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**Committee on the Elimination of Discrimination  
against Women**

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

*Preamble*

The Committee acknowledges the valuable contribution of more than a hundred civil society and women's organisations, States parties as well as academia, UN entities and other stakeholders that provided their views and comments during the elaboration of this general recommendation.

The Committee also acknowledges with gratitude the contribution of the Special Rapporteur on violence against women, its causes and consequences to this work and to the present document.<sup>1</sup>

**I. Introduction**

1. General recommendation No. 19 on violence against women, adopted by the Committee at its eleventh session in 1992,<sup>2</sup> states that discrimination against women –as defined in article 1 of the Convention- includes gender-based violence, that is, ‘violence which is directed against a woman because she is a woman or that affects women disproportionately’, and, as such, is a violation of their human rights.

2. For over 25 years, the practice of States parties has endorsed the Committee’s interpretation. The *opinio juris* and State practice suggest that the prohibition of gender-based violence against women has evolved into a principle of customary international law. general recommendation No. 19 has been a key catalyst for this process.<sup>3</sup>

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<sup>1</sup> As agreed in the Committee decisions 65/IV and 66/IX.

<sup>2</sup> Although the Committee first addressed this violence in 1989 through its general recommendation No. 12, it was general recommendation No. 19 which provided a detailed and comprehensive review of violence against women and a basis for the subsequent work of the Committee on the issue.

<sup>3</sup> In the decades since general recommendation No. 19 was adopted, most States parties have improved their legal and policy measures to address diverse forms of gender-based violence against women. See: Review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. Report of the Secretary-General, E/CN.6/2015/3, pars. 120-139. Evidence of the practice of non-parties, Iran, Palau Somalia, Sudan, Tonga and the United States, includes the adoption of domestic legislation on violence against women (e.g. United States in 1994; Somalia in 2012), the invitations extended to and accepted by the Special Rapporteur on Violence against Women (e.g. visits to the US in 1998 and 2011; to Somalia in 2011; and to the Sudan in 2015); the acceptance of the diverse recommendations on strengthening protection of women from violence through the UN Human Rights Council’s Universal Periodic Review process, and the endorsement of key resolutions on eliminating violence against women adopted by the UN Human Rights Council (e.g. Resolution A/HRC/RES/32/19 (2016)). The practice by States is also reflected by landmark political documents and regional treaties adopted in multilateral fora as the 1993 Vienna Declaration and Program of Action; the 1993 UN Declaration on the Elimination of Violence against Women; the adoption of the Beijing Declaration and Platform for Action (1995) and its five-year reviews, and the regional conventions and action plans (1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), the 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) and the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)). Other relevant international instruments are the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN (Association of Southeast Asian Nations) and the Arab Strategy for Combating Violence Against Women (2011-2030) and the Agreed conclusions of the 57<sup>th</sup> Session of the Commission on the Status of Women (2013) on Elimination and prevention of all forms of violence against women and girls. The Rome Statute of the International Criminal Court and the Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, as well as many resolutions by the Human Rights Council (e.g. Resolution A/HRC/32/L.28/Rev.1 (2016), include specific provisions on gender-based violence against women. Judicial decisions by international courts, which are a subsidiary means for the determination of customary international law (ILC Draft Conclusions 13 [14]), also demonstrate such development. Examples include *Opuz v Turkey* (European Court of Human Rights, Application No 33401/02, judgment of 9 June 2009) and *Gonzalez v Mexico* (Inter-American Court of Human Rights, Judgment of 16 November 2009). In *Opuz v Turkey* the ECHR was influenced by what it called ‘the evolution of norms and principles in international law’ (para. 164) through a range of international and comparative materials on violence against women.

3. Acknowledging these developments, as well as the work of the UN Special Rapporteur on violence against women, its causes and consequences, and of human rights treaty bodies<sup>4</sup> and special procedures<sup>5</sup>, the Committee has decided to mark the twenty-fifth anniversary of its adoption of general recommendation No. 19 by providing States parties with further guidance aimed at accelerating the elimination of gender-based violence against women.

4. The Committee acknowledges that civil society, especially women's non-governmental organisations, have prioritised the elimination of gender-based violence against women; their activities have had a profound social and political impact, contributing to the recognition of gender-based violence against women as a human rights violation and to the adoption of laws and policies to address it.

5. The Committee's concluding observations<sup>6</sup> and their follow up procedures, general recommendations, statements and views and recommendations following communications<sup>7</sup> and inquiries<sup>8</sup> under the Optional Protocol to the Convention condemn gender-based violence against women, in all its forms, wherever it occurs. They also clarify standards for eliminating this violence and the obligations of States parties in this regard.

6. Despite these advances, gender-based violence against women, whether committed by States, intergovernmental organisations or non-state actors, including private persons and armed groups<sup>9</sup>, remains pervasive in all countries of the world, with high levels of impunity. It manifests in a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings<sup>10</sup> and in the contemporary globalized world it transcends national boundaries.

7. In many states, legislation addressing gender-based violence against women remains non-existent, inadequate and/or poorly implemented. An erosion of legal and policy frameworks to eliminate gender-based discrimination or violence, often justified in the name of tradition, culture, religion or fundamentalist ideologies, and significant reductions in public spending, often as part of "austerity measures" following economic and financial crises, further weaken the state responses. In the context of shrinking democratic spaces and consequent deterioration of the rule of law, all these factors allow for the pervasiveness of gender-based violence against women and lead to a culture of impunity.

<sup>4</sup> See, among others, General Comment No. 28 (2000) on the equality of rights between men and women by the Human Rights Committee; General Comment No. 2 (2008) by the Committee Against Torture; General comment No. 22 (2016) on the right to sexual and reproductive health, by the Committee on Economic, Social and Cultural Rights; and General Comment No. 3 (2016) on Women and girls with disabilities, by the Committee on the Rights of Persons with Disabilities.

<sup>5</sup> In particular, the Working Group on the issue of discrimination against Women in Law and Practice and the Special Rapporteur on Torture.

<sup>6</sup> Almost six hundred Concluding Observations have been adopted by the Committee since the adoption of general recommendation No. 19: most refer explicitly to gender-based violence against women.

<sup>7</sup> In particular, *A. T. v. Hungary* (case No. 2/2003), *Fatma Yildirim v. Austria* (case No. 6/2005), *Sahide Goekce v. Austria* (case No. 5/2005), *Karen Vertido v. the Philippines* (case No. 18/2008), *V.K. v. Bulgaria* (case No. 20/2008), *Inga Abramova v. Belarus* (case No. 23/2009), *S. V. P. v. Bulgaria* (case No. 31/2011), *Isatou Jallow v. Bulgaria* (case No. 32/2011), *R. P. B. v. the Philippines* (case No. 34/2011), *Angela González Carreño v. Spain* (case No. 47/2012), *X. and Y. v. Georgia* (case No. 29/2009), *Belousova v. Kazakhstan* (case No. 45/2012), *A. S. v. Hungary* (No. 4/2004), *Kell v. Canada* (No. 19/2008), *M. W. v. Denmark* (No. 46/2012) and *L. R. v. Republic of Moldova* (com. No. 58/2013).

<sup>8</sup> Mexico (CEDAW/C/2005/OP.8/MEXICO, 2005), Canada (CEDAW/C/OP.8/CAN/1, 2015) and the Philippines (CEDAW/C/OP.8/PHL/1, 2015).

<sup>9</sup> This includes all types of armed groups, i.e. rebel forces, gangs, paramilitary groups, etc.

<sup>10</sup> See UN General Assembly Resolution on Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, 30 January 2014, A/RES/68/181; UNDP, UN Women, Broadband Commission: *Cyber Violence against Women and Girls: A world-wide wake-up call*, October 2015; Agreed conclusions adopted by the Commission on the Status of Women at its 57th session (E/2013/27).

## II. Scope

8. This document complements and updates the guidance to States parties set out in general recommendation No. 19, and should be read in conjunction with it.

9. The concept of ‘violence against women’ in general recommendation No. 19 and other international instruments and documents has emphasised that this violence is gender-based. Accordingly, this document uses the expression ‘gender-based violence against women’, as a more precise term that makes explicit the gendered causes and impacts of the violence. This expression further strengthens the understanding of this violence as a social - rather than an individual- problem, requiring comprehensive responses, beyond specific events, individual perpetrators and victims/survivors.

10. The Committee considers that gender-based violence against women is one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated. Throughout its work, the Committee has made clear that this violence is a critical obstacle to achieving substantive equality between women and men as well as to women’s enjoyment of human rights and fundamental freedoms enshrined in the Convention.

11. General recommendation No. 28 (2010) on the core obligations of States parties indicates that their obligations under article 2 of the Convention are to respect, protect and fulfil women’s rights to non-discrimination and the enjoyment of de jure and de facto equality.<sup>11</sup> The scope of these obligations in relation to gender-based violence against women occurring in particular contexts are addressed in general recommendation No. 28 and other general recommendations, including general recommendations No. 26 (2008) on women migrant workers, No. 27 (2010) on older women, No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations; No. 31 (2014) on harmful practices; No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women; No. 33 (2015) on women’s access to justice; and No. 34 (2016) on the rights of rural women. The current document cross-references, but does not repeat, the relevant elements of those general recommendations.

12. General recommendation No. 28 on the core obligation of States parties under article 2 of the Convention as well as general recommendation No. 33 on women’s access to justice confirms that discrimination against women is inextricably linked to other factors that affect their lives. The Committee’s jurisprudence highlights that these may include ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders.<sup>12</sup> Accordingly, because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact, the

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<sup>11</sup> General recommendation 28, par. 9. Other UN human rights treaty bodies also use this typology, e.g. CESCR, General Comment No. 12 (1999).

<sup>12</sup> General recommendation No. 33, par 8 and 9. Other general recommendations relevant to intersectional discrimination are general recommendation No. 15 on women and AIDS, No. 18 on women with disabilities, No. 21 on equality in marriage and family relations, No. 24 on women and health, No. 26 on women migrant workers, No. 27 on older women and protection of their human rights, No. 30 on women in conflict prevention, conflict and post-conflict situations, No. 31 on harmful practices, No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and No. 34 on the rights of rural women. The Committee has also addressed intersectional discrimination in its views on communications (*Jallow v. Bulgaria*, 2012; *S.V.P. v. Bulgaria*, 2012; *Kell v. Canada*, 2012; *A.S. v. Hungary*, 2006; *R. P. B. v. the Philippines*, 2014; *M.W. v. Denmark*, 2016, among others) and inquiries (in particular, concerning Mexico (2005) and Canada (2015)).

Committee acknowledges that gender-based violence may affect some women to different degrees, or in different ways, so appropriate legal and policy responses are needed.<sup>13</sup>

13. The Committee recalls article 23 of the Convention which states that any provisions in national legislation or international treaties other than the Convention on the Elimination of All Forms of Discrimination against Women that are more conducive to the achievement of equality between women and men will prevail over the obligations in the Convention, and accordingly, the recommendations in this document. The Committee also points out that States parties' action to address gender-based violence against women is affected by reservations they maintain to the Convention. It further notes that as a human rights treaty body, the Committee may assess the permissibility of reservations formulated by States parties<sup>14</sup>, and reiterates its view that reservations especially to article 2 or article 16<sup>15</sup>, the compliance with which is particularly crucial in efforts to eliminate gender-based violence against women, are incompatible with the object and purpose of the Convention and thus impermissible under article 28, paragraph 2.<sup>16</sup>

14. Gender-based violence affects women throughout their life cycle<sup>17</sup> and accordingly references to women in this document include girls. This violence takes multiple forms, including acts or omissions intended or likely to cause or result in death<sup>18</sup> or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty.<sup>19</sup> Gender-based violence against women is affected and often exacerbated by cultural, economic, ideological, technological, political, religious, social and environmental factors, as evidenced, among others, in the contexts of displacement, migration, increased globalization of economic activities including global supply chains, extractive and offshoring industry, militarisation, foreign occupation, armed conflict, violent extremism and terrorism. Gender-based violence against women is also affected by political, economic and social crises, civil unrest, humanitarian emergencies, natural disasters, destruction or degradation of natural resources. Harmful practices<sup>20</sup> and crimes against women human rights defenders, politicians<sup>21</sup>, activists or journalists are also forms of gender-based violence against women affected by such cultural, ideological and political factors.

15. Women's right to a life free from gender-based violence is indivisible from and interdependent with other human rights, including the right to life, health, liberty and security of the person, the right to equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, freedom of expression, movement, participation, assembly and association.

16. Gender-based violence against women, may amount to torture or cruel, inhuman or degrading treatment in certain circumstances, including in cases of rape, domestic violence

<sup>13</sup> General recommendation No. 28, par. 18, Inquiry Canada par. 197.

<sup>14</sup> See Guide to Practice on Reservations to Treaties, adopted by the International Law Commission, 2011, A/65/10, para.3.1.10.

<sup>15</sup> Statement of CEDAW on reservations, 'Report on its nineteenth session, (1998) UN Doc A/53/38/Rev.1, par. 12; see also general recommendation 29, par. 54-55. Concluding observations on the reports of States parties have also indicated that reservations to articles 2, 7, 9 and 16, as well as general reservations, are incompatible with the Convention's objects and purpose.

<sup>16</sup> General recommendation No. 28, par. 41 and 42.

<sup>17</sup> General recommendation No. 27 on older women and protection of their human rights, and general recommendation No. 31 on harmful practices.

<sup>18</sup> These deaths include, inter alia, murders, killings in the name of so-called "honour" and forced suicides. See Inquiries concerning Mexico (2005) and Canada (2015), as well as Concluding Observations to Guatemala, 2009; South Africa, 2011; Mexico, 2012; Chile, 2012; Pakistan, 2013; Iraq, 2014; Finland, 2014; Namibia, 2015; Turkey, 2016, Honduras, 2016; United Republic of Tanzania, 2016; among others.

<sup>19</sup> General recommendation No. 19, par. 6 and general recommendation No. 28, par. 19.

<sup>20</sup> 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.

<sup>21</sup> See the report: Inter-Parliamentary Union (IPU), Sexism, harassment and violence against women parliamentarians (October 2016)

or harmful practices, among others<sup>22</sup>. In some cases, some forms of gender-based violence against women may also constitute international crimes.<sup>23</sup>

17. The Committee endorses the view of other human rights treaty bodies and special procedures mandate-holders that in making the determination of when acts of gender-based violence against women amount to torture or cruel, inhuman or degrading treatment,<sup>24</sup> a gender sensitive approach is required to understand the level of pain and suffering experienced by women,<sup>25</sup> and that the purpose and intent requirement of torture are satisfied when acts or omissions are gender specific or perpetrated against a person on the basis of sex.<sup>26</sup>

18. Violations of women's sexual and reproductive health and rights, such as forced sterilizations, forced abortion, forced pregnancy, criminalisation of abortion, denial or delay of safe abortion and post-abortion care, forced continuation of pregnancy, abuse and mistreatment of women and girls seeking sexual and reproductive health information, goods and services, are forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment.<sup>27</sup>

19. The Committee regards gender-based violence against women to be rooted in gender-related factors such as the ideology of men's entitlement and privilege over women, social norms regarding masculinity, the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behaviour. These factors also contribute to the explicit or implicit social acceptance of gender-based violence against women, often still considered as a private matter, and to the widespread impunity for it.

20. Gender-based violence against women occurs in all spaces and spheres of human interaction, whether public or private. These include the family, the community, the public spaces, the workplace, leisure, politics, sport, health services, educational settings and their redefinition through technology-mediated environments,<sup>28</sup> such as contemporary forms of violence occurring in the Internet and digital spaces. In all these settings, gender-based violence against women can result from acts or omissions of State or non-State actors, acting territorially or extraterritorially, including extraterritorial military action of States,

<sup>22</sup> Special Rapporteur on torture and other forms of cruel, inhuman and degrading treatment, A/HRC/31/57 (2016); Report of SR on Torture, 15 January 2008, A/HRC/7/3, para 36; Committee against Torture concluding observations on Mexico, CAT/C/MEX/CO/4; on Guyana, CAT/C/GUY/CO/1; on Togo, CAT/C/TGO/CO/1; on Burundi, CAT/C/BDI/CO/1; on Peru, CAT/C/PER/CO/5-6; on Tajikistan, CAT/C/TJK/CO/2; on Senegal, CAT/C/SEN/CO/3; Human Rights Committee (HRC) general comment No. 28 (2000) on article 3 (The equality of rights between men and women); HRC concluding observations on Slovakia, CCPR/CO/78/SVK; on Japan, CCPR/C/79/Add.102; and on Peru, CCPR/CO/70/PER, among others

<sup>23</sup> Including crimes against humanity and war crimes as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, according to articles 7(1)(g), 8(2)(b)(xxii), and 8(2)(e)(vi) of the Rome Statute of the International Criminal Court.

<sup>24</sup> Special Rapporteur on torture and other forms of cruel, inhuman and degrading treatment, A/HRC/31/57 (2016), para. 11.

<sup>25</sup> For instance, to understand that "severe suffering of the victim is inherent in rape, even when there is no evidence of physical injuries or disease. (...) Women victims of rape also experience complex consequences of a psychological and social nature". IACtHR, *Fernandez Ortega et al. v Mexico* (2010) Preliminary Objections, Merits, Reparations and Costs, Judgment of 30 August 2010, Series C No. 215 at para. 124. See also: Report of SR on Torture, 5 January 2016, A/HRC/31/57, para. 8.; Report of SR on Torture, 15 January 2008, A/HRC/7/3, para 36

<sup>26</sup> CAT Committee, *V.L. v. Switzerland* CAT/C/37/D/262/2005 (2007); Report of SR on Torture, 5 January 2016, A/HRC/31/57, para. 8 and 15 January 2008 A/HRC/7/3

<sup>27</sup> Report of SR on Torture, 5 January 2016, A/HRC/31/57; CEDAW Committee, *L.C. v. Peru*, CEDAW/C/50/D/22/2009, para 8.18; Human Rights Committee, *Whelan v. Ireland*, CCPR/C/119/D/2425/2014 (2017); *Mellet v. Ireland*, CCPR/C/116/D/2324/2013 (2016), paras. 7.4.

<sup>28</sup> See: *In-depth study on all forms of violence against women*. Report of the Secretary-General (2006) A/61/122/Add.1

individually or as members of international or intergovernmental organizations or coalitions<sup>29</sup>, or extraterritorial actions by private corporations<sup>30</sup>

### III. General obligations of States parties under the Convention relating to gender-based violence against women

21. Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all of the obligations in the Convention. Article 2 establishes that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. This is an obligation of an immediate nature; delays cannot be justified on any grounds, including on economic, cultural or religious grounds. general recommendation No. 19 indicates that in respect of gender-based violence against women this obligation comprises two aspects of State responsibility: for such violence resulting from the actions or omissions of (a) the State party or its actors, and (b) non-State actors.

#### *Responsibility for acts or omissions of State actors*

22. Under the Convention and general international law, a State party is responsible for acts and omissions by its organs and agents that constitute gender-based violence against women.<sup>31</sup> These include the acts or omissions of officials in its executive, legislative and judicial branches. Article 2 (d) of the Convention requires that States parties, and their organs and agents, refrain from engaging in any act or practice of direct or indirect discrimination against women and ensure that public authorities and institutions act in conformity with this obligation. Besides ensuring that laws, policies, programmes and procedures do not discriminate against women, according to article 2 (c) and (g), States parties must have an effective and accessible legal and services framework in place to address all forms of gender-based violence against women committed by State agents, on their territory or extraterritorially.

23. States parties are responsible for preventing these acts or omissions by their own organs and agents –including through training and the adoption, implementation and monitoring of legal provisions, administrative regulations and codes of conduct- and to investigate, prosecute and apply appropriate legal or disciplinary sanctions as well as provide reparation in all cases of gender-based violence against women, including those constituting international crimes, as well as in cases of failure, negligence or omission on the part of public authorities.<sup>32</sup> In so doing, women’s diversity and the risks of intersectional discrimination stemming from it should be taken into consideration.

#### *Responsibility for acts or omissions of non-State actors*

24. Under general international law, as well as under international treaties, a private actor’s acts or omissions may engage the international responsibility of the State in certain cases. These include:

a) *Acts and omissions by non-state actors attributable to the States.* The acts or omissions of private actors empowered by the law of that State to exercise elements of the governmental authority, including private bodies providing public services, such as healthcare or education, or operating places of detention, shall be considered as acts attributable to the State itself,<sup>33</sup> as well as the acts or omissions of private agents in fact

<sup>29</sup> For example, as part of an international peacekeeping forces. See: GR 30 on women in conflict prevention, conflict and post-conflict situations, para. 9.

<sup>30</sup> CEDAW, Concluding Observations to Switzerland, 2016 (CEDAW/C/CHE/CO/4-5); to Germany, 2017 (CEDAW/C/DEU/CO/7-8).

<sup>31</sup> See International Law Commission (ILC), Draft articles on Responsibility of States for Internationally Wrongful Acts. Art. 4 (Conduct of organs of a State). See also Art. 91 of the Protocol Additional to the Geneva Conventions (Protocol I).

<sup>32</sup> See *supra* footnote 6 and general recommendation No. 33.

<sup>33</sup> International Law Commission (cited *supra*, footnote 29), Art. 5 (Conduct of persons or entities

acting on the instructions of, or under the direction or control of that State,<sup>34</sup> including when operating abroad.

b.) *Due diligence obligations for acts and omissions of non-State actors.* Article 2 (e) of the Convention explicitly provides that States parties are required to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise<sup>35</sup>. This obligation, frequently referred to as an obligation of due diligence, underpins the Convention as a whole<sup>36</sup> and accordingly States parties will be responsible if they fail to take all appropriate measures to prevent as well as to investigate, prosecute, punish and provide reparation for acts or omissions by non-State actors which result in gender-based violence against women.<sup>37</sup> This includes actions by corporations operating extraterritorially. In particular, States Parties are required to take necessary steps to prevent human rights violations abroad by corporations over which they may exercise influence,<sup>38</sup> whether by regulatory means or by the use of incentives, including economic incentives.<sup>39</sup> Under the obligation of due diligence, States parties have to adopt and implement diverse measures to tackle gender-based violence against women committed by non-State actors. They are required to have laws, institutions and a system in place to address such violence. Also, States parties are obliged to ensure that these function effectively in practice, and are supported and diligently enforced by all State agents and bodies.<sup>40</sup> The failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women when its authorities know or should know of the danger of violence, or a failure to investigate, prosecute and punish, and to provide reparation to victims/survivors of such acts, provides tacit permission or encouragement to acts of gender-based violence against women<sup>41</sup>. These failures or omissions constitute human rights violations.

25. In addition, both international humanitarian law and human rights law have recognised the direct obligations of non-State actors, including as parties to an armed conflict, in specific circumstances. These include the prohibition of torture, which is part of customary international law and has become a peremptory norm (*jus cogens*)<sup>42</sup>.

26. The general obligations described in the paragraphs above encompass all areas of State action, including the legislative, executive and judicial branches, at the federal, national, sub-national, local and decentralised levels as well as privatised services. They require the formulation of legal norms, including at the constitutional level, the design of public policies, programmes, institutional frameworks and monitoring mechanisms, aimed at eliminating all forms of gender-based violence against women, whether committed by State or non-State actors. They also require, in accordance with articles 2 (f) and 5 (a) of the Convention, the adoption and implementation of measures to eradicate prejudices, stereotypes and practices that are the root cause of gender-based violence against women. In general terms, and without prejudice to the specific recommendations provided in the following section, these obligations include:

a) **At the legislative level**, according to article 2 (b), (c), (e), (f) and (g) and article 5 (a), States are required to adopt legislation prohibiting all forms of gender-based violence against women and girls, harmonising domestic law with the Convention. This

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exercising elements of governmental authority).

<sup>34</sup> *Ibidem.* Art. 8 (Conduct directed or controlled by a State).

<sup>35</sup> General recommendation No. 28 para. 36.

<sup>36</sup> General recommendation No. 28 para. 13.

<sup>37</sup> General recommendation No. 19 par. 9.

<sup>38</sup> See CRC/C/GC/16 (General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights), paras. 43-44, and the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights.

<sup>39</sup> See, e.g., Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2000/4 (2000), para. 39.

<sup>40</sup> Goekce v. Austria, 2007 par. 12.1.2; V. K. v. Bulgaria, 2011, par. 9.4.

<sup>41</sup> General recommendation No. 19, par. 9.

<sup>42</sup> General recommendation No. 30.



legislation should consider women victims/survivors as right holders and include age and gender-sensitive provisions and effective legal protection, including sanctions and reparation in cases of such violence. The Convention also requires the harmonization of any existing religious, customary, indigenous and community justice system norms with its standards, as well as the repeal of all laws that constitute discrimination against women, including those which cause, promote or justify gender-based violence or perpetuate impunity for these acts. Such norms may be part of statutory, customary, religious, indigenous or common law, constitutional, civil, family, criminal or administrative law, evidentiary and procedural law, such as provisions based on discriminatory or stereotypical attitudes or practices which allow for gender-based violence against women or mitigate sentences in this context.

b) **At the executive level**, according to article 2 (c), (d) and (f) and article 5 (a), States are obliged to adopt and adequately budget diverse institutional measures, in coordination with the relevant State branches. They include the design of focused public policies, the development and implementation of monitoring mechanisms and the establishment and/or funding of competent national tribunals. States parties should provide accessible, affordable and adequate services to protect women from gender-based violence, prevent its reoccurrence and provide or ensure funding for reparation to all its victims/survivors.<sup>43</sup> States parties must also eliminate institutional practices and individual conduct and behaviours of public officials that constitute gender-based violence against women or tolerate such violence and which provide a context for lack of or for a negligent response. These include adequate investigation and sanctions for inefficiency, complicity and negligence by public authorities responsible for registration, prevention or investigation of this violence or for providing services to victims/survivors. Appropriate measures to modify or eradicate customs and practices that constitute discrimination against women, including those that justify or promote gender-based violence against women, must also be taken at this level.<sup>44</sup>

c) **At the judicial level**, according to articles 2 (d), (f) and 5 (a), all judicial bodies are required to refrain from engaging in any act or practice of discrimination or gender-based violence against women; and to strictly apply all criminal law provisions punishing this violence, ensuring all legal procedures in cases involving allegations of gender-based violence against women are impartial and fair, and unaffected by gender stereotypes or discriminatory interpretation of legal provisions, including international law.<sup>45</sup> The application of preconceived and stereotyped notions of what constitutes gender-based violence against women, what women's responses to such violence should be and the standard of proof required to substantiate its occurrence can affect women's right to the enjoyment of equality before the law, fair trial and the right to an effective remedy established in articles 2 and 15 of the Convention.<sup>46</sup>

#### IV. Recommendations

27. Building on general recommendation No. 19 and the Committee's work since its adoption, the Committee urges States parties to strengthen the implementation of their obligations in relation to gender-based violence against women, whether in the territory of the State party or extraterritorially. The Committee reiterates its call on States parties to ratify the Optional Protocol to the Convention and examine all remaining reservations to the Convention with a view to their withdrawal.

28. The Committee also recommends that States parties take the following measures in the areas of prevention, protection, prosecution, punishment and redress; data collection and monitoring and international cooperation to accelerate elimination of gender-based violence against women. All these measures should be implemented with a victim/survivor-

<sup>43</sup> See *supra* footnote 6 and general recommendation No. 33.

<sup>44</sup> See general recommendation No. 31.

<sup>45</sup> Karen Tayag Vertido v. the Philippines, 2010, par. 8.9 (b); R. P. B. v. the Philippines (case No. 34/2011), par. 8.3; general recommendation No. 33, par. 18 (e), 26 and 29..

<sup>46</sup> See general recommendation No. 33.

centred approach, acknowledging women as subjects of rights and promoting their agency and autonomy, including the evolving capacity of girls, from childhood to adolescence. Also, these measures should be designed and implemented with the participation of women and taking into account the particular situation of women affected by intersecting forms of discrimination.

*General legislative measures*

29. Ensure that all forms of gender-based violence against women in all spheres, which amount to a violation of their physical, sexual, or psychological integrity, are criminalized and introduced, without delay, or strengthen legal sanctions commensurate with the gravity of the offence as well as civil remedies.<sup>47</sup>

30. Ensure that all legal systems, including plural legal systems, protect victims/survivors of gender-based violence against women and ensure they have access to justice and to an effective remedy in line with the guidance provided in the Committee's general recommendation No. 33 (2015).

31. Repeal all legal provisions that discriminate against women, and thereby enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence against them; including in customary, religious and indigenous laws.<sup>48</sup> In particular, repeal:

a) Provisions that allow, tolerate or condone forms of gender-based violence against women, including child<sup>49</sup> or forced marriage and other harmful practices, provisions allowing medical procedures on women with disabilities without their informed consent, as well as legislation that criminalises abortion,<sup>50</sup> being lesbian, bisexual, or transgender, women in prostitution, adultery or any other criminal provisions that affects women disproportionately including those resulting in the discriminatory application of the death penalty to women<sup>51</sup>.

b) Discriminatory evidentiary rules and procedures, including procedures allowing for women's deprivation of liberty to protect them from violence, practices focused on 'virginity' and legal defences or mitigating factors based on culture, religion or male privilege, such as the so-called 'defence of honour', traditional apologies, pardons from victims/survivors' families or the subsequent marriage of the victim/survivor of sexual assault to the perpetrator, procedures that result in the harshest penalties, including stoning, lashing and death being often reserved to women, as well as judicial practices that disregard a history of gender-based violence to the detriment of women defendants<sup>52</sup>.

c) All laws that prevent or deter women from reporting gender-based violence, such as guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to testify in court; the practice of so-called "protective custody"; restrictive immigration laws that discourage women, including migrant domestic workers, from reporting this violence as well as laws allowing for dual arrests in cases of domestic violence, or for prosecution of women when the perpetrator is acquitted among others.

<sup>47</sup> See supra footnote 6.

<sup>48</sup> Following the guidance provided in general recommendation No. 33.

<sup>49</sup> Art. 16, par. 2 CEDAW and general recommendation No. 31, par. 42. See also general recommendation No. 31, par. 55 f) regarding the conditions under which a marriage at an age lower than 18 years old is allowed in exceptional circumstances.

<sup>50</sup> See: CEDAW, Philippines Inquiry (2015); T. P. F. v. Perú (com. 22/2009); Committee on Economic, Social and Cultural Rights, General Comment No. 22: The Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/22, 4 March 2016.

<sup>51</sup> The Committee recalls GA resolution 62/149 and subsequent resolutions (63/168 ; 65/206 ;67/176 ; 69/186 ; 71/187) which call upon all States that still maintain the death penalty to establish a moratorium on executions with a view to full abolition;

<sup>52</sup> See, among others, Concluding Observations to Papua New Guinea, 2010; South Africa, 2011; Afghanistan, 2013; Jordan, 2017, and the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings, A/HRC/35/23.

32. Examine gender-neutral laws and policies to ensure that they do not create or perpetuate existing inequalities and repeal or modify them if they do so.<sup>53</sup>

33. Ensure that sexual assault, including rape is characterised as a crime against women's right to personal security and their physical, sexual and psychological integrity.<sup>54</sup> Ensure that the definition of sexual crimes, including marital and acquaintance/date rape is based on lack of freely given consent, and takes account of coercive circumstances.<sup>55</sup> Any time limitations, where they exist, should prioritise the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to competent services/authorities.<sup>56</sup>

#### *Prevention*

34. Adopt and implement effective legislative and other appropriate preventive measures to address the underlying causes of gender-based violence against women, including patriarchal attitudes and stereotypes, inequality in the family and the neglect or denial of women's civil, political, economic, social and cultural rights, as well as to promote women's empowerment, agency and voice.

35. Develop and implement effective measures, with the active participation of all relevant stakeholders, such as women's organisations and those representing marginalised groups of women and girls, to address and eradicate the stereotypes, prejudices, customs and practices, laid out in article 5 of the Convention, that condone or promote gender-based violence against women and underpin structural inequality of women with men. These measures should include:

a) The integration of gender equality content into curricula at all levels of education both public and private from the early childhood on and in education programmes with a human rights approach; it should target stereotyped gender roles and promote values of gender equality and non-discrimination, including non-violent masculinities, as well as ensure age-appropriate, evidence-based and scientifically accurate comprehensive sexuality education for girls and boys;

b) Awareness-raising programmes that (1) promote an understanding of gender-based violence against women as unacceptable and harmful and inform about available legal recourses against it encourage its reporting and by-standers' intervention; (2) address the stigma experienced by victims/survivors of such violence, and (3) dismantle the commonly held victim-blaming beliefs that make women responsible for their own safety and for the violence they suffer. These programmes should target: (a) women and men at all levels of society; (b) education, health, social services and law enforcement personnel and other professionals and agencies, including at the local level, involved in prevention and protection responses; (c) traditional and religious leaders; and (d) perpetrators of any form of gender-based violence, so as to prevent recidivism.

36. Develop and implement effective measures to make public spaces safe and accessible to all women and girls, including by promoting and supporting community-based measures adopted with participation of women's groups. These measures should include ensuring adequate physical infrastructure, including lighting, in urban and rural settings, particularly in and around schools.

37. Adopt and implement effective measures to encourage all media, including advertising and information and communications technologies to eliminate discrimination against women in their activity, including harmful and stereotyped portrayal of women or specific groups of women, such as women human rights' defenders. These measures should include:

<sup>53</sup> General recommendation No. 28, par. 16.

<sup>54</sup> Karen Tayag Vertido v. the Philippines, 2010.

<sup>55</sup> Karen Tayag Vertido v. the Philippines, 2010; R. P. B. v. the Philippines (case No. 34/2011).

<sup>56</sup> See: L. R. v. Republic of Moldova (com. No. 58/2013) CEDAW/C/66/D/58/2013 and general recommendation No. 33, par. 51 (b). In particular, for instance, considering the situation of girls victims/survivors of sexual violence.

a) Encouraging the creation or strengthening of self-regulatory mechanisms by the media, including online or social media, aimed at the elimination of gender stereotypes relating to women and men, or to specific groups of women, and to address gender-based violence against women that takes place through their services and platforms,

b) Guidelines for the appropriate coverage by the media of cases of gender-based violence against women, and

c) Establishing and/or strengthening the capacity of national human rights institutions to monitor or consider complaints regarding any media that portray gender-discriminatory images or content that objectify or demean women or promote violent masculinities.<sup>57</sup>

38. Provide mandatory, recurrent and effective capacity-building, education and training for the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators, health-care professionals,<sup>58</sup> including in the area of sexual and reproductive health, as in sexually transmitted diseases and HIV prevention and treatment services; all education, social and welfare personnel, including that working with women in institutions such as residential care homes, asylum centres and prisons,<sup>59</sup> to equip them to adequately prevent and address gender-based violence against women. This education and training should include:

a) The impact of gender stereotypes and bias, leading to gender-based violence against women and inadequate responses to it;<sup>60</sup>

b) The understanding of trauma and its effects, the power dynamics that characterise intimate partner violence, the varying situations of women experiencing diverse forms of gender-based violence; this shall include the intersectional discrimination affecting specific groups of women, as well as adequate ways to address women and eliminate factors that re-victimise them and weaken their confidence in State institutions and agents;<sup>61</sup> and,

c) Domestic legal provisions and institutions on gender-based violence against women, legal rights of victims/survivors, international standards and associated mechanisms and their responsibilities in this context; this shall include due coordination and referrals among diverse bodies and the adequate documentation of this violence, with due respect for women's privacy and confidentiality and with the victims/survivors' free and informed consent.

39. Encourage, also through the use of incentives and corporate responsibility models, the engagement of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women, and to enhance its responsibility for such violence in the scope of its action.<sup>62</sup> This should entail protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures

<sup>57</sup> Concluding Observations to Croatia, 2015.

<sup>58</sup> See *supra* footnote 6 and World Health Organization, *Responding to intimate partner violence and sexual violence against women: WHO clinical and policy guidelines* (2013).

<sup>59</sup> See: Inga Abramova v. Belarus (case No. 23/2009), A. v. Denmark (com. No. 53/2013) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') A/RES/65/229.

<sup>60</sup> See, among others: Belousova v. Kazakhstan (com. No. 45/2012), R. P. B. v. the Philippines (com. No. 34/2011); Isatou Jallow v. Bulgaria (com. No. 32/2011), L. R. v. Republic of Moldova (com. No. 58/2013).

<sup>61</sup> See M.W. v. Denmark (com No. 46/2012) views adopted on 22 Feb. 2016; R. P. B. v. the Philippines (com. No. 34/2011); Isatou Jallow v. Bulgaria (case No. 32/2011); Kell v. Canada (com. No. 19/2008)

<sup>62</sup> General recommendation No. 28, par. 28. See the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/17/31).

that do not exclude recourse to law enforcement authorities. This should also address workplace entitlements for women victims/survivors of such violence.

### *Protection*

40. Adopt and implement effective measures to protect and assist women complainants and witnesses of gender-based violence before, during and after legal proceedings, including through:

a) Protecting their privacy and safety, in line with general recommendation No. 33, including through gender-sensitive court procedures and measures, bearing in mind the victim/survivor's, witnesses' and defendant's due process rights.

b) Providing appropriate and accessible protection mechanisms to prevent further or potential violence, without the precondition for victims/survivors to initiate legal actions, including through removal of communication barriers for victims with disabilities.<sup>63</sup> This should include immediate risk assessment and protection, comprising a wide range of effective measures and, where appropriate, the issuance and monitoring of eviction, protection, restraining or emergency barring orders against alleged perpetrators, including adequate sanctions for non-compliance. Protection measures should avoid imposing an undue financial, bureaucratic or personal burden on women victims/survivors. Perpetrators or alleged perpetrators' rights or claims during and after judicial proceedings, including with respect to property, privacy, child custody, access, contact and visitation, should be determined in the light of women's and children's human rights to life and physical, sexual and psychological integrity, and guided by the principle of the best interests of the child.<sup>64</sup>

c) Ensuring access to financial aid and free or low-cost high quality legal aid,<sup>65</sup> medical, psychosocial and counselling services,<sup>66</sup> education, affordable housing, land, child care, training and employment opportunities for women victims/survivors and their family members. Health-care services should be responsive to trauma and include timely and comprehensive mental, sexual, reproductive health services<sup>67</sup>, including emergency contraception and HIV Post Exposure Prophylaxis (PEP). States should provide specialist women's support services such as free of charge 24-hour helplines, and sufficient numbers of safe and adequately equipped crisis, support and referral centres, as well as adequate shelters for women, their children, and other family members as required;<sup>68</sup>

d) Providing protective and support measures in relation to gender-based violence to women in institutions, including residential care homes, asylum centres and places of deprivation of liberty;<sup>69</sup>

e) Establishing and implementing appropriate multi-sectoral referral mechanisms to ensure effective access of women survivors to comprehensive services, ensuring full participation of and cooperation with non-governmental women's organizations.

<sup>63</sup> Ex. FGM Protection Orders in some countries, that allow for the banning of travel by people who are believed to be at risk of FGM.

<sup>64</sup> Fatma Yildirim v. Austria, No. 6/2005, Sahide Goekce v. Austria, No. 5/2005; Angela González Carreño v. Spain, No. 47/2012; M.W. v. Denmark No. 46/2012; Isatou Jallow v. Bulgaria (case No. 32/2011).

<sup>65</sup> General recommendations No. 33, par. 37 and No. 28, par. 34; Kell v. Canada, 2012; Karen Tayag Vertido v. Philippines, 2010, S. V. P. v. Bulgaria (No. 31/2001), L. R. v. Republic of Moldova (com. No. 58/2013), among others.

<sup>66</sup> General recommendation No. 33, par. 16.

<sup>67</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016).

<sup>68</sup> See 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.

<sup>69</sup> See supra footnote 55.

41. Ensuring all legal proceedings, protection and support measures and services to women's victims/survivors of gender-based violence respect and strengthen their autonomy. They should be accessible to all women, in particular to those affected by intersecting forms of discrimination, and take account of any specific needs of their children and other dependent persons.<sup>70</sup> They should be available in the whole territory of the State party, and provided irrespective of women's residence status and their ability or willingness to cooperate in proceedings against the alleged perpetrator.<sup>71</sup> States should also respect the principle of non-refoulement.<sup>72</sup>

42. Addressing factors that heighten women's risk of exposure to serious forms of gender-based violence, such as the accessibility and availability of firearms, including their exportation,<sup>73</sup> high rates of criminality and pervasiveness of impunity, which may be increased by armed conflict or heightened insecurity.<sup>74</sup> Efforts to control the availability and accessibility of acid and other substances used to attack women should be undertaken.

43. Developing and disseminating accessible information aimed at women, in particular those affected by intersecting forms of discrimination such as those who live with a disability, are illiterate, or have no or limited knowledge of the official languages of the country, of the legal and social resources available to victims/survivors of gender-based violence against women, including reparation, through diverse and accessible media and community dialogue.

#### *Prosecution and punishment*

44. Ensure effective access of victims to courts and tribunals; ensure authorities adequately respond to all cases of gender-based violence against women, including by applying criminal law and as appropriate ex officio prosecution to bring the alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and imposing adequate penalties.<sup>75</sup> Fees or court charges should not be imposed on victims/survivors.<sup>76</sup>

45. Ensure that gender-based violence against women is not mandatorily referred to alternative dispute resolution procedures, including mediation and conciliation.<sup>77</sup> The use of these procedures should be strictly regulated and allowed only when a previous evaluation by a specialised team ensures the free and informed consent by the affected victim/survivor and that there are no indicators of further risks for the victim/survivor or their family members. These procedures should empower the women victims/survivors and be provided by professionals specially trained to understand and adequately intervene in cases of gender-based violence against women, ensuring an adequate protection of women's and children's rights as well as an intervention with no stereotyping or re-victimisation of women. These alternative procedures should not constitute an obstacle to women's access to formal justice.

<sup>70</sup> R. P. B. v. the Philippines (com. No. 34/2011); Isatou Jallow v. Bulgaria (com. No. 32/2011); V. K. v. Bulgaria (com. No. 20/2008).

<sup>71</sup> CEDAW, general recommendation No. 33, par. 10

<sup>72</sup> In accordance with the 1951 Convention relating to the Status of Refugees and the 1984 Convention against Torture. See also general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women and CEDAW, Views on Communication No. 53/2013, A. v. Denmark (CEDAW/C/62/D/53/2013).

<sup>73</sup> See Article 7 (4) of the Arms Trade Treaty. See also CEDAW, Concluding Observations to Pakistan, 2013 (CEDAW/C/PAK/CO/4); to the Democratic Republic of the Congo, 2013 (CEDAW/C/COD/CO/6-7); to France, 2016 (CEDAW/C/FRA/CO/7-8); to Switzerland, 2016 (CEDAW/C/CHE/CO/4-5); to Germany, 2017 (CEDAW/C/DEU/CO/7-8); Human Rights Committee, General comment No. 35 Article 9 (Liberty and security of person). Adopted by the Committee at its 112th session (7–31 October 2014). CCPR/C/GC/35 par. 9.

<sup>74</sup> General recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

<sup>75</sup> See, among others, Karen Tayag Vertido v. Philippines, 2010; S. V. P. v. Bulgaria (No. 31/2001); L. R. v. Republic of Moldova (com. No. 58/2013).

<sup>76</sup> General recommendation No. 33, par. 17 (a).

<sup>77</sup> As stated in general recommendation No. 33, par. 58 (c).

*Reparations*

46. Provide effective reparation to women victims/survivors of gender-based violence. Reparation should include different measures, such as monetary compensation and the provision of legal, social and health services including sexual, reproductive and mental health for a complete recovery, and satisfaction and guarantees of non-repetition in line with general recommendations No. 28, 30 and 33. Such reparations should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered.<sup>78</sup>

47. States parties should establish specific reparation funds, or include allocations for gender-based violence against women within existing funds, including under transitional justice mechanisms. States parties should implement administrative reparations schemes without prejudice to victims/survivors' rights to seek judicial remedies. States should design transformative reparation programmes that help to address the underlying discrimination or disadvantage which caused or contributed significantly to the violation, taking account of individual, institutional and structural aspects. Priority should be given to the victim/survivor's agency, wishes and decisions, safety, dignity and integrity.

*Coordination, monitoring and data collection*

48. Develop and evaluate all legislation, policies and programmes in consultation with civil society organisations, in particular women's organisations, including those that represent women who experience intersecting forms of discrimination. States parties should encourage cooperation among all levels and branches of the justice system and the organisations that work to protect and support women victims/survivors of gender-based violence, taking into account their views and expertise.<sup>79</sup> States parties should encourage the work of human rights and women's non-governmental organisations.<sup>80</sup>

49. Establish a system to regularly collect, analyse and publish statistical data on the number of complaints about all forms of gender-based violence against women, including technology mediated violence, the number and types of protection orders issued, the rates of dismissal and withdrawal of complaints, prosecution and conviction rates as well as time taken for disposal of cases. The system should include information on the sentences imposed on perpetrators and the reparation, including compensation, provided for victims/survivors. All data should be disaggregated by type of violence, relationship between the victim/survivor and the perpetrator, as well as in relation to intersecting forms of discrimination against women and other relevant socio-demographic characteristics, including the age of the victim. The analysis of the data should enable the identification of protection failures and serve to improve and further develop preventive measures. This should, if necessary, include the establishment or designation of gender-based killing of women observatories to collect administrative data on gender related killings and attempted killings of women, also referred to as 'femicide' or 'feminicide..

50. Undertake or support surveys, research programmes and studies on gender-based violence against women, in order to, among other things, assess the prevalence of gender-based violence experienced by women and the social or cultural beliefs exacerbating such violence and shaping gender relations. These studies and surveys should take into account intersecting forms of discrimination, based upon the principle of self-identification.

51. Ensure that the process of collecting and maintaining data on gender-based violence against women complies with established international standards<sup>81</sup> and safeguards, including legislation on data protection. The collection and use of statistics should conform to internationally accepted norms to protect human rights and fundamental freedoms and ethical principles.

<sup>78</sup> See *supra* footnote 6 and general recommendation No. 33, par. 19.

<sup>79</sup> *Fatma Yildirim v. Austria*, No. 6/2005 and *Sahide Goekce v. Austria*, No. 5/2005, both adopted on 6 August 2007.

<sup>80</sup> General recommendation No. 28 par. 36

<sup>81</sup> Fundamental Principles of Official Statistics A/RES/68/261.

52. Set up a mechanism or body, or mandate an existing mechanism or body, to coordinate, monitor and assess regularly the national, regional and local implementation and effectiveness of the measures, including those recommended in this document as well as other relevant regional and international standards and guidelines, to prevent and eliminate all forms of gender-based violence against women.

53. Allocate appropriate human and financial resources at national, regional and local levels to effectively implement laws and policies for the prevention, protection and victim/survivor support, investigation, prosecution and provision of reparations to victims/survivors of all forms of gender-based violence against women, including support to women's organisations.

*International cooperation*

54. Seek support, where necessary, from external sources, such as UN specialised agencies, the international community and civil society, in order to meet human rights obligations by designing and implementing all appropriate measures required to eliminate and respond to gender-based violence against women.<sup>82</sup> This should consider, in particular, the evolving global contexts and the increasingly transnational nature of this violence, including in technology mediated settings and other extraterritorial operations of domestic non-State actors.<sup>83</sup> States Parties should urge business actors whose conduct they are in a position to influence to assist the States in which they operate in their efforts to fully realize women's right to be free from violence.

55. Prioritise implementation of relevant Sustainable Development Goals, in particular Goals 5 on gender equality and empowerment of all women and girls and 16 to promote peaceful and inclusive societies for sustainable development, provide access to justice and build effective, accountable and inclusive institutions at all levels. Support national plans to implement all Sustainable Development Goals in a gender-responsive manner, in accordance with the Outcome Document of the 60th session of the UN Commission on the Status of Women, enabling meaningful participation of civil society and women's organisations in the SDGs implementation and follow-up processes, and enhance international support and cooperation for knowledge-sharing and effective and targeted capacity-building.<sup>84</sup>

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<sup>82</sup> General recommendation No. 28 para. 29; general recommendation No. 33 para. 38, 39.

<sup>83</sup> General recommendation No. 34, para. 13

<sup>84</sup> A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development