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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Sex-based violence against women and girls: new frontiers  
and emerging issues**

**Report of the Special Rapporteur on violence against women and girls,  
its causes and consequences, Reem Alsalem<sup>\*</sup>, <sup>\*\*</sup>**

*Summary*

In the present report, the Special Rapporteur on violence against women and girls, its causes and consequences, examines the new and evolving forms of violence experienced by women and girls based on their sex, which remain insufficiently explored and recognized. She provides an overview of the international obligations of States to ensure that women and girls are not subjected to discrimination and violence based on their sex. She also recommends the proper and effective consideration of sex in understanding the experiences of discrimination of women and girls, preventing further violence and responding to the needs of survivors.

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<sup>\*</sup> The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.

<sup>\*\*</sup> The annex to the present document is reproduced as received, in the language of submission only.

## I. Introduction

1. The Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, submits the present report pursuant to Human Rights Council resolution 50/7. In the report, she highlights the emerging, often overlooked, forms of sex-based violence against women and girls, outlines the international obligations of States to prevent such violence and discrimination and urges the effective integration of sex-specific considerations in addressing and responding to these harms. Across the globe and throughout history, women and girls have experienced discrimination based on their sex and/or reproductive function, recognized as such in international law and often intersecting with other characteristics that are also protected in law. Sex-based discrimination has resulted in egregious specific forms of violence that have affected women and girls disproportionately, including but not limited to forced marriages, femicides, female genital mutilation, rape and sexual and other types of exploitation, including prostitution. Today, such violence persists at epidemic levels, with new, emerging and evolving forms and manifestations. Moreover, certain forms of violence remain insufficiently recognized or reported.

2. Several key human rights instruments affirm the obligations of States to prohibit and prevent discrimination based on sex. The recognition of sex as central to the experiences of women and girls of discrimination and violence does not and should not imply that their oppression is biologically determined, as it is often compounded by other vulnerability factors. Despite its centrality, many States and other actors have adopted ad hoc – sometimes conflicting – policy and legal frameworks to prevent and respond to sex-based violence against females.

3. In the present report, the Special Rapporteur seeks to examine both entrenched and emerging forms of sex-based violence against women and girls, including underreported ones, with a view to identifying patterns that demand greater recognition and action. She seeks to resurrect the consideration of sex as a central ground on which women and girls experience discrimination and violence, after it has been deprioritized. She also explores the implications that arise as a result of laws and policies that disregard or ignore the sex-based vulnerabilities of women and girls as opposed to truly intersectional approaches.

## II. Key terminology

4. “Sex” is understood as a biological category<sup>1</sup> and as a distinction between women and men,<sup>2</sup> as well as between boys and girls. References to “sex” refer to the biological distinction between males and females, characterized by divergent evolved reproductive pathways through which, all else being equal, males develop bodies oriented around the production of small gametes and females develop bodies oriented around the production of large gametes.<sup>3</sup> As evolutionary biologist Richard Dawkins notes: “Sex is a true binary. It all started with the evolution of anisogamy – sexual reproduction where the gametes are of two discontinuous sizes: macrogametes or eggs, and microgametes or sperm.”<sup>4</sup>

5. The term “gender”, on the other hand, has been defined by the Committee on the Elimination of Discrimination against Women as the social meanings given to biological sex differences.<sup>5</sup> It is supplementary to and built upon biological differences between women and men.<sup>6</sup> It refers to the stereotyped roles, attitudes, prejudices and social and cultural practices that result in the subordination of women to men. In the last few decades, the term “gender”

<sup>1</sup> Marsha A. Freeman, Christine Chinkin and Beate Rudolf, eds., *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary*, first edition (Oxford, Oxford University Press, 2012), p. 15.

<sup>2</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 5 (“The term ‘sex’ here refers to biological differences between men and women”).

<sup>3</sup> Emma Hilton and Colin Wright, “Two sexes”, in *Sex and Gender: A Contemporary Reader*, Alice Sullivan and Selina Todd, eds. (London, Routledge, 2023).

<sup>4</sup> Richard Dawkins, “Why biological sex matters”, *The New Statesman*, 26 July 2023.

<sup>5</sup> General recommendation No. 25 (2004), footnote 2.

<sup>6</sup> *Ibid.*, paras. 8 and 16.

has wrongly been taken to be synonymous with the term “sex”,<sup>7</sup> including in some international declarations and instruments.<sup>8</sup>

6. Gender equality is understood to mean the equality between women and men and refers to the equal rights, responsibilities and opportunities of women and men and girls and boys.<sup>9</sup>

7. Violence against women and girls is a form of severe gender-based violence<sup>10</sup> that takes place because of social and cultural norms pertaining to sex<sup>11</sup> and that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.<sup>12</sup>

8. While the term “gender identity” lacks a codified definition in international law, it is understood as referring to the feeling that some individuals have of not identifying with the sex observed at birth. It is not universally accepted that all persons have a gender identity corresponding to either of the sexes/genders or indeed one at all.

9. Lastly, in the present report, the Special Rapporteur uses, on occasion, the term “females” to refer to “women and girls”.

### III. Activities carried out by the Special Rapporteur

10. The Special Rapporteur conducted an official visit to the United Arab Emirates from 9 to 19 December 2024. In October 2024, she presented her report on violence against women and girls in sport to the General Assembly at its seventy-ninth session.<sup>13</sup> In March 2025, she was unable to participate in person at the opening ceremony of the sixty-ninth session of the Commission on the Status of Women as mandated due to logistical challenges in obtaining authorization to travel to the United States of America; however, she participated remotely in several side events. The Special Rapporteur also produced a position paper on lessons learned from the implementation of existing programmes for women in prostitution.

### IV. Roots of emerging issues of sex-based violence

11. Females have experienced historical, structural and systemic violence and discrimination, exacerbated by vulnerability factors that intersect with their female sex. For example, women with disabilities and older women<sup>14</sup> face heightened violence, as well as abuse and exclusion, including in digital environments.<sup>15</sup> Such violence and oppression can be exacerbated by structural inequalities, intergenerational abuse and crises.<sup>16</sup> Lack of, or inadequate, access to essential services has forced many females into situations of exploitation and violence in exchange for access to such services.<sup>17</sup>

<sup>7</sup> Alice Sullivan, *Independent Review of Data, Statistics and Research on Sex and Gender* (London, University College London, 2025).

<sup>8</sup> Examples include the Cairo Declaration on Population and Development (1994), the Beijing Platform for Action (1995) and the Rome Statute of the International Criminal Court (1998).

<sup>9</sup> See <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>.

<sup>10</sup> Gender-based violence can also take place against men and boys.

<sup>11</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017), para. 9.

<sup>12</sup> Declaration on the Elimination of Violence against Women, art. 1.

<sup>13</sup> [A/79/325](#).

<sup>14</sup> Submissions by the Feminist Legal Clinic and Fundación por la Democracia. The submissions received in response to the Special Rapporteur’s call for input will be posted at <https://www.ohchr.org/en/calls-for-input/2025/call-input-report-special-rapporteur-violence-against-women-and-girls-hrc>.

<sup>15</sup> Submission by Lithuania.

<sup>16</sup> Submission by Mexico.

<sup>17</sup> Submission by Simavi.

12. Information received suggests that violence continues to be perpetuated by several actors, including State-affiliated institutions.<sup>18</sup> That is further compounded by historically entrenched cultures of non-reporting and institutional complicity, which obscure the nature and scale of sex-based violence against females.<sup>19</sup> Against that background, new and evolving forms of sex-based violence against females have emerged, the main causes of which are set out below.

## A. Erasure of sex-specific language and categories

13. Recently, there has been a concerted international push to delink the definition of men and women from their biological sex<sup>20</sup> and erase the legal category of “women”. Such efforts have undermined the practical achievement of equality between men and women. Women are therefore being denied their rightful recognition as a distinct category in law and society.<sup>21</sup> It is a form of “coercive inclusion” that relies on the expectation that women will be kind enough to sacrifice their own recognition and protection for the sake of others.<sup>22</sup>

14. The suppression of women in language and law occurs in several forms: by replacing sex-specific language with neutral language; by reinterpreting sex-specific language to refer to gender identity rather than sex; and by referring to females in dehumanizing, biologically reductive terms such as “birthing persons”, “menstruators/bleeders” or “vagina havers” with “front holes”.<sup>23</sup> Such a framing is accompanied by describing the distinction between male and female itself as “biological essentialism” and “an intrinsic expression of patriarchal structures”,<sup>24</sup> rather than the material reality onto which oppressive gender norms and stereotypes are imposed.

15. In an effort to provide recognition for males who identify as women or girls, many States have denied females their own right to be recognized in law as a distinct, particularly vulnerable group in need of targeted protection as envisaged by international law,<sup>25</sup> including lesbian and bisexual women.<sup>26</sup> The pursuit of neutrality can often lead to a form of blindness to the distinct needs, rights and vulnerabilities of particular groups. If the category of biological females is erased or fundamentally decoupled from sex-based oppression, that oppression becomes increasingly difficult to identify and, thus, to combat. In sum, what is not defined cannot be protected.<sup>27</sup>

16. A powerful examination of the negative effects of the erasure of sex-specific language and categories can be seen in the recent decision of the Supreme Court of the United Kingdom of Great Britain and Northern Ireland, which held that references to “sex” and “woman” in domestic anti-discrimination law must be references to biological sex.<sup>28</sup> That ruling protects women and girls under a distinct category while also providing anti-discrimination rights to those who identify as transgender, without undermining the right of women and girls to single-sex spaces.

## B. Elimination of sex-specific data

17. The United Nations recognizes that all humans have a right to a legal identity and that this identity must include the sex of the person concerned.<sup>29</sup> As a key demographic variable, the collection of accurate, robust data based on sex is essential to evidence-based

<sup>18</sup> Submission by Lilliam Arrieta.

<sup>19</sup> Submission by Belgium.

<sup>20</sup> Submission by For Women Scotland.

<sup>21</sup> Submission by Argentina.

<sup>22</sup> Submission by Women’s Declaration International.

<sup>23</sup> Submissions by Andreia Nobre and Women’s Liberation Front.

<sup>24</sup> Submission by Amnesty International and others.

<sup>25</sup> Submission by Argentina.

<sup>26</sup> Submissions by LGB alliance and Women’s Declaration International.

<sup>27</sup> Expert consultation.

<sup>28</sup> *For Women Scotland v. The Scottish Ministers* [2025] UKSC 16.

<sup>29</sup> E/CN.3/2020/15, para. 4.

policymaking across sectors, from healthcare to criminal justice. Accurate data are essential for combating systematic patterns of sex-based violence and oppression.<sup>30</sup> The lack of data segregated by “sex”,<sup>31</sup> confidentiality, data security and underreporting of violence by victims<sup>32</sup> are barriers to obtaining the high-quality data necessary to end violence against women and girls.

18. In recent decades, there has been a growing trend to collect gender identity data instead of sex-related data, including by the United Nations.<sup>33</sup> The phenomenon is particularly evident in the 21 countries (as of November 2020) that have allowed for self-identification of gender identity, such as Australia, Brazil and the United Kingdom.<sup>34</sup> It is especially problematic in healthcare.<sup>35</sup> The failure of medical science to account for sex differences is a well-known phenomenon with profound implications for women’s healthcare outcomes.<sup>36</sup> For example, the effect of drugs on the female body and thus the effectiveness of medication for women is poorly researched and understood.<sup>37</sup>

19. Collecting sex-based data does not reduce people to biological categories. It simply records information that is necessary to track outcomes for distinct groups to eliminate unjust disparities among them and provide targeted support, including for transgender persons.<sup>38</sup> Claims that the term “sex-based violence” excludes non-binary, gender-diverse and transgender individuals<sup>39</sup> wrongly implies that these individuals either do not have a sex or do not experience discrimination and violence based on their sex.

### C. Cementing sexist stereotypes

20. Sex-based violence has perpetuated gender inequality, reinforcing harmful stereotypes<sup>40</sup> and norms that further marginalize females. It occurs when gender norms are reified as essential aspects of what it is to be a man or a woman. Sex-based violence against women and girls is intrinsically linked to such stereotyping, as both are “crucial social mechanisms by which women are forced into a subordinate position compared with men”.<sup>41</sup> Some of the most pernicious sexist stereotypes that fuel violence against women and girls are those that objectify females, sexualize and commodify the female body<sup>42</sup> and eroticize violence.<sup>43</sup> The system of pornography, which presents violent and dehumanizing depictions of women,<sup>44</sup> has significantly contributed to reinforcing stereotyped roles of women and maintaining women’s inferior status in society at a global level.

<sup>30</sup> Submission by the Bolivarian Republic of Venezuela.

<sup>31</sup> Submission by the Lutheran World Federation.

<sup>32</sup> Submission by the Zaka Foundation for the Promotion of Peace and Dialogue.

<sup>33</sup> For example, in their statistical framework for measuring gender-related killings issued in 2022, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Office on Drugs and Crime recommended collecting data on the sex of the perpetrator and indicating the victim’s gender identity or sexual orientation only. Both the Office of the United Nations High Commissioner for Human Rights and the World Health Organization define “sex” as a set of biological and physiological characteristics, but neither acknowledges sex as a biological category. United Nations agencies also tend to use gender and sex interchangeably.

<sup>34</sup> Expert consultation.

<sup>35</sup> Caroline Criado Perez, *Invisible Women: Exposing Data Bias in a World Designed for Men* (London, Chatto & Windus, 2019).

<sup>36</sup> Rebecca M. Shansky and Anne Z. Murphy, “Considering sex as a biological variable will require a global shift in science culture”, *Nature Neuroscience*, vol. 24, No. 4 (2021), pp. 457–464.

<sup>37</sup> Irving Zucker and Brian J. Prendergast, “Sex differences in pharmacokinetics predict adverse drug reactions in women”, *Biology of Sex Differences*, vol. 11, No. 32 (2020).

<sup>38</sup> Expert consultation.

<sup>39</sup> Submission by Canada.

<sup>40</sup> Submission by El Salvador.

<sup>41</sup> Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, preamble.

<sup>42</sup> Submission by the German Institute for Applied Crime Analysis.

<sup>43</sup> European Parliament resolution of 17 April 2018 on gender equality in the media sector in the EU, preamble, para. D.

<sup>44</sup> Submission of Exodus Cry.

21. While international law obliges States to eliminate such stereotypes, there has emerged a central tension between fulfilling this obligation and aspects of gender identity theory that are heavily based on stereotypes, often framing sexist norms about how women should dress and behave as a form of “gender expression”, which reinforces those stereotypes rather than combating them.<sup>45</sup> In its extreme form, that worldview is accompanied by the erroneous belief that biological differences between males and females are themselves “outdated stereotypes”.<sup>46</sup> Dress and appearance are reified as manifestations of true gender identity, while the fact that humans are mammals is presented as an anti-scientific, regressive stereotype. Recognition that women are female does not reduce women to biological determinism; it simply materially defines them.

22. There is also a significant co-occurrence of what is known as gender dysphoria or incongruence and autism spectrum disorder diagnoses.<sup>47</sup> Research suggests that the odds of being diagnosed with gender or bodily dysphoria are three times higher for children and adolescents with an autism spectrum diagnosis compared with those without, with girls particularly affected.<sup>48</sup> They are particularly vulnerable to the socially contagious stereotyped roles as a coping strategy, placing them at risk of erroneously adopting stereotypes as their core identity while experiencing dissociation from their sexed bodies. The long-lasting and harmful consequences of social and medical transitioning of children, including girls, are being increasingly documented. They include: persistence or intensification of psychological distress; persistence of body dissatisfaction; infertility, early onset of the menopause and an increase in the risk of osteoporosis; sexual dysfunction; and loss of the ability to breastfeed in cases of breast mastectomy (to mention a few). That has rightly led several countries, such as Brazil, the Kingdom of the Netherlands and the United Kingdom to change course and restrict children’s access to puberty blockers, cross-sex hormones and surgery on sexual and reproductive organs.<sup>49</sup> Allowing children access to such procedures not only violates their right to safety, security and freedom from violence, but also disregards their human right to the highest standards of health and goes against their best interests. Children are also not able to provide informed consent for such procedures. In situations in which such procedures have been found to have caused grave and lifelong harm, consent would be meaningless for both adults and children.

23. While “harmful” stereotypes seem to be a concern of some policymakers, their responses often appear limited to superficial measures dealing with mannerisms, lifestyles and dress codes. Moreover, some States disregard women-specific needs and the risks that they face because they are women (that is “gender neutral” or “unisex” policies); underpinned by the misplaced belief that women can meaningfully consent to policies that harm and exploit them and that their “choices” are always empowering. Therefore, in addressing stereotypes, States often confuse actions related to personal identification and personal expression, and fail to adopt measures that address the power imbalance between men and women based on the social and cultural meaning given to biological differences.

24. Cementing stereotypes can render invisible the distinct sex-based vulnerabilities of females, including those who do not identify as such, undermining a genuinely intersectional

<sup>45</sup> Submission by Women’s Declaration International.

<sup>46</sup> Submission by Amnesty International and others.

<sup>47</sup> Aimilia Kallitsounaki and David M. Williams, “Autism spectrum disorder and gender dysphoria/incongruence: a systematic literature review and meta-analysis”, *Journal of Autism and Developmental Disorders*, vol. 53, No. 8 (2023), pp. 3103–3117.

<sup>48</sup> Nicole F. Khan and others, “Co-occurring autism spectrum disorder and gender dysphoria in adolescents”, *Pediatrics*, vol. 152, No. 2 (2023), pp. 1–8.

<sup>49</sup> See, for example, James Cantor, “Expert report of James Cantor, PhD: *Boe v. Marshall* – United States District Court, Middle District of Alabama, Northern Division”, 19 May 2023; Michael Biggs, “Gender dysphoria and psychological functioning in adolescents treated with GnRHa: comparing Dutch and English prospective studies”, *Archives of Sexual Behaviour*, vol. 49 (2020), pp. 2231–2236; Sarah C.J. Jorgensen, Nicole Athéa and Céline Masson, “Puberty suppression for pediatric gender dysphoria and the child’s right to an open future”, *Archives of Sexual Behavior*, vol. 53, No. 5 (May 2024), 1941–1956; and Alison Clayton, “The gender affirmative treatment model for youth with gender dysphoria: a medical advance or dangerous medicine?”, *Archives of Sexual Behavior*, vol. 51, No. 2 (February 2022), pp. 691–698.

approach.<sup>50</sup> The obligation to protect the human rights of all females, irrespective of how they identify, is rooted in international law, including through the commitment to intersectionality that recognizes the intersection between discrimination based on sex and gender identity.<sup>51</sup>

## V. Consequences of the erasure of sex-specific considerations

### A. Inaccurate understanding of violence against women and girls

25. In most countries, including Romania,<sup>52</sup> the most prominent forms of sex-based violence against females are physical, psychological and sexual. The language and terminology used to describe females have a direct impact on how violence is understood and reported and how society acquires awareness about it.<sup>53</sup> Particularly concerning is the fact that in a number of countries, such as Australia, Canada,<sup>54</sup> Ireland, Malta, New Zealand and the United States, law enforcement, the judiciary and the media call male perpetrators of violence by their self-declared gender identity, thereby also skewing the rates of male and female offending. Since women commit a very low number of violent crimes, particularly sex offences, even small variations can have statistically significant effects. Those statistical anomalies have been detected already in Canada, Norway and the United Kingdom. In Norway, for example, after the introduction of self-identification of gender identity, the number of rapes committed by women rose from 12 in 2015 to 44 in 2017.<sup>55</sup>

26. Factoring in sex is important to ensure an appropriate and relevant understanding of the multi-causality of violence against females, including on intersecting grounds.<sup>56</sup> Neutral approaches to sex and gender also enforce victim blaming of women, minimize abuse, enforce male privilege and affect the ability of State and other actors to identify and define violence against females as primarily male violence,<sup>57</sup> rendering it more difficult to combat.<sup>58</sup>

### B. Failure to design effective policies promoting equality

27. The absence of single-sex spaces and gender-sex neutral approaches and services can be observed in many States that moved from “equality between women and men” or “sex equality” to “gender equality” in their policies and targets.<sup>59</sup> That is often accompanied by a progressive elimination of funding and policy initiatives aimed at supporting women, or specific groups of women, including organizations supporting female victims of male violence.<sup>60</sup>

28. The erasure of sex as a distinct vector of analysis within law and policy obscures the unique vulnerabilities of females, increasing the risk of exploitation. Special measures designed to increase their participation in society, including quotas and separate female categories in politics, awards and sport, have been removed and replaced by categories based on gender identity, leading to the loss of parity or the impact of temporary special measures designed to improve inclusion and achieve women’s equality with men.<sup>61</sup>

<sup>50</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 40 (2024), para. 27.

<sup>51</sup> Submission by Claire Methven O’Brien, University of Dundee.

<sup>52</sup> Submission by Romania.

<sup>53</sup> Submission by Türkiye.

<sup>54</sup> Submission by Vancouver Rape Relief & Women’s Shelter.

<sup>55</sup> Alessandra Asteriti, *Gender Identity in International Law: A Certain Inconvenience* (Newcastle upon Tyne, Cambridge Scholars Publishing, 2024), p. 218.

<sup>56</sup> Submission by Lithuania.

<sup>57</sup> Submission by Kafa, Lebanon.

<sup>58</sup> Women against Violence Europe, *WAVE Handbook 2020* (Vienna, 2020).

<sup>59</sup> Expert consultation.

<sup>60</sup> Submission by Rape Crisis England and Wales.

<sup>61</sup> Submission by Women’s Declaration International.

29. The denial of the sex-specific needs of females who are victims results in a failure to provide appropriately tailored protections,<sup>62</sup> such as single-sex facilities, services and spaces.<sup>63</sup> Female-only spaces are essential in contexts in which women are especially vulnerable or require privacy from men.<sup>64</sup> For example, in the United Kingdom, the loss of female-only spaces has led to intimidation, fear, loss of trust, coercion and loss of dignity.<sup>65</sup> Women may feel bullied, harassed or humiliated for being forced to share intimate spaces with males who identify as women, or participate actively in “affirming” their colleagues’ gender identity. It has also had a chilling effect on women in the workplace, employers and service providers,<sup>66</sup> who hesitate to provide female-only support out of fear that doing so could result in the loss of funding.<sup>67</sup>

### C. Denial of sex-specific needs, including single-sex spaces

30. Approaches that deny the sex-specific grounds for discrimination and violence against women and girls undermine the ability to provide effective and relevant services for women, particularly survivors of violence,<sup>68</sup> and women and girls with specific needs. Besides the known risks to fairness, safety and privacy, such a shift may cause women to self-exclude from services and spaces given uncertainty about finding female-only support or having their specific needs met,<sup>69</sup> which also impedes their participation in public life.

31. That is of particular concern in prisons. In several countries,<sup>70</sup> male prisoners can be transferred to female prison estates if they identify as females, including in situations in which they self-identify. Many women in prison face profound vulnerabilities, including histories of trauma, poverty and abuse. Female prisoners, when housed and required to share facilities with male prisoners, experience harassment and physical, psychological and sexual violence.<sup>71</sup> Data from Canada,<sup>72</sup> Sweden,<sup>73</sup> the United Kingdom<sup>74</sup> and the United States<sup>75</sup> indicate that males who identify as women retain a male pattern of criminality, including with regard to violent offences, including against women and children. At least some of them were living as males at the time of committing the offences.

32. Healthcare settings also present acute risks for females. The provision of single-sex hospital wards plays an essential role in safeguarding females from sexual assault and harassment while receiving medical care, including females with physical or intellectual disabilities. Women and girls in refugee camps and detention centres are also at specific risk of violence, including sexual harassment and rape. The absence of single-sex toilets and bathrooms for asylum-seeking accommodations often leads to women avoiding using mixed-sex facilities, which, in turn, affects women’s health and well-being.

### D. Erosion of protections for lesbians

33. The erasure of the definition of lesbians as biological females who are sexually attracted to other biological females results in a blurring of boundaries that leaves women

<sup>62</sup> Submission by Montenegro.

<sup>63</sup> Submission by Women against Violence Europe.

<sup>64</sup> Submission by the LGB Alliance.

<sup>65</sup> Sex Matters, *Women’s Services: A Sector Silenced* (London, 2024).

<sup>66</sup> Submission by Sheila Jeffreys.

<sup>67</sup> Submission by FiLiA.

<sup>68</sup> Submission by C-Fam, Inc.

<sup>69</sup> Submission by For Women Scotland.

<sup>70</sup> Expert consultation.

<sup>71</sup> Submission by the National Council of Women of Canada; and Correctional Service Canada, “Examination of gender diverse offenders” (Government of Canada, 2022).

<sup>72</sup> Correctional Service Canada, “Examination of gender diverse offenders”.

<sup>73</sup> Cecilia Dhejne and others, “Long-term follow-up of transsexual persons undergoing sex reassignment surgery: cohort study in Sweden”, *PLoS ONE*, vol. 6, No. 2 (2011), pp. 1–8.

<sup>74</sup> See <https://committees.parliament.uk/writtenevidence/18973/pdf>.

<sup>75</sup> See <https://files.eqcf.org/wp-content/uploads/2023/04/66-CORRECTED-Amicus-Brief-WLF-iso-Plaintiffs-Appelles.pdf>.



vulnerable to violence ranging from sexual harassment and sexual abuse to workplace discrimination and online harassment.<sup>76</sup> Sexual violence against same-sex attracted women often goes unreported due to stigma and fear.<sup>77</sup> Lesbians are routinely sexualized by heterosexual men and coerced into sexual relations with males who identify as women.<sup>78</sup> The term “lesbian” is one of the most common search terms within pornography, and the pornification of lesbian women has led to increased objectification and sexual assault at the hands of men.<sup>79</sup>

34. The conflation of sex and gender identity has resulted in an increase in social pressure on lesbians to accept male individuals who identify as women as sexual partners.<sup>80</sup> In Australia, it has culminated in a judicial ruling, as the advocacy group Lesbian Action Group cannot organize meetings or events exclusively for lesbian women and such events must include bisexual women and cannot be confined to biological females. That is in stark contrast to the treatment of a hotel in Australia that has been permitted to refuse heterosexuals on the basis that doing so will facilitate the achievement of equality for gay men.

35. Adolescent girls who are distressed about puberty or their emerging sexual orientation may develop temporary gender dysphoria in adolescence.<sup>81</sup> At least 70 per cent of females who attended the world’s largest gender clinic (the Gender and Identity Development Service) in the United Kingdom were sexually attracted to other females. Of the females who attended, for which sexual orientation data were available, at least 50 per cent were lesbian and at least 20 per cent were bisexual.<sup>82</sup> In one study, female detransitioners were three times more likely to be lesbians than to be heterosexual, with difficulty accepting sexual orientation expressed by a large proportion to be a reason behind transition and subsequent detransition.<sup>83</sup> It was found in follow-up studies that childhood gender distress would recede with puberty in approximately 80 per cent of cases,<sup>84</sup> indicating that for a large proportion of girls and young women experiencing gender distress, coming to terms with and accepting a same-sex sexual orientation can be an important part of sexual development.

## E. Denial of freedom of belief and speech

36. Many, in particular females, have noted a chilling effect on discussions around sex-based violence and discrimination that seeks to consider the importance of sex.<sup>85</sup> Females and their male allies have also been forced to refer to males identifying as women by their preferred female pronouns, including in situations in which they have perpetrated abuse and violence against females.<sup>86</sup> Females asserting their right to speak on issues pertaining to sex and gender have been subjected to online vilification, threats, including death threats,<sup>87</sup> and smear campaigns. Their views of centring sex in the experience of discrimination and violence have been criticized as “reductive”, “biologically deterministic”, “binary” and a “dangerous retrogression”.<sup>88</sup> They have been branded as “transphobic”, “Nazis” and “*genocidaires*” with the purpose of deterring women from speaking, shaming them into

<sup>76</sup> Submission by the LGB Alliance.

<sup>77</sup> Submissions by Ros Olleson and Lithuania.

<sup>78</sup> Angela C. Wild and Get The L Out, “Lesbians at ground zero: how transgenderism is conquering the lesbian body” (2019).

<sup>79</sup> Expert consultation.

<sup>80</sup> Submission by the Courage Coalition.

<sup>81</sup> Submission by the LGB Alliance.

<sup>82</sup> Ibid., and LGB Alliance, “Time to stop ‘transing the gay away’”, 27 February 2024.

<sup>83</sup> Lisa Littman, “Individuals treated for gender dysphoria with medical and/or surgical transition who subsequently detransitioned: a survey of 100 detransitioners”, *Archives of Sexual Behavior*, vol. 50 (2021), pp. 3353–3369.

<sup>84</sup> Riittakerttu Kaltiala-Heino and others, “Gender dysphoria in adolescence: current perspectives”, *Adolescent Health, Medicine and Therapeutics*, vol. 9 (2018), pp. 31–41.

<sup>85</sup> Submission by Women’s Declaration International.

<sup>86</sup> Submission by Ros Olleson.

<sup>87</sup> Submission by the LGB Alliance.

<sup>88</sup> Submission by Amnesty International and others.

silence and inciting violence and hatred against them.<sup>89</sup> Concerningly, some international and regional organizations have equated gender-critical feminism with anti-gender conservatism.<sup>90</sup>

37. In several countries, women who voice support for the political importance of biological sex are subject to violence, often in very public and threatening ways, including censorship, legal harassment, loss of employment, loss of income, removal from social media platforms and speaking engagements, and a refusal to publish research conclusions and articles. Some women have been ostracized so severely that they have attempted suicide.<sup>91</sup> Such acts severely affect the equal, safe and dignified participation of women and girls in society.

## VI. Emerging forms of sex-based violence

### A. Consequential suicide as femicide

38. Femicide is a distinct form of male violence against women, involving the murder of women and girls, predominantly by men, solely due to their female sex.<sup>92</sup> The careful use of accurate language is crucial in describing and addressing sex-based violence.<sup>93</sup> The term “femicide” highlights the specifically sex-based nature of male violence against women. Throughout the world, femicide remains a global emergency, with rates of femicide increasing.<sup>94</sup> An estimated 85,000 women and girls were killed in 2023, 60 per cent (51,000) by intimate partners or family members, equating to one death every 10 minutes.<sup>95</sup>

39. Evidence from several countries<sup>96</sup> highlights that many women are particularly subjected to psychological violence, including coercive control, predominantly by their male intimate partners.<sup>97</sup> There is emerging evidence that male violence against women, such as that occurring in the context of domestic violence, increases the risk of consequential suicide,<sup>98</sup> with female victims of male violence seeking suicide as a way to end the abuse that they suffer.<sup>99</sup> That abuse can be so severe that it can constitute torture.<sup>100</sup> Forced suicide or suicide attempts, as a result of domestic violence,<sup>101</sup> including in the context of child custody,<sup>102</sup> are also underrecognized.<sup>103</sup> Those often occur following consistent and vicious campaigns of post-separation abuse.<sup>104</sup>

### B. “Femi-genocide”

40. The experiences of women and girls who are targeted deliberately and with intent for destruction, in whole or in part, do not receive the attention that they deserve. Genocide is

<sup>89</sup> Statement by the Special Rapporteur, 22 May 2023. Available at <https://www.ohchr.org/en/press-releases/2023/05/allow-women-and-girls-speak-sex-gender-and-gender-identity-without>.

<sup>90</sup> Faika El-Nagashi and Anna Zobnina, “How Europe lost the plot on women’s rights”, *Compact* (2025).

<sup>91</sup> Submission by Matria, Brazil.

<sup>92</sup> Submission by the National Council of Women of Canada.

<sup>93</sup> Submission by Resistenza Femminista.

<sup>94</sup> Submission by the Centre for Women War Victims – ROSA – and the Autonomous Women’s House Zagreb. See also <https://www.femicidecensus.org/reports>.

<sup>95</sup> UN-Women, “Five essential facts to know about femicide”, 25 November 2024.

<sup>96</sup> Submission by Morocco.

<sup>97</sup> Some of these male partners have also transitioned to identify as women (submission by Women’s Declaration International).

<sup>98</sup> Submission by the State of Palestine.

<sup>99</sup> Submissions by Centrs Marta/Marta Center, Latvia, and Sushmita Golchha.

<sup>100</sup> Submission by FiLiA.

<sup>101</sup> See <https://www.vkpp.org.uk/vkpp-work/domestic-homicide-project>.

<sup>102</sup> Expert consultation.

<sup>103</sup> Submission by Sadiq Bhanbhro.

<sup>104</sup> Submission by Hague Mothers.

the ultimate crime and the gravest violation of human rights possible, violating the right of everyone, including females, to exist by those who intentionally try to exterminate them. However, a sex-specific and gendered approach is necessary if the international community wants the Convention on the Prevention and Punishment of the Crime of Genocide to answer contemporary challenges concerning groups of people that it seeks to protect. Two contemporary examples particularly stand out: the deliberate destruction of Palestinian and Afghan females.

41. The Israeli genocide against Palestinians, particularly in Gaza, has been marked by an extremely high civilian casualty ratio compared with other armed conflicts in the last decade. The United Nations estimates that there were approximately 54,000 Palestinian fatalities at the end of May 2025,<sup>105</sup> although researchers believe that the true number could have been as high as 186,000 as far back as July 2024.<sup>106</sup> In a recent report, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) estimated that 28,000 women and girls had been killed since October 2023.<sup>107</sup> Furthermore, as at 22 May 2025, it is estimated that more than 16,500 children,<sup>108</sup> half of whom are girls, had been killed. On 27 May 2025, the United Nations Children's Fund estimated that 50,000 children, including girls, had been killed or injured in Gaza since October 2023.<sup>109</sup> Collectively, women and children account for approximately 70 per cent of those killed.<sup>110</sup> The attacks on civilians, including women, by Israel, which fails to distinguish between civilians and combatants, are often accompanied by calls not to spare anyone, since all Gazans are complicit. Discourse by Israeli figures inciting violence against Palestinians often dehumanizes Palestinians, particularly women and children.<sup>111</sup> The large-scale, deliberate and systematic killing of Palestinian women, because they are both Palestinian and female, is put at the service of genociding Palestinians.

42. The Taliban's treatment of Afghan women and girls since their return to power in 2021 is widely regarded as one of the most oppressive in the world due to its systematic, widespread and draconian erasure of their fundamental rights. Through more than 70 decrees, the Taliban have banned girls from secondary and higher education, prohibited women from most employment, restricted their freedom of movement by requiring male guardians and barred them from public spaces. Those policies, coupled with the ban in December 2024 on women studying medicine, nursing and midwifery, have severely restricted access of females to health services, including those for pregnant women. Women have been confined to virtual house arrest, fostering a mental health crisis with high rates of depression and suicide.<sup>112</sup> Rather than attempting to coin a new legal concept, such as "gender apartheid", the Special Rapporteur calls for recognition that the Taliban's current treatment of females constitutes genocidal acts against women in accordance with article 2 (b)–(d) of the Genocide Convention. Females in today's Afghanistan could qualify as a "national group" under article 2 of the Convention, given the flexible and undefined scope of the term in its *travaux préparatoires*. The drafters of the Convention deliberately left the term "national group" without a precise definition, encompassing collectives with shared cultural, historical or social identities, not strictly tied to legal citizenship or State nationality. Afghan females form a distinct collective within the nation, unified by their female sex and their shared experiences of oppression and violence based on their sex. Afghan females cannot opt out of the discrimination that they face, hence the centrality of their female sex to their experience. In the *travaux préparatoires*, the drafters emphasized protecting stable, involuntary groups

<sup>105</sup> See <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-28-may-2025>.

<sup>106</sup> Rasha Khatib, Martin McKee and Salim Yusuf, "Counting the dead in Gaza; difficult but essential", *The Lancet*, vol. 404, No. 10449, p. 237.

<sup>107</sup> See <https://www.un.org/unispal/document/un-women-press-release-19may25>.

<sup>108</sup> See <https://www.ochaopt.org/content/humanitarian-situation-update-292-gaza-strip>.

<sup>109</sup> See <https://www.unicef.org/press-releases/unimaginable-horrors-more-50000-children-reportedly-killed-or-injured-gaza-strip>.

<sup>110</sup> See <https://www.ohchr.org/en/press-releases/2024/11/there-must-be-due-reckoning-horrific-violations-possible-atrocity-crimes>.

<sup>111</sup> See <https://www.ohchr.org/en/press-releases/2023/12/gaza-strip-states-are-obliged-prevent-crimes-against-humanity-and-genocide>.

<sup>112</sup> See <https://news.un.org/en/story/2024/08/1153151>.

targeted for their collective identity; and Afghan females, as half the population, are a permanent and inseparable part of the Afghan nation yet singled out for destruction.<sup>113</sup>

43. While the crimes committed against Palestinian and Afghan females and others in the future also qualify as crimes against humanity, excluding them from the purview of the Genocide Convention does not reflect the seriousness of the offence, including the *mens rea* to physically and biologically destroy the targeted females.

### C. Sex-selective practices

44. Prenatal sex-selective practices, including sex-selective abortion, are a major form of sex-based violence. Sex-selective practices encompass “all practices that involve the direct or indirect elimination of girl children because they are female”.<sup>114</sup> Sex-selective practices are rooted in a culture of son preference and daughter aversion, linked to persistent socioeconomic conditions that lead to men and boys being perceived as economically and socially more valuable than females.<sup>115</sup> As a result, “sex-selective practices represent one of the most direct and blatant forms of sex-based violence and discrimination, beginning at the earliest stages of life”.<sup>116</sup> According to United Nations estimates, as of 2020, 142.6 million females were “missing” globally, in particular in Asia, as a direct result of sex-selective practices.<sup>117</sup> Sex selection also takes place through gestational surrogacy, although data on the scale of the practice are missing.<sup>118</sup>

45. India has one of the world’s most skewed sex ratios at birth, with at least 9 million female births going “missing” between 2000 and 2019. Those practices can continue in the postnatal period, with centuries of son preference in India being expressed in female infanticide and excess mortality among young girls arising from endemic neglect. Despite the legal prohibition of sex-selective practices, a lack of effective enforcement has meant that it continues to be one of the most widespread forms of violence against females in the country.<sup>119</sup>

46. Sex selection can also produce further violence against mothers, who face threats of violence and social stigmatization for failing to “produce” male children and are often coerced into abortion and infanticide.<sup>120</sup> That can result in significant physical and psychological harm for women that requires shifts in cultural attitudes to effectively overcome.

### D. Reproductive violence as a genocidal tool

47. Throughout history, females have experienced discrimination rooted in their sex, including their reproductive function and childbearing capacity, often intersecting with other prohibited grounds. Among the harmful, abusive, coercive and degrading acts that have already been recognized internationally as forming part of reproductive violence are forced pregnancy, forced abortion, forced sterilization and forced contraception. There remain, however, newer forms of reproductive violence that have not been analysed from a human rights perspective.

48. Reproductive violence can become a genocidal tool when it is systematically used to prevent births within a targeted group or to forcibly alter the group’s demographic

<sup>113</sup> Filip Strandberg Hassellind, “Groups defined by gender and the Genocide Convention”, *Genocide Studies and Prevention: An International Journal*, vol. 14, No. 1 (2020), pp. 60–75.

<sup>114</sup> Submission by the Alliance Defending Freedom.

<sup>115</sup> Kien Le and My Nguyen, “Son preference and health disparities in developing countries”, *SSM Population Health*, vol. 17 (2022).

<sup>116</sup> Submission by the Alliance Defending Freedom.

<sup>117</sup> United Nations Population Fund, *State of the World Population 2020: Against My Will – Defying the Practices that Harm Women and Undermine Equality* (New York, 2020), p. 49.

<sup>118</sup> Submission by Casablanca Declaration.

<sup>119</sup> Submission by Life for All.

<sup>120</sup> Submission by the Alliance Defending Freedom.

composition. When those practices are carried out with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, they meet the threshold of genocide under international law. The use of reproductive violence as a genocidal tool stands out in the State of Palestine, Myanmar and Sudan.

49. In Gaza, since October 2023, hospitals, including facilities that provide specific sexual and reproductive healthcare, such as the only fertility clinic, have been systematically targeted and destroyed, with female patients killed in the process. In the evacuation of hospitals that had been attacked by Israel, newborn babies were forcefully abandoned, of which at least 13 died. An estimated 50,000 pregnant women continued to give birth in dangerous, inhumane conditions. The lack of menstrual material for 570,000 females contributed to the undignified inhumane conditions. Thousands of pregnant and lactating women and their newborns experienced severe malnutrition and dehydration, affecting their ability to produce milk.<sup>121</sup> By mid-May 2025, 57 children had been forcibly starved to death by Israel.<sup>122</sup> The long-term consequences of the trauma on the fertility of women and their newborns have been documented, including a 300 per cent increase in the rate of miscarriages. In addition, Palestinian women and girls have been systematically subjected to sexual harassment and violence, including rape.<sup>123</sup>

50. The International Court of Justice recognized, in its order on provisional measures issued in January 2024, that there were indications that article 2 of the Genocide Convention had been violated. The Special Rapporteur and the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel have concluded that acts of reproductive violence are genocidal acts under article 6 of the Rome Statute of the International Criminal Court and article 2 of the Genocide Convention, in particular by “imposing measures intended to prevent births within the group” with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. In addition to the systematic and widespread nature of the acts, the intent to commit genocide can also be inferred from the repeated declarations made by Israeli leaders and society that describe Palestinian woman, pregnant women and babies as the enemy.<sup>124</sup>

51. In Myanmar, the military authorities have adopted laws that include explicit restrictions on the birth and marriages of Rohingya, such as a two-child limit, a 36-month birth spacing and a requirement to obtain permission before marrying, which are difficult to meet. Furthermore, there is evidence of deliberate attacks on healthcare facilities and services that provide reproductive health care to Rohingya women, further impeding their ability to bear and raise children. Those actions laid the ground for the atrocities that were committed in 2016 and 2017 against the Rohingya, including discourse that sought to incite violence and hatred against Rohingya women, representing their fertility as a serious threat to the Bamar majority.<sup>125</sup> Similarly, in its application to the International Court of Justice, the Gambia accused Myanmar of violating multiple articles, including article 2 (d), of the Genocide Convention. In their joint declaration of intervention in the case between the Gambia and Myanmar before the International Court of Justice, several countries argued that the sexual violence against the Rohingya, including unwanted and forced pregnancies, and the stigma that it generates among victims, “can serve to demonstrate the perpetrator’s intent to both physically and biologically destroy a protected group”.<sup>126</sup> The lack of access of Rohingya refugees to adequate sexual and reproductive health services in Myanmar or

<sup>121</sup> See <https://www.un.org/unispal/document/unfpa-as-famine-looms-in-gaza-pregnant-women-and-newborns-face-life-threatening-health-risks>.

<sup>122</sup> See <https://www.who.int/news/item/12-05-2025-people-in-gaza-starving--sick-and-dying-as-aid-blockade-continues>.

<sup>123</sup> See the conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel on the systematic use of sexual, reproductive and other gender-based violence by the Israeli security forces since 7 October 2023, available on the web page of the Commission, at <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>.

<sup>124</sup> Ibid.

<sup>125</sup> See <https://opiniojuris.org/2024/06/07/symposium-on-reproductive-violence-in-international-law-reproductive-violence-against-the-rohingya-a-perspective-on-myanmar>.

<sup>126</sup> See <https://www.icj-cij.org/index.php/node/203299>.

Bangladesh raises concerns about the exposure of victims of violence to the long-term impacts of sexual violence, including psychological trauma, HIV infections and unsafe abortions.<sup>127</sup>

52. Lastly, since the outbreak of civil war in the Sudan in April 2023, the Rapid Support Forces have systematically employed reproductive violence as a genocidal tool against women and girls, particularly targeting non-Arab ethnic groups. Such violence includes widespread rape, gang rape, sexual slavery and deliberate genital mutilation, aimed at humiliating, displacing and ethnically cleansing communities. Reports document rapes of females as young as 9, often in front of family members, to maximize trauma and social stigma. Such acts are intended to prevent births within targeted groups by causing severe physical and psychological harm, with some victims dying from injuries or being rendered infertile. In particular, the strategy of the Rapid Support Forces appears to involve impregnating survivors to alter ethnic bloodlines, as noted in accounts describing forced pregnancies, to “erase” non-Arab identities. With thousands of estimated rape cases<sup>128</sup> – likely underreported due to stigma and lack of medical access – such atrocities, coupled with attacks on reproductive health services, constitute war crimes and potential crimes against humanity, clearly demonstrating genocidal intent under the Genocide Convention.<sup>129</sup> In addition, there have been credible reports of sexual slavery, forced marriage and trafficking in persons under conditions of extreme violence that would amount to torture.<sup>130</sup>

## E. Violence through digital technologies

53. Technology-facilitated violence against females is an increasing concern<sup>131</sup> that often remains unrecognized and unreported.<sup>132</sup> In a 2021 study on online violence against women in 45 countries worldwide, it was found that 85 per cent of the women surveyed had encountered online violence,<sup>133</sup> including harassment, the sharing of intimate and sexual content through social media, sextortion, cyberbullying<sup>134</sup> and the exploitation of females in pornography.<sup>135</sup> According to a report, 97 per cent of the child sexual abuse imagery seen in reports showed girls.<sup>136</sup> New tools, such as generative artificial intelligence for the creation of manipulated videos, images or audio, are being used for malicious purposes, giving rise to sexual or pornographic content aimed at extortion or coercion.<sup>137</sup> In the United Kingdom, for example, girls have been blackmailed to carry out sexual acts and self-harm on camera by teenage boys.<sup>138</sup> The trauma has driven some girls to suicide.<sup>139</sup>

54. An emerging form of sexual exploitation of females comes in the form of manipulated images of sexual abuse generated by artificial intelligence,<sup>140</sup> commonly referred to as “deepfakes”. In a 2023 report, it was found that 99 per cent of such abuse targeted women.<sup>141</sup>

<sup>127</sup> See the conference room paper of the independent international fact-finding mission on Myanmar on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, available on the web page of the mission, at <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/sexualviolence>.

<sup>128</sup> According to the United Nations Children’s Fund, more than 12.1 million people are at risk of sexual violence (United Nations Children’s Fund, “Sudan’s child rape and sexual violence crisis”).

<sup>129</sup> See <https://www.amnesty.org/en/latest/news/2025/04/sudan-rapid-support-forces-horrific-and-widespread-use-of-sexual-violence-leaves-lives-in-tatters>.

<sup>130</sup> See <https://www.ohchr.org/en/press-releases/2024/11/sudan-un-experts-condemn-campaign-violence-against-civilians-amid-rising>.

<sup>131</sup> Submission by Singapore.

<sup>132</sup> Submission by Montenegro.

<sup>133</sup> The Economist Intelligence Unit, “Measuring the prevalence of online violence against women”, 1 March 2021.

<sup>134</sup> Submission by Chile.

<sup>135</sup> Submission by the Jerusalem Institute of Justice.

<sup>136</sup> See <https://www.iwf.org.uk/annual-report-2023/trends-and-data/analysis-by-sex>.

<sup>137</sup> Submission by Coordinadora de Organizaciones de Mujeres para la Participación y la Igualdad.

<sup>138</sup> Ben Ellery, “‘Sadistic’ gangs blackmailing girls online, NCA warns”, *The Times*, 25 March 2025.

<sup>139</sup> Submission by the Evangelical Fellowship of Canada and the World Evangelical Alliance.

<sup>140</sup> Submission by Collective Shout.

<sup>141</sup> Submission by the National Center on Sexual Exploitation.

Perpetrators of such crimes have even devised guides for others on how to create and use such “nudifying” applications.<sup>142</sup> There is a direct link between increased levels of seemingly consensual sexual violence and online pornography, which has become “more violent and degrading”<sup>143</sup> and which the Special Rapporteur has examined in her report on prostitution.<sup>144</sup>

55. Young females are at a heightened risk of sex-based violence, involving harassment, stalking<sup>145</sup> and revenge porn,<sup>146</sup> through the use of new digital technologies, such as smart home devices and phone applications,<sup>147</sup> which make it easier to access women’s locations, addresses and routines and which facilitate domestic violence involving coercive control.<sup>148</sup> The use of new technologies presents a particular risk for trafficking in children for sexual purposes and the online sexual exploitation of children.<sup>149</sup> New digital technologies present significant challenges for the administration of justice as they allow easier access to the victim and make it difficult to identify aggressors who are often based in other jurisdictions.<sup>150</sup>

56. Unfortunately, provisions within the recently adopted United Nations Convention against Cybercrime that allow States Parties to exclude, under their domestic law, the production, transmission or possession of child sexual abuse material involving an adult, as well as any material that is generated by artificial intelligence or does not depict a real child, from being classified as criminal offences raise serious concerns, as they contribute to the normalization and perpetuation of the exploitation and abuse of women and girls.

## VII. Applicable international and regional human rights standards and practices

57. International human rights frameworks, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the Convention on the Rights of the Child, establish a clear prohibition on discrimination based on biological sex, ensuring women and girls have equal rights to life, health, education and freedom from violence. Those treaties, reinforced by regional agreements such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, recognize a continuum of violence, encompassing physical, sexual, psychological and economic harms, as rooted in systemic sex-based discrimination. Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women defines such discrimination as any distinction or restriction based on sex that impairs women’s rights, while articles 17, 19, 25 and 26 of the International Covenant on Civil and Political Rights protect privacy, expression, political participation and equal protection under the law, requiring States to prevent sex-based harassment and violence. The Convention on the Rights of the Child mandates non-discrimination against girls based on their sex, emphasizing their protection from harmful practices, which are understood to include female genital mutilation and sexual exploitation. Furthermore, in its general comments Nos. 15 (2013) and 20 (2016), the Committee on the Rights of the Child underscored the need to eliminate gender stereotypes and ensure equal opportunities for girls and boys.

<sup>142</sup> Internet Watch Foundation, “What has changed in the AI CSAM landscape?” (2024).

<sup>143</sup> Submission by the Vancouver Collective against Sexual Exploitation.

<sup>144</sup> [A/HRC/56/48](#).

<sup>145</sup> Submission by the European Women’s Lobby

<sup>146</sup> Submission by Romania.

<sup>147</sup> Submission by Canada.

<sup>148</sup> Submission by Spain.

<sup>149</sup> Submission by the Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes).

<sup>150</sup> Submission by El Salvador.

58. States bear an obligation to eradicate sex-based violence and discrimination through comprehensive legal, social and cultural measures, as outlined in general recommendation No. 35 (2017) of the Committee on the Elimination of Discrimination against Women and in the call contained in the Beijing Declaration for gender mainstreaming across all policies. That includes enacting and enforcing laws criminalizing violence, such as forced marriage and domestic abuse, modifying cultural patterns to eliminate prejudices and providing gender-sensitive judicial processes and victim support services, such as shelters and counselling. In the Declaration on the Elimination of Violence against Women, the General Assembly condemns violence against women and, in its resolution 68/181, it emphasizes protecting women human rights defenders and ensuring accountability for both public and private actors. A due diligence framework mandates preventive, protective and remedial actions, supported by data collection and resource allocation, to dismantle systemic inequalities and safeguard women and girls throughout their lives, addressing both direct and indirect discrimination as defined in international law. A more detailed overview of the relevant international framework is included in the annex to the present report.

## VIII. Conclusions and recommendations

59. International law recognizes that, while females should not be predestined to a life of subordination because of their sex, acknowledging the reality of biological sex is crucial in addressing the specific forms of oppression faced by women and girls. Policies that seek to erase women as a group that experience discrimination based on their sex, as well as erase women-specific language, therefore do not only constitute unlawful discrimination but also violence against women and girls.

60. Furthermore, ignoring the importance of biological sex and sex-related data has also undermined the ability of States to identify, assess and eradicate male violence against women and girls.

61. The Special Rapporteur makes the recommendations set out below to all relevant actors, in particular States, service providers, international and regional organizations, as well as civil society organizations and media, as appropriate.

62. As regards the consideration of sex as a determinant of violence against females, the Special Rapporteur recommends that all actors:

(a) Ensure that the terms “women” and “girls” are only used to describe biological females and that such a meaning is recognized in law. Women-related words should be used in policies and legislation that affect females, including those relating to their sexual orientation, reproductive capacity and maternity. A consistent definition of “men”, “women”, “boys” and “girls” is important so that the discrimination and violence against females committed on the ground of their sex is effectively recognized and prevented. Forfeiting female-specific terminology under the pretext of inclusion is not justified in international law;

(b) Ensure that the distinct experiences and needs of specific groups of females who are particularly vulnerable to discrimination and violence on account of their sex are not rendered invisible due to the failure to consider sex as a determinant factor in their experiences of violence. Those include, for example, females who are victims of or at risk of violence, such as sexual and reproductive exploitation, females who are same-sex attracted, and females who experience bodily dysphoria relating to their sex or who do not identify as female;

(c) Uphold the rights of children, including girls, to be free from all forms of physical and mental violence and to the highest attainable standard of physical and mental health, including through the prohibition of legal and social transitioning of children who claim to experience gender dysphoria, as well as their subjugation to experimental, irreversible medical interventions related to gender reassignment, while ensuring comprehensive, evidence-based assessments for them to address underlying neurodevelopmental, psychological or other conditions before any intervention. Moreover, States must establish legal and policy frameworks providing effective



remedies, accountability mechanisms and robust support services for all harmed by such interventions, including those seeking to detransition, ensuring access to individualized care and support services, rehabilitation and access to alternative health and care providers, irrespective of prior treatment;

(d) Consider systematically, in all policy and practice, sex as a factor that is relevant for understanding females' experiences of violence, particularly sexual violence, femicide and domestic violence, as well as for the design of prevention and response measures;

(e) Protect the rights of females to female-only spaces in situations in which such spaces are necessary and proportionate to the legitimate aim of ensuring the safety, dignity and protection of females;

(f) Ensure that females, their allies and organizations representing their interests can freely associate and speak on sex and other grounds that are central to their experiences as females, without suffering reprisals or restrictions on freedom of speech.

63. As regards sexist stereotypes, the Special Rapporteur recommends that:

(a) State and non-State actors should correctly identify sexist stereotypes, including their new and emerging forms, that hinder the full advancement of women in all spheres of life, in the light of historic and new forms of sex-based violence identified in the present report. That includes the stereotypes promoted by pornography, plastic surgery and the cosmetic and fashion industries, as well as those reinforced by certain aspects of gender identity;

(b) Policies and measures, including in relation to the media, aimed at eliminating social stereotypes in one area should not inadvertently contribute to reinforcing stereotypes about women, men, girls and boys in other areas;

(c) States should fund and lead national campaigns to challenge sexist stereotypes, promoting the equal value of females and clarifying that sex differences are not stereotypes but material realities that should not be used to either justify sex discrimination or to disadvantage females. Such campaigns should also highlight that protection from sex discrimination and positive measures for women aimed at eliminating historic inequalities, as well as differentiated permanent measures aimed at protecting women's biologically determined distinctions and needs, do not constitute discrimination against other groups and are justified by international human rights law;

(d) States should implement public education campaigns, including at schools, directed at boys and men to question and change stereotypes of masculinity and the culture of misogyny, which result in harassment, torture, cruel treatment and femicide of women and girls. Such campaigns should provide alternative models of behaviour for boys and men, rooted in respect, responsibility, mutuality and non-violent behaviour. Campaigns on stereotypes directed at men should pay specific attention to promoting acceptance (by others and self) of diverse human characteristics inherent to all persons, including those that have been stereotypically ascribed to females, such as caring, nurturing and non-aggressive behaviour. It is vital that such campaigns promote acceptance among men of males who may experience discomfort or dysphoria about their sex, body or sexual orientation;

(e) The principles of de facto equality between men and women and the empowerment of women and girls should be integrated into mandatory school curricula to foster critical thinking about cultural practices and social structures that lead to the normalization of stereotyped roles of women and men, inferior positions of females and the trivialization of violence against women and girls;

(f) States should enforce laws prohibiting sex-based discrimination and violence, including through media or practices perpetuating stereotyped roles of women and men. That should be accompanied by establishing State oversight bodies to monitor

compliance, penalize violations and regulate content reinforcing sexist norms, including their new and emerging forms;

(g) States should fund support services for girls facing violence, with specialized programmes for particularly vulnerable groups, including those on the autism spectrum, those with learning disabilities and victims of sexual violence and child sexual abuse, to address heightened risks of bodily dysphoria and bodily dissociation. States should allocate budgets to prioritize high-risk groups and monitor outcomes through independent State bodies. That ensures targeted protection and data-driven interventions to combat stereotyping and violence.

64. As regards sex-specific data, the Special Rapporteur recommends that States and other relevant actors clarify and reaffirm the definition of sex according to its ordinary meaning, namely biological sex. Legislation and policies that expand the definition of sex to include “certified” or “legal” sex or conflate sex with gender identity or substitute one term for the other should be rescinded as they create confusion and undermine the objectives of the fundamental principle of equality between women and men and the effectiveness of its implementation. If States record data on gender identity, such data should be recorded as a distinct variable from sex.

65. As regards the protection of females in times of conflict, the Special Rapporteur recommends that:

(a) Crimes of reproductive violence and “femi-genocide” be documented with a view to improving recognition of such crimes, accountability, justice and redress for the victims. The recognition of such crimes by courts is also essential to ensure accountability, justice and non-repetition;

(b) States must reverse the erosion of respect for the laws of armed conflict and the protections that they provide for women and girls. States must desist from knowingly exporting arms to actors that engage in heinous crimes against women and girls, as such actions are in violation of their international law responsibilities to women and girls.

66. As regards the effective prevention of prenatal sex-selective practices, the Special Rapporteur recommends that States:

(a) Enact and rigorously enforce laws prohibiting prenatal sex determination for non-medical purposes, sex-selective abortions and female infanticide. States should regulate the use of ultrasound and other diagnostic technologies through the mandatory reporting of all prenatal scans and their medical justifications. That ensures accountability, deters illegal practices and directly curbs the mechanisms enabling sex selection;

(b) Launch nationwide public awareness campaigns to challenge son preference, promote the equal value of girls and destigmatize mothers of daughters, engaging community leaders and media to shift cultural norms. States should integrate equality among men, women, boys and girls into school curricula to foster long-term attitudinal change. Simultaneously, they should enhance socioeconomic opportunities for females by providing incentives, such as scholarships and cash transfers, for girls’ education and health, and vocational training, property rights and social safety nets for women;

(c) Implement systematic data collection on sex ratios at birth, female infant mortality, female infanticide and instances of sex-selective practices to identify trends and high-risk areas; fund research to understand local socioeconomic and cultural drivers of these practices, ensuring interventions are context-specific; and publish transparent reports to hold Governments accountable and foster international cooperation.

67. As regards femicide, the Special Rapporteur recommends that:

(a) States explicitly criminalize femicide as a form of violence against women and girls and collect data, disaggregated by sex, on the victim and the perpetrator, including through the establishment of femicide observatories;

(b) Data collected and reported on by all relevant actors, including forensic professionals investigating femicides, must include, as a minimum, the sex of the victim and the sex of the perpetrator;

(c) Media and policymakers must report, in an accurate manner, on crimes of femicide, without absolving or excusing the perpetrator (which is often seen in situations in which women in prostitution are killed, or in the context of domestic violence or child custody cases);

(d) States examine and criminalize the full spectrum of femicide cases, including those committed against females as a collective and not only on an individual basis, in situations in which State omission, inaction or acquiescence might generate an environment that enables perpetrators and their impunity;

(e) The justice system must recognize and devise effective protections for women victims of male domestic violence and offer them trauma healing and empowerment, support for their children and income-generating opportunities to escape and prevent their possible femicide at the hands of partners or criminal networks or groups, among others.

68. As regards technology-facilitated violence against females, the Special Rapporteur recommends that:

(a) All actors use terminology that correctly describes the nature of the crimes being committed against females online. For example, describing crimes of sexual digital forgery as “deepfakes” seeks to undermine their unlawfulness;

(b) States enact and enforce comprehensive legislation criminalizing all forms of digitally facilitated sexual violence, recognizing that they take place almost entirely against females and are perpetrated by males. States should establish international protocols to facilitate cross-jurisdictional investigations and prosecutions, ensuring that perpetrators are identified and held accountable, while providing victims with access to justice and reparations;

(c) The connection between men’s rights groups and misogynist groups, as well as the intersection of sexism and racism, should be better understood;

(d) To be effective, efforts to combat violence against females generated through artificial intelligence must take place within broader efforts to combat the system of pornography and prostitution, to prevent and raise awareness of all forms of sexual exploitation of females and to criminalize pimping and the purchase of sexual acts;

(e) In making efforts to impart de jure and de facto gender equality for all females within the digital sphere, including the digital platforms accessible to children and adolescents, schools must be recognized as places that are cohabited by the perpetrators of abuse (the creators of sexual abuse images) and its victims. Education must be trauma informed, with indications provided on how to deal with abuse and tackle victim blaming.

## Annex

### I. Approach to consultation and information gathering

1. The Special Rapporteur received 180 submissions from stakeholders. The Special Rapporteur regrets that some non-governmental organizations advocated against engaging with the call for inputs due to the report's focus on sex-based violence. She also held two expert consultations in which 51 persons participated.

### II. Relevant international law standards

#### Prohibition of discrimination and violence against women and girls

2. While the term “sex” has not been defined in international law, that does not mean that “sex” has no meaning in international law. Article 31 of the Vienna Declaration on the Law of Treaties (1969) mandates that treaties be interpreted “in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”.<sup>1</sup> This provision also requires that States consider the context in which a treaty was concluded, as well as any relevant rules of international law applicable in the relations between parties, and any subsequent practice.<sup>2</sup>

3. While not addressing or defining the terms “sex” or “gender”, many foundational human rights treaties and declarations<sup>3</sup>, enshrine a prohibition of discrimination based on sex, which can only be taken to mean biological sex.<sup>4</sup> The Convention on the Elimination of All Forms of Discrimination against Women also make it clear in its article 1 that “discrimination against women” clearly means any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women (...). In 2010, the Committee on the Elimination of Discrimination against Women also explained, “the term “sex” here refers to biological differences between men and women”.<sup>5</sup>

4. The Declaration on the Elimination of Violence against Women establishes that the exercise and protection of all human rights and fundamental freedoms must be guaranteed to women, on an equal basis with men, in the political, economic, social, cultural, civil and other fields. Furthermore, the resolution establishing the mandate of the Special Rapporteur on violence against women underlined that ending sex-based discrimination was integral to eliminating violence against women.<sup>6</sup>

5. Collectively, these references reflect a clear understanding by the international community of the term sex in international law. Until then, the term “gender” was not defined nor used in international human rights treaties, appearing only later in instruments like the Rome Statute of the ICC,<sup>7</sup> and the 1995 Beijing Declaration and Platform for Action.

6. It can therefore be concluded that the understanding and practice of States that are parties to international treaties is that the term “woman” in international law refers to a person of the female sex. The Convention on the Elimination of All Forms of Discrimination Against Women recognizes that women have suffered and continue to suffer various forms of discrimination because they are women. At the same time, the Committee on the Elimination of Discrimination against Women in its jurisprudence recognized that women can experience

<sup>1</sup> Vienna Convention on the Law of Treaties, art. 31.

<sup>2</sup> Ibid.

<sup>3</sup> E.g. the Universal Declaration on Human Rights, the International Covenant on Civil and Political.

<sup>4</sup> The UN Convention on the Elimination of All Forms of Discrimination against Women, p. 15.

<sup>5</sup> General Recommendation No. 28.

<sup>6</sup> Commission on Human Rights, Res 1994/45, preambular para. 13.

<sup>7</sup> United Nations resolutions reflect a broad acceptance of the terms “gender” and “gender-based violence” by many states, particularly the UN Human Rights Council and General Assembly Resolutions.

compounded and multiple discrimination because of the intersection of their sex with other characteristics such as disability, ethnicity or sexual orientation, to name a few. At the same time, the committee also acknowledged that women may suffer discrimination based on their gender identity using the term “transgender women” and “women who are transgender” interchangeably without, however clarifying whether the said identity, in the scope of Convention on the Elimination of All Forms of Discrimination against Women, applies to females, males or both. The latter two would imply that the Convention would lose its status as a unique international instrument whose purpose is protecting females from all forms of discrimination, including those that do not identify as females or that have bodily dysphoria. Such unclarity introduced a central tension between sex-based protection of females, foundational to the treaty, and approaches to gender identity described in more detail in section C entitled “Cementing sexist stereotypes”.

### **Rights to freedom of thought, and religion, expression, and assembly**

7. Article 17 of the International Covenant on Civil and Political Rights prohibits arbitrary or unlawful interference with privacy, family, home, or correspondence, and attacks on honour and reputation. Article 18 protects the freedom of thought, conscience and religion, and Article 19 ensures the right to hold opinions without interference and to freedom of expression, with any restrictions being lawful, proportionate, and necessary for legitimate aims like protecting others’ rights or public order. Article 25 guarantees equal participation in public affairs, voting, and access to public service without discrimination, while Article 26 mandates equal protection under the law, explicitly prohibiting discrimination based on sex or other status. These provisions require States to ensure women can exercise these rights free from intimidation or harassment. All these articles must be upheld “without distinction of any kind, such as ... sex” in line with Article 2 of the Covenant.

8. The Convention on the Elimination of All Forms of Discrimination against Women reinforces these protections by requiring States to eliminate discrimination against women in political and public life, as outlined in Article 7 (c), ensuring equal participation in non-governmental organizations. General Assembly Resolution 68/181 urges States to protect women human rights defenders by acknowledging their role, preventing violence, and ensuring legal frameworks comply with international human rights standards.

### **Rights of the child**

9. Article 2 of the Convention on the Rights to the Child mandates that States Parties ensure the rights of all children without discrimination of any kind, including based on sex. Children must also be protected from violence, abuse, and neglect (Article 19), specifically sexual exploitation and abuse (article 34). As General Recommendation No. 15 articulates, girls have a right to health without discrimination, addressing the specific needs of girls and eliminating gender specific barriers to health care for girls. According to General Comment No. 20 (2016) and the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and general comment No. 18 of the Committee on the Rights of the Child (2019), States must eliminate gender stereotypes and ensure equal opportunities for girls, particularly in education, health, and protection from violence.

10. Article 3 of the Convention on the Rights of the Child enshrines the best interest of the child principle as the prime consideration. Additionally, according to article 6 of the Convention, every child has the inherent right to life and obliges States Parties to ensure to the maximum extent possible the child’s survival and development. These rights are intrinsically linked to the right of the child to live free from violence. Finally, Article 7 of the Convention on the Rights of the Child also recognizes the right of children to preserve his or her identity. Furthermore, article 14 stipulates that States Parties shall respect the right of the child to freedom of thought, conscience, and religion.

### **State responsibility**

11. Article 4(b) of the Declaration on the Elimination of Violence against Women specifies that States should implement without delay, by all appropriate means, a policy

aimed at eliminating violence against women and, to this end, refrain from all acts of violence against women.

12. States have an obligation to guarantee non-discrimination in the enjoyment of human rights, including based on sex. Articles 2 and 3 of the International Covenant on Civil and Political Rights mandate States Parties to take all steps necessary, including the prohibition of discrimination on the ground of sex, putting an end to discriminatory actions which impair the equal enjoyment of rights by women.<sup>8</sup> Such an obligation is mirrored in article 22 of the Convention on the Elimination of All Forms of Discrimination against Women.<sup>9</sup>

13. International law does not permit any derogation to the prohibition of discrimination against women based on sex. In situations where there is tension between the right to non-discrimination based on sex and that on other grounds, including gender or gender identity, international human rights law does not support interpretations that would either derogate or subordinate the obligation to ensure non-discrimination based on sex. This position is supported by General Recommendation No. 25 of the Committee on the Elimination of Discrimination against Women, which states that both “*biological* as well as socially and culturally constructed differences between women and men must be taken into account [emphasis added]”.<sup>10</sup> Finally, a combined reading of articles 23, 24 and 2 of the Convention on the Elimination of All Forms of Discrimination Against Women shows that there can be no basis within the Convention for reversing or weakening anti-discrimination measures designed to benefit or otherwise redress discrimination against persons of the female sex vis-à-vis males, including through the application of the concept of ‘gender’.

14. As such, States shall not suspend or derogate from their duty to prevent discrimination based on sex under any circumstances, including during public emergencies. Although some treaties may allow for limited derogations, these cannot extend to measures that discriminate, including those based on sex.<sup>11</sup> Furthermore, as noted by the Human Rights Committee, “[t]he right to equality before the law and freedom from discrimination, protected by article 26, requires States to act against discrimination by public and private agencies in all fields”.<sup>12</sup>

15. Most importantly, States must modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>13</sup> The 1995 Beijing Declaration and Platform for Action also called for systematically incorporating gender perspectives into all policies and programmes.”<sup>14</sup>

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<sup>8</sup> International Covenant on Civil and Political Rights, entered into force 23 March 1976.

<sup>9</sup> General Recommendation 28, para. 5.

<sup>10</sup> General Recommendation No. 25, para. 8.

<sup>11</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>12</sup> Human Rights Committee, General Comment No. 18, para. 13.

<sup>13</sup> Article 5 and 10c.

<sup>14</sup> Beijing Declaration, para. 204.