

12 May 2026

**Consultation:  
CEDAW General Recommendation No. 41 on Dismantling Gender Stereotypes  
and the Unequal Power Relations that Sustain them**

**About Us:**

1. For Women Scotland is a not-for-profit group campaigning to protect and strengthen women and children's rights in Scotland. We understand that "sex" is a biological term referring to the two immutable categories of male and female. This aligns with the UN definition of sex as "the physical and biological characteristics that distinguish males and females"<sup>1</sup> and is reflected in Article 1 of CEDAW which protects women against discrimination on the basis of sex.<sup>2</sup> In recent years, the Scottish Government has, on occasion, overstepped its competency with regard to UK law<sup>3</sup> and, some experts believe, has contravened UN conventions.<sup>4</sup>
2. In 2025 we won our case against the Scottish Ministers and established that sex has an ordinary biological meaning in UK equality law.<sup>5</sup> We believe that this ordinary definition is the most reflective of international Human Rights treaties and law.

**General Points:**

3. In order for States and the UN to maintain a clear policy with regard to the harms of gender stereotypes, it is critical that a distinction is maintained between "sex", which takes its ordinary biological meaning in the Convention, and "gender identity". Unfortunately, this is not always clearly delineated in Recommendation 41. Paragraph 4, for example, states: "Women often suffer intersectional discrimination and gender stereotypes based on their sex; gender;...and gender identity". It is unclear what is meant by "gender" and "gender identity" and who they apply to. If "gender" - as distinct from sex - is a measure of these cultural assumptions and prejudices, this risks cementing protections for such stereotypes rather than dismantling them.
4. There is also no commonly understood or legal basis for a definition of "gender" as distinct from "sex". The Scottish Government conceded in 2019 that "The Scottish Government gives sex its ordinary meaning. The Equality Act 2010 says that in relation to the protected characteristic of sex, a reference to a person who has a particular protected characteristic is a reference to a man or to a woman. Man and woman are

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<sup>1</sup> <https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=S&sortkey=&sortorder=>

<sup>2</sup> <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>

<sup>3</sup> <https://www.scotcourts.gov.uk/media/0a1plqgo/court-of-session-judgement-reclaiming-motion-by-for-women-scotland-limited-against-the-lord-advocate-and-others-18-february-2022.pdf>

<sup>4</sup> <https://claireob1.substack.com/p/does-international-human-rights-law>

<sup>5</sup> [https://supremecourt.uk/uploads/uksc\\_2024\\_0042\\_judgment\\_updated\\_16f5d72e76.pdf](https://supremecourt.uk/uploads/uksc_2024_0042_judgment_updated_16f5d72e76.pdf)

defined for the purposes of the 2010 Act at section 212; 'man' means a male of any age and 'woman' means a female of any age...The Scottish Government does not have an official definition of gender.”<sup>6</sup>

5. The WHO says “Gender refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time.”<sup>7</sup>
6. This renders the inclusion of “gender” in Para 4 not only superfluous but potentially self-sabotaging as it lends validity to the very notion of gender stereotypes which recommendation 41 seeks to dismantle.
7. The inclusion of “gender identity” is also problematic. Definitions are generally circular and self-referential, but it is generally held to be an internal concept. However, the basis for this belief all too often rests on gender stereotypes. For example, Equality Network refers to “Gender expression” as “External characteristics and behaviours that are typically socially defined as masculine, feminine, or somewhere in between, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.”<sup>8</sup> While ILGA define gender as a “broad concept referring to the socially constructed identities, attributes and representations around masculine/feminine/non-binary of different cultures, societies and persons, that are not biologically determined”.<sup>9</sup>
8. These supposed definitions rest entirely on cultural or social norms which are summed up in paragraph 9: “Gender stereotypes are based on ideas, attitudes, and beliefs - shaped and reproduced by patriarchal systems - which prevail in all societies.”
9. If the committee is serious about tackling these systems of oppression, a pass cannot be given to individuals who believe that embodying these patriarchal assumptions change physical realities or encourage the notion that they have any validity in shaping identity.
10. Alternatively, the recommendation could be explicit and state that this refers to women (i.e. biological females) who reject gender norms either because of a sense of a "gender identity" or simply because they do not wish to conform to social expectations and may suffer from discrimination because of this non-conformity. This would have the advantage of clarifying that CEDAW is not being stretched to cover men who embrace “femininity” as socially coded.
11. This should be set out in paragraph 20. There should be no question that lesbian and bisexual women or women with a medical condition resulting in a different sex development are to be conflated with men who adopt the most regressive stereotypes as a form of validation. We hope that the paragraph refers to women who, for whatever reason, have chosen to adopt a male persona, thereby rejecting feminine stereotypes.

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<sup>6</sup> <https://www.gov.scot/publications/foi-202000116319/>

<sup>7</sup> [https://www.who.int/health-topics/gender#tab=tab\\_1](https://www.who.int/health-topics/gender#tab=tab_1)

<sup>8</sup> [https://www.equality-network.org/wp-content/uploads/2023/02/LGBTI-Glossary-booklet-screen-2022-12-19\\_2.pdf](https://www.equality-network.org/wp-content/uploads/2023/02/LGBTI-Glossary-booklet-screen-2022-12-19_2.pdf)

<sup>9</sup> <https://www.ohchr.org/sites/default/files/documents/issues/expression/cfis/gender-justice/subm-a78288-gendered-disinformation-cso-ilga-world.pdf>

This should be made clear: we do not believe women can escape sexism or social expectations purely by rejecting gender norms or adopting an alternate identity and it is critical that they retain protections afforded to them on the basis of sex.

12. More broadly, any consideration of the harms of gender stereotyping must not shy away from tackling the dangers posed by Gender Identity Ideology. Proponents of this theory largely rely on socially constructed notions of gender and, rather than dismantling them, rigidly reinforce them by theorising that preferences are indicative of “gender”. In an analysis of Mermaids (a UK charity for “trans children”), Transgender Trend found “Many narratives shared by Mermaids rely on the stories of boys playing with dolls, liking pink and ‘girly’ clothes or having a preference for playing with dolls and girls as evidence that the child \*is\* a girl. The stories are reversed for gender non-conforming girls who like roughhousing; play with trucks and like “boyish” clothes and short hair.”<sup>10</sup> They also shared a slide which invited children to place themselves on a spectrum between Barbie and GI Joe. The omission of any rejection of this ideology is concerning.
13. We should like clarity on what is meant in paragraph 5 by “As gender itself, gender stereotypes also evolve and are shaped by critical global and local issues, such as the surge of organized gender backlash, which is systematic, well-funded, and driven by nationalist, religious, and populist movements that actively undermine gender equality efforts.” How does “gender” evolve? Sex, certainly, does not. This should not open the door to the well-worn (false) argument that feminist objections to gender identity ideology are part of some global conspiracy. In the current form, it is vague enough that it will be used to attack second-wave feminists and women’s rights activists.
14. Paragraph 30 would benefit from the inclusion of commentary on the rise of commercial surrogacy, in particular where this is a result of surrogacy “tourism” with wealthy Westerners seeking to exploit the bodies of women in poorer nations. This is the ultimate expression of seeing women “solely as reproductive instruments”.
15. We would welcome a consideration of the harmful nature of pornography and prostitution in shaping the way women are viewed in society. This is especially important if we are to reshape male attitudes. In Germany, the ease of access to the “mega brothels” has fed attitudes which dehumanise and commodify women. Research has shown that these men are more likely than those in other countries to believe that women in prostitution are “unrapeable”.<sup>11</sup> It is impossible to reframe social stereotypes of women if some are seen as lesser or expendable.
16. Online pornography also feeds negative stereotypes and reinforces regressive attitudes. We know that porn can be addictive and that it has neurological impacts.<sup>12</sup> No attempts to tackle male attitudes will be possible if this is unchecked.
17. Neither porn nor prostitution are mentioned (other than in passing). We believe this is a major omission, because, while the legal tools to tackle these ills are beyond the scope of the recommendations, there is no question that they both play a major part in establishing false narratives around women and womanhood.

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<sup>10</sup> <https://www.transgendertrend.com/questions-school-mermaids-training-teachers/>

<sup>11</sup> <https://prostitutionresearch.com/wp-content/uploads/2022/11/Sex-buyersEnglish-11-8-2022pdf.pdf>

<sup>12</sup> [https://dn790000.ca.archive.org/0/items/HistoryOfTheoriesAndIdeologiesThatGotUsInTheTurmoil/\[Gary\\_Wilson.Anthony\\_Jack\]\\_Your\\_Brain\\_on\\_Porn\\_\\_Int.pdf](https://dn790000.ca.archive.org/0/items/HistoryOfTheoriesAndIdeologiesThatGotUsInTheTurmoil/[Gary_Wilson.Anthony_Jack]_Your_Brain_on_Porn__Int.pdf)

**Specific Points:**

18. Para 4: Remove Gender and Gender Identity (possibly replace with non-conformity).
19. Para 5: Gender stereotypes evolve and are shaped by critical global and local issues, such as the surge of organized backlash against women's rights and any improvements in women's protection and legal status.
20. Para 9: final sentence is senseless.
21. Para 10: Replace "gender inequality" with "sex-based inequality"
22. Para 11: add that pornography and prostitution feed into men's perceived entitlement to and privilege over women. Replace Gender-based violence with sex-based violence.
23. Para 13: Remove "and gender": Gender stereotypes are part of a pattern of sex-based discrimination against women. Replace Gender with sex in final sentence.
24. Para17: insert reference to pornography, prostitution and surrogacy in harmful practices.
25. Para 19: Change to: Women and girls with disabilities are disproportionately subjected to intersectional discrimination and gender stereotypes based on their sex, and disabilities.
26. Para 20: Specify that "trans" covers biological females who identify as something other than a woman. Protections and discussion about women under CEDAW should not include men.
27. Para 35 & 37: differentiate LGBTI women. Lesbian women are not the same as women with medical conditions and, as above, "trans" must be defined.