

Comments on the draft CEDAW General Recommendation No. 41

Submitted by Lawyers for Lawyers and the International Bar Association's Human Rights Institute

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Introduction

1. Lawyers for Lawyers (L4L) and the International Bar Association's Human Rights Institute (IBAHRI) welcome the opportunity to contribute to the CEDAW General Recommendation No. 41 on Dismantling Gender Stereotypes and the Unequal Power Relations that Sustain them.
2. This submission is informed by L4L and IBAHRI's longstanding engagement with women lawyers worldwide, drawing on our interviews with women legal professionals, and the advocacy on their behalf, as well as our organisations' independent research.
3. Women lawyers play a critical role to ensuring full, equal, and effective access to justice. In many countries, women lawyers are at the forefront of litigation and legal advocacy related to women's rights and other marginalised groups.¹ Yet, this work regularly carries heavy personal and professional consequences.
4. Through our work, we have documented persistent and systemic gender stereotyping affecting women lawyers across jurisdictions. These challenges arise not only in connection with their professional activities, but also from their position as women operating within historically male-dominated legal systems.
5. Gender stereotyping, manifested in assumptions about women's competence, authority, appearance, and professional roles, hinder women's full and equal participation in the legal profession. The underrepresentation of women, particularly in senior positions, combined with bias and discriminatory treatment reflect entrenched gender discrimination within justice systems.²
6. These dynamics compromise both the impartiality and the integrity of those systems and constitute a structural barrier to women's path to justice. By undermining women lawyers' authority and ability to perform their professional functions, gender stereotyping weakens effective legal representation and, in turn, limits access to justice and undermines the rights to a fair trial and to legal assistance of one's own choosing.
7. For these reasons, the situation of women lawyers warrants specific attention within this General Recommendation. Addressing gender stereotyping in the legal profession is

¹ Special Rapporteur on the situation of human rights defenders, Situation of women human rights defenders, 10 January 2019, [A/HRC/40/60](#), paras. 4 and 67.

² SRIJL, Interim report of the Special Rapporteur on the independence of judges and lawyers, 2011, [/66/289](#) - paras. 23, 24 and 34.

essential not only to achieving equality in a critical sector, but also to safeguarding the proper functioning of justice systems and ensuring the protection of human rights.

8. Based on the above, this submission will suggest specific contributions to paragraphs 29, 31, 45, 46, 52 and 57 of the draft.

Prevalence of gender stereotypes in the legal profession – Paragraphs 29 and 31

9. Paragraphs 29 and 31 of the draft General Recommendation underline how gender stereotypes continue to restrict women’s access to employment, leadership, and participation in public life, reinforcing discrimination and exclusion across professional and decision-making spheres.
10. Building on our experience, we encourage the Committee to explicitly recognise the justice sector and the legal profession as areas where gender stereotyping produces compounded and far-reaching effects.
11. Despite progress in gender representation within the legal profession in many countries, women lawyers continue to face the effects of gender stereotyping, including barriers to entry the profession, limited career progression, glass-ceiling practices, unequal treatment by colleagues, courts and institutions, and discriminatory working environments that affect both their work and their clients’ access to justice. The UN Special Rapporteur on the Independence of Judges and Lawyers (SRIJL) has documented the persistent underrepresentation of women in the judiciary and legal profession—particularly in senior positions—and identified entrenched stereotypes, work–family imbalance, and gender-based harassment as key contributing factors.³
12. Women lawyers are frequently perceived as less capable, less authoritative, or more suited to “soft” areas of law, leading to their exclusion from high-profile cases and leadership roles and their concentration in “lower-profile” fields.⁴ These patterns discourage women from pursuing certain specialisations or senior positions, and contribute to attrition from the profession. As a result, women remain persistently underrepresented in decision-making roles across the legal sector.

There is a well-documented disparity between the proportion of women in the legal profession and their representation in senior roles across multiple jurisdictions. On average, across the 13 countries covered by the International Bar Association’ (IBA) initiative *Raising the Bar: Women in Law*, women made up 45 per cent of all lawyers, but only 34 per cent of those in senior positions.⁵

IBA’s survey (2023-24), which gathered information from over 5000 women lawyers in 100 different jurisdictions, confirms that structural and cultural barriers to women’s progression remain entrenched. These include persistent challenges in balancing professional and personal responsibilities, as well as social norms that reinforce inequality. The data highlight a pronounced

³ SRIJL, interim report, 10 August 2011, [A/66/289](#), paras. 23, 24 and 34; SRIJL, Participation of women in the administration of justice, 2021, [A/HRC/76/142](#), paras. 90, 91 and 97.

⁴ SRIJL, Participation of women in the administration of justice, 2021, [A/HRC/76/142](#), paras. 17 and 41.

⁵ IBA, [Raising the Bar: Women in Law Project, Phase 2 Report](#), 2026, p. 9.

gendered division of care: 64 per cent of women in law carry caring responsibilities, including 52 per cent with dependent children and nearly 40 per cent providing care for elderly or disabled family members. This “caring gap,” compounded by limited support for fathers as caregivers, contributes to the “motherhood penalty.” Flexible working arrangements were identified as one of the most effective measures to support women’s retention and advancement.⁶

13. In many contexts, women’s participation in the legal profession is perceived as a transgression of socially prescribed gender roles, further exposing them to retaliation and reprisals. Sexual harassment and extortion persist in legal workplaces, including law firms, courts and prosecutors’ offices, affecting both women working within these institutions and those who engage with them.⁷

Another IBA’s pivotal report,⁸ based on the largest-ever global survey of legal professionals on bullying and sexual harassment, found that one in two women lawyers had experienced bullying in the legal workplace, and one in three had experienced sexual harassment.

A survey by the Supreme Court Bar Association in **India** found that 81.3% of respondents considered their professional journey more difficult than that of their male counterparts, while 16.1% reported experiencing sexual harassment in professional settings. Among those who reported or sought redress, 57% experienced some form of backlash.⁹

In **Iran** women lawyers face gender-specific obstacles ranging from legal and social restrictions to institutional discrimination. Gender-based discrimination restricts women’s access to managerial positions in bar associations, while negative perceptions of their professional capabilities remain widespread, with women lawyers reporting intense gender discrimination in courts. One example is the introduction of the so-called Hijab and Chastity Law, which imposes strict dress-code requirements on women and whose enforcement has resulted in women lawyers being denied access to courtrooms, directly hindering their ability to perform their professional duties.¹⁰

In **Thailand**, discriminatory dress codes have long affected women lawyers. Until 2023, the Lawyers’ Council of Thailand required female lawyers to wear skirts when appearing in court, with non-compliance subject to penalties.¹¹ This rule reinforced gendered expectations regarding appearance and restricted the ability of women and gender-diverse lawyers to participate fully and safely in legal proceedings.

⁶ IBA, [Raising the Bar: Women in Law Project, Phase 2 Report](#), 2026, p.18.

⁷ SRIJL, Participation of women in the administration of justice, 2021, [A/HRC/76/142](#), para. 97.

⁸ IBA, [Us Too? Bullying and Sexual Harassment in the Legal Profession](#), 2019.

⁹ Supreme Court Bar Association, [Documenting voices of women legal professionals in India](#), 2026, p.14.

¹⁰ IBAHRI, [No Defence. A Report on the Status of Lawyers and the Bar Associations in Iran](#), 2025, p.14.

¹¹ Lawyers for Lawyers, [Sirikan Charoensiri: "Our gender, appearance and costume are not what define our abilities"](#), 2022.

The International Commission of Jurists' (ICJ) report on women lawyers in Africa¹² documents instances in which women lawyers are patronised by male colleagues, and where their views and professional contributions are dismissed or ridiculed on the basis of their gender. The report also highlights differential treatment within the justice system, including judges showing preference towards male attorneys and instances of mistreatment by police officers.

14. In light of the above, we propose the following amendments (with additions in bold) to strengthen the draft General Recommendation:

Para. 29: [...] *“Gender stereotypes still hinder women’s and girls’ access to political office, corporate careers, STEM professions, **roles as justice actors / positions within the justice system**, the armed forces, law enforcement among other male-dominated fields.”*

Para. 31: *“Gendered ideas about women’s limited ability, interest, aptitude, or time for public office often hamper their effective participation in political and public life. [...] **These dynamics similarly affect women in the justice sector, who remain underrepresented in senior positions and are routinely subjected to legal and social norms that reinforce stereotypes about their competence and authority, as well as heightened scrutiny, discriminatory treatment and harassment.** Women human rights defenders suffer threats to their lives, liberty, and security, as they challenge power structures and defy stereotypes of women as being subservient, subordinate, and passive.”*

Obligations of States Parties. Judicial and law enforcement levels - Paragraphs 45 and 46

15. Paragraphs 45 and 46 call on States to ensure justice systems are fully equipped to prevent, identify and eliminate gender stereotypes. While the draft focuses on stereotypes affecting women as users of the justice system, it omits their impact on women justice actors—including women lawyers—who are themselves subject to such biases, which can undermine their ability to participate effectively in legal proceedings.

16. Globally, lawyers face intimidation, harassment, criminalization, and, in some cases, lethal attacks for carrying out their professional duties. Women lawyers face an additional layer of gender-specific risks. They are disproportionately targeted through sexist smear campaigns, stigmatization, online and offline harassment, threats, and gender-based violence. Such attacks frequently rely on entrenched gender stereotypes designed to undermine their credibility and legitimacy as legal professionals.

¹² ICJ, [Reflection Paper Drivers of Change: Women Lawyers and Human Rights Defenders in Africa](#), 2015, p. 9.

In 2025, the report of the Working Group on Communications on the Status of Women, noted that the most frequently reported violations submitted to the Commission included death threats, torture, harassment—including judicial harassment—arbitrary arrest and detention, and violence against women human rights defenders. The report further observed that such acts of intimidation often extended to their lawyers as a means of intimidation.¹³

UN Special Procedures mandate holders have repeatedly highlighted the situation of women lawyers and judges in **Afghanistan**, where the Taliban have excluded women from the legal system. More than 250 women judges were removed from their positions, and women lawyers have been unable to renew their professional licenses under Taliban-imposed requirements. Many face serious security threats, particularly those who previously worked on cases involving gender-based violence, terrorism, or human rights. As a result, numerous women legal professionals have fled the country or gone into hiding, leading to the near-erasure of legal services for women.¹⁴

In **Guatemala**, persistent gender-based discrimination has been documented against women justice actors.¹⁵ Women lawyers involved in anti-corruption, transitional justice, or cases concerning serious human rights violations face a dual form of persecution: on the one hand, linked to their professional activities; on the other, rooted in gender-based stereotypes and discrimination.¹⁶ Criminalization strategies against women lawyers are often accompanied by gendered narratives aimed at delegitimizing their work and silencing their voices.

A UN Women report on violence against women lawyers in **Libya** found that 41% of surveyed women lawyers experienced violence or discrimination linked to their profession. The report describes this as stemming from a complex interplay of professional challenges and societal expectations. It identifies two main forms of harm: direct violence occurring in the course of professional duties in courts, police stations, and public prosecution offices, and indirect violence in the form of threats and harassment outside the workplace. The report further notes that the severity of violence or threats increases for women lawyers handling human rights, women's rights, or other sensitive cases.¹⁷

The CEDAW Committee has also raised concerns regarding the situation of women lawyers in its concluding observations to several States. In its Concluding Observations on **Burundi** (2016), the

¹³ Commission on the Status of Women, Report on the sixty-ninth session [E/2025/27-E/CN.6/2025/19](#), paras. 7 (e) & 8 (d).

¹⁴ Special Rapporteur on the Independence of Judges and Lawyers and Special Rapporteur on Afghanistan, [UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support](#), 20 January 2023.

¹⁵ Lawyers for Lawyers, [Press release: Preliminary findings of the International Mission of Jurists for Guatemala](#), 4 November 2025; International Mission of Jurist for Guatemala, [Climate of fear: the legal profession and judicial independence at risk](#), 2026.

¹⁶ Amnesty International, [Todo el sistema en contra: Criminalización de mujeres operadoras de justicia y defensoras de derechos humanos en Guatemala](#), May 2024.

¹⁷ UN Women, [Analytical study Protecting Libyan women lawyers from violence](#), 2025, p. 32, 33 and 35.

Committee expressed deep concern about restrictions imposed on women human rights defenders, “including women’s organizations and women lawyers” citing increased surveillance, intimidation, and retaliation for advocating for women’s rights.¹⁸

17. These risks are particularly acute for lawyers who apply gender-transformative, survivor-centred, or intersectional approaches, including those grounded in binding legal frameworks. They are frequently exposed to reprisals, disciplinary proceedings, public attacks, or political pressure. Gender-responsive legal reasoning is often mischaracterized as bias or activism, undermining professional independence and creating a chilling effect that discourages the use of these approaches. This contributes to a shortage of lawyers with specialised gender-sensitive training which, together with the persistent lack of gender-sensitive training for justice actors, has been identified as one of the main obstacles to women’s access to justice.¹⁹

In its concluding observations on **Belarus** (2025), the CEDAW Committee noted the limited application and reference to the Convention in legal proceedings and identified systemic barriers to fair trials, including the harassment, prosecution, and arbitrary detention of lawyers working on human rights cases, the revocation of their licences, and the absence of gender-sensitive legal training. The Committee further observed that these factors contribute to gender-biased rulings and significantly restrict women’s access to independent legal representation.²⁰

Following its visit to **Poland** (2019), the UN Working Group on Discrimination Against Women and Girls highlighted an intimidating climate for women’s rights advocates, including raids on women’s rights organizations. The Working Group further observed that advocates for gender equality are increasingly portrayed as “anti-family,” with their work labelled as “gender ideology” and subjected to attacks by conservative actors.²¹

In its report following its visit to **Maldives** (2023), the Working Group reported rising fundamentalism and shrinking civic space have exposed women human rights defenders to misogynistic online and offline harassment, highlighting a shortage of women lawyers due to legal, institutional, and sociocultural biases.²²

¹⁸ CEDAW Committee, Concluding observations on the combined fifth and sixth periodic reports of Burundi, 25 November 2016, [CEDAW/C/BDI/CO/5-6](#).

¹⁹ United Nations Secretary-General, Report to the Commission on the Status of Women Seventieth session, 15 January 2026, [E/CN.6/2026/3](#), paras. 25, 44 and 45.

²⁰ CEDAW Committee, Concluding observations on the ninth periodic report of Belarus, 27 February 2025, [CEDAW/C/BLR/CO/9](#), paras. 13, 14, 19 (d), 20 (d).

²¹ WGDAGW, Visit to Poland, Report of the Working Group on the issue of discrimination against women in law and in practice, 25 June 2019, [A/HRC/41/33/Add.2](#).

²² WGDAGW, Visit to Maldives, Report of the Working Group on discrimination against women and girls, 26 April 2023, [A/HRC/53/39/Add.2](#)

18. In light of the above, we propose the following amendments (with additions in bold) to the draft General Recommendation:

Para 45: *Gender stereotypes are prevalent throughout justice systems. This includes judicial and other justice system actors [...]. These actors – through their actions or omissions – fuel disbelief in women plaintiffs and defendants, in women in conflict with the law, as well as victims, and take into consideration disreputable personal attributes to blame and discredit women. [...]* **The Committee further notes that women lawyers and other women justice actors are themselves subject to such stereotypes, including gender-based scrutiny, harassment, and reprisals, which undermine their professional independence and impede their effective participation in legal processes. [...]**

Para 46: *[...] Gender stereotypes tend to affect the weight and credibility afforded to women’s testimony and arguments during judicial proceedings. At times, the use of cultural defense arguments—combined with gender-insensitive interpretations—also contributes to the legal perpetuation of stereotypical and harmful value judgments. **The Committee also notes that gender-transformative legal reasoning is frequently mischaracterised as bias or activism, exposing women lawyers and other justice actors to disciplinary action, public attacks, and political pressure.** The Committee further draws attention to gender stereotypes that negatively affect the judicial processing of cases of women in conflict with the law and women in detention. Law enforcement authorities – including the police – may mistreat, blame, and revictimize women **and their legal counsel** when they report gender-based violence and other crimes, due to prevailing views about women’s subordinate status. Process laws, rules, protocols, guidelines, and accountability mechanisms must ensure that justice officials, **lawyers** – and law enforcement authorities - have the tools to name, identify, challenge, and dismantle victim-blaming beliefs and other stereotypes concerning women.*

Conclusions and recommendations – Paras. 52 and 57

19. While the draft General Recommendation recognises the harmful impact of gender stereotypes in public life and within judicial processes, it could further benefit from more explicit consideration of their specific and compounded effects on women legal professionals. Gender stereotyping within the legal profession is not a marginal issue but a systemic barrier that undermines the administration of justice. Where women lawyers are excluded, discredited, or subjected to discrimination, the impartiality, effectiveness, and legitimacy of justice systems are compromised.

20. The Committee has already recognised the centrality of this sector. General Recommendation No. 33 (2015) highlights the targeting of women who assert their rights, requires States parties to ensure women’s equal participation at all levels of the justice

system, and calls for removing barriers to women's entry and advancement in the legal profession, as well as protecting women human rights defenders.²³ General Recommendation No. 40 (2024) establishes parity as the benchmark for women's representation in decision-making spaces and urges States to embed women's rights and gender-responsive legal interpretation into all training for justice and law-enforcement actors, while ensuring the safety of women civil society representatives and defenders.²⁴

21. Building on this framework, L4L and IBAHRI call on the Committee to adopt an ambitious General Recommendation that addresses the gender-specific and intersectional stereotypes faced by legal professionals. States should be required to dismantle discriminatory practices within legal and judicial institutions; ensure equal career advancement and representation for women in all their diversity;²⁵ guarantee safe, harassment-free, and enabling working environments;²⁶ and provide mandatory gender-sensitive training for all justice sector actors, including lawyers.²⁷
22. In particular, we propose the following amendments (with additions in bold) to the draft General Recommendation:

Para. 52 (c) (iii): Implement effective, comprehensive, and ongoing training and capacity-building programs for governments officials, public servants, **and the judiciary.**

Para. 57: *The Committee recommends that States parties:*

(a) *Ensure that all justice mechanisms – including those in the civil, criminal, administrative, family, and customary realms – are adequate and effective to process complaints and reports of violations based on gender stereotypes, including the following measures:*

(i) *Provide mandatory, recurrent, quality, well-resourced, and gender-sensitive capacity-building and training programs for all officials working in the justice sector, **including judges, prosecutors, lawyers, and other legal professionals, across civil, criminal, family, administrative, and customary law systems;***

(ii) *Develop guidelines and protocols related to gender stereotypes and the processing of cases related to discrimination against women and gender-based violence;*

²³ CEDAW Committee, General recommendation No. 33 on women's access to justice, 3 August 2015, [CEDAW/C/GC/33](#) – paras 15 (c), 15 (f), 15 (i), 29 (a), and 29 (f).

²⁴ CEDAW Committee, General recommendation No. 40 on the equal and inclusive representation of women in decision-making systems, 2024 - paras. 49(a), 49(c), and 51(b).

²⁵ Based on: [Beijing Declaration and Platform for Action](#), para. 232 (m); [CEDAW/C/GC/33](#), para.15 (f); [CEDAW/C/GC/40](#), para. 49(a); [Basic Principles on the Role of Lawyers](#), principle 10.

²⁶ Based on: [Beijing Declaration and Platform for Action](#), 232 (o); [CSW65](#), para. 24; [CSW57](#), para. 34 A (z); [CSW67](#), paras. 56 & 86 (mmm); [CEDAW/C/GC/33](#), para.15 (i); [CEDAW/C/GC/40](#), para. 51(b); [Basic Principles on the Role of Lawyers](#), principles 16 and 17.

²⁷ Based on: [Beijing Declaration and Platform for Action](#), para. 232 (i); [CSW51](#), paras. 13 (h) & 14.13 (c); [CSW62](#), para. 46(k); [CEDAW/C/GC/33](#), paras. 15 (c), 29 (a), and 29 (f); [Basic Principles on the Role of Lawyers](#), principle 9.

(iii) Undertake assessments to name and identify intersectional discrimination and gender stereotypes that impact women with multifaceted identities, including stereotypes towards women as complainants, **legal counsel**, defenders, or witnesses, in the role of perpetrators or victims;

(iv) Establish mechanisms to receive complaints of rights violations based on gender-stereotypes and ensure that these are processed and investigated thoroughly and promptly.

(v) Ensure that justice mechanisms are equipped to receive and process complaints concerning violations committed against judges, prosecutors, lawyers, and other justice actors, including reprisals, intimidation, harassment, or discriminatory treatment linked to gender stereotypes.

(b) Launch capacity-building and training programs on the impact of intersectional discrimination and gender stereotypes on women with multifaceted identities and the special care needed in the processing of their cases and matters.

(c) Develop data collection initiatives on gender stereotypes in the justice system, **including data on gender gaps and discriminatory practices affecting judges, prosecutors, lawyers, and other justice actors, in collaboration with** civil society organizations, **bar associations**, and women with multifaceted identities.

(d) Adopt targeted measures to ensure equal career advancement for women in the legal profession; eliminate bias within legal and judicial institutions; guarantee safe, harassment-free, and enabling working environments; and adopt affirmative measures to support women's long-term permanence, leadership, and representation in all branches and levels of the justice system, removing barriers to women's full participation as legal professionals.