

## **Oral Intervention, General Discussion on Gender Stereotypes, 17 February 2025**

I am Leontine Bijleveld/Zaza van de Koppel. I represent the Dutch CEDAW Network, which has submitted a [position paper](#) on behalf of 44 NGO's. Today, I would like to highlight a few key concerns.

In light of current global developments we stress the urgent need to build upon decades of worldwide evidence-based feminist scholarship and women's human rights discourses. CEDAW has long led the way in clarifying that the prohibition of sex-based discrimination encompasses gender-based discrimination.

Now more than ever, the UN and other human rights mechanisms must expand - not restrict - their definitions, analysis and language on sex and gender, particularly in the upcoming General Recommendation 41 on gender stereotypes.

This is a critical moment to provide clear guidance to State parties on eliminating deeply ingrained and harmful stereotypes. There can be no backtracking - let alone the erasure of the concept of gender, as we are witnessing under the new U.S. administration.

One positive development is the recent judgment by the European Court of Human Rights. The case concerned a fault-based divorce in which blame was attributed solely to the applicant because she had stopped having sexual relations with her husband. The French courts wrongfully upheld the legal notion of a *marital duty* to engage in sex, which did not take into account the concept of consent, according to the European Court. The Court found this a violation of Article 8 of the European Convention on Human Rights (respect for private and family life) and explicitly referenced the Istanbul Convention (Articles 2, 3, 4, 12, and 36), which is in line with the obligations under the Women's Convention.<sup>1</sup>

The harmful stereotype that a wife must be available for sex with her husband is deeply entrenched worldwide. These so-called *marital obligations* violate women's fundamental rights, including sexual autonomy, bodily integrity, and protection from domestic and sexual violence. As a result of this ruling, France must amend its family legislation - a powerful precedent for other states.

This case could be included in GR 41 as guiding example for State parties on the urgent need to dismantle harmful gender stereotypes across all levels of society.

Thank you.

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<sup>1</sup> [Press release](#) (English) 23 January 2025 (Registrar of Court). [Judgement](#) application no. 12805/21 (French).