COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Working Group on Gender-Based Violence (2019-2022)

Franceline TOE-BOUDA, member

Aruna NARAIN, member of Working Group and Rapporteur of Committee[[1]](#footnote-1)

(With the invaluable assistance of Lena KOLLOGE, researcher)

Harmful Practices as Gender-based Violence against Women and Girls

**CEDAW CONVENTION, GENERAL RECOMMENDATIONS (Nos 12, 14, 19, 31 and 35) AND PRACTICE OF THE COMMITTEE**

**with**

**Recommendations and Guidance to State Parties to the Convention**

September 2022

**I. Introduction**

1. Harmful practices are traditional social and cultural patterns of conduct which are deeply rooted in and justified by social attitudes, customs and norms according to which women and girls are regarded as inferior to men. They can be imposed on women and girls by family members, community members or society at large, and often involve violence, causing physical and/or psychological harm or suffering.[[2]](#footnote-2) According to Article 5 of the Convention, harmful practices are regarded as a violation of women’s rights.

The Committee defines harmful practices as such practices which constitute a denial of the dignity and/or the integrity of an individual, result in physical, psychological, economic and social harm and/or violence and limit women’s and girl’s capacity to participate fully in society.[[3]](#footnote-3)

2. The **causes of harmful practices** are multidimensional and include stereotyped gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies and sexuality of women and girls, social inequalities and the prevalence of male-dominated power structures.[[4]](#footnote-4) Thus, harmful practices have often been justified by sociocultural and religious customs and values, while in fact they are grounded in gender-based and intersecting forms of discrimination. [[5]](#footnote-5)

Harmful practices can explicitly be authorised by traditional or religious laws,[[6]](#footnote-6) or regulated by customary courts, especially in the field of family law.[[7]](#footnote-7) In these cases, the Committee highlights the diversity of opinion and juridical concepts that exist within other jurisdictions shaped by religion to enable legislative reform and address discriminatory provisions.[[8]](#footnote-8)

3. The **nature and prevalence of the practices** varies by region and culture. The most common forms of harmful practices are female genital mutilation and female circumcision (FGM), child and/or forced marriage, polygamy, crimes committed in the name of so-called “honour” and dowry-related violence.[[9]](#footnote-9) Other forms of harmful practices include the neglect of girls and preferential treatment of boys, extreme dietary restrictions (forced-feeding, food taboos), virginity testing and related practices, binding, scarring, branding of tribal marks, corporal punishment, stoning, violent initiation rites, widowhood practices, accusations of witchcraft, infanticide and incest, as well as body modifications that are performed for the purpose of beauty or marriageability (such as fattening, isolation, the use of lip discs and neck elongation with neck rings) or in an attempt to protect girls from early pregnancy or from being subjected to sexual harassment and violence (such as breast ironing) and medical treatment or plastic surgery performed in order to comply with social norms of the body, rather than medical or health reasons, and eating and health disorders resulting from the pressure to be “fashionably thin”.[[10]](#footnote-10)

The number of women and girls affected by harmful practices remains high and may be increasing, including, for example, in conflict situations and as a result of technological developments such as the widespread use of social media. Owing to migration situations, harmful practices are found or re-emerging in countries where they had not previously been documented or had disappeared, as members of practising communities who have moved to destination countries continue to adhere to these practices.[[11]](#footnote-11) Disadvantaged and rural groups of women are at an even higher risk of becoming victims of harmful practices.[[12]](#footnote-12)

**Efforts to change the practices** must address those underlying systemic and structural causes of traditional, re-emerging and emerging harmful practices, empower girls and women and boys and men to contribute to the transformation of traditional cultural attitudes that condone harmful practices, act as agents of such change and strengthen the capacity of communities to support such processes.[[13]](#footnote-13)

4. **Article 2 (f) and Article 5 of the Convention obligate State parties to take steps to ensure that harmful practices are prevented and eliminated**. They have an obligation to protect the rights of women and girls by establishing legal structures to ensure that harmful practices are promptly, impartially and independently investigated, that there is effective law enforcement and that effective remedies are provided to those who have been harmed by such practices. State parties shall explicitly prohibit by law and adequately sanction or criminalise harmful practices in accordance with the gravity of the offence and harm caused, provide for means of prevention, protection, recovery, reintegration and redress for victims and combat impunity for harmful practices.[[14]](#footnote-14) Legislation aimed at eliminating harmful practices must include appropriate budgeting, implementing, monitoring and effective enforcement measures.[[15]](#footnote-15)

State parties furthermore have a due-diligence obligation to prevent acts that impair the recognition, enjoyment or exercise of rights by women and girls and ensure that private actors do not engage in discrimination against women and girls, including gender-based violence.[[16]](#footnote-16)

In certain circumstances, gender-based violence against women may amount to torture or cruel, inhuman or degrading treatment, including in cases of rape, domestic violence, and harmful practices, among others.[[17]](#footnote-17)

5. Articles 2, 5 and 16, which obligate State parties to respect, protect and fulfil the rights of women and girls to live free from harmful practices, are among the core obligations of State parties to the Convention. Therefore, reservations to these articles are incompatible with the object and purpose of the Convention and impermissible pursuant to Article 28 (2) of the Convention.

Article 5 of CEDAW affirms that the right of women to equality in all spheres and the corresponding obligations of the states to condemn all forms of discrimination supersede all customs, prejudices, and practices “justifying” inequality of women.

6. This principle is also firmly enshrined in the Maputo Protocol of the African Union, which further promotes the voice of women on issues related to culture: “*Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.*”[[18]](#footnote-18)

Intersections between culture and violence against women were explored in depth in the Report by the UN Special Rapporteur on Violence Against Women and Girls,which calls for recognition of “*[…] the universal dimensions of patriarchal culture that subordinates, albeit differently, women in all societies. […] Making culture the divisor of the rights […] de-links violence against women from its root causes and fragments and complicates the struggles against gender-based violence, particularly for women in the South whose salvation becomes one of denying themselves their own cultural identity.*”[[19]](#footnote-19)

7. The CEDAW Committee in its monitoring function pays special attention to migration law and policies, “*[…] to screening and assessment procedures, in order to ensure the systematic and early identification of refugee and asylum seekers, in in particular women and girls who have been victims or are at risk of gender-based violence*”[[20]](#footnote-20), which include also harmful practices.

**II. Definitions of the main forms of harmful practices**

* **Female Genital Mutilation (FGM)**

8. ***Female genital mutilation***, female circumcision or female genital cutting (in the following: FGM) involves the partial or total removal of external female genitalia or other injury to the female genital organs for non-medical reasons.[[21]](#footnote-21)

9. FGM is mostly carried out on young girls between infancy and adolescence, and occasionally on adult women. More than 200 million girls and women alive today have been subjected to the practice with more than 3 million girls estimated to be at risk of FGM annually. It has no health benefits, but rather damages healthy and normal female genital tissue and thus interferes with the natural functions of girls’ and women’s bodies.

The practice is not prescribed by any religious scripts,[[22]](#footnote-22) although some falsely consider it a practice required by religion, and it is at times supported by religious leaders.[[23]](#footnote-23) Local structures of authority, such as community and sometimes even medical personnel, may contribute to upholding the practice.

10. FGM violates a woman’s right to health, security and physical integrity and the right to be free from torture and cruel, inhuman or degrading treatment. The Committee has stressed that the practice cannot be justified on religious grounds, and that such control over the bodies and sexuality of women and girls is in violation of the Convention, irrespective of whether or not these practices are performed within or outside a medical institution.[[24]](#footnote-24)

11. Other regional mechanisms explicitly prohibiting FGM and prescribing its criminalisation are the Istanbul Convention[[25]](#footnote-25) and the Maputo Protocol, which is particularly strict in requiring states to prohibit “*[…] through legislative measures backed by sanctions, all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them*”.[[26]](#footnote-26)

* **Child and/or Forced Marriage and dowry-related violence**

12**. Child marriage,** also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age. A child marriage is considered to be a form of forced marriage, as one or both parties have been married too young to be physically and psychologically ready for adult life or to make conscious and informed decisions and to give full, free and informed consent.[[27]](#footnote-27) Every year, 12 million girls are married before the age of 18.[[28]](#footnote-28)

Child marriage is often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates.[[29]](#footnote-29) It is also a root cause for school dropout of girls,[[30]](#footnote-30) constitutes a barrier to access to education,[[31]](#footnote-31) and increases the risk of domestic violence.[[32]](#footnote-32)

13. In its 5th Resolution on child, early and forced marriage, the Human Rights Council highlights that the COVID-19 crisis has exacerbated pre-existing forms of inequality and systemic gender-based discrimination faced by women and girls, such as child, early and forced marriage, and calls for states to take comprehensive, multisectoral and rights-based measures to prevent and eliminate these harmful practices. It also acknowledges the concerning disregard for women’s dignity, bodily integrity and autonomy, that are among the primary causes of child, early and forced marriage.[[33]](#footnote-33)

14. **Forced marriages** are marriages in which one or both parties have not personally expressed their full and free consent to the union. They may be manifested in various forms, including exchange or trade-off marriages (e.g. *baad* and *baadal*), servile marriages and **levirate marriages** (coercing a widow to marry a relative of her deceased husband). Forced marriages may occur in the context of migration in order to ensure that a girl marries within the family’s community of origin or to provide extended family members or others with documents to migrate to and/or live in a particular destination country. They are also increasingly being used by armed groups during conflict or may be a means for a girl to escape post-conflict poverty.[[34]](#footnote-34)

15. **Bride kidnapping** is the abduction of a girl or a woman for forced marriage. Bride kidnapping still occurs in various parts of the world, but it is most common in the Caucasus and Central Asia. It can also occur in form of child marriage. Non-consensual bride abduction has to be distinguished from consensual elopement, which traditionally takes place with the mutual prior consent of the bride and groom.[[35]](#footnote-35)

The CEDAW Committee dealt in its work with bride kidnapping in the consideration of State reports and also in the Inquiry concerning Kyrgyzstan.[[36]](#footnote-36)

16. The **payment of dowries** – by the bride’s family to the groom or his family – and bride prices – by the groom or his family to the bride’s family – is an ancient custom that often increases the vulnerability of women and girls to violence and to other harmful practices. Disputes related to the payment of dowries and bride prices or their size can result in physical or psychological violence, including murder, burning and acid attacks. The Committee has stressed that such agreements should not be recognised by a State party as enforceable, and that allowing marriage to be arranged by such payment violates the right to freely choose a spouse.[[37]](#footnote-37)

* **Polygamy**

17. **Polygamy**, the practice of marrying multiple spouses, is contrary to the dignity of women and girls and infringes their human rights and freedoms, including their right to protection within the family. It also increases the risk of harm to the health and well-being of the wives and their children due to material deprivation.

While many State parties have chosen to ban polygamy, it continues to be practised in some countries, whether legally or illegally. The coexistence of statutory laws with religious and traditional customary laws often contributes to the persistence of the practice.

State parties to the Convention have explicit obligations to discourage and prohibit polygamy. The Committee also contends that polygamy has significant ramifications for the economic well-being of women and their children.[[38]](#footnote-38)

* **Crimes committed in the name of so-called “honour”**

18. **Crimes committed in the name of so-called “honour”** are acts of violence that are disproportionately, although not exclusively, committed against girls and women because family members consider that some suspected, perceived or actual behaviour will bring dishonour to the family or community. Such forms of behaviour include entering into sexual relations before marriage, refusing to agree to an arranged marriage, entering into a marriage without parental consent, committing adultery, seeking divorce, dressing in a way that is viewed as unacceptable to the community, working outside the home or generally failing to conform to stereotyped gender roles.

The crimes are frequently committed by a spouse, female or male relative or a member of the victim’s community. Rather than being viewed as criminal acts against women, crimes committed in the name of so-called “honour” are often sanctioned by the community as a means of preserving and/or restoring the integrity of its cultural, traditional, customary or religious norms following alleged transgressions. In some contexts, national legislation or its practical application, or the absence thereof, allows for the defence of honour to be presented as an exculpatory or a mitigating circumstance for perpetrators of such crimes.[[39]](#footnote-39)

19. In its monitoring role, the Committee systematically focuses on the need for State parties to investigate, prosecute and punish adequately all **crimes committed in the name of so-called “honour”, especially killings and forced suicide of women**. It stresses that the idea of a woman’s conduct being intrinsically associated with a man’s or family’s “honour” or prestige is incompatible with the Convention. [[40]](#footnote-40).

In that respect, the Committee has also made reference to Article 42 of the Istanbul Convention, emphasising that culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such crimes. Namely, in its Views in the case of *H. H., I. H., Y. H. (H. Jeiranova – deceased) v. Georgia* under the OP, the Committee deplores the reliance of the State authorities on honour-based considerations and the failure to protect Ms. Jeiranova’s right to life as well as the lack of effective investigation of her death, based on the assumption that she had committed suicide because of her “shameful” behaviour”.[[41]](#footnote-41)

**III. Practice of the Committee and main recommendations in relation to obligations of the State**

In line with the provisions of the Convention, the General recommendations issued by the Committee, namely 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 (2014) on harmful practices, General recommendation 35 on gender-based violence, the further practice and jurisprudence of the Committee, as well as target 5.3 of the Sustainable Development Goals, the Committee recommends to State parties:

**A. Prevention**

* **Harmful Practices in general**
1. To consistently **challenge and change patriarchal ideologies** and structures that
limit girls and women from freely and fully exercising and enjoying their human
rights to, within and through education;[[42]](#footnote-42)

**To integrate into school curricula** inclusive and accessible content on gender equality, aiming at raising awareness among children about harmful practices, and ensure capacity-building for teachers in these aspects;[[43]](#footnote-43)

1. **To put into place a comprehensive strategy** to eliminate discriminatory stereotypes and harmful practices against women, which includes **awareness-raising** and **education** regarding the negative impact and harmful effect on the education, health, and development of girls. The strategy and campaign should target the general public, parents, the school system, health professionals, religious and community leaders and the media, and encompass collaboration with Parliament and civil society;[[44]](#footnote-44)

To allocate sufficient resources to the programmes in schools and the strategy, to **financially support civil society organisations** conducting awareness-raising programmes[[45]](#footnote-45) and to ensure coordination, monitoring and evaluation of the implementation;[[46]](#footnote-46)

1. To adopt **community and school-based comprehensive strategies**, engaging men and boys in creating an environment that supports the empowerment of women and girls, with the aim of tackling harmful practices and changing underlying social norms that underpin sexual violence, as well as sexual and reproductive health, including adolescent pregnancies. The strategies should be inclusive of rural and indigenous communities[[47]](#footnote-47) and populations in regions where harmful practices are most prevalent;[[48]](#footnote-48)

**To enhance awareness** about gender-based violence against women and honour-related violence, its risks and consequences for women and children;[[49]](#footnote-49)

1. **To encourage open and inclusive public debates** and undertake extensive consultations, particularly with traditional and religious leaders and young people, regarding **the diversity of interpretation** with regard to Muslim family laws and practices, in order to combat the justification of discrimination against women in the name of religion and/or culture and to develop consensus on the harmful nature of practices.[[50]](#footnote-50)
* **Female Genital Mutilation**
1. **To criminalise all forms of FGM**, ensuring that such criminalisation cannot be overruled by (*fatwas* or other) rulings issued by religious or clerical authorities;[[51]](#footnote-51)
2. **To accelerate** **awareness-raising campaigns on the health implications** **and on the criminal nature of FGM**, on its adverse effect on the human rights of women and girls and the need to eradicate it and its underlying cultural justifications, in particular among religious, traditional and local community leaders, medical stuff, parents and men and boys, especially at the local level and in areas where that harmful practice is still prevalent;[[52]](#footnote-52)

**To intensify dialogue on FGM with religious and community leaders**, including Muslim religious leaders, and ensure that they are consulted and effectively involved in the development and implementation of programmes and policies to prevent FGM;[[53]](#footnote-53)

1. **To integrate FGM into formal and non-formal education**, so that the topic is openly discussed without stigma to enable girls and women to receive accurate information on the detrimental and harmful effects of the practice[[54]](#footnote-54).

In the meantime, to **promote positive rites of passage** other than FGM for marking a girl’s entry into adulthood, with a central role for practitioners who have stopped practising FGM,[[55]](#footnote-55)

1. **To** **prevent the stigmatisation of women and girls who have not undergone FGM** and eliminate discrimination against them, in particular regarding the right to enter into marriage on a basis of equality of men and women.[[56]](#footnote-56)
* **Early and/or Forced Marriage**
1. **To address root causes of child and/or forced marriage**, such as poverty, lack of security and poor education, and take gender-responsive action to improve income-generating and employment opportunities for households, in particular those headed by women;[[57]](#footnote-57)

To enhance the **accessibility and quality of education** for girls who are victims of child marriage;[[58]](#footnote-58)

1. **To conduct comprehensive awareness-raising campaigns** at the community levelon the minimum age of marriage,[[59]](#footnote-59) to challenge cultural attitudes that legitimise child and/or forced marriage and educate the general public on its harmful effect on the health and well-being of girls and their access to education and employment;[[60]](#footnote-60)

In particular, to **sensitise traditional and religious leaders** and parents on the minimum age of marriage and the importance of eliminating child marriage, sororate and levirate marriage, in close collaboration with women’s organisations[[61]](#footnote-61)

* **Bride abduction**
1. To adopt and effectively implement **preventive measures to challenge and change the underlying causes of bride kidnapping**, including patriarchal attitudes and discriminatory stereotypes that perpetuate or legitimise bride kidnapping;[[62]](#footnote-62)

**To encourage the adoption of guidelines for the training of media professionals** and codes of conduct to promote gender-sensitive coverage and public discussion of cases of bride kidnapping;[[63]](#footnote-63)

1. **To integrate educational programmes on women’s rights and gender equality**, including legal literacy programmes, into curricula at all levels of education to eliminate stereotyped gender roles and deter boys from harmful practices, such as bride kidnapping.[[64]](#footnote-64)
* **Polygamy**
1. **To sensitise traditional and religious leaders** on the importance of eliminating polygamy, in close collaboration with women’s organisations and relevant United Nations agencies;[[65]](#footnote-65)

To conduct training and awareness-raising activities for judges, prosecutors, law enforcement agencies and local executive bodies on the prevention of polygamy.[[66]](#footnote-66)

* **Crimes committed in the name of so-called “honour”**
1. **To conduct educational and awareness-raising campaigns** targeting communities, policymakers and religious leaders and **provide mandatory, systematic and effective capacity-building, education and training** to judges, prosecutors, the police and other law enforcement officers on the strict application of criminal law provisions against killings in the name of so-called “honour”;[[67]](#footnote-67)

To ensure promoting the dismantling at all levels of the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them.[[68]](#footnote-68)

**B.** **Protection**

* **Harmful Practices in general**
1. To ensure that **victims** of harmful practices have **access to justice**, including free legal aid where necessary, reparations and rehabilitation, as well as social, medical and psychological support;[[69]](#footnote-69)
2. To establish gender-appropriate, culturally sensitive and age-sensitive individual screening and assessment procedures to ensure the systematic and early identification of refugees and asylum seekers, in particular women and girls who have been victims or are at risk of gender-based violence.[[70]](#footnote-70)

* **Female Genital Mutilation**
1. **To develop strategic plans** for implementing the law and to **establish national coordination mechanisms** for their application, with the support of stakeholders including the relevant ministries, parliamentarians, religious and community leaders, representatives of local authorities, the INHRI, civil society, United Nations agencies and victims;[[71]](#footnote-71)

To develop a **communication strategy on the law and policies**, adapted to the State party’s regions, languages and localities;[[72]](#footnote-72)

1. To ensure that women and girls have **access to protection**, including adequate shelters and victim support services, as well as trained health professionals, and to guarantee adequate financial support of these shelters, as well as the offer of specialised, affordable and physically accessible care;[[73]](#footnote-73)
2. To ensure that victims and at-risk women **can file complaints against, and report, the perpetrators** of FGM, including heads of household, practitioners and their assistants, and for this purpose establish free helplines to provide victims with advice and information;[[74]](#footnote-74)

To ensure that professionals and institutions working with women and girls **immediately report cases of FGM** and cases in which there is a risk that such mutilation may be carried out, while protecting the confidentiality of those reporting such cases.[[75]](#footnote-75)

* **Early and/or Forced Marriage**
1. **To review and revise relevant legislation** on the minimum age of marriage to **ensure that it is set at 18** years for both women and men,[[76]](#footnote-76) to remove all exceptions and to explicitly criminalise violations;[[77]](#footnote-77)

To **enforce legislation** prohibiting child marriage, with focus on rural areas;[[78]](#footnote-78)

1. **To repeal customary and religious law provisions** that are incompatible with provisions prohibiting child marriage;[[79]](#footnote-79)

Furthermore, to explicitly **prohibit levirate and sororate marriages**, raise awareness that these are forms of forced marriage, provide for adequate sanctions, and ensure protection, support and access to justice for women in such marriages as well as their economic rights;[[80]](#footnote-80)

1. **To conduct training and awareness-raising activities for judges, prosecutors, law enforcement agencies and local executive bodies** on the prevention of forced and child marriages and their own role in protecting victims of child marriage;[[81]](#footnote-81)
2. **To establish mechanisms to detect cases** of child and/or forced marriages[[82]](#footnote-82) and **encourage reporting**, as well as punishing the complicity of family members, religious and community leaders or law enforcement officers.[[83]](#footnote-83)
* **Bride abduction**
1. **To adopt legislation providing for mandatory restraining or protection orders** when a perpetrator makes repeated and/or imminent attempts to abduct a victim, as well as for adequate penalties for non-compliance with such orders;[[84]](#footnote-84)

**To** **protect complainants and witnesses of bride kidnapping against retaliation**[[85]](#footnote-85)and ensurethat educational institutions, teachers, employers, hospitals and social services are obliged to report to the law enforcement authorities in case of bride abduction;[[86]](#footnote-86)

1. **To remove barriers to justice** faced by women and girls who are victims of bride kidnapping and to ensure access to specialised services for victims, including: affordable or, if necessary, free legal aid[[87]](#footnote-87) and adequate legal representation, alleviated evidentiary requirements, medical and psychological services,[[88]](#footnote-88) safe and adequately equipped crisis centres, a free nationwide 24-hour hotline[[89]](#footnote-89) with adequate financial support;[[90]](#footnote-90)
2. To provide mandatory **capacity-building for law enforcement personnel**, the judiciary, and other experts on the effective application of the legislation on bride kidnapping, on gender-sensitive investigation and on their role in prosecuting perpetrators and protecting victims.[[91]](#footnote-91)
* **Polygamy**
1. **To amend relevant legislation to prohibit polygamy** and ensure the protection of the economic rights of women in existing polygamous marriages[[92]](#footnote-92)

In parallel, **to repeal customary and religious law provisions** that are incompatible with provisions prohibiting polygamy;[[93]](#footnote-93)

To ensure that women enjoy adequate legal protection during non-registered and polygamous marriages and upon their dissolution;[[94]](#footnote-94)

1. **To encourage reporting**, punishing the complicity of family members, religious and community leaders or law enforcement officers, and establish mechanisms to detect cases of polygamy.[[95]](#footnote-95)
* **Crimes committed in the name of so-called “honour”**
1. To strengthen **measures to respect, protect and fulfil the right to life of women** and the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, with specific attention to communities that are isolated, closed and/or where honour-based norms apply;[[96]](#footnote-96)

**To repeal all legislative provisions that allow for lenient punishment** for so-called “honour crimes”[[97]](#footnote-97) and to include honour-related violence as well as gender-based violence as an aggravating circumstance in criminal law;

1. **To bring national legislation and policies into line with international human rights standards** and recognise explicitly that “honour”, along with culture, custom, religion and tradition should not be regarded as a justification in criminal proceedings concerning the commission of gender-based violence against women.[[98]](#footnote-98)
* **Other harmful practices**
1. To repeal all legislative provisions that that allow harmful practices against women and girls and explicitly prohibit such practices, including:
* **stoning to death**[[99]](#footnote-99), the **payment of “blood money”**[[100]](#footnote-100), and the **collection of a “bride price”**,[[101]](#footnote-101)
* so-called **virginity testing** and the use of their results as evidence in criminal proceedings,[[102]](#footnote-102)
* **“sexual reorientation” or “de-homosexualization”**,[[103]](#footnote-103)
* **accusations of witchcraft against women**,[[104]](#footnote-104)
* the **practice of black magic and “*ruqya*”** (exorcism),[[105]](#footnote-105)
* the practice of ***ukuthwala***;[[106]](#footnote-106)

To conduct comprehensive awareness-raising programmes that highlight the negative impact of these harmful practices and seek to challenge the discriminatory stereotypes and patriarchal attitudes that are their root causes;[[107]](#footnote-107)

1. To decriminalise so-called **“moral crimes”**, such as adultery and running away from home;[[108]](#footnote-108)
2. **To enforce the legislation and to guarantee that perpetrators are prosecuted**, and, if convicted, punished appropriately; and that women and girls who are victims of such harmful practices have access to protection, including shelters and support services, and reparation.

**C.** **Investigation,** **Prosecution and punishment. Reparations**

* **Harmful Practices in general**
1. To ensure that all harmful practices affecting women and girls are **criminalised**, and that perpetrators of such acts are **prosecuted and adequately punished**[[109]](#footnote-109)

In view of this objective**, to provide systematic training** to judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions prohibiting harmful practices;[[110]](#footnote-110)

1. In order to ensure effective enforcement, to establish and adopt **standardised procedures and protocols on gender-sensitive investigations** and investigation methods;[[111]](#footnote-111)
2. To ensure that **victims** of harmful practices have **access to justice**, including free legal aid where necessary, as well as to reparation and rehabilitation, including social, medical and psychological support.[[112]](#footnote-112)
* **Female Genital Mutilation**
1. **To enforce** legislation prohibiting all forms of FGM **by systematically investigating, prosecuting and punishing perpetrators,** including medical practitioners, with sentences that are commensurate with the gravity of the crimes;[[113]](#footnote-113)
2. **To provide mandatory, systematic and effective capacity-building**, education and training to **judges, prosecutors, the police and other law enforcement officers** on the strict application of criminal law provisions against FGM;[[114]](#footnote-114)

In addition, to guarantee the allocation and provision of sufficient **resources** to combat impunity in cases involving FGM.[[115]](#footnote-115)

* **Early and/or Forced Marriage, Bride abduction, Polygamy**
1. To ensure that cases of child and/or forced marriage are **investigated effectively**, that perpetrators are **prosecuted and adequately punished** and that women and girls in such unions have **access to protection**, including adequate shelters and support services;[[116]](#footnote-116)

**To establish specialised gender units** within law enforcement and prosecution systems, adequately staffed with qualified female officers;[[117]](#footnote-117)

1. **To exercise due diligence to prevent, investigate, punish and provide effective remedies, including reparations** for all crimes of bride kidnapping and related sexual violence;[[118]](#footnote-118)

To ensure that bride kidnappers and family members or friends who are **complicit in the crime are prosecuted** and receive penalties that are commensurate with the gravity of the crime and the harm suffered;[[119]](#footnote-119)

1. **To enforce legislation prohibiting polygamy** by investigating, prosecuting and punishing perpetrators.[[120]](#footnote-120)
* **Crimes committed in the name of so-called “honour”**
1. **To prosecute and punish adequately** all crimes committed in the name of so-called “honour”, and ensure that suicides, accidents and other violent deaths of women and girls are **effectively investigated**;[[121]](#footnote-121)
2. **To provide mandatory capacity- building and training** for the police officers, prosecutors, members of the judiciary and other law enforcement personnel as well as state officials and local authorities with respect to combating gender-based violence against women and honour-based violence.[[122]](#footnote-122)

**D**. **Coordinated response: Data collection and research**

1. **To guarantee financial support for NGOs** and **cooperate with NGOs** to monitor the implementation of the elimination of FGM;[[123]](#footnote-123)
2. **To increase collaboration** among national actors and with neighbouring states, including through joint projects promoting the elimination of the cross-border practice of FGM;[[124]](#footnote-124) To undertake and disseminate an **assessment of best practices** of countries with similar cultural backgrounds[[125]](#footnote-125)
3. **To systematically collect data** disaggregated by sex, age, disability, ethnicity, location and socioeconomic status and analyse the prevalence and the different aspects and forms of harmful practices – on FGM,[[126]](#footnote-126) child marriages and forced marriages,[[127]](#footnote-127) polygamy,[[128]](#footnote-128) and bride abduction[[129]](#footnote-129) – on cases reported, on the number of complaints, investigations, prosecutions and convictions and on reparations;[[130]](#footnote-130)
4. **To collect and analyse data**, disaggregated by sex, age, disability and ethnicity, on killings committed in the name of so-called “honour”,[[131]](#footnote-131)

To collect data and statistics on femicides and induced or forced suicides of women as a result of gender-based violence.[[132]](#footnote-132)

**IV. Best Practices**

- The Law No. 025-2018/AN of **Burkina Faso** of May 31st 2018 relating Penal Code[[133]](#footnote-133)provides for aggravated penalties than for **FGM,** up to ten years, and in case of death of the woman - up to 21 years. Penalties are increased to the maximum if the perpetrator is from the medical or paramedical profession. Encouragement in public is also punished by the penal law. Other advancement is the additional crime of **accusation** **of women of witchcraft** , which is likely to damage their honour, reputation, safety or life.

* The Scottish government has introduced a national programme of work across its National Health Service to improve the identification and management of gender-based violence. As part of this, a harmful traditional practices guidance for health servicers was published, available at <http://www.healthscotland.scot/media/2100/gbv-harmful-traditional-practices.pdf>
* UNICEF and UNFPA have adopted the Joint Programme on the Elimination of Female Genital Mutilation: End FGM by 2030, which is supported by 4,500 communities so far, as well as the Global Programme to End Child Marriage, which is implemented by 32 countries[[134]](#footnote-134)
* Gabon amended its Penal Code to criminalize FGM and levirate marriages[[135]](#footnote-135)
* Uganda established specialized shelters for victims of FGM as well as inter-Stated and community-based initiatives to combat FGM. FGM is criminalized in Uganda under the Prohibition of Female Genital Mutilation Act of 2010[[136]](#footnote-136)
* In 2017, Eritrea established a national steering committee to address FGM, child marriage and other forms of gender-based violence against women, and adopted a national strategic plan on the elimination of harmful practices[[137]](#footnote-137)
* Uzbekistan amended its Family Code in 2019 to increase the legal minimum age of marriage to 18 years for both women and men.[[138]](#footnote-138)
* The Dominican Republic adopted a law in 2021 prohibiting marriage under the age of 18 for both girls and boys without exception[[139]](#footnote-139)
* The Dominican Republic adopted a national plan for the prevention, assistance, protection and political advocacy with regard to the eradication of child marriage and early unions, and established a Cabinet for Childhood and Adolescence to coordinate the implementation of the national plan[[140]](#footnote-140)
* In 2018, Sweden amended its law on certain international marriage and guardianship relations, denying recognition in Sweden to child marriages concluded abroad concluded after 1 January 2019, targeting so-called marriage tourism whereby citizens or residents of Sweden circumvent marriage age requirements in Sweden by formalizing child marriages abroad[[141]](#footnote-141)
* Denmark amended its legislation on the formation and dissolution of marriage to prohibit child marriage[[142]](#footnote-142)
* Cambodia adopted an action plan to prevent child marriage and teenage pregnancy in Ratanakiri Province, which is aimed at ethnic communities and focused on increased prevention and response interventions[[143]](#footnote-143)
* Great Britain and Northern Ireland introduced a mandatory reporting duty, coming into force on October 2015, requiring health-care and social-care professionals and teachers to report all known cases of female genital mutilation in girls under 18 years of age to the police. In 2019, the first person was convicted for female genital mutilation[[144]](#footnote-144)
* In 2019, Angola criminalized FGM through the adoption of its new Penal Code, and created forums for the discussion of gender equality in communities with the participation of traditional authorities (sobas) through the establishment of community monitoring centres[[145]](#footnote-145)
* The Constitutional Court of Uganda declared the practice of demanding or refunding a “bride price” to be contrary to various articles of the Constitutions on equal marriage and divorce rights and dignity[[146]](#footnote-146)
* Kyrgyzstan introduced more severe penalties for bride kidnapping of women and girls for the purposes of child marriage and forced marriage[[147]](#footnote-147)
1. Also Judge of the Supreme Court of Mauritius. The views here are expressed by Ms Narain in her personal capacity and do not in any way bind the Supreme Court of Mauritius. [↑](#footnote-ref-1)
2. 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, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1 (2014), para. 16; CEDAW Commentary (2012), p. 489; CO South Sudan, CEDAW/C/SSD/CO/1, para. 24. [↑](#footnote-ref-2)
3. CO South Sudan, CEDAW/C/SSD/CO/1, para. 24. [↑](#footnote-ref-3)
4. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 17. [↑](#footnote-ref-4)
5. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 7. [↑](#footnote-ref-5)
6. CEDAW/C/SSD/CO/1, para. 50; CO Yemen, CEDAW/C/YEM/CO/7-8, para. 17; CO Cambodia, CEDAW/C/KHM/CO/6, para. 22. [↑](#footnote-ref-6)
7. CO South Sudan, CEDAW/C/SSD/CO/1, para. 24. [↑](#footnote-ref-7)
8. CO Yemen, CEDAW/C/YEM/CO/7-8, para. 17; CO Qatar, CEDAW/C/QAT/CO/2, para. 50 (f). [↑](#footnote-ref-8)
9. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 7. [↑](#footnote-ref-9)
10. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 9; see also: WHO, *Eliminating Virginity Testing: An Interagency Statement*, WHO/RHR/18.15 (2018). [↑](#footnote-ref-10)
11. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 8 and 18; see also: European Parliamentary Research Service, *‘Harmful Practices’ as a form of violence against women and girls* (2016), available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/593556/EPRS\_BRI(2016)593556\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/593556/EPRS_BRI%282016%29593556_EN.pdf). [↑](#footnote-ref-11)
12. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 6; CO Bulgaria, CEDAW/C/BRG/CO/8, para. 41; CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6, para. 45 (c); CO Cambodia, CEDAW/C/KHM/CO/6, para. 48. [↑](#footnote-ref-12)
13. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 17. [↑](#footnote-ref-13)
14. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 13. [↑](#footnote-ref-14)
15. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 12, Committee on the Elimination of Discrimination against Women, General recommendation No. 28, CEDAW/C/GC/28 (2010), para. 38 (a). [↑](#footnote-ref-15)
16. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 11. [↑](#footnote-ref-16)
17. General Recommendation No. 35 on gender-based violence against women, CEDAW/C/GC/35 (2017), para. 16. [↑](#footnote-ref-17)
18. Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol), Article 17 (1). [↑](#footnote-ref-18)
19. Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Intersections between culture and violence against women, A/HRC/4/34, 17 January 2007, paras. 68-69, available at : https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/103/04/PDF/G0710304.pdf?OpenElement [↑](#footnote-ref-19)
20. CO Italy, CEDAW/C/ITA/7, para 16 (a). [↑](#footnote-ref-20)
21. FGM is classified into four major types: *Type 1* is the partial or total removal of the clitoral glans (the external and visible part of the clitoris), and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans); *Type 2* is the partial or total removal of the clitoral glans and the labia minora (the inner folds of the vulva), with or without the removal of the labia majora (the outer folds of skin of the vulva); *Type 3*, also known as infibulation, is the narrowing of the vaginal opening through the creation of a covering seal by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoral prepuce/clitoral hood and glans; and *Type 4* includes all other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping and cauterising the genital area, see further: World Health Organization, *Factsheet on Female genital mutilation*, available at <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>. [↑](#footnote-ref-21)
22. See e.g. UNICEF Egypt/Al Azhar University Cairo: *Female Circumcision. Between the Incorrect Use of Science and the Misunderstood Doctrine. Executive Summary*, pp. 6. [↑](#footnote-ref-22)
23. World Health Organization, *Factsheet on Female genital mutilation*, available at <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>; see also Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 21-25. [↑](#footnote-ref-23)
24. CO Indonesia, CEDAW/C/IDN/CO/8, para. 24. [↑](#footnote-ref-24)
25. Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 38. [↑](#footnote-ref-25)
26. Maputo Protocol, Article 5 (b). [↑](#footnote-ref-26)
27. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, paras. 20-21. [↑](#footnote-ref-27)
28. Girls not Brides, *About Child Marriage*, available at <https://www.girlsnotbrides.org/about-child-marriage/>. [↑](#footnote-ref-28)
29. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 22. [↑](#footnote-ref-29)
30. CO Eritrea, CEDAW/C/ERI/CO/6, para. 33 (d). [↑](#footnote-ref-30)
31. CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6, para. 33 (c); CO Cambodia, CEDAW/C/KHM/CO/6, para. 34 (a). [↑](#footnote-ref-31)
32. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 22. [↑](#footnote-ref-32)
33. Human Rights Council, 5th Resolution on Child, early and forced marriage in times of crisis, including the COVID-19 pandemic, A/HRC/48/L.7/Rev.1 (7/10/2021), preamble. [↑](#footnote-ref-33)
34. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 22. [↑](#footnote-ref-34)
35. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 12-13. [↑](#footnote-ref-35)
36. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1. [↑](#footnote-ref-36)
37. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, para. 24. [↑](#footnote-ref-37)
38. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, paras. 25-28. [↑](#footnote-ref-38)
39. Joint GR No. 31/GC No. 18, CEDAW/C/GC/31/Rev.1-CRC/C/GC/18/Rev.1, paras. 29-30. [↑](#footnote-ref-39)
40. CO Turkiye, 2022, CEDAW/C/TUR/CO/8, para. 31. [↑](#footnote-ref-40)
41. Case *H. H., I. H., Y. H. (H. Jeiranova – deceased) v. Georgia*, CEDAW/C/80/D/140/2019. [↑](#footnote-ref-41)
42. CEDAW/C/GC/36, para. 27(a) [↑](#footnote-ref-42)
43. CO Egypt, CEDAW/C/EGY/CO/8-10, para. 34(e), CO South Africa, CEDAW/C/ZAF/CO/5, para. 46(c) [↑](#footnote-ref-43)
44. CO Gabon, CEDAW/C/GAB/CO/7, para. 17(b); CO Yemen, CEDAW/C/YEM/CO/7-8, para. 25(a); CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(d); CO Pakistan, CEDAW/C/PAK/CO/5, para. 30; CO Afghanistan, CEDAW/C/AFG/CO/3, para. 24(c); CO Austria, CEDAW/C/AUT/CO/9, para. 45(b) [↑](#footnote-ref-44)
45. Inquiry concerning South Africa, CEDAW/C/ZAF/IR/1, para. 122(b) [↑](#footnote-ref-45)
46. CO Gabon, CEDAW/C/GAB/CO/7, para. 17(a); CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(c); CO Eritrea, CEDAW/C/ERI/CO/6, para. 22(a); CO Pakistan, CEDAW/C/PAK/CO/5, para. 30; CO Ethiopia, CEDAW/C/ETH/CO/8, para. 22(c) [↑](#footnote-ref-46)
47. CO Panama, CEDAW/C/PAN/CO/8, para. 20(c). [↑](#footnote-ref-47)
48. CO Senegal, CEDAW/C/SEN/CO/8, para. 22(a); CO Uganda, CEDAW/C/UGA/CO/8-9, para. 22(c); CO South Sudan, CEDAW/C/SSD/CO/1, para. 25(c) [↑](#footnote-ref-48)
49. *I.H. and Y. H. v. Georgia*- CEDAW/ C/80/D/140/2019, para. 9(xiii) [↑](#footnote-ref-49)
50. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(a) [↑](#footnote-ref-50)
51. CO Indonesia, CEDAW/C/IDN/CO/8, para. 24(a); CO Yemen, CEDAW/C/YEM/CO/7-8, para. 25(a); CO Russia, CEDAW/C/RUS/CO/9, para. 27(b); CO Maldives, CEDAW/C/MDV/CO/6, para. 28(c); Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 81(a) [↑](#footnote-ref-51)
52. CO Uganda, CEDAW/C/UGA/CO/8-9, para. 24(a); CO Indonesia, CEDAW/C/IDN/CO/8, para. 24(b); CO Senegal, CEDAW/C/SEN/CO/8, para. 34(d); CO United Kingdom of Great Britain and Northern Ireland CEDAW/C/GBR/CO/8, para 32 [↑](#footnote-ref-52)
53. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 84(a) [↑](#footnote-ref-53)
54. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 86(e) [↑](#footnote-ref-54)
55. Following the good practice of similar ceremonies instituted in the Gambia, Kenya and the United Republic of Tanzania, cf. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 85(b) [↑](#footnote-ref-55)
56. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 86(d) [↑](#footnote-ref-56)
57. CO Afghanistan, CEDAW/C/AFG/CO/3, para. 24(e) [↑](#footnote-ref-57)
58. CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6, para. 34(c); CO Cambodia, CEDAW/C/KHM/CO/6, para. 35(a) [↑](#footnote-ref-58)
59. CO Dominican Republic, CEDAW/C/DOM/CO/8, para. 20(c); CO Cambodia, CEDAW/C/KHM/CO/6, para. 49(a) [↑](#footnote-ref-59)
60. CO Peru, CEDAW/C/PER/CO/9, para. 22(c); CO Egypt, CEDAW/C/EGY/CO/8-10, para. 50(a); CO Indonesia, CEDAW/C/IDN/CO/8, para. 52(b); CO Moldova, CEDAW/C/MDA/CO/6, para. 43(a); CO Zimbabwe, CEDAW/C/ZWE/CO/6, para. 26(b); CO Pakistan, CEDAW/C/PAK/CO/5, para. 50(b); CO Bulgaria, CEDAW/C/BRG/CO/8, para. 44(a)(i); CO Bosnia and Herzegovina, CEDAW/C/BIH/CO/6, para. 46(c); CO Cambodia, CEDAW/C/KHM/CO/6, para. 49(a) [↑](#footnote-ref-60)
61. CO Gabon, CEDAW/C/GAB/CO/7, para. 39(d); CO Senegal, CEDAW/C/SEN/CO/8, para. 22(b); CO Ecuador, CEDAW/C/ECU/CO/10, para. 50 (b); CO Russia, CEDAW/C/RUS/CO/9, para. 27(a); CO United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, para. 60(b) [↑](#footnote-ref-61)
62. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 97(a) [↑](#footnote-ref-62)
63. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 97(d) [↑](#footnote-ref-63)
64. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 97(c) [↑](#footnote-ref-64)
65. CO Gabon, CEDAW/C/GAB/CO/7, para. 39(d) [↑](#footnote-ref-65)
66. CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(d) [↑](#footnote-ref-66)
67. CO Russia, CEDAW/C/RUS/CO/9, para. 27(a); CO Pakistan, CEDAW/C/PAK/CO/5, para. 30 [↑](#footnote-ref-67)
68. CEDAW/C/TUR/CO/8, para. 30(d) [↑](#footnote-ref-68)
69. CO Russia, CEDAW/C/RUS/CO/9, para. 27(d) [↑](#footnote-ref-69)
70. CO Italy, CEDAW/C/ITA/CO/7, para. 16 (a), in line with GR No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (CEDAW/C/GC/32) [↑](#footnote-ref-70)
71. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 81(b)(i) [↑](#footnote-ref-71)
72. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 81(b)(ii) [↑](#footnote-ref-72)
73. CO Senegal, CEDAW/C/SEN/CO/8, para. 22(c); CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(b); CO United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, para. 32; Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 83(a) and (c) [↑](#footnote-ref-73)
74. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 82(c) [↑](#footnote-ref-74)
75. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 82(e) [↑](#footnote-ref-75)
76. CO Gabon, CEDAW/C/GAB/CO/7, para. 39(c); CO Senegal, CEDAW/C/SEN/CO/8, para. 22(b); CO Yemen, CEDAW/C/YEM/CO/7-8, para. 25(b); CO South Sudan, CEDAW/C/SSD/CO/1, para. 51(a); CO South Africa, CEDAW/C/ZAF/CO/5, para. 62; CO Pakistan, CEDAW/C/PAK/CO/5, para. 50(a); CO Afghanistan, CEDAW/C/AFG/CO/3, para. 24(d) [↑](#footnote-ref-76)
77. CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(a); CO Indonesia, CEDAW/C/IDN/CO/8, para. 52(a); CO Russia, CEDAW/C/RUS/CO/9, para. 57(a); CO Moldova, CEDAW/C/MDA/CO/6, para. 43(a); CO Lithuania, CEDAW/C/LTU/CO/6, para. 45(b) [↑](#footnote-ref-77)
78. CO Peru, CEDAW/C/PER/CO/9, para. 22(b); CO Egypt, CEDAW/C/EGY/CO/8-10, para. 50(a); CO South Africa, CEDAW/C/ZAF/CO/5, para. 62; CO Eritrea, CEDAW/C/ERI/CO/6, para. 52(b) [↑](#footnote-ref-78)
79. CO Eritrea, CEDAW/C/ERI/CO/6, para. 52(d) [↑](#footnote-ref-79)
80. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(d); CO Angola, CEDAW/C/AGO/CO/7, para. 24(a) [↑](#footnote-ref-80)
81. CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(d); CO Indonesia, CEDAW/C/IDN/CO/8, para. 52(b); CO Russia, CEDAW/C/RUS/CO/9, para. 27(a) [↑](#footnote-ref-81)
82. CO Bulgaria, CEDAW/C/BRG/CO/8, para. 44(a)(ii) [↑](#footnote-ref-82)
83. CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(a); CO Kyrgyzstan, CEDAW/C/KGZ/CO/5, para. 50(c) [↑](#footnote-ref-83)
84. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 92(c) [↑](#footnote-ref-84)
85. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 94(c) [↑](#footnote-ref-85)
86. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 92(c) [↑](#footnote-ref-86)
87. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 94(a) [↑](#footnote-ref-87)
88. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 94(e) [↑](#footnote-ref-88)
89. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 96(b) and (c) [↑](#footnote-ref-89)
90. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 96(a) [↑](#footnote-ref-90)
91. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 93(b) [↑](#footnote-ref-91)
92. CO Gabon, CEDAW/C/GAB/CO/7, para. 39(f); CO Senegal, CEDAW/C/SEN/CO/8, para. 42(b); CO Egypt, CEDAW/C/EGY/CO/8-10, para. 50(a); CO South Sudan, CEDAW/C/SSD/CO/1, para. 51(a); CO Maldives, CEDAW/C/MDV/CO/6, para. 54(d); CO Eritrea, CEDAW/C/ERI/CO/6, para. 52(c); CO Pakistan, CEDAW/C/PAK/CO/5, para. 50(c) [↑](#footnote-ref-92)
93. CO Eritrea, CEDAW/C/ERI/CO/6, para. 52(d) [↑](#footnote-ref-93)
94. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(e) [↑](#footnote-ref-94)
95. CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(a) [↑](#footnote-ref-95)
96. CEDAW/C/80/D/140/2019, para. 9 [↑](#footnote-ref-96)
97. CO Yemen, CEDAW/C/YEM/CO/7-8, para. 17(d) [↑](#footnote-ref-97)
98. CEDAW/C/80/D/140/2019, para. 9; Istanbul Convention, Article 42 [↑](#footnote-ref-98)
99. CO Yemen, CEDAW/C/YEM/CO/7-8, para. 17(d) [↑](#footnote-ref-99)
100. CO Yemen, CEDAW/C/YEM/CO/7-8, para. 17(d) [↑](#footnote-ref-100)
101. CO South Sudan, CEDAW/C/SSD/CO/1, para. 51(a) [↑](#footnote-ref-101)
102. CO Indonesia, CEDAW/C/IDN/CO/8, para. 22(b); CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(a); CO Afghanistan, CEDAW/C/AFG/CO/3, para 24(h) [↑](#footnote-ref-102)
103. CO Ecuador, CEDAW/C/ECU/CO/10, para. 20(b) [↑](#footnote-ref-103)
104. CO Mozambique, CEDAW/C/MOZ/CO/3-5, para. 24(d); CO Angola, CEDAW/C/AGO/CO/7, para. 24(a) [↑](#footnote-ref-104)
105. CO Maldives, CEDAW/C/MDV/CO/6, para. 26(b) [↑](#footnote-ref-105)
106. CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(b) [↑](#footnote-ref-106)
107. CO Indonesia, CEDAW/C/IDN/CO/8, para. 22(b); CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(a); CO Afghanistan, CEDAW/C/AFG/CO/3, para 24(h) [↑](#footnote-ref-107)
108. CO Afghanistan, CEDAW/C/AFG/CO/3, para. 24(b) [↑](#footnote-ref-108)
109. CO Uganda, CEDAW/C/UGA/CO/8-9, para. 21, para. 22(a); CO South Sudan, CEDAW/C/SSD/CO/1, para. 25(a); CO South Africa, CEDAW/C/ZFA/CO/5, para. 34(c); CO Eritrea, CEDAW/C/ERI/CO/6, para. 22(a) [↑](#footnote-ref-109)
110. CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(d); CO Eritrea, CEDAW/C/ERI/CO/6, para. 22(b). [↑](#footnote-ref-110)
111. CO Russia, CEDAW/C/RUS/CO/9, para. 27(c): Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 93(e) [↑](#footnote-ref-111)
112. CO Russia, CEDAW/C/RUS/CO/9, para. 27(d) [↑](#footnote-ref-112)
113. CO Senegal, CEDAW/C/SEN/CO/8, para. 22(c); CO South Africa, CEDAW/C/ZAF/CO/5, para. 34(b); CO United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, para. 32; CO Uganda, CEDAW/C/UGA/CO/8-9, para. 24(b) [↑](#footnote-ref-113)
114. CO Russia, CEDAW/C/RUS/CO/9, para. 27(a); Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 82(a) [↑](#footnote-ref-114)
115. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 82(b) [↑](#footnote-ref-115)
116. CO Sweden, CEDAW/C/SWE/CO/10, para. 22(a); CO Bulgaria, CEDAW/C/BRG/CO/8, para. 22(c); CO Gabon, CEDAW/C/GAB/CO/7, para. 39(e); CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(a); CO Yemen, CEDAW/C/YEM/CO/7-8, para. 25(c); CO Russia, CEDAW/C/RUS/CO/9, para. 57(c) [↑](#footnote-ref-116)
117. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 93(e) [↑](#footnote-ref-117)
118. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 93(a) [↑](#footnote-ref-118)
119. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 93(d) and 94(b) [↑](#footnote-ref-119)
120. CO Sweden, CEDAW/C/SWE/CO/10, para. 22(b); CO Russia, CEDAW/C/RUS/CO/9, para. 57(b); CO Kyrgyzstan, CEDAW/C/KGZ/CO/5, para. 50(e) [↑](#footnote-ref-120)
121. CO Turkiye, CEDAW/C/TUR/CO/8, para. 31(b) [↑](#footnote-ref-121)
122. CEDAW/C/WG/51/DR/140/2019, para. 9 [↑](#footnote-ref-122)
123. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 83(d) [↑](#footnote-ref-123)
124. CO Senegal, CEDAW/C/SEN/CO/8, para. 22(c); Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 86(h) [↑](#footnote-ref-124)
125. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(a) [↑](#footnote-ref-125)
126. Inquiry concerning Mali, CEDAW/C/IR/MLI/1, para. 87; CO Austria, CEDAW/C/AUT/CO/9, para. 45(c) [↑](#footnote-ref-126)
127. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(f); CO Bulgaria, CEDAW/C/BRG/CO/8, para. 44(a)(iv); CO Austria, CEDAW/C/AUT/CO/9, para. 45(c) [↑](#footnote-ref-127)
128. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(c) [↑](#footnote-ref-128)
129. CO Senegal, CEDAW/C/SEN/CO/8, para. 42(f); CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 42(f). [↑](#footnote-ref-129)
130. Inquiry concerning Kyrgyzstan, CEDAW/C/OP.8/KGZ/1, para. 98(a) [↑](#footnote-ref-130)
131. CO Afghanistan, CEDAW/C/AFG/CO/3, para. 24(a) [↑](#footnote-ref-131)
132. CEDA

W/C/WG/51/DR/140/2019, para. 9 [↑](#footnote-ref-132)
133. https://sgbv-ihrda.uwazi.io/en/entity/wcsguq52azs?page=1 [↑](#footnote-ref-133)
134. UNICEF, Harmful Practices, available at <https://www.unicef.org/protection/harmful-practices> [↑](#footnote-ref-134)
135. CO Gabon, CEDAW/C/GAB/CO/7, para. 16 [↑](#footnote-ref-135)
136. CO Uganda, CEDAW/C/UGA/CO/8-9, para. 23 [↑](#footnote-ref-136)
137. CO Eritrea, CEDAW/C/ERI/CO/6, para. 5(a) and (b) [↑](#footnote-ref-137)
138. CO Uzbekistan, CEDAW/C/UZB/CO/6, para. 41 [↑](#footnote-ref-138)
139. CO Dominican Republic, CEDAW/C/DOM/CO/8, para. 19 [↑](#footnote-ref-139)
140. CO Dominican Republic, CEDAW/C/DOM/CO/8, para. 19 [↑](#footnote-ref-140)
141. CO Sweden, CEADW/C/SWE/CO/10, para. 47 [↑](#footnote-ref-141)
142. CO Denmark, CEDAW/C/DNK/CO/9, para. 40 [↑](#footnote-ref-142)
143. CO Cambodia, CEDAW/C/KHM/CO/6, para. 48 [↑](#footnote-ref-143)
144. CO United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, para. 31 [↑](#footnote-ref-144)
145. CO Angola, CEDAW/C/AGO/CO/7, para. 23 [↑](#footnote-ref-145)
146. CO Uganda, CEDAW/C/UGA/CO/8-9, para. 21 [↑](#footnote-ref-146)
147. CO Kyrgyzstan, CEDAW/C/KGZ/CO/5, para. 21. [↑](#footnote-ref-147)