence to investigate and prosecute the father and to protect Ms. González and her daughter as victims of domestic violence. Among several recommendations, the Committee recommended that Spain take appropriate and effective measures to take into account prior acts of domestic violence and the best interest of the child when determining custody and visitation rights.


R.P.B., a Filipina national who is both deaf and mute, was raped at the age of 17 by her 19-year-old neighbor. R.P.B.’s neighbor was acquitted following proceedings where R.P.B. was never provided a sign language interpreter. The CEDAW Committee found that R.P.B. was subject to multiple forms of discrimination based on her gender and disability as a result of the Philippines’ failure to provide R.P.B. with reasonable accommodation or to protect her from gender-based discrimination in access to justice on an equal basis with other victims. The Committee concluded that the Philippines violated several of R.P.B.’s rights including her right to equal protection from discrimination, including sex and gender-based discrimination, and her right to be free from harmful stereotypes. The Committee recommended that the Philippines review and amend relevant laws on rape and sexual violence to remove any requirement that such acts be committed by force or violence and to place the lack of consent at the center of the definition of rape. The Committee further recommended that the Philippines guarantee free and adequate assistance of interpreters, including in sign language, whenever necessary to access justice.

**Belousova v Kazakhstan (2015)**

Anna Belousova, a Kazakh national, worked at a school on a fixed-term contract. Ms. Belousova was sexually harassed by the director of the school, who indicated that her continued employment would depend on her entering into a sexual relationship with him. When Ms. Belousova refused, the director asked her to pay him almost all of her salary to keep her job. The CEDAW Committee found that Kazakhstan violated several of Ms. Belousova’s rights including her right to equality in employment. The Committee also found that Ms. Belousova was subject to gender-based violence and that Kazakhstan violated its obligations by failing to enact laws and take appropriate measures eliminate this discriminatory treatment. Among several recommendations, the Committee recommended that Kazakhstan adopt comprehensive legislation to combat sexual harassment in the workplace, ensure that victims are not required to sign any statements that impede their right to access justice, and take appropriate measures to ensure effective protection of women against all forms of gender-based discrimination in employment.
**X v Georgia (2015)**

X, a Georgia national, married her husband following a rape that resulted in a child.1152 X's husband was physically violent toward her and their five children. X repeatedly made complaints to Georgia's courts and police to no avail.1153 The CEDAW Committee concluded that Georgia has failed to fulfil its obligations and to enact laws and other measures that effectively protect women and young girls from physical and sexual abuse within the family.1154 The Committee also found that Georgia failed to take appropriate measures to eliminate discrimination against women or abolish existing laws and practices that constitute discrimination against women.1155 Among several recommendations, the Committee recommended that Georgia increase awareness-raising campaigns, ensure that victims of domestic violence and their children are provided with adequate support, including shelter and psychological support, and introduce a zero-tolerance policy with respect to violence against women.1156

**Gaps in the Standards**

Although the CEDAW Committee has explicitly addressed violence against women and girls with disabilities, these recommendations would be strengthened with greater specificity as to what States must do to protect women and girls with disabilities from violence and to provide adequate redress, particularly in its concluding observations. For instance, although the CEDAW Committee frequently calls on States to ensure that shelters and support services are accessible to persons with disabilities, it rarely provides recommendations on how to make these services accessible, nor does it provide specific recommendations about how States can help women with disabilities overcome obstacles to accessing justice. Furthermore, the CEDAW Committee has not commented on some of the specific forms of violence experienced by women and girls with disabilities.

The CEDAW Committee could improve its jurisprudence on gender-based violence as it affects women and girls with disabilities by recommending that States ensure that the forms of violence that uniquely and disproportionately affect women and girls with disabilities—such as abandonment, neglect, withholding of medications and mobility aids, and violence in long-term residential institutions—are specifically included in laws, policies, and strategies to prevent and eliminate gender-based violence.

The CEDAW Committee could also more consistently call on States to remove specific barriers to accessing justice. For instance, almost every State in the world allows courts to strip women and girls with disabilities of legal capacity, which can impact their ability to testify in court or to have their claims of abuse taken seriously. The Committee, in line with the CRPD Committee, could recommend that States abolish laws that strip women with disabilities of legal capacity and replace them with supported decision-making systems, as outlined in the CRPD Committee’s General Comment No. 1. Furthermore, the CEDAW Committee could provide specific guidance to States about how to make support services accessible, including by ensuring that transportation to and from such services is accessible, that they have physically accessible facilities, that information is provided in a variety of formats (including Braille, easy read, and sign language), that staff of support services are trained on the rights of women and girls with disabilities, and that shelters permit women with disabilities to bring service animals with them into the shelter.
Committee on the Rights of the Child

The Committee on the Rights of the Child (CRC Committee) monitors State obligations under the Convention on the Rights of the Child (CRC). Through its General Comments and Concluding Observations, the CRC Committee frequently raises issues relating to gender-based violence with regards to both girls and boys with disabilities, including in particular under articles 2 (freedom from discrimination), 19 (protection from all forms of violence) and 39(a) (freedom from torture or other cruel, inhuman or degrading treatment or punishment). Concerning the rights of children with disabilities, the Committee has also examined their rights in particular under articles 2 (freedom from discrimination) and 23 (rights of children with disabilities). Although less frequently cited in the context of gender-based violence, articles 3 (best interests of the child), 6 (right to life, survival and development), 7 (birth registration) 12 (respect for views of the child), 13 (freedom of expression), and 29 (education) also bear on the right of children to be free from gender-based violence. Additionally, there is an Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography, that has relevant protections related to, in particular, trafficking for sexual exploitation.

General Comments

- **General Comment No 3: HIV/AIDS and the Rights of the Child (2003)**
  In its General Comment No. 3, the Committee on the Rights of the Child (CRC Committee) addresses how the HIV/AIDS epidemic impacts the rights of children exposed to violence and abuse. Exposure to violence and abuse can increase a child’s risk of contracting HIV, and contraction of HIV can also increase the likelihood that a child is exposed to violence, particularly for children with disabilities. The Committee emphasizes that article 19 of the CRC obligates States to protect children from all forms of violence and abuse in institutions and no matter where it takes place. Moreover, the Committee explains that States must develop programs tailored to the environment that allow children to recognize and report abuse independently.

  In its General Comment No. 4, the CRC Committee addresses States’ obligation “[t]o protect adolescents from all forms of intentional and unintentional injuries, including those resulting from violence.” This obligation arises out of States’ article 19 obligations to “take all appropriate measures[] to prevent and eliminate: (a) institutional violence against adolescents, including through legislation and administrative measures in relation to public and private institutions for adolescents (schools, institutions for disabled adolescents, juvenile reformatories, etc.), and training and monitoring of personnel in charge of institutionalized children or who otherwise have contact with children through their work, including the police; and (b) interpersonal violence among adolescents, including by supporting adequate parenting and opportunities for social and educational development in early childhood, fostering non-violent cultural norms and values.” The Committee also highlights its concern about the relationship between violence and suicide and reminds States of their duty to provide adolescents with necessary support services. The CRC Committee strongly encourages States to implement awareness raising campaigns, education programs, and legislation to combat gender stereotypes and harmful traditional practices. Lastly, the Committee highlights the vulnerability of a number of different categories of children to violence, including those with disabilities, homeless adolescents, and adolescents who are sexually exploited.

- **General Comment No 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin (2005)**
  In its General Comment No. 6, the CRC Committee enumerates States’ obligation to recognize, protect and respond to the needs of unaccompanied and separated girls who have experienced or are at risk of
experiencing gender-based violence. The Committee explains how States are obligated to protect girls from violence, especially from trafficking and other forms of exploitation, and provide culturally- and gender-sensitive rehabilitation services, as required. Furthermore, the Committee calls on States to consider gender-based violence when conducting the initial assessment of separated or unaccompanied children and to ensure that the domestic interpretation of the refugee definition includes the forms of gender-based violence that girls experience. Lastly, the Committee emphasizes that States should ensure that separated and unaccompanied children receive the necessary care arrangements for both their physical and psychosocial health and protection from gender-based violence.

- **General Comment No 7: Implementing Child Rights in Early Childhood (2005)**

  In its General Comment No. 7, the CRC Committee explains that the right to non-discrimination includes the right to equal protection from violence for children. States are directed to take all necessary measures to safeguard children from violence and abuse and to take positive measures to support children’s recovery from trauma. Furthermore, the CRC Committee calls on States to ensure that children with disabilities receive the care they require in early childhood, including never being institutionalized solely on the grounds of disability and provision of support for parents and other caregivers.

- **General Comment No 8: The Right of the Child to Protection from Corporal Punishment and other Cruel or Degrading Forms of Punishment (2006)**

  In its General Comment No. 8, the CRC Committee calls on States to prohibit corporal punishment. The Committee makes clear that this obligation is part of a State’s obligation to protect children from all forms of violence and that the obligation extends to violence authorized by parents, schools, and institutions.

- **General Comment No 9: The Rights of Children with Disabilities (2006)**

  In its General Comment No. 9, the CRC Committee enumerates States’ obligations and offers guidance on how to implement the rights of children with disabilities. The Committee urges States to recognize the particular vulnerability of girls with disabilities and take extra measures to ensure their protection, access to services, and full inclusion in society. Moreover, the Committee emphasizes the vulnerability of children with disabilities to all forms of abuse and urges States to take all necessary measures to prevent violence and abuse against children with disabilities. The Committee also calls on States to take various protective measures including, training and educating parents and establishing a child-sensitive complaint mechanism. Lastly, the Committee highlights its concern about the ongoing prevalence of forced sterilization and urges States to prohibit forced sterilization of children on the grounds of disability.

- **General Comment No. 10: Children’s Rights in Juvenile Justice (2007)**

  In its General Comment No. 10, the CRC Committee calls on States to prevent violence occurring throughout the juvenile justice system and to ensure that perpetrators are brought to justice. The Committee emphasizes that States must pay particular attention to girls and children with disabilities, the de facto discrimination they may face, and their particular needs, including relating to prior abuse.

- **General Comment No. 11: Indigenous Children and their Rights under the Convention (2009)**

  In its General Comment No. 11, the CRC Committee reminds States of their obligation to address harmful practices and take steps to work with indigenous communities practicing harmful practices to ensure eradication of the practice. Furthermore, the Committee emphasizes States’ obligation to protect children from sexual exploitation and abuse, especially trafficking. The Committee also highlights the particular vulnerability of young girls who are not registered at birth.
- **General Comment No. 12: The Right of the Child to be Heard (2009)**

  In its General Comment No. 12, the CRC Committee explains that States have an obligation to assess the capacity of a child to form an autonomous opinion and that a child should be presumed to have capacity to express their views. The Committee stresses States’ responsibility to take measures to assure all children’s right to freely express their views and have their views taken into consideration without discrimination, including children with disabilities. The Committee also calls on States to engage children, particularly marginalized children, in the development and implementation of policies, programs, and legislation relating to violence. It further emphasizes States’ need to create effective child-friendly reporting mechanisms.

- **General Comment No. 13: The Right of the Child to Freedom from all Forms of Violence (2011)**

  In its General Comment No. 13, the CRC Committee highlights the risks facing children with disabilities, particularly girls, including the risk of forced sterilization and violence under the guise of treatment. States are called on to take specific prevention measures relating to violence against children, including measures aimed at changing attitudes that contribute to violence on the basis of gender, disability, and other power imbalances. In judicial proceedings, the Committee also calls on States to treat child victims of violence in a sensitive manner that takes their disability and gender into account. The Committee further emphasizes that States must incorporate the gender dimensions of violence against children into their national coordinating frameworks, including by actively engaging men and boys to combat gender-based discrimination and violence.

- **General Comment No. 14: The Right of the Child to have his or her Best Interests taken as a Primary Consideration (art. 3, para. 1) (2013)**

  In its General Comment No. 14, the CRC Committee emphasizes that a child’s disability does not deprive the child of the right to express their views or reduce the weight of the child’s view when determining if something is in the child’s best interest. The Committee explains that States should consider, as one of the elements for assessing what is in a child’s best interest, the child’s situation of vulnerability which could include disability or a previous experience of abuse. States are further directed to conduct an individualized assessment that takes into account the human rights norms protected in other conventions, including the CRPD.

- **General Comment No. 15: The Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (2013)**

  In its General Comment No. 15, the CRC Committee calls on States to ensure that all programs and policies relating to children’s health be grounded in gender equality, including equal access to information, education, justice, and security relating to gender-based violence. The Committee also explains that sexual and reproductive health education should include information about the prevention of gender-based violence.

- **General Comment No. 16: State Obligations Regarding the Impact of the Business Sector on Children’s Rights (2013)**

  In its General Comment No. 16, the CRC Committee emphasizes States’ obligation to provide businesses with information about the duty to respect children’s rights, particularly in areas affected by conflict or emergencies. This obligation includes rights relating to gender-based violence. The Committee explains States’ obligation to implement national legislation that holds companies responsible for violence and exploitation of children and that includes mechanisms to hold perpetrators accountable. Moreover, the Committee calls on States to take additional measures to coordinate with the technology industry to prevent and combat digital media being used to facilitate or perpetrate gender-based violence against children.
General Comment No. 17: The Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts (2013)

In its General Comment No. 17, the CRC Committee calls on States to take steps to protect children from violence in order to realize their rights to enjoy play, recreation and participation in cultural life and the arts. To that end, the Committee explains that States should ensure that children who have experienced violence and neglect receive the recovery and reintegration supports and services necessary to enable them to engage in play and recreation and to participate in cultural life. The Committee acknowledges that arts can provide a valuable outlet for children to communicate and understand their trauma. The Committee also urges States to recognize the risks posed to children in parks, playgrounds, and sports facilities, such as sexual violence against girls, and to take action to protect children’s rights to use these spaces safely. Relatively, the Committee calls on States to review policies relating to toys and games with regards to gender and disability stereotypes.

General Comment No. 20: The Implementation of the Rights of the Child during Adolescence (2016)

In its General Comment No. 20, the CRC Committee calls on States to take into consideration the particular vulnerabilities to violence faced by adolescent girls and adolescents with disabilities and to ensure that their needs and the risks they face are reflected in legislation, programs, and policies. States are strongly encouraged to invest in proactive measures to promote the empowerment of girls and combat harmful gender stereotypes through both legal reform and programing. The Committee highlights the unique forms of gender-based violence that adolescents with disabilities are at risk of, such as sterilization and sexual violence, and calls on States to “introduce measures to overcome such barriers, guarantee equal respect for the rights of adolescents with disabilities, promote their full inclusion and facilitate effective transitions from adolescence to adulthood.” The Committee specifically highlights how the digital environment can contribute to gender-based violence and urges States to engage adolescents in developing programs that increase online safety, along with encouraging businesses to exercise due diligence with respect to children’s rights. The Committee also highlights the vulnerability of adolescents with disabilities to gender-based violence in alternative care settings and urges States to invest in supporting and protecting adolescents in alternative care. In the educational setting, the Committee calls on States to invest in strategies to promote positive gender relations and address gender-based violence. Lastly, the Committee highlights the vulnerability of adolescents to gender-based violence in conflict and humanitarian disaster settings and urges States to engage adolescents in the development of programs and protection, reconciliation, and peacebuilding processes and to address gender-based violence against adolescents during conflict.

General Comment No. 21: Children in Street Situations (2017)

In its General Comment No. 20, the CRC Committee explains how inequalities based on gender and disability are among the primary causes of the emergence and exclusion of children in street situations. The Committee emphasizes the connection between this systemic discrimination and the vulnerability of children to violence, abuse, and exploitation. The Committee reminds States to take positive measures to address this discrimination and ensure equal opportunities for children from marginalized groups. The Committee also calls on States to recognize the particular vulnerability to abuse and exploitation faced by children in street situations with intellectual and psychosocial disabilities, to adopt special protection measures, and to dismantle barriers that prevent these children from accessing services (such as inclusive education). Lastly, the Committee reminds States to employ gender-sensitive responses to address the vulnerability of children in street situations to sexual violence and exploitation.

Concluding Observations

In addition to the concluding observations below, the CRC Committee has also issued concluding observations related to forced or coerced sterilization, including of women and girls with disabilities, a practice that is
Because of the large volume of concluding observations on gender-based violence issues by the CRC Committee, the information below is a comprehensive overview of the concluding observations the CAT Committee has issued to States. Please check the CAT Committee’s website to access the most updated concluding observations for a particular State.

**LEGISLATIVE AND POLICY REFORM**

**Legal Prohibitions**

The CRC Committee has regularly expressed concern about the lack of legislation clearly defining the criminalization of various forms of gender-based violence experienced by children, including rape and domestic violence. The Committee has also articulated concern at least once about a State’s failure to enumerate the legal age of consent for sexual intercourse in its legislation. On at least two occasions, the Committee also expressed concern about the lack of legislation criminalizing sexual abuse of boys, such as failure to prohibit the rape of boys or stipulate an age of consent for boys.

Similarly, the CRC Committee has also expressed concern about situations where the current legislation is deficient in some way. On at least one occasion, the Committee highlighted as problematic a State’s criminal code, which allowed perpetrators to avoid criminal penalties if they married the girl whom they sexually abused or if the girl was deemed to have immoral character.

Accordingly, the CRC Committee has recommended that States establish a comprehensive legal framework prohibiting all forms of violence, abuse, and neglect, including by more clearly defining the crimes of physical and sexual abuse, rape, marital rape, and sexual exploitation against both children and adults. At least once, the Committee recommended that a State adopt federal legislation to serve as a framework for reducing violence while also urging smaller localities within the State to adopt local legislation. The Committee expanded upon this further with two other States, recommending the prohibition of all forms of abuse and neglect of children in school, home, and alternative care settings. The Committee has also directed at least one State to revise legislation to include effective deterrents for gender-based violence and another to promulgate legislation entitling domestic violence survivors to receive necessary medical, legal, house, and social support services.

The CRC Committee has also called on States to revise current laws. For example, the Committee regularly calls on States to repeal laws which discriminate against girls or that promulgate negative attitudes and stereotypes through a comprehensive strategy and effective monitoring mechanism, which the Committee recommends includes the input of girls. Additionally, the Committee directed at least one State to repel legislation that excused domestic violence perpetrators and another to amend its immigration law to recognize child-specific forms of persecution, such as trafficking or child marriage, as grounds for seeking asylum.

Once these legislative changes have taken place, the Committee has called on at least one State to distribute information about the updated legislation to relevant stakeholders, particularly law enforcement officers, members of the judiciary, and other relevant professionals. The Committee has also recommended that States take proactive measures to enforce the laws and ensure that perpetrators are brought to justice accordingly. On at least two occasions, the Committee has emphasized the importance of prosecuting perpetrators of sexual violence, particularly teachers.

**Policies and Systems**

The CRC Committee has enumerated concerns with policies relating to gender-based violence. On at least one occasion, the Committee expressed concern about a State’s legislation which limited the reporting of child abuse to abuse against “young persons” and thus did not protect children under 12 years old. To at least one other State, the Committee expressed concern about the State’s lack of a child protection policy.
As such, the Committee has directed States to develop a national strategy and coordinating frameworks to address violence against children, with particular attention to the gender dimension of such violence. The CRC Committee has recommended that multiple States establish a system for receiving, monitoring and investigating child abuse. It has further called on at least two States to develop a national action plan to address the housing, health, legal, and psychological needs of child victims of sexual violence and exploitation at both national and local levels. On at least one occasion, the Committee clarified that such a plan should include the development of effective methods of identification, systematic reporting, and investigation of sexual abuse and exploitation. The Committee has also called on at least one State to address the gender-related dimensions of violence against children, particularly as these dimensions manifest in laws, policies, and action plans.

**National Planning and Strategies**

The CRC Committee regularly suggests that States prioritize and implement the recommendations of the United Nation’s study on violence against children (A/61/299) and the CRC Committee’s General Comment No. 13 (2011) on the Right of the Child to Freedom from All Forms of Violence (CRC/C/GC/13). On a number of occasions, the Committee has also recommended that States ensure programs and policies align with the outcome documents adopted at the 1996, 2001, and 2008 World Congresses against Commercial Sexual Exploitation of Children. Similarly, the Committee has also recommended that States cooperate with the Special Representative of the Secretary General on Violence against Children.

**DATA COLLECTION AND AWARENESS-RAISING**

**Public-Awareness Raising Initiatives**

The CRC Committee has raised concerns on at least one occasion about the lack of information available about laws, policies, and measures for preventing and combating child sexual abuse, and related training for professionals. To that end, the Committee has made a number of recommendations on how States should raise awareness about child sexual abuse among the public and professionals.

The CRC Committee regularly calls on States to conduct nationwide awareness raising programs about violence, including sexual abuse and domestic violence, to combat discriminatory attitudes and increase reporting. The Committee has explained that States should be conducting and strengthening public awareness-raising campaigns to combat gender stereotypes and other sociocultural norms that lead to gender-based violence and the stigmatization of children who are victims of sexual abuse, including incest. States are encouraged to involve children in these campaigns. To at least one State, the Committee has recommended that the State monitor the portrayal of children in the media, on the internet, and in statements by public officials, to ensure sensitization of the public and key stakeholders about the negative impact of stereotypes on children’s rights.

In addition, the CRC Committee has made a number of specific recommendations for particular issues that should be highlighted through public campaigns. The Committee urged at least one State to conduct awareness-raising campaigns on the sexual exploitation of children and the dangers children who become involved in the sex business face. On at least two other occasions, the Committee has urged the State to undertake awareness raising and education campaigns to eliminate and prevent trafficking. The Committee has also on no less than one occasion encouraged the creation of awareness raising and educational programming to reduce stigmatization and violence against single mothers and their children.

**Professional-Oriented Awareness Raising Initiatives**

On multiple occasions, the CRC Committee has recommended that States implement effective awareness raising measures aimed at professionals interacting with children who may be at risk of or experiencing gender-based violence. Specifically, the Committee has suggested States develop awareness raising programs that promote sensitization around gender-based violence for law enforcement officials, members of the judiciary, and health service providers.
The Committee has also encouraged States to develop programs aimed at family members of people with disabilities. On at least two occasions, States have been directed to conduct public awareness raising campaigns about the availability of parental trainings for preventing child abuse and promoting positive non-violent methods of conflict resolution.\textsuperscript{1267}

Raising awareness among children about gender-based violence and how to report violence and abuse is regularly recommended by the Committee. The CRC Committee has recommended that multiple States should conduct awareness raising among children, particularly girls, to encourage reporting of sexual violence and abuse.\textsuperscript{1268} On at least one occasion, the Committee suggested that a State’s 24-hour national helpline be expanded with an outreach program to better reach marginalized children.\textsuperscript{1269} The Committee has recommended at least once that adolescent girls be targeted specifically for programs which include prevention measures, education, and awareness raising.\textsuperscript{1270}

Raising awareness among children about gender-based violence and how to report violence and abuse is regularly recommended by the Committee. The CRC Committee has recommended that multiple States should conduct awareness raising among children, particularly girls, to encourage reporting of sexual violence and abuse.\textsuperscript{1268} On at least one occasion, the Committee suggested that a State’s 24-hour national helpline be expanded with an outreach program to better reach marginalized children.\textsuperscript{1269} The Committee has recommended at least once that adolescent girls be targeted specifically for programs which include prevention measures, education, and awareness raising.\textsuperscript{1270}

The Committee has regularly emphasized that data collection on violence against women and children is essential to combatting gender-based violence. The Committee has noted with concern on at least one occasion the lack of data on violence against women and children and subsequent investigations, prosecutions, and convictions.\textsuperscript{1271} To this end, the Committee regularly calls on States to establish a consolidated data collection system and to monitor and conduct analysis of data on violence, especially as it relates to children.\textsuperscript{1272} The Committee has also recommended on at least two occasions that this data collection system be used to monitor actions taken to prevent violence.\textsuperscript{1273} At least once, the Committee has urged a State to collect specific data on sexual exploitation of children;\textsuperscript{1274} investigations of and penalties for prosecutions of sexual exploitation and redress offered to victims/survivors;\textsuperscript{1275} and on child homicide, including femicide.\textsuperscript{1276}

**INTIMATE PARTNER AND DOMESTIC VIOLENCE**

**Prevalence of Violence**

The CRC Committee has expressed concern about high rates of domestic violence\textsuperscript{1277} and abuse of girls\textsuperscript{1278} to multiple States. To at least two States, the Committee has explained that they are concerned that domestic violence is socially tolerated\textsuperscript{1279} and not explicitly prohibited.\textsuperscript{1280} At least once, the Committee has articulated its concern about how rarely perpetrators of such abuse are brought to justice.\textsuperscript{1281} The Committee has explained on no less than two occasions that its concern is based in part on how domestic violence against women can affect children, including by leading to child abuse.\textsuperscript{1282} To one State, the Committee described how its concern was rooted in how persistent and extreme gender-based discrimination, particularly that experienced by girls during childhood, exposes girls to domestic violence and sexual exploitation and abuse.\textsuperscript{1283} The Committee has also expressed an issue with how, in at least two States, gender stereotypes about the roles and responsibilities of women in the family contributes to the high levels of violence against women and children.\textsuperscript{1284} To at least two States, the Committee directed the States to address the root causes of violence against children and take tangible steps towards changing and eliminating attitudes, traditions, and behavior that services as the justification for domestic violence against girls.\textsuperscript{1285}

**Support Services Relating to Violence**

The CRC Committee has regularly expressed concern at the lack of services for domestic violence survivors, such as shelters.\textsuperscript{1286} To at least two States or more, the Committee has raised issues with reintegration programs that inadequately address the needs of child victims of domestic violence because they lack mechanisms for children to be reintegrated into their families.\textsuperscript{1287} Relatedly, on at least one occasion, the Committee has expressed concern at the lack of policies and programs to address domestic violence\textsuperscript{1288} and that support services for domestic violence survivors are only available through non-governmental providers.\textsuperscript{1289}
The CRC Committee has also made a number of suggestions for specific ways that States should better address intimate partner and domestic violence and provide services for women and children at risk of or experiencing violence. Frequently, the Committee has recommended that States guarantee the availability of specialized shelters that provide the necessary support and protection required for survivors or those at risk of violence. The Committee has also encouraged at least one State to implement community-based programs that aim to prevent and combat domestic violence and engage survivors and community members in training programs. And directed no less than one State to ensure that cases of domestic violence are investigated through child-sensitive judicial procedures and prosecution and sanctioning of perpetrators. Other specific recommendations made by the Committee include, ensuring that domestic violence survivors receive medical, legal, and psychological assistance and accommodation support and services; making financial support available for women and their children who are escaping a violent partner upon whom they were financially dependent; establishing care, recovery, and reintegration services for children who are victims of direct or indirect violence; availability of care and rehabilitation services for both victims and perpetrator; and taking measures to combat patriarchal attitudes and gender stereotyping.

The CRC Committee has repeatedly recommended that States implement an effective strategy to address domestic violence and child protection in the State, including through allocation of sufficient financial and human resources. The CRC Committee has recommended to at least two States that the States undertake an autonomous and systematic national assessment of the effectiveness of existing measures to combat domestic violence and how to prevent and respond to domestic violence. Relatedly, the Committee has recommended that States establish a national database of domestic violence cases involving children and utilize this data to better understand the scope, causes, and nature of the violence children experience. The Committee further explained to at least one State that data should be collected on incidents of corporal punishment and sexual abuse in all settings. In addition, the Committee has recommended on at least one occasion, that a State establish monitoring mechanisms for child victims of domestic violence who are reintegrated with their families.

SEXUAL VIOLENCE

Sexual Violence Prevalence

The CRC Committee has regularly expressed concern about the sexual violence that children experience. On many occasions, the Committee has emphasized its alarm at the high number of incidents of sexual abuse and exploitation of girls, in home, school, and alternative care settings. In particular, the Committee has documented its concern about the level of sexual abuse of children in schools and on one other occasion sexual abuse by clergy members and by the police. On at least one other occasion, the Committee expressed concern at the lack of awareness among children about sexual abuse and how to respond and report abuse should it occur. The Committee has also raised a concern at least once about the high numbers of girls under age fourteen giving birth as a result of sexual violence, often allegedly perpetrated by a family member, and failure to investigate such cases in a timely manner.

The CRC Committee has made a number of recommendations for how States should address sexual violence. The CRC Committee has recommended that States institute mechanisms, procedures, and guidance on reporting of child abuse and exploitation and ensure that child-friendly reporting mechanisms are in place. Specifically, the Committee has on a number of occasions encouraged States to establish mandatory reporting of child sexual abuse and exploitation. The Committee has directed at least two States to take all necessary measures to combat sexual abuse and exploitation through a rights-based approach that avoids re-victimization, particularly in educational settings.

The Committee has also called on at least one State to strengthen public education campaigns to combat gender stereotypes in the family, as a means of preventing violence. Other specific suggestions for actions States should take include, taking immediate measures to protect single mothers and their children and to hold perpetrators accountable with appropriate sanctions, conducting studies on sexual abuse and exploitation
with a gender perspective to better understand the scope of the problem and develop effective measures to prevent stigmatization and change societal attitudes, and requiring that all professionals and staff working with children receive background checks and supervision. Lastly, on at least one occasion, the Committee articulated the importance of paying particular attention to children with disabilities, children in alternative care settings, and migrant children held in detention centers and ensuring that perpetrators in such settings are held accountable.

Response and Supports for Sexual Violence Victims/Survivors

The CRC Committee has raised concerns on multiple occasions about the lack of sexual abuse reporting and the regularity with which reports are dropped. The Committee further expressed concern to at least one State about the shame and stigma attached to victims/survivors of rape. And how this stigma may lead to a reduce rate of reporting because of fear of further stigmatization. On numerous occasions, the Committee has expressed alarm about the lack of psychological, counselling, and other re-integration services for young victims/survivors of sexual violence. At least once, the Committee expressed concern that professionals working on gender-based violence issues have not received training on how to care for victims/survivors of violence in line with agreed-upon standards.

Similarly, the CRC Committee has raised the issue on at least one occasion about the situation of single mothers and their children and their particular vulnerability to physical and sexual abuse and stigmatization, the connection between the sexual exploitation of children and poverty and the pressure to earn money, and the perception that a woman or girl who has been sexually exploited or abused results in her “economic devaluation” also prevents reporting.

As a result of these concerns, the Committee has made a number of recommendations for ways in which States can improve their response and support services for victims/survivors of sexual violence. To this end, the Committee has urged at least one State to implement effective measures to ensure prompt identification of children at risk of sexual violence. The Committee has also called on States to ensure that children who are victims/survivors of violence and abuse are treated as victims/survivors and not detained or charged with crimes or stigmatized.

The CRC Committee has further recommended that States implement policies and programs to support the reintegration of survivors of sexual abuse. On at least one occasion, the Committee clarified that this should include ensuring that children who are victims/survivors of sexual abuse and/or exploitation have access to child-protection centers throughout the country including in rural areas. The Committee has also directed States to ensure that child victim/survivors of sexual abuse have access to all necessary supports to aid their psychological and physical recovery and re-integration. On at least one occasion, the Committee recommended that States should open shelters specifically for child victims/survivors of abuse and exploitation where they can receive supports and services for their recovery and reintegration. On at least one other occasion, the Committee recommended a State continue self-empowerment programs for children as a support for victims/survivors of sexual violence.

Access to Justice to Victims/Survivors of Sexual Violence

On a range of different occasions, the CRC Committee has raised concerns with the lack of access to justice for sexual abuse victims/survivors. At least once the Committee expressed concern that punishment for sexually abusing children in one State was unacceptably low because there was a maximum punishment of three-years for sexual intercourse with girls ages 12-15. Likewise, on at least one other occasion the Committee raised a concern that a State’s criminal law failed to criminalize sexual abuse of married girls over the age of 15.

The CRC Committee has thus made a number of suggestions for how States should improve access to justice for child victims/survivors of sexual violence. Specific recommendations for States have included establishing a legal minimum age for sexual consent; establishing an age of consent for boys as well as girls; explicit prohibition of rape of boys in legislation; and removal of any requirements that a child survivor be represented by a legal guardian.
**SEXUAL HARASSMENT**

The CRC Committee has expressed deep concern on a number of occasions about the high level of sexual harassment and abuse that young girls experience and the acceptance of violence against women in the community.\(^{1340}\)

**ACCESS TO JUSTICE**

The CRC Committee has expressed concern on multiple occasions its concern about how rarely perpetrators of violence are brought to justice and the inadequacy of investigations into gender-based violence and abuse.\(^{1341}\)

**Reporting and Investigating Violence**

The CRC Committee expressed concern at least twice about the barriers children face to lodging complaints about violence they experience\(^{1342}\) and obtaining protection services that maintain their privacy.\(^{1343}\) On at least one other occasion, the Committee expressed particular concern about the deficient measures in place to encourage reporting of abuse or violence by children with disabilities, children in alternative care settings, and migrant children.\(^{1344}\) For those who do report, the Committee has also expressed concern at least once that domestic violence victims are discouraged from opening a case against their perpetrator and instead diverted to medical and reconciliation services.\(^{1345}\)

Consequently, the CRC Committee has called on States to establish, as a matter of urgency, effective and child-friendly procedures and mechanisms to receive, monitor, and investigate complaints and sexual abuse and violence.\(^{1346}\) On at least one occasion, the Committee explained that these child-friendly reporting mechanisms should be available in a range of settings, including educational settings, alternative care settings, health centers, and juvenile detention centers.\(^{1347}\)

**Prosecution of Gender-Based Violence**

The CRC Committee has regularly informed States of its alarm at the lack of prosecution of gender-based violence against children and the insufficient sanctions imposed when a perpetrator is prosecuted. On at least one occasion, the Committee expressed concern that a State’s legal system allowed for “honor” and “provocation” as legal grounds to reduce perpetrator’s sentences.\(^{1348}\) Similarly, the Committee expressed to at least one State concern that sexual exploitation and abuse was not criminalized in the State, particularly where the woman or girl is considered to be of “questionable” character.\(^{1349}\)

As a result of these concerns, the CRC Committee has made a number of recommendations for how States must improve access to justice for children victim/survivors of gender-based violence. The Committee has called on multiple States to ensure that violence against women and children is investigated, prosecuted and sanctioned.\(^{1350}\) On numerous occasions, the Committee has explicitly called on a State party to ensure that sexual abuse of children by individuals in positions of power such as, clergy members\(^{1351}\) and teachers,\(^{1352}\) are effectively investigated and prosecuted. While on at least one other occasion, the Committee urged a State to ensure that violence against single mothers and their children is prosecuted and sanctioned.\(^{1353}\) Furthermore, the Committee has expressed concern on at least one occasion that gender-based violence legislation classified sexual violence as an offence against mortality and recommended that the State Party clearly define the crime as a crime against a person.\(^{1354}\)

The Committee has also called on States to ensure that government institutions, law enforcement officials, social workers, health care staff, and members of the judiciary have the capacity and are trained to work with child victim/survivors of violence and abuse, including girls and children from underprivileged groups.\(^{1355}\) The CRC Committee has urged at least one State to place particular importance on training female officers.\(^{1356}\) To at least two States, the Committee has explicitly recommended that this training involve educating members of the judiciary about how gender stereotyping and gender-based violence can affect a girl’s right to a fair trial in cases involving violence.\(^{1357}\) At least once, the Committee suggested that a State monitor trials involving female victims/survivors.\(^{1358}\) The Committee has further recommended on at least one occasion that a State increase
access to justice by increasing the number of available courts taking cases involving domestic violence and family violence.\textsuperscript{1359}

Moreover, the CRC Committee has recommended at least once that the State party prioritize ensuring that children are not re-victimized during legal proceedings and that their privacy is protected.\textsuperscript{1360} On at least one other occasion, the Committee urged a State to give appropriate weight to children’s views during legal proceedings relating to violence and abuse, along with the provision of support and reintegration services.\textsuperscript{1361} On no less than one other occasion, the Committee also directed a State to ensure that girls who were survivors of violence have access to legal and financial aid.\textsuperscript{1362}

Costs of Accessing Justice

The CRC Committee has raised its concerns about the various costs that prevent gender-based violence perpetrators from facing prosecution. The Committee expressed concerns to at least one other State about how girls who had been subject to violence faced deterrents to accessing protection because of prohibitive costs and diversions to alternative dispute resolution forums such as religious courts.\textsuperscript{1363} In another instance, it expressed concern that the cost of medical certificates to serve as evidence in court of sexual assault was prohibitively expensive for most families.\textsuperscript{1364} As such, the Committee has recommended that at least one State make medical certificates for child victims of sexual abuse and exploitation available for free.\textsuperscript{1365}

Remedies for Victims/Survivors of Gender-Based Violence

The CRC Committee has also expressed concern to at least one State about the failure to provide child victim/survivors with reparations.\textsuperscript{1366} On at least two other occasions, the Committee expressed concern with the practice of out-of-court settlements in sexual abuse cases and law enforcement authorities involvement and encouragement of the process.\textsuperscript{1367} Similarly, at least once the Committee has raised an issue with a State’s traditional practice of apologies being used as reparation and as a mitigating factor for sexual offenses.\textsuperscript{1368}

The Committee has called on at least two States to ensure the availability of effective remedies for victims of violence, including compensation and access to redress mechanisms.\textsuperscript{1369} On at least two other occasions, the Committee has called on a State to ensure that members of law enforcement and the judiciary do not promote or accept out-of-court settlements.\textsuperscript{1370} The Committee has also urged at least one State party to take the necessary legislative and awareness raising steps to ensure that traditional forms of apologies are not used instead of traditional justice procedures or as a mitigating factor or reparation.\textsuperscript{1371}

TRAFFICKING AND SEXUAL EXPLOITATION

The CRC Committee has expressed its alarm on multiple occasions about the sexual exploitation of children, including through trafficking and prostitution networks.\textsuperscript{1372} The Committee has raised concerns in particular around the subjection of female victim/survivors to honor killings or forced marriage and rejections by their families\textsuperscript{1373} and about the particular levels of sexual exploitation of girls in mining areas.\textsuperscript{1374}

The CRC Committee has also expressed concern to multiple States about the lack of specialized services to identify and for children who have been exploited or trafficked, including services for boys, legal aid, shelters, and referral services.\textsuperscript{1375} Moreover, at least once the Committee raised concerns at a State’s lack of trained police officers, particularly female officers, and violations of victims/survivors confidentiality.\textsuperscript{1376} Concerns have also been raised by the Committee at least once about the lack of prosecutions and convictions for trafficking crimes and the limited resources allocated to preventing trafficking and protecting potential victims/survivors.\textsuperscript{1377}

As a result, more than once the Committee has suggested that States take multi-sectoral steps to provide referral, assistance and protection services to victims/survivors of trafficking, including social services, safe housing, and gender-sensitive recovery services.\textsuperscript{1378} On at least one occasion, the Committee has suggested the implementation of anti-poverty programs as a means of preventing the sexual exploitation of children.\textsuperscript{1379} Similarly, the Committee has recommended to at least one State that they develop a plan of action against trafficking and sexual abuse of children,\textsuperscript{1380} ensure that trafficking and abuse of children is appropriately
investigated and prosecuted (including any corrupt officials if involved),\textsuperscript{1381} and establish a decentralized prevention and response system which includes data collection.\textsuperscript{1382}

**INSTITUTIONAL VIOLENCE**

The CRC Committee has expressed concern on at least one occasion about the continued forced sterilization of girls with mental disabilities and deaf girls despite prohibition of the practice.\textsuperscript{1383} The Committee has thus recommended at least once that the State take all necessary measures to enforce prohibitions on sterilization and garner respect for the sexual and reproductive rights of girls with disabilities.\textsuperscript{1384} Similarly, the Committee has recommended on multiple occasions that the State party encourage schools and health services to detect and report abuse of children and to establish an effective reporting system accordingly.\textsuperscript{1385} For more information on what the Committee has said about the sexual and reproductive health and rights of people with disabilities, see \textit{accountABILITY: U.N. Standards on the Sexual and Reproductive Health and Rights of Women and Girls with Disabilities}.

**CONFLICT AND POST-CONFLICT SETTINGS**

The CRC Committee has raised with many States the issue of refugee children, internally displaced children, and other children caught up in conflict and post-conflict situations who are exposed to domestic violence, harmful practices, sexual violence, and exploitation.\textsuperscript{1386} On at least one occasion, the Committee has expressed concern about the lack of documentation of these cases.\textsuperscript{1387} The Committee has at least once also raised a concern about the lack of sufficient health and psychosocial support and services along with reparation mechanisms for child victims of sexual violence in and outside the context of armed conflict.\textsuperscript{1388} To at least one State, the Committee has raised serious concern about the violence perpetrated by military police against children in street situation or living in favelas, including sexual harassment of girls.\textsuperscript{1389}

As a result of these concerns, the Committee has made a number of recommendations for how States can respond to gender-based violence against children in conflict and post-conflict settings. The Committee has urged States to enhance security measures in refugee programs to protect girls from violence and exploitation and increase access to services.\textsuperscript{1390} Additionally, the Committee has suggested that States establish accessible complaint mechanisms to fully investigate and prosecute abuse and exploitation against internally displaced and refugee girls.\textsuperscript{1391} On at least one occasion the Committee urged a State to create a single registry of victims/survivors of sexual violence, especially occurring during armed conflict, to create a more comprehensive understanding of the experiences and needs of victims/survivors and their engagement with the judicial, administrative, health, rehabilitation and compensation processes.\textsuperscript{1392} Relatively, the Committee urged at least one other State to conduct a study of the form and nature of such violence.\textsuperscript{1393}

The Committee has also expressed concern to at least one State about girls and young women who have been exploited and used as slave labor, including sexual slavery in armed forces and have been excluded from reintegration services.\textsuperscript{1384} Subsequently, the Committee has recommended to at least this one State that the State recognize the involvement of young girls in armed groups and offer them gender-specific rehabilitation services along with any compensation services they require.\textsuperscript{1395} The Committee has also recommended that at least one State address the particular needs of girls previously recruited or used in hostilities, especially those girls who experienced sexual violence.\textsuperscript{1396} Additionally, the Committee directed at least this one State to immediately thoroughly investigate all offenses under the Optional Protocol to the CRC including offenses related to sexual violence and to provide legal assistance and compensation to children and their families appropriately.\textsuperscript{1397} Similarly, on at least one occasion, the Committee has also urged a State to ensure that child victims/survivors of sexual violence inside and outside of armed conflict situations receive the necessary follow-up for their cases\textsuperscript{1398} and are adequately compensated.\textsuperscript{1399}
INTERSECTIONAL VIOLENCE

The CRC Committee has expressed concern on a number of occasions about particularly vulnerable populations and the intersectional violence they experience. On at least one occasion the Committee expressed concern about the structural discrimination that children with disabilities; indigenous, minority, and displaced children; children living with HIV/AIDS; lesbian, gay, bisexual, transgender and intersex children; and children living in remote or rural areas or marginalized urban areas, face which exposes them to violence and infringes on their rights.\textsuperscript{1400}

The Committee has thus made a number of recommendations to respond to these concerns. To at least one State, the Committee recommended that the State address the specific needs of displaced girls and ensure their protection, including from sexual violence and exploitation, by strengthening efforts to eliminate discrimination against marginalized children, committing adequate resources, and updating policies accordingly.\textsuperscript{1401}

Indigenous and Ethnic Minority Women and Children

To at least one State, the Committee has expressed its alarm at the increased vulnerability of aboriginal women and children to violence, especially gender-based violence.\textsuperscript{1402} The Committee has also raised the issue of insufficient State programs to protect displaced minority and indigenous children, especially girls who are at particular risk of exposure to violence and discrimination.\textsuperscript{1403}

The CRC Committee has recommended to at least one State that they ensure that the factors contributing to high levels of violence against aboriginal women and children are understood and included in plans to combat violence.\textsuperscript{1404} On at least one occasion, the Committee has urged a State to proactively investigate cases of sexual violence against indigenous girls and ensure effective prosecution and sanctioning of perpetrators and protection and rehabilitation of victims/survivors.\textsuperscript{1405}

Migrant Workers

The CRC Committee raised the issue in at least one State of the particular vulnerability of children of migrant workers to sexual exploitation and abuse,\textsuperscript{1406} and urged at least one State to strengthen efforts to protect children of migrants from sexual exploitation and abuse, including through legislation that is effectively enforced and the holding of perpetrators accountable.\textsuperscript{1407}

Corporal Punishment and Bullying

The CRC Committee has expressed concern to at least one State about the existence of corporal punishment and bullying of children linking it to other forms of violence in the State.\textsuperscript{1408} In particular, the Committee has expressed concern to at least one State about the lack of regular and systematic evaluations of mechanisms currently in place to combat violence against children in schools, on the internet, and in other contexts.\textsuperscript{1409}

As a result of these concerns, the CRC Committee has made a number of recommendations for how States should address violence in schools. To at least one State, the Committee recommended that legislative measures be taken to prohibit corporal punishment.\textsuperscript{1410} The Committee has also urged at least two States to strengthen zero tolerance policies on violence against children in schools, from sexual violence to bullying, especially against girls.\textsuperscript{1411} The Committee further explained to at least two States that all forms of violence in schools should be effectively investigated through child-sensitive judicial procedure and appropriate sanctions given which maintain the right to privacy of the child.\textsuperscript{1412} Moreover, the Committee recommended that at least one State develop monitoring mechanisms of programs implemented to reduce corporal punishment and bullying against children.\textsuperscript{1413} Lastly, the Committee has explained in further detail to at least one State that the State should take active measures to combat sexual violence and harassment in schools through national awareness raising and communication programs, recruitment of female school staff, unannounced school inspections, and widely publicized investigations.\textsuperscript{1414}
**Individual Complaints**

As of January 2018, the CRC Committee has not issued any decisions on individual complaints related to gender-based violence.

**Gaps in the Standards**

The CRC Committee has opined with some regularity on the rights of children with disabilities to be free from violence and has on multiple occasions highlighted the particular vulnerability of girls and boys to violence. However, despite publication of General Comments on both children with disabilities (General Comment No. 9) and violence against children (General Comment No. 13), the Committee has yet to fully lay out the particularized vulnerabilities facing girls with disabilities to gender-based violence and, as such, the unique considerations and actions required by States to address gender-based violence and girls with disabilities. To this end, the CRC Committee has said very little about the needs of girls with intellectual and psychosocial disabilities and action required by States to protect their rights to be free from gender-based violence and to have access to justice to vindicate their rights.

Similarly, the CRC Committee should more comprehensively address forced sterilization of children with disabilities by adopting the framing it has used for surgical interventions on intersex children, as outlined in [accountABILITY: U.N. Standards on the Sexual and Reproductive Health and Rights of Women and Girls with Disabilities](#). For instance, the Committee should note that forced sterilization is a form of gender-based violence and can have profound physical and psychological consequences on the children involved for which they require psychological services. Furthermore, the Committee should consider calling on States to implement monitoring mechanisms to prevent the forced sterilization of children with disabilities and also provide counseling and support services to families of children with disabilities to ensure their rights to be free from violence.

The CRC Committee should also address the relationship between legal capacity and gender-based violence with regards to children with disabilities. As the CRC Committee, the Committee is in a unique position to best address States’ obligations to respect, protect and fulfill the legal capacity of children with disabilities under both the CRC and the CRPD and how these two treaties interact. The Committee could build off of its discussion of capacity articulated in General Comment No. 12 to further clarify how capacity within the meaning of the CRC interacts with legal capacity as protected by the CRPD and how substituted decision-making contributes to gender-based violence.
The Committee against Torture (CAT Committee) is the expert body that monitors implementation of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT). While the torture and ill treatment framework historically has been applied to situations that disproportionately impact men, the CAT Committee has increasingly applied a gendered perspective to recognize that certain practices that disproportionately impact women can constitute torture or ill-treatment where they inflict serious physical or mental pain or suffering and are carried out for a discriminatory purpose. The CAT Committee has addressed State obligations to tackle gender-based violence, as well as denials of access to justice for victims of gender-based violence, in its general comments, concluding observations, and individual complaints, recognizing that certain violations constitute ill-treatment under article 16 (right to be free from cruel, inhuman, or degrading treatment or punishment) and possibly torture under articles 1 and 2 of the CAT. The Committee has also addressed State obligations with respect to gender-based violence under article 14 (right to redress).

General Comments

- **General Comment No. 2: Implementation of article 2 by States parties (2008)**
  
  In its General Comment No. 2, the CAT Committee discusses State obligations with respect to the absolute prohibition of torture. The CAT Committee explains that States must “prohibit, prevent and redress torture and ill-treatment in all contexts of custody or control, for example, in prisons, hospitals, schools, institutions that engage in the care of children, the aged, the mentally ill or disabled.” The CAT Committee further emphasizes that when States fail to exercise due diligence to prevent, investigate, prosecute and punish non-state actors suspected of committing torture, they are considered complicit or otherwise responsible under the Convention for consenting to or acquiescing in the impermissible acts. The CAT Committee recognizes that being female can put individuals at a unique risk for gender-based forms of torture and abuse, and noted that the States’ obligations extend to preventing and protecting against gender-based violence, including rape, domestic violence, female genital mutilation, and trafficking.

- **General Comment No. 3: Implementation of article 14 by States parties (2012)**
  
  In its General Comment No. 3, the CAT Committee extensively addresses access to justice and redress, a key part of protecting women and girls with disabilities from gender-based violence. States must enact and effectively implement legislation—and establish accessible and effective complaint mechanisms—to redress violations under the CAT. Failure to investigate, criminally prosecute, or allow civil proceedings related to allegations of torture in a timely manner “may constitute a de facto denial of redress and thus constitute a violation of the State’s obligations under article 14.”

  With respect to gender-based violence, in particular, the CAT Committee emphasized that judicial proceedings must “apply gender-sensitive procedures which avoid re-victimization and stigmatization of victims of torture or ill-treatment.” Related to this obligation, the CAT Committee underscores the importance of affording equal weight to the testimony of women and girls, and preventing the introduction of discriminatory evidence and harassment of victims. Complaint mechanisms must have “specific positive measures which take into account gender aspects in order to ensure that victims of abuses such as sexual violence and abuse, rape, marital rape, domestic violence, female genital mutilation and trafficking are able to come forward and seek and obtain redress.” States are encouraged to develop shelters for victims of gender-based torture, and must also provide training to law enforcement officials on specifically how to handle gender-based and sexual violence.
Concluding Observations

The CAT Committee regularly raises concerns about the prevalence of violence against women, and has recommended that States redouble efforts to combat all forms of gender-based violence and to ensure that all complaints are thoroughly investigated and that suspected offenders are prosecuted and, if convicted, punished appropriately. In addition to the issues discussed below, the CAT Committee has frequently expressed concern and made recommendations to States about forced or coerced sterilization and other reproductive health services (e.g. abortion), which can be a form of gender-based violence. For more information on how the CAT Committee has addressed forced or coerced reproductive health services, please see the accountABILITY: U.N. Standards on the Sexual and Reproductive Health and Rights of Women and Girls with Disabilities.

LEGISLATIVE AND POLICY REFORM

Comprehensive Gender-Based Violence Legislation

The CAT Committee regularly raises serious concerns where there is an absence in the domestic law of a definition of domestic violence or any legislation criminalizing acts of violence against women (including a failure to criminalize marital rape). In at least one instance, the Committee has expressed concern about a failure to criminalize so-called honor crimes, and it expressed concern to at least one other State about a failure to criminalize bride kidnapping. The CAT Committee has also raised concerns in at least one instance where the statutory age for rape is 12 years and where the Penal Code includes virginity and seduction as prerequisites to define the crime rape. On at least one occasion, it expressed concerns where there was no criminalization of sexual violence other than rape. The CAT Committee has also expressed concern that the criminal laws of at least one State classifies rape and sexual abuse, which are extremely widespread, as “immoral acts” and “indecent assault,” respectively, and not as crimes against the person.

The CAT Committee frequently urges States to define gender-based violence, including domestic violence, in legislation and to criminalize domestic violence (including marital rape) and other forms of sexual violence. The CAT Committee has further recommended that States adopt a legal definition of rape that defines rape and other forms of sexual violence as any sexual conduct without the consent of the victim. The CAT Committee has recommended that at least one State adopt, without delay, a comprehensive law punishing all forms of violence against women, including marital rape, female genital mutilation and sexual abuse and exploitation of women in prison and in conflict areas.

Full and Effective Implementation

The CAT Committee has expressed concern to at least one State that there is no political commitment to ensuring that laws prohibiting domestic violence are implemented in practice.

The CAT Committee has recommended that States effectively enforce legislative measures and other measures to combat gender-based violence, including to enforce effective mechanisms to prevent and punish all forms of violence against women and girls and to ensure that victims are provided with redress.

Mitigating Laws

The CAT Committee has raised concerns with several States about laws permitting reduced sentences for “honor” crimes and impunity for perpetrators of rape where they marry their victims.

On at least two occasions, the CAT Committee has recommended the repeal without further delay of any mitigating and exculpatory provisions in the Penal Code concerning rape and “honor” crimes and encouraged an end to impunity for rape, “honor” crimes and other gender-based violence.
DATA COLLECTION AND AWARENESS-RAISING

Statistics and Data Collection

The CAT Committee has expressed concern to States in relation to the lack of nation-wide statistics on gender-based violence, including sexual violence, domestic violence, trafficking, and female genital mutilation. The CAT Committee has also expressed concern to several States about a lack of data on investigations, complaints, prosecutions, and convictions for gender-based violence.

The CAT Committee has called on States to collect data and information on violence against women, including domestic violence, sexual violence, trafficking, and female genital mutilation. In at least one instance, it has also called for a State to collect data on the particular impact of violence against women on ethnic and religious minorities. The Committee has further called for data collection on the means of redress (including compensation and rehabilitation) provided to victims. The CAT Committee has recommended to at least one State that a single consolidated system for keeping records on cases of violence against women should be established.

The CAT Committee has also recommended that States compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions of cases concerning torture and ill-treatment, trafficking and domestic and sexual violence, as well as of means of redress, including compensation and rehabilitation provided to the victims.

Awareness Raising

The CAT Committee routinely recommends that States strengthen public awareness-raising campaigns to combat gender-based violence, including domestic violence.

INTIMATE PARTNER AND DOMESTIC VIOLENCE

The CAT Committee has expressed concern to States about the high prevalence of both domestic violence and crimes committed against women and children in the name of honor. The CAT Committee has also raised concerns in at least one instance in relation to the reluctance of migrant spouses and migrant live-in workers to report violence against them, and in another instance, it expressed concerns about high rates of forced marriages.

Remedies and Redress

The CAT Committee has raised concerns to a number of States in relation to lack of facilities and shelters available for women victims of violence and to at least one State about insufficient support and assistance provided to victims of gender based violence during and after criminal proceedings. The CAT Committee has also expressed concern to several States about the inadequate training of medical professionals in assessing and responding to cases of domestic violence against women.

The CAT Committee has recommended that States provide appropriate protection and assistance to victims of domestic violence, including access to shelters, effective restraining orders, medical and psychological support, legal services, social support schemes, and compensation and rehabilitation. On at least two occasions, the CAT Committee has recommended that a hotline to report domestic violence be operational 24 hours a day.

The CAT Committee has further recommended that States should ensure adequate and specialized training of social workers and medical professionals in assessing and responding to cases of gender-based violence.

SEXUAL VIOLENCE

The CAT Committee has expressed concern to a number of States about the high prevalence yet low number of complaints, investigations, prosecutions, and convictions in rape cases. The CAT Committee has on at least
one occasion raised concerns that much of the sexual violence is directed at displaced women and girls; in at least one case where the women are domestic workers; in at least two instances raised concerns that much of it includes rape of girls by close relatives, teachers, and (in one instance) classmates. The CAT Committee has, in addition, expressed its concern in relation to the stigmatization associated with this type of violence.

The CAT Committee has recommended that at least two States establish sexual assault centers and that at least two States put an end to the culture of silence and stigma that surrounds this type of violence. On at least two occasions, the CAT Committee has suggested training on sexual violence for social workers who are in direct contact with the victims. The CAT Committee has recommended that States ensure that the female victims of sexual violence are able to receive medical care and psychological support and has, in at least one instance, recommended that victims undergo an independent medical examination to gather evidence of these crimes.

**SEXUAL HARASSMENT**

The CAT Committee has not yet issued concluding observations on sexual harassment.

**ACCESS TO JUSTICE**

**Barriers to Access to Justice**

The CAT Committee has expressed concern about the lack of access to justice for victims of gender-based violence on a number of occasions. It has expressed its concern in a few instances about the obstacles that victims of sexual violence, and particularly indigenous women and ethnic minorities, face in seeking justice for such violence, due to barriers inherent in the legal framework, unresponsiveness of the police and judiciary, and the lack of shelters where victims can take refuge. Also, in at least one instance, the CAT Committee has raised concerns in relation to lack of information provided about prosecutions for sexual violence.

The CAT Committee has recommended that at least one State put an end to impunity enjoyed by persons who perpetrate acts of sexual violence in a context of political crisis, be they state or non-state actors.

**Due Diligence Obligations**

The CAT Committee regularly expresses concern to States about low numbers of complaints, investigations, prosecutions, and convictions of acts of gender-based violence, including domestic violence (including marital rape). In addition, the CAT Committee has expressed concern about factors that contribute to underreporting of gender-based violence, including reports that law enforcement officers are unwilling to register claims of domestic violence or are unresponsive or are dismissive of complaints, reports that police responding to domestic violence at times arrested and even charged the victim along with the perpetrator, and the lack of assistance and protection measures of the State to encourage women from ethnic minorities to report incidents of domestic and sexual violence. The CAT Committee has also expressed concern in relation to lack of or limited use of emergency protection orders (such as restraining orders), including reports that women who have received or applied for protection orders have not received effective protection from the State party’s authorities which, in practice, resulted in a number of cases in which the victims were subsequently killed.

The CAT Committee has further expressed concern that the penalties incurred for domestic violence are insufficiently severe, raising concerns with at least one State where women who seek criminal investigations of allegations of domestic violence are compelled to participate in reconciliation processes, and, with another State, concerns that the majority of convictions ended in a fine. The CAT Committee has also expressed its regret to States in relation to the absence of comprehensive and disaggregated data on investigations, convictions, punishment of perpetrators and redress afforded to victims.
The CAT Committee routinely urges States to ensure that all cases of gender-based violence, including domestic violence, are promptly, impartially, and effectively investigated; that perpetrators (including law enforcement officers) are prosecuted and, where found guilty, sentenced to a punishment commensurate with the seriousness of their crime; and that the victims are provided with adequate redress.\textsuperscript{1503} The CAT Committee has also recommended on at least one occasion that a State institute criminal proceedings against perpetrators and those aiding and abetting kidnapping, even in the absence of formal complaints.\textsuperscript{1504} The CAT Committee has also recommended that States should ensure that police officers refusing to register such complaints or offer effective protection are appropriately disciplined.\textsuperscript{1505}

The CAT Committee has on several occasions recommended that States take steps to encourage reporting of gender-based violence, including by raising awareness about the criminal nature of such acts and resources available to victims,\textsuperscript{1506} providing adequate assistance and protection to women victims of violence (including women from ethnic minorities),\textsuperscript{1507} and making it easier for victims to bring complaints.\textsuperscript{1508} The CAT Committee has recommended, on at least one occasion, that a State should establish not only an effective complaints mechanism for women and girls but also a monitoring mechanism to fulfil its positive duty to prevent all forms of violence against them.\textsuperscript{1509} The CAT Committee has also on one occasion at least recommended that a State should ensure that victims receive full redress for the harm suffered, including fair and adequate compensation and the fullest rehabilitation possible,\textsuperscript{1510} notwithstanding in at least one instance an economic crisis.\textsuperscript{1511} The CAT Committee has also recommended that at least one State put a complete end to arbitrarily detaining women and girls who are victims of violence and migrant workers fleeing abusive employers in “protective custody.”\textsuperscript{1512}

**Training and Guidance**

The CAT Committee has expressed concern to States in relation to inadequate training of law enforcement officials in assessing and responding to cases of domestic violence against women.\textsuperscript{1513}

The CAT Committee has recommended that States should ensure adequate training of law enforcement officials, judges, and lawyers in assessing and responding to cases of gender-based violence, including domestic violence and sexual violence, to ensure the appropriate handling of such cases and to create the appropriate conditions for victims to report such cases to the authorities.\textsuperscript{1514} The Committee has further recommended that at least one State combat practices and prejudices among the law enforcement personnel that constitute a barrier to reporting rape, sexual violence and gender-based violence generally.\textsuperscript{1515}

**Legal Assistance**

The CAT Committee has expressed concern to at least one State about a lack of legal aid for victims of gender-based violence.\textsuperscript{1516}

**TRAFFICKING AND SEXUAL EXPLOITATION**

The CAT Committee has expressed concern to a number of States about the problem of human trafficking and sexual exploitation, and particularly about reports of increases in this practice.\textsuperscript{1517} The CAT Committee has also expressed concern to at least one State about the failure to implement clear laws against trafficking\textsuperscript{1518} and to another State about the lack of national legislation on human trafficking.\textsuperscript{1519} The Committee has further expressed concern about the impact of trafficking on particular populations of women, including asylum seekers or female migrants,\textsuperscript{1520} incarcerated women for whom traffickers post bail and subsequently force them into prostitution through debt bondage,\textsuperscript{1521} and women and young girls from impoverished rural regions.\textsuperscript{1522}

The CAT Committee has recommended that States vigorously implement\textsuperscript{1523} and enforce the international and domestic legislation aimed at countering trafficking.\textsuperscript{1524} In at least one case, the Committee recommended that a State intensify action against marriages of convenience that may result in human trafficking\textsuperscript{1525} and monitor and assess visa regimes to prevent potential misuse.\textsuperscript{1526} The CAT Committee has recommended that States allocate sufficient funds to combat trafficking\textsuperscript{1527} and has recommended that a number of States conduct national prevention and awareness-raising campaigns on the criminal nature of such acts.\textsuperscript{1528}
The CAT Committee has further recommended that States enhance international cooperation to combat human trafficking, including through bilateral agreements, and monitor the impact of such cooperation. In at least one instance, the Committee recommended that a State actively engage in a policy of mutual legal assistance with other countries of origin, destination or transit in cross-border trafficking. The CAT Committee additionally has recommended that States cease the return of trafficked persons to their countries of origin if there are substantial grounds to believe that they would be in danger of torture.

**Due Diligence Obligations to Prevent and Sanction Trafficking**

The CAT Committee has expressed concern to several States about the failure to properly investigate and sanction perpetrators of the crime of human trafficking and low rates of prosecution. It has raised concerns to at least one State about the lack of capacity or willingness of law enforcement authorities to properly identify trafficking victims. It has also expressed concern that many trafficking cases are charged under crimes carrying less serious punishments and that perpetrators are given very lenient or suspended sentences. The CAT Committee has also expressed concern where States have not collected sufficient data on the issue of trafficking and sexual exploitation, including a lack of information about investigations and prosecutions.

The CAT Committee recommends that States promptly, thoroughly and effectively investigate cases of trafficking in persons and related practices, prosecute and punish those responsible with appropriate penalties (including any government officials complicit in trafficking). The CAT Committee has also recommended that several States provide specialized training to public officials and law enforcement officers on the application of trafficking laws, as well as on identifying victims of trafficking and gender-specific, investigating, prosecuting and sanctioning perpetrators.

The CAT Committee has also recommended that States provide it with comprehensive and disaggregated data on the number of investigations carried out, prosecutions initiated and sentences handed down for human trafficking and on the provision of redress to the victims. It recommended that at least one State undertake research into the impact of preventive measures and criminal justice responses to counter trafficking in human beings and on the difficulties experienced in preventing such acts.

**Remedies and Redress for Trafficking Victims**

The CAT Committee has expressed concern to several States about inadequate access to effective remedies and redress for trafficking victims, including in at least one instance where a State does not provide victims with the right to an effective remedy until victims have gone through an internal determination procedure to be recognized as victims of trafficking. In addition, the CAT Committee expressed concern with respect to at least one State in relation to the lack of financial resources allocated to constructing shelters for victims of trafficking; the lack of adequate support in shelters and the lack of social services to victims of trafficking.

The CAT Committee has recommended that a number of States provide effective remedies to all victims of the crime of trafficking, including providing legal, medical and psychological aid and rehabilitation, as well as adequate shelter and assistance in reporting incidents of trafficking. The Committee recommended that at least one State ensure that victims of trafficking for forced sexual exploitation are not criminalized for prostitution. Similarly, in at least one other case, the CAT Committee recommended that a State establish clear identification procedures to ensure that victims of trafficking are not incorrectly identified and treated as undocumented migrants and deported without redress or remedy. The CAT Committee further recommended to at least one State that it should ensure a gender-sensitive asylum procedure that responds to the specific protection needs of women and girls who are or may become victims of trafficking and should provide training to police and immigration officers on identifying and dealing with victims of trafficking and gender-specific violence.
INSTITUTIONAL VIOLENCE

Violence in Prisons

The CAT Committee has raised concerns about rape and other forms of sexual abuse in detention settings,1553 as well as concerns about the lack of access to relief for prisoners who suffer such sexual violence.1554 The Committee has also raised concerns about the lack of appropriate health-care services in prisons,1555 locating wings for women in men’s prisons, which lack the necessary infrastructure and services for women prisoners,1556 and the only prison for females being located in a remote geographical area.1557

The CAT Committee has recommended that at least one State promote effective, prompt and independent mechanisms for handling complaints about sexual violence in prisons; provide specialized training to prison staff on prevention of sexual assault; and develop strategies for reducing and preventing such violence in prisons.1558

The CAT Committee has recommended on at least one occasion that a State put measures in place to protect minors placed with adults and women in mixed gender facilities against abuse and exploitation, and undertake a study to identify the advantages and risks, as well as the impact on minors and women’s reintegration in society after their release from prison.1559 The CAT Committee has on at least one occasion recommended gender specific training to medical personnel dealing with detainees.1560

CONFLICT AND POST-CONFLICT SETTINGS

The CAT Committee has expressed concern to at least one State where an ongoing conflict led to higher rates of sexual violence, including against increasingly younger girls.1561 The Committee has also expressed concern on at least two occasions about slavery, abduction, and human trafficking of women and girls1562 and the apparent impunity enjoyed by the perpetrators.1563 In at least one instance, the Committee noted with concern that the individuals charged for such acts were members of the current government of the State,1564 and it expressed alarm in another instance at the numerous corroborated allegations of sexual violence against women as a means of intimidation and repression during protests and during searches conducted by the police, the military or opposition parties (including chants inciting men to rape women).1565 The CAT Committee has on at least one occasion raised concerns about the use of sexual slavery (“comfort women”) in a post-conflict setting.1566

The CAT Committee has recommended that at least two States take vigorous measures to promote the protection of women and eliminate the impunity enjoyed by the perpetrators of acts of sexual violence in the context of armed conflict, whether they are state officials or non-state actors; conduct prompt, impartial and thorough inquiries; prosecute the perpetrators of such acts and, if they are found guilty, sentence them to punishment commensurate with the gravity of their acts; and provide adequate redress to victims, including in particular ensuring that women fleeing such violence have access to shelter, medical and psychological care, rehabilitation and public services, and are able to access such services without discrimination on the basis of gender or other status.1567

In at least one instance, the CAT Committee has recommended that a State ensures that witnesses are provided with adequate protection and financial resources under a witness protection program.1568 It has recommended that at least one State temporarily relieve all members of the government accused of grave violation of human rights of their duties and cooperate with the investigations opened by the Officer of the Prosecutor of the International Criminal Court with regard to these events.1569 The CAT Committee has also recommended that at least one State issue clear orders along the chain of command to prohibit sexual violence, including in the handbooks and training for the security services, the police, and the military; that it publicly condemn and denounce in the strongest of terms the commission of rape by agents of the State and incitement to commit rape through chanting; and that it ensure zero tolerance of sexual violence by security forces,1570 In a post conflict situation where sexual slavery was widespread and government-sanctioned, the CAT Committee recommended that at least one State cease to deny facts by government authorities and public figures of their involvement in relation to sexual slavery, given that repeated denials can re-traumatize victims.1571
INTERSECTIONAL VIOLENCE

Older Women

The CAT Committee has expressed concerns in relation to ill-treatment and lynching of elderly women accused of witchcraft.\textsuperscript{1572}

The CAT Committee has also on at least two occasions recommended that States take action to prevent such lynching and ill-treatment.\textsuperscript{1573} Further, in at least one instance, the CAT Committee has recommended that a State continue its efforts to provide care for elderly women who are accused of witchcraft and ensure that all possible measures are taken to help such women reintegrate into society.\textsuperscript{1574}

LGBTI Individuals

The CAT Committee has raised concerns on at least one occasion about reports that vulnerable groups such as lesbian, gay, bisexual and transgender (LGBT) persons are subjected to violence and sexual abuse, in both public and domestic settings, owing to widespread negative social attitudes.\textsuperscript{1575} The CAT Committee has in at least two cases raised concerns in relation to reports of police brutality directed at transgender women and other persons because of their sexual orientation or gender identity.\textsuperscript{1576} The CAT Committee has also raised concerns on at least one occasion in relation to reports that homophobic crimes, particularly in the form of sexual assault and murders of gay men and transgender women, are frequent.\textsuperscript{1577} It has also on at least one occasion raised concerns in relation to reports of harassment and violent attacks (some of which have resulted in death) against the LGBT community by members of the national police, armed forces, prison officials and municipal security patrols and arbitrary detention and physical abuse in police stations.\textsuperscript{1578}

The CAT Committee has recommended that at least one State establish a comprehensive legal framework to address discrimination and violence against individuals on the basis of their sexual orientation or gender identity, including by adopting legislative measures prohibiting hate crimes and establishing effective systems for reporting this type of violence so that the perpetrators of such acts can be investigated, put on trial, and punished.\textsuperscript{1579} The CAT Committee has also on at least one occasion recommended that a State take effective measures to protect the LGBT community from attack, abuse and arbitrary detention; to ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted; and to ensure that perpetrators are brought to justice and victims provided with redress.\textsuperscript{1580} The CAT Committee has on at least one occasion recommended that a State ensure the protection of vulnerable groups such as sexual minorities and establish effective policing, enforcement and complaints mechanisms with a view to ensuring prompt, thorough and impartial investigations into allegations of attacks against persons on the basis of their sexual orientation or gender identity.\textsuperscript{1581}

The CAT Committee has recommended in at least one instance that a State safeguard the physical integrity of gays, lesbians, bisexuals and transgender persons who are in police custody to ensure that they are treated with dignity; ensure that murders and assaults motivated by a person’s sexual orientation or gender identity are investigated; that the persons responsible are brought to justice; and provide mandatory training to law enforcement officers on the prosecution of cases involving the commission of acts of violence motivated by a person’s sexual orientation or gender identity.\textsuperscript{1582} The CAT Committee has recommended on at least one occasion that a State provide targeted training to police officers and other law enforcement officials regarding violence directed at people because of their sexual orientation or gender identity.\textsuperscript{1583}

Individual Complaints


  C.T. lived in Kigali, Rwanda, where she was arrested in May 2002 due to her political activism.\textsuperscript{1584} While in custody, she was repeatedly raped and threatened with death.\textsuperscript{1585} She became pregnant with her son, K.M. In October 2002, she escaped, fled to Sweden, and requested asylum.\textsuperscript{1586} K.M. was born in Sweden in 2003.\textsuperscript{1587} She applied for asylum based on a fear that she would be detained and raped again, and that her life and that
of her son would be at risk, if she were to return to Rwanda.\textsuperscript{1588} Her request for asylum was denied in March 2004 due to a perceived lack of credibility, and her subsequent appeal was rejected.\textsuperscript{1589} The CAT Committee, in assessing the risk of torture, noted that a “pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute a sufficient ground for determining that a particular person would be in danger of being subjected to torture upon his or her return to that country; additional grounds must exist to show that the individual concerned would be personally at risk.”\textsuperscript{1590} The CAT Committee determined that, because C.T. was repeatedly raped in detention—which the Committee affirmed is a form of torture—in the past and because her son was conceived as a result of this rape by public officials (and was thus a reminder to C.T. of her torture), C.T. was at risk of torture if she were to be returned to Rwanda.\textsuperscript{1591} The CAT Committee further addressed C.T.’s perceived lack of credibility by noting “that complete accuracy is seldom to be expected by victims of torture and that such inconsistencies as may exist in [C.T.’s] presentation of the facts are not material and do not raise doubts about the general veracity of her claims.”\textsuperscript{1592}

\section*{V.L. v. Switzerland (2007)}

V.L.’s husband was a local politician in Belarus who challenged the country’s leadership.\textsuperscript{1593} He was attacked in April 2000 and subsequently fled the country, first to Belgium and then to Switzerland.\textsuperscript{1594} In her husband’s absence, V.L. was frequently interrogated.\textsuperscript{1595} She fled for Switzerland in December 2002.\textsuperscript{1596} V.L. and her husband applied for asylum on December 19, 2002, but were rejected.\textsuperscript{1597} They appealed on September 11, 2003, but this was rejected as well.\textsuperscript{1598} On October 11, 2004, V.L. requested a revision of the decision and mentioned, for the first time, that she had been raped by police officers in Belarus, and had begun receiving threats after complaining to officers in charge of the local police department.\textsuperscript{1599} She was then kidnapped and raped again before she fled to Switzerland.\textsuperscript{1600} V.L. explained that she had been reluctant to report the rape because she was humiliated.\textsuperscript{1601} Swiss immigration authorities acknowledged that rape was often reported belatedly, but found her story unconvincing and ordered her to leave the country.\textsuperscript{1602}

The CAT Committee found that V.L.’s “explanation of the delay in mentioning the rapes to the national authorities is totally reasonable,” noting that “[i]t is well-known that the loss of privacy and prospect of humiliation based on revelation alone of the acts concerned may cause both women and men to withhold the fact that they have been subject to rape and/or other forms of sexual abuse until it appears absolutely necessary.”\textsuperscript{1603} The CAT Committee added that, “[p]articularly for women, there is the additional fear of shaming and rejection by their partner or family members.”\textsuperscript{1604} The CAT Committee also found that rape by public officials, even where it takes place outside of a formal detention setting, carries an “infliction of severe pain and suffering perpetrated for a number of impermissible purposes, including interrogation, intimidation, punishment, retaliation, humiliation and discrimination based on gender,” and thus constitutes a form of torture.\textsuperscript{1605} Finally, the CAT Committee noted that Belarus failed to exercise due diligence to investigate, prosecute, and punish the police for raping V.L.\textsuperscript{1606} This failure to act, the Committee found, increased the likelihood of V.L. facing additional ill treatment if she were returned to Belarus, because the perpetrators of the rapes could mistreat V.L. again with impunity.\textsuperscript{1607}

\section*{Njamba and Balikosa v. Sweden (2010)}

Ms. Njamba and Ms. Balikosa, a mother and daughter, faced deportation from Sweden back to the Democratic Republic of the Congo (D.R.C.), their country of origin.\textsuperscript{1608} Ms. Njamba’s husband (Ms. Balikosa’s father) supported rebels in the D.R.C. and was known to local authorities.\textsuperscript{1609} In 2004, when fighting broke out between rebels and government forces, the complainants witnessed executions, rapes, and other forms of torture, and Ms. Njamba’s husband and three of her children disappeared.\textsuperscript{1610} Ms. Njamba and Ms. Balikosa fled to Sweden.\textsuperscript{1611} Their application for asylum was rejected on the basis that the asylum application did not support a claim of personal threat.\textsuperscript{1612} In her appeal, Ms. Njamba further explained that she was HIV positive and that required medical treatment was unavailable in the D.R.C.\textsuperscript{1613} Her appeals were also rejected.\textsuperscript{1614} The CAT Committee noted that sexual violence was rampant throughout the D.R.C., and that the State had failed to exercise due diligence to prevent such violence, contributing to a climate of impunity for non-state actors.
engaged in sexual violence. In light of this reality, the CAT Committee found that there was a credible risk of torture, including a risk of rape, if Ms. Njamba and Ms. Balikosa were returned to the D.R.C.

- **Bakatu-Bia v. Sweden (2011)**

Ms. Bakatu-Bia, a citizen of the D.R.C., was an open opponent of the regime. The local pastor, with whom she worked and shared political views, was tortured and killed by authorities. Ms. Bakatu-Bia was subsequently arrested and detained, during which time she was tortured, including being beaten and repeatedly raped. In February 2006 she escaped from prison and made her way to Sweden, where she was denied asylum. The CAT Committee determined that, given that Ms. Bakatu-Bia had previously suffered torture (including rape) and given the widespread nature of sexual violence in conflict-affected areas of the D.R.C., there were substantial grounds for believing that Ms. Bakatu-Bia would be at risk of torture if she were returned to the D.R.C.

**Gaps in the Standards**

The CAT Committee has covered many of the aspects of the right to be free from gender-based violence as it relates to the right to be free from torture and ill treatment. However, the CAT Committee has not addressed how States could better protect the right of women with disabilities, in particular, to be free from gender-based violence, and could strengthen its recommendations in this regard. For example, the CAT Committee could recommend that States enact legislation on gender-based violence that reflects the full range of forms of gender-based violence that women with disabilities face. In the context of awareness raising campaigns, the CAT Committee could call on States to undertake awareness raising campaigns on the rights of people with disabilities to be free from violence, with a particular focus on the rights of women with disabilities to be free from gender-based violence.

The CAT Committee could also address the need to ensure that services to prevent, protect, and rehabilitate survivors of gender-based violence (and information about such services) are accessible to survivors with disabilities and that service providers (including health care workers, social workers, and other staff are trained on the needs of disabled victims of gender-based violence. Where States have not provided such information, the CAT Committee should urge States to assess accessibility of essential gender-based violence services for women with disabilities. Furthermore, in addressing access to justice for gender-based violence victims, the CAT Committee has not addressed barriers that women with disabilities face in accessing justice, such as accessibility of police stations and courts, the need for information about rights and legal procedures in alternative formats, the competency of women and girls with disabilities to testify, the need to respect legal capacity of women with disabilities, and the need to train law enforcement and judicial officers on the unique concerns of women with disabilities who have experienced gender-based violence, among others.
The Committee on the Elimination of Racial Discrimination (CERD Committee) is the expert body that monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Through its General Recommendations and Concluding Observations, the CERD Committee has demonstrated that ICERD safeguards the right to be free from gender-based violence and that States must ensure particular protections from gender-based violence for women from racial and ethnic minority groups, indigenous peoples, and migrants and refugees. Under ICERD, States must prevent, protect against, investigate, prosecute, and punish gender-based violence against these groups and provide remedies to individuals who have been subjected to gender-based violence. In particular, the CERD Committee has found that violations of the right to be free from gender-based violence contravene articles 2 (obligation to condemn, refrain from, and prohibit racial discrimination in all its forms), 5 (non-discrimination in civil, political, economic, social, and cultural rights), 6 (right to effective protection and remedy), and 7 (obligation to combat prejudices that lead to racial discrimination) of ICERD.

**General Recommendations**

  
  In its General Recommendation No. 25, the CERD Committee notes that there are certain forms of racial discrimination that may be directed towards women specifically because of their gender. Concerning gender-based violence, the Committee notes that members of particular racial or ethnic groups may be targeted with sexual violence in detention or during armed conflict, that domestic workers in the informal sector may be abused, and that indigenous women may be coercively sterilized. It also notes that racial discrimination may have consequences that primarily or only affect women, including pregnancy resulting from racially-motivated rape or ostracism when women are victims of rape. Finally, the Committee notes that women may face increased barriers to accessing justice and remedies for these violations due to gender bias and discrimination.

- **General Recommendation No. 29: Article 1, paragraph 1 of the Convention (Descent) (2002)**
  
  In its General Recommendation No. 29, the CERD Committee calls on States to take into account in programs and projects the situation of women, including as victims of multiple discrimination, sexual exploitation, and forced prostitution. It further calls on States to take all measures necessary to eliminate multiple discrimination, including descent-based discrimination, against women, including in the area of personal security. The Committee also calls on States to provide disaggregated data on the situation of women.

**Concluding Observations**

In addition to the issues discussed below, the CERD Committee has also frequently expressed concern and made recommendations to States about forced or coerced sterilization, which can be a form of gender-based violence. For more information on how the Committee has addressed forced and coerced sterilization, please see [accountABILITY: U.N. Standards on the Sexual and Reproductive Health and Rights of Women and Girls with Disabilities](#).

**LEGISLATIVE AND POLICY REFORM**

The CERD Committee has expressed concern to at least one State where honor killings are pervasive despite a law criminalizing the practice, and that penalties under the law are not dissuasive, with some perpetrators being...
It has also expressed concern to at least one State where a law on domestic violence does not adequately protect women victims of domestic violence.

The CERD Committee has recommended that States enforce their laws and policies and reinforce programs related to reducing violence against women, including ethnic minority women. It has also recommended that at least one State adopt gender-responsive budgets and policies as a means of tackling violence against women. The Committee has further recommended that at least two States adopt a national action plan related to gender-based violence against minority women and that another State strengthen the legislative framework to investigate such violence. The Committee has recommended that at least one State amend its domestic violence law so that it is in line with international obligations.

**DATA COLLECTION AND AWARENESS-RAISING**

**Statistics and Data Collection**
The CERD Committee has recommended that a State establish a national database on murdered and missing ethnic minority women. The Committee has further called on at least one State to collect data and information on the results of programs to combat gender-based violence against minority women. It has also recommended that at least one State collect statistics and data generally on matters affecting indigenous and minority women, including regarding violence against women. The Committee has further called on at least one State to collect statistical data on incidents of sexual violence against minority women, cases reported, prosecutions, and convictions.

**Awareness-Raising**
The CERD Committee has recommended that at least two States conduct public awareness campaigns about gender-based violence, including in ethnic minority communities. It has also recommended that at least one State undertake an awareness-raising campaign about the justice mechanisms available to indigenous women who are victims of gender-based violence. The CERD Committee called on at least one other State to raise awareness in minority communities about the prohibition on and negative effects of gender-based violence, including what remedies are available for victims.

**INTIMATE PARTNER AND DOMESTIC VIOLENCE**
The CERD Committee has recognized that racial or ethnic minority women may be at a disproportionate risk of intimate partner or domestic violence, expressing concern to at least one State where women from disadvantaged and poor ethnic groups are often victims of domestic violence and to another where domestic violence particularly affects minority women.

**Immigration Laws and Domestic Violence**
The CERD Committee has expressed concern to States where immigration requirements about legal residence may deter foreign women from leaving abusive relationships or seeking assistance for domestic violence. The Committee has in particular expressed concern to at least one State where the level of violence must meet a certain level of severity before the foreign woman can receive benefits under the law. The Committee has expressed concern to at least one State that ethnic minority women are at higher risk of life-threatening forms of violence, including spousal homicides. It has further expressed concern to at least one State where immigrant women make up a high percentage of those staying at women’s shelters and recommended that the State study the factors contributing to this high rate. The CEDAW Committee has also expressed concern to at least one State where domestic violence is not considered a grounds for asylum.

The CERD Committee has recommended that at least two States amend legislation to allow foreign women in abusive relationships to maintain residence status if they leave their abusers, including by ensuring that residency status is not taken away upon divorce. The Committee has also recommended that there not be undue procedural obstacles to applying for residency status and that foreign women in abusive relationships...
can stay in the country if they so wish.\textsuperscript{1653} It has recommended that at least one State review its law in order to ensure that the law does not prevent foreign women from leaving abusive relationships.\textsuperscript{1654} The Committee has also recommended that at least one State amend immigration legislation to allow migrant women in abusive relationships to obtain separate residence permits from those of their abusers.\textsuperscript{1655} The CERD Committee has recommended that at least one State fully comply with the obligation to ensure non-refoulement for migrants and refugees, including by recognizing domestic violence as a ground for asylum.\textsuperscript{1656} It has further recommended that at least one State remove restrictions for victims of domestic violence in obtaining their residency permit if they have received social benefits in the last three years.\textsuperscript{1657}

**Redress and Remedies**

The CERD Committee has expressed concern to a State where rates of child marriage are high but girls under the age of 18 are not admitted into domestic violence shelters.\textsuperscript{1658} The CERD Committee has recommended that at least one State increase the number of shelters for women and establish programs for ending violence against women.\textsuperscript{1659} The Committee has also recommended that at least one State adopt a pending bill on domestic violence.\textsuperscript{1660} It further recommended to at least one State that protection be provided to victims of domestic violence, regardless of age.\textsuperscript{1661}

**SEXUAL VIOLENCE**

The CERD Committee has expressed concern to at least one State about the chaotic situation at migrant reception centers, where women and children face higher risks of sexual violence with inadequate response from the authorities,\textsuperscript{1662} and has lamented that another State that has taken inadequate steps to protect migrant women in detention centers from sexual and gender-based violence.\textsuperscript{1663} It has also expressed concerns to several States about sexual violence against minority or lower caste women, usually perpetrated by men from other communities.\textsuperscript{1664} The Committee has expressed concern to at least one State that violence against women and girls impacts their access to basic services, including education.\textsuperscript{1665} It has also noted to at least one State that rape of minority women is caused by stereotypes about those women.\textsuperscript{1666} The Committee has further expressed concern to at least one State about authorities discouraging foreign women engaged in prostitution from reporting gender-based violence, including rape.\textsuperscript{1667} The Committee has also expressed concern to at least one State that migrant women are less likely to report sexual violence due to a fear of losing their residence status.\textsuperscript{1668}

The CERD Committee has recommended that at least one State redouble measures to protect persons at migrant reception centers from all forms of violence\textsuperscript{1669} and that another State take steps to provide psychological and legal support so as to identify the specific needs of migrant women in detention centers.\textsuperscript{1670} The Committee has also recommended that at least two States take measures to ensure that victims of sexual violence have access to education, employment, justice, and health services.\textsuperscript{1671} It has also recommended that at least one State effectively prosecute perpetrators and sanction anyone who prevents or discourages victims from reporting violence, including police and other law enforcement officers.\textsuperscript{1672} It has also recommended that at least one State undertake preventative measures such as police training and public education campaigns about the criminal nature of sexual violence.\textsuperscript{1673} The Committee has further recommended that at least one State provide legal, medical, and psychological assistance to victims, as well as compensation.\textsuperscript{1674} It has also recommended that at least one State register all instances of sexual violence, including rape, against minority women.\textsuperscript{1675} Finally, it has recommended that a State make efforts to combat prejudices against minority communities and promote tolerance and intercultural dialogue as a means of tackling sexual violence.\textsuperscript{1676}

**SEXUAL HARASSMENT**

The CERD Committee has recommended to at least one State that all forms of violence and harassment are impartially investigated by the judiciary and that perpetrators are prosecuted to the fullest extent of the law, irrespective of their national, ethnic, or other origin.\textsuperscript{1677}
ACCESS TO JUSTICE

The CERD Committee has expressed concern to at least one State where ethnic minority, migrant, and refugee women face difficulties accessing justice following gender-based violence. It has also expressed concern to at least one State where minority women face obstacles to reporting gender-based violence and achieving judicial redress, noting that this may lead to low reporting of these incidents and prevent prosecutions of perpetrators. The Committee has further expressed concern to at least one State that foreign women who are victims of gender-based violence may be deterred from filing complaints, as they may be expelled from the country if courts do not find the accused guilty of gender-based violence, classifying this as discrimination.

The CERD Committee has recommended that States ensure that minority and migrant women who are victims of gender-based violence can access justice. It has in particular recommended that States investigate, prosecute, and punish perpetrators of violence against women, particularly minority, migrant, and indigenous women. It has further recommended that at least one State establish special tribunals and task forces to address violence against women, particularly sexual violence, sexual exploitation, and trafficking.

The CERD Committee has also recommended that at least two States ensure rehabilitation and redress, including compensation, for victims. It has also recommended that at least one State undertake an awareness-raising campaign about the justice mechanisms available to indigenous women who are victims of gender-based violence. The CERD Committee has further recommended trainings for justice system actors and medical personnel on gender-based violence.

TRAFFICKING AND SEXUAL EXPLOITATION

The CERD Committee has expressed concern to States where human trafficking and sexual exploitation is increasing or remains a serious problem and where it particularly affects ethnic minorities, lower caste women, refugees, and foreign workers. The Committee has also expressed concern to at least two States that lack national legislation on human trafficking.

The CERD Committee has recommended that States adopt legislation on trafficking in persons, including criminal legislation. The Committee has also called on at least one State to adopt a strategy to tackle trafficking and sexual exploitation, particularly when it targets minorities and foreign workers. It has further recommended that States tackle the root causes of trafficking, in particular for women, including from ethnic minorities.

Obligations to Prevent and Punish Trafficking

The CERD Committee has expressed concern in at least one instance about a low number of investigations and prosecutions concerning trafficking. The CERD Committee has also lamented the failure of one State to implement its laws on trafficking, including by failing to investigate cases and provide rehabilitation to victims. The Committee has expressed concern where States have not collected sufficient data on the issue of trafficking and sexual exploitation, including lack of information about investigations and prosecutions.

The CERD Committee has further expressed concern where services for victims of trafficking are subject to restrictive conditions, including cooperation with the justice system. It has expressed concern to at least one State about the cessation of grants to crisis centers that particularly served victims of violence and trafficking who are ethnic minorities, the lack of adequate competencies for staff at those centers, and the difficulty in finding alternative housing when women leave those centers.

The CERD Committee has recommended that States ensure that perpetrators are prosecuted. The Committee has further recommended that at least one State ensure that victims of trafficking are not prosecuted. The Committee suggests that States consider entering into agreements with other States to tackle trafficking. It has also recommended that at least two States provide training to police and immigration officials about trafficking and identifying victims and that at least one State conduct a public awareness campaign about trafficking.
The CERD Committee has requested that States collect information or disaggregated data on trafficking, particularly of women, including related to the prosecution and punishment of perpetrators and remedies provided to victims.

**Training and Guidance for Relevant Authorities**

The Committee has also recommended that at least one State undertake a public awareness-raising campaign about trafficking, targeted at the most vulnerable populations. It has further recommended that at least one State provide training to justice system actors and border guards on ICERD and other human rights instruments. The Committee has also recommended that at least one State adequately train crisis center staff to work with ethnic minority women who are victims of violence and trafficking.

**Rehabilitation and Redress for Victims**

The CERD Committee has recommended that States provide rehabilitation and redress to victims of exploitation and trafficking, including assistance, protection, temporary residence status, shelters, and medical and psychological services, in their own language. It has further recommended that at least one State amend its law on trafficking to facilitate access to services for victims. The Committee has further recommended to at least one State that it provide assistance to victims of trafficking regardless of their residency status. It has recommended that another State make special efforts to protect women in refugee camps from trafficking.

**INSTITUTIONAL VIOLENCE**

The CERD Committee has not yet issued concluding observations related to institutional gender-based violence.

**CONFLICT AND POST-CONFLICT SETTINGS**

The CERD Committee has expressed concern to at least one State where an ongoing conflict led to higher rates of sexual violence against ethnic minority and indigenous women. It has further expressed concern to another State where it has not provided adequate redress—including compensation, apologies, and recognition—to foreign women who had been sexually exploited by the military during a previous war. The Committee has also expressed concern to at least one State where women from ethnic and ethno-religious minority groups in war-affected areas are more vulnerable to gender-based and sexual violence, particularly at the hands of security forces. It has further expressed concern to at least one State where accusations of mass rape during conflict have not been adequately investigated and perpetrators have gone unpunished.

The CERD Committee has recommended that States ensure effective access to justice for victims of sexual violence, particularly victims of conflict-related sexual violence. For instance, the CERD Committee called on at least one State to ensure that state forces and groups under its control do not perpetuate sexual violence, that the State exercise due diligence to prevent, investigate, and punish acts of sexual violence in conflict areas, and that it provide reparations to victims. The Committee also called on at least one other State to provide protection post-conflict to women who were victims of conflict-related sexual and gender-based violence. It has further recommended that at least one State provide sincere apologies and adequate reparations for surviving victims of sexual exploitation during war. It has further called on at least one State to condemn attempts to defame women subjected to conflict-related sexual exploitation or to deny these events.

**INTERSECTIONAL VIOLENCE**

**Migrant and Domestic Workers**

The CERD Committee has expressed concern to States where ethnic minority, migrant, and refugee women are particularly vulnerable to gender-based violence, including where these victims are denied or lack access to assistance and justice following such violence. It has also noted to at least two States that foreign domestic workers are at particular risk of violence, including because they are not covered by national labor laws.
The Committee has further expressed concern about ill-treatment of refugee women by law enforcement agents.\textsuperscript{1731}

The CERD Committee has recommended that at least one State prevent and redress rights violations faced by migrant domestic workers, including debt bondage, withholding of passports, illegal confinement, rape, and physical assault.\textsuperscript{1732} The Committee has further recommended that at least one State ensure that foreign domestic workers are covered by national labor laws as a means of reducing their vulnerability to violence and sexual exploitation.\textsuperscript{1733} It has also recommended that at least one State ensure that ethnic minority women and their representative organizations are consulted and included in efforts to combat gender-based violence and in the evaluation of programs related to this issue.\textsuperscript{1734} The Committee has further recommended that at least one State take particular measures to protect women in refugee camps from violence.\textsuperscript{1735}

**Ethnic Minority and Indigenous Women**

The CERD Committee has also expressed concern to States where ethnic minority women are particularly vulnerable to gender-based violence.\textsuperscript{1736} The CERD Committee has recommended that States integrate a gender perspective in all efforts related to racial discrimination, based on the Committee’s General Recommendation No. 25.\textsuperscript{1737} It has recommended that at least one State take steps as a matter of urgency to protect minorities, particularly minority women, from violence and any attempt to violate their right to physical integrity.\textsuperscript{1738} The CERD Committee has further recommended that at least one State take action to break the cycle of violence against indigenous women while taking steps to ensure redress for them.\textsuperscript{1739} It has also recommended that at least one State ensure adequate prevention and service programs targeted at gender-based violence against minority and indigenous women.\textsuperscript{1740}

**Individual Complaints**

The CERD Committee has not issued any decisions on individual complaints related to gender-based violence as of December 2016.

**Gaps in the Standards**

Although the CERD Committee has frequently examined how race and ethnicity impact gender-based violence, it has not yet examined how disability can intersect with these factors to create further risks and barriers for women and girls with disabilities from racial and ethnic minorities or indigenous communities. For instance, while the Committee has frequently examined how racial or ethnic minority status can increase a woman’s vulnerability to gender-based violence, it has not yet examined how disability might further make these individuals vulnerable to violence, including because women and girls with disabilities can be at a heightened risk of experiencing significant barriers to reporting violence or of having their accounts doubted by their families, law enforcement, and the judiciary. The Committee should consider more consistently including disability issues in its examinations of state reports and in its general recommendations.
Thematic Reports by U.N. Special Procedures


In her 2017 report on integrated services and protection measures on violence against women, the U.N. Special Rapporteur on Violence against Women, Dubravka Šimonovic, emphasizes that unavailability and inaccessibility of shelters is a clear violation of a woman’s rights. She explains that States have an obligation to ensure that shelters for women escaping violence are accessible to people with disabilities, highlighting an example of a woman who is unable to utilize a shelter because it was not equipped to accept her children, one of whom had a disability.


In her 2017 report on the legal capacity and supported decision making, the Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas-Aguilar, identifies the ways in which gender-based violence and lack of legal capacity interact and can expose people with disabilities to violence. The report also emphasizes the need to ensure access to justice for those who have experienced violence under substituted or supported decision-making regimes.


In her 2017 report on the sexual and reproductive health and rights of girls and young women with disabilities, the Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas-Aguilar, addresses forms of violence, abuse and other harmful practices that young women and girls with disabilities experience and identifies how these experiences of violence can create barriers to accessing sexual and reproductive health services.


In her 2017 report on access to support for persons with disabilities, the Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas-Aguilar, highlights how inadequate support services expose people with disabilities to violence. She also underscores States’ obligations to provide services that prevent and address violence, including gender-based violence.


In her 2016 report on the decision-making rights of persons with disabilities, Catalina Devandas-Aguilar, urges States to take additional measures to ensure that women and girls with disabilities can safely participate in consultations with States, especially regarding gender-based violence.


In his 2013 report on torture in health care settings, the U.N. Special Rapporteur on Torture, Juan Mendez, documents the increase of sexual violence against people with disabilities in health care settings, particularly people with psychosocial and intellectual disabilities, and stresses the rights of persons with disabilities to be free from forced medical interventions.
  
  In her 2012 report, former U.N. Special Rapporteur on Violence against Women, Its Causes and Consequences, Rashida Manjoo examines how gender-related killings, sometimes referred to as femicide,\(^\text{1750}\) are an extreme form of gender-based violence and States’ failure to act with due diligence to combat such killings.\(^\text{1751}\)

  
  In her 2012 report on violence against women and girls with disabilities, former U.N. Special Rapporteur on Violence against Women, Its Causes and Consequences, Rashida Manjoo, addresses the various forms of violence experienced by women and girls with disabilities, the causes and consequence of such violence, and recommendations for measures States should take to combat such violence.\(^\text{1752}\)

  
  In his 2010 report, former U.N. Special Rapporteur on the Right to Education, Vernor Muñoz, emphasizes the importance of sexual education for women and girls exposed to gender-based violence and how sexual education is an essential component of empowering women and reducing gender-based violence.\(^\text{1753}\)

  
  In her 2008 report on indicators on violence against women and State response, former U.N. Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk, highlights the importance of ensuring that residential facilities for people with disabilities have policies on violence against women as an important protection measure.\(^\text{1754}\)
Endnotes

1 United States Agency for International Development (USAID), United States Strategy to Prevent and Respond to Gender-based Violence Globally 7 (Aug. 10, 2012), http://www.state.gov/documents/organization/196468.pdf. It is worth noting that no global data exists on the incidence of such violence, and studies draw on different sources of data.


13 See E. Lightfoot et al., The Inclusion of Disability as a Condition for Termination of Parental Rights, Child Abuse & Neglect, 34:927-934 (2010); Women with Disabilities Australia, Gender and Disability (Dec. 2010).


16 Hilary Brown, Sexual Assault: Facing Facts, 87 Nursing Times 65 (1991); Jeanine Benedet and Isabel Grant, Hearing the Sexual Assault Complaints of Women with Mental Disabilities: Evidentiary and Procedural Issues, 52 McGill L.J. 515, 523 (2007); Manjoo, Women with Disabilities, supra note 2, para. 60.


19 Human Rights Committee, General Comment No. 20: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, ¶ 7 (44th Sess., 1992), in COMPILATION OF GENERAL COMMENTS AND GENERAL RECOMMENDATIONS ADOPTED BY HUMAN RIGHTS TREATY BODIES, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994).


accountABILITY: U.N. Standards on Gender Based Violence | 95


96 | Women Enabled International


ESCR Committee, **General Comment No. 22**: The right to sexual and reproductive health, ¶ 7, U.N. Doc. E/C.12/GC/22 (2016).


ESCR Committee, **General Comment No. 23**: The right to just and favourable conditions of work, ¶ 48 U.N. Doc. E/C.12/GC/23 (2016).

ESCR Committee, **General Comment No. 23**: The right to just and favourable conditions of work, ¶ 5 U.N. Doc. E/C.12/GC/23 (2016).


accountABILITY: U.N. Standards on Gender Based Violence | 111
603 CRPD Committee, General Comment No. 5 (2017) on living independently and being included in the community, para. 5, U.N. Doc. CRPD/C/GC/5 (2017).
604 CRPD Committee, General Comment No. 5 (2017) on living independently and being included in the community, para. 72, U.N. Doc. CRPD/C/GC/5 (2017).
605 CRPD Committee, General Comment No. 5 (2017) on living independently and being included in the community, para. 72, U.N. Doc. CRPD/C/GC/5 (2017).
606 CRPD Committee, General Comment No. 5 (2017) on living independently and being included in the community, para. 72, U.N. Doc. CRPD/C/GC/5 (2017).


A.T. v Hungary, CEDAW Committee, Commc’n No. 2/2003, ¶¶ 2.1, 2.3 (2005).


CRC Committee, General Comment No. 14: The Right of the Child to have his or her Best Interests taken as a Primary Consideration, ¶ 1(a), U.N. Doc CRC/C/GC/14 (2013).

CRC Committee, General Comment No. 14: The Right of the Child to have his or her Best Interests taken as a Primary Consideration, ¶ 1(e), U.N. Doc CRC/C/GC/13 (2011).


CERD Committee, Concluding Observations: South Africa, ¶ 16, U.N. Doc. CERD/C/ZAF/CO/3 (2006);


U.N. General Assembly, Report of the Special Rapporteur on violence against women, its causes and consequences, U.N.


Women Enabled International (WEI) works at the intersection of women’s rights and disability rights to advance the rights of women and girls with disabilities around the world. Through advocacy and education, WEI increases international attention to—and strengthens international human rights standards on—issues such as violence against women, sexual and reproductive health and rights, access to justice, education, legal capacity, and humanitarian emergencies. Working in collaboration with women with disabilities rights organizations and women’s rights organizations worldwide, WEI fosters cooperation across movements to improve understanding and develop cross-cutting advocacy strategies to realize the rights of all women and girls.