

Mandates of the Working Group on discrimination against women and girls; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on violence against women and girls, its causes and consequences

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2 December 2022

Excellency,

We have the honour to address you in our capacities as Working Group on discrimination against women and girls; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to education; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on freedom of religion or belief and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 50/18, 46/9, 44/3, 51/21, 49/5 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **mass civilian harm caused by the *Ansar Allah* movement (or the Houthi movement, the *de facto* authority in Sana'a and northern Yemen), in particular in relation to systematic violations of women's and girls' rights in the context of the armed conflict, including the restriction of women travelling without a male guardian (*mahram*), prevention of access to reproductive health care, prevention from working, gender segregation in public spaces and the reinforcement of discriminatory misogynistic attitudes.**

According to the information received:

On 21 September 2014, the *Ansar Allah* movement took control of the Yemeni capital Sana'a by force. The escalation of the conflict has resulted in an unprecedented humanitarian crisis, with excessive harm to civilians, their property and critical civilian infrastructure, leading to a situation of absolute despair and extreme poverty for most of the population. Gradually and more recently, *Ansar Allah* has gravely undermined the rights of women and girls in areas under their control, which amounts to approximately 70 per cent of the Yemeni population.

Restriction of women travelling without mahram

For the past few years, *Ansar Allah* has frequently scrutinized and questioned women traveling alone, although Yemeni law does not require that women travel with a male family member or guardian (*mahram*). *Ansar Allah* members have told women that they should only travel with a *mahram* and demanded that men traveling with women prove they are related to the woman by showing the couple's marriage certificate, or identification cards, if the man and woman are otherwise related. Women have been threatened with offensive language and imprisonment at the Security and Intelligence Bureau if they leave Sana'a without a *mahram*. Reportedly, these restrictions are spreading and are increasingly enforced amongst tribes. For example, in September 2021, a tribal circular —the text of which appears to be repeated elsewhere—

was issued in Ghadhran, Bani Hushaysh District, Sana'a, which stated it was prohibited for a woman in the district to use transportation without a *mahram*. Reportedly, it also prohibited access of local women to cell phones, at the risk of a penalty of “200,000 riyals (approximately 330 US dollars) and a cow” payable by her male guardian; use of cosmetics by women; and employment in relief organisations. Contravening the circular would result in being disowned.

It was reported that in August 2022, *Ansar Allah's* Land Transport Regulatory Authority (LTRA) issued a verbal directive stating that a woman was not permitted to travel unaccompanied by a *mahram* within *Ansar Allah*-controlled governorates, to Government of Yemen (GoY)-controlled areas, or even outside the country. Consequently, reports were received from women in Sana'a indicating that car rental agencies were refusing to rent vehicles to women without a *mahram* to drive from Sana'a to Aden or sell spaces for travel in vehicles. This represents a tightening of restrictions since July 2022, when the LTRA directed travel and car rental offices to obtain written consent by a *mahram*, attested by the neighborhood leader, *aqil*, but did not require an accompanying *mahram*.

Movement restrictions have also been imposed on female Yemeni staff of UN agencies, international NGOs and national NGOs inside Hajjah, Hudaydah, Amran, Sa'dah and Sana'a Governorates, among other locations. Female Yemeni staff are reportedly unable to carry out any travel between different governorates without a *mahram* while traveling for work purposes. Humanitarian actors (UN agencies and national and international NGOs) are required by the Supreme Council for the Management and Coordination of Humanitarian Affairs and International Cooperation (SCMCHA) and national security authorities to include the name of a *mahram* to accompany female Yemeni staff in submissions of travel permit requests for humanitarian activities. The same restrictions are not imposed on women's travel for non-work related purposes in Yemen, and civil society actors report that these restrictions are not consistent with Yemeni cultural norms.

While no official communication from SCMCHA has been disseminated, the requirement has been gradually and increasingly enforced from December 2020 onwards, beginning in Sa'dah and Hajjah Governorates, and expanded to Hudaydah and Amran. Restrictions were also recently centralised in Sana'a by SCMCHA's Head Office, with all requests for travel of female aid workers across different governorates rejected if a *mahram* is not included. The requirements are reportedly made verbally by officials, and travel permits are denied when they are not complied with. In Hajjah and Hudaydah, humanitarian actors have been verbally warned to stop submitting travel permit requests altogether, for female aid workers without *mahram*. The *mahram* requirement is also enforced at checkpoints in the areas affected, with multiple arrests or harassment incidents of female aid workers reported.

The *mahram* requirement is effectively cutting off Yemeni women and girls, particularly female-headed households, from receiving humanitarian aid, as female staff are unable to travel to field locations. Aid delivery in affected areas is severely impacted as it is generally considered inappropriate for male staff to deliver support, such as that related to maternal health activities. There are significant concerns on the implication of this for women's dignity and do

no harm principles which are at the core of humanitarian work. In addition, the needs of women and girls are not being captured in assessments, as it is culturally almost impossible for them to fully express sensitive concerns to a male aid worker without experiencing great discomfort or embarrassment.

Many female staff do not have a *mahram*, who can accompany them on field missions (e.g., male family members engaged in work, school, or have passed away or divorced their wife). Inability to travel means critical work tasks cannot be performed, which leads to loss of work experience, and there are many reports of female aid workers leaving employment and therefore losing much needed income for their families.

In May 2022, the United Nations Resident and Humanitarian Coordinator for Yemen wrote to the *de facto* authorities to express concern about the impact of the restrictions. International INGOs and UN agencies are currently not incorporating *mahram* requirement into movement permits, as this would condone this human rights violation: mahram requirements are inherently discriminatory, restrict women's freedom of movement and hinder the provision of humanitarian aid. Moreover, out of protest, since July 2022, UN agencies have collectively suspended travel for official purposes of male and female national staff on domestic and international flights out of Sana'a, until the authorities rescind the requirement. However, national NGOs have less leverage to push back on this restriction. The *mahram* requirement in humanitarian travel movements has resulted in delays in the implementation of projects, and significantly increased the operational costs of national organisations, because it has entailed additional vehicles, insurance, and personal travel costs to accommodate family members. For international organisations, the unavailability of female aid workers is leading to the burnout of male staff, who are overworked, and significant frustration on the part of female aid workers who are unable to carry out their work in the field, and feel that they are at risk of losing their employment as a result.

Gender-based violence and the humanitarian response

Humanitarian activities responding to gender-based violence in *Ansar Allah*-controlled areas require approval from SCMCHA. Projects and activities referring to gender-based violence, violence against women, or rape, for example, are routinely subject to delays, returned for "correction," or actively discouraged. In their place, humanitarian actors are instructed to use terms, such as "protection of women", or "protection from immoral acts". Humanitarian actors express that the approach engenders discrimination, denies criminal accountability, and undermines a gender-sensitive humanitarian response. Nevertheless, for expediency, pragmatism, and in the interests of responding to needs of survivors, humanitarian actors do exercise self-censorship, and carry out activities which mainly focus on creation of safe spaces for survivors, income-generation, psycho-social support, cash grants, medical assistance rather than on prevention or accountability for gender-based violence.

Gender segregation in educational facilities, cafes and restaurants

In August 2020, the president of Sana'a University, who was appointed by *Ansar Allah*, issued a decision requiring that male and female students be separated during graduation ceremonies and projects at the university. *Ansar Allah* has also imposed or promoted gender segregation in other education facilities. Since then, there have been reports of girls being expelled from secondary schools because they studied in the same classroom as male students and compelled to attend schools located in more remote areas. Most educational centers have implemented formal procedures to separate men and women in their classrooms extending to the expulsion of girls from these classrooms.

In late 2020, *Ansar Allah* forced several public and private universities to post circulars and posters imposing "modesty rules" on how female students should dress.

Ansar Allah has also issued directives forbidding women to access or work in many public places in Sana'a. Some café and restaurant owners in Sana'a have also begun to enforce gender segregation, or to prevent the entry of men in some cases, to avoid *Ansar Allah* closing their businesses, or imposing fines. In certain instances, they have also been compelled to dismiss female employees, resulting in harsh economic consequences for these women workers. Several halls and cafés have also stopped hosting cultural events, which were attended by men and women in past years.

Prevention of access to reproductive health care

In early 2017, *Ansar Allah* began impeding access to contraceptives in Sa'dah Governorate, from where the group emerged initially, by banning contraceptive injections in some health facilities. In late 2019, *Ansar Allah* expanded the ban on contraceptive injections to other health facilities in the governorate. In early 2020, *Ansar Allah* suspended reproductive health activities in four districts in Sa'dah, depriving residents of reproductive health services, including counselling on family planning methods. In mid-2020, *Ansar Allah* intensified restrictions on the sale and circulation of contraceptives and other methods used for family planning, including birth control pills and condoms, in all Government health facilities, private clinics and pharmacies in the Sa'dah Governorate. At the end of 2020, *Ansar Allah* banned IUDs (intrauterine devices) in Sa'dah Governorate.

In May 2020, the *Ansar Allah*-controlled Ministry of Public Health and population in Amran Governorate issued a circular to health centers in the governorate restricting women's access to contraceptives. The circular, among other requirements, directed health centers to only provide women contraceptives in the presence and with the consent of their husbands.

In January 2021, the *Ansar Allah*-controlled Ministry of Public Health and population in Hajjah Governorate issued a decision on "family planning methods." The decision required health centers and pharmacies in Hajjah Governorate not to provide any method of family planning to women unless they had a prescription, the presence and consent of their husbands, and had

shown the facility their marriage certificate. *Ansar Allah* said the decision was needed to preserve Islamic “religious identity.” In January 2021, *Ansar Allah* ordered health workers to stop using an illustrated guidebook that was used in counselling sessions to help explain various family planning methods. *Ansar Allah* said the guidebook “opposed religious identity.”

Reinforcing discriminatory and misogynistic attitudes

Ansar Allah has adopted a discriminatory approach towards women’s place in society aimed at suffocating women and girls and erasing them from the public sphere. In areas controlled by *Ansar Allah*, several Friday sermons and post-prayer sermons in mosques have been comprised of discriminatory and misogynistic speeches about women, including stereotyping women’s roles, claiming women should be relegated to housework and childbearing, describing women as incomplete entities or humans, and objects that bring or carry evil and shame, and stating that women’s rights are “evil” and “delay victory.”

More recently, there has been considerable preaching in mosques of areas under *Ansar Allah* control claiming family planning methods are used to implement “Western and hostile ideologies”, that family planning must be confronted and prevented, and that family planning violates Islamic law. *Ansar Allah* leaders have repeatedly sought to justify imposing restrictions on women’s rights as necessary to “preserve religious identity.”

Ansar Allah members have even confiscated plastic mannequins displaying women’s clothing in storefronts and windows, claiming they caused desire and contradicted religious identity. In 2018, *Ansar Allah* members covered the faces and bodies of women on billboards and the heads of mannequins on a street in Sana’a that sells wedding dresses. In 2021, *Ansar Allah* gunmen stormed shops and sidewalk salesmen on a street in Sana’a, confiscating dozens of mannequins.

In the context of the restrictions implemented during the COVID-19 pandemic, *Ansar Allah* ordered beauty salons for women to close, but allowed barbershops for men to stay open.

Further restriction of women’s personal freedoms in Hajjah Governorate, in a circular issued in September 2021, includes orders to “prevent songs and night parties during female wedding ceremonies and specify a time for the wedding parties.”

Additionally, songs, acoustics systems, and celebrations after sunset were prohibited whether the party was at home or at a wedding hall. There are reports of at least one incident in which two popular female singers were detained because they were performing at a wedding ceremony in Hajjah.

The circular also aimed at “preventing girls and women from wearing makeup for weddings and parties, banning the wearing of short outfits, tight *abaya*, or short head coverings.” *Ansar Allah* has recruited women employees in wedding halls, to check if the women are wearing make-up. They wipe the cosmetics off those who wear make-up and ask them to leave. Only women

who wear *abayas* and wear no make-up are allowed to participate in the ceremonies.

Ansar Allah stated that another circular was needed to “prevent intellectual invasion and, not to allow the West to corrupt the morals of youth, especially females”. Favoring a ban on smart mobile phones for girls and women, it states that these tools “allow girls to browse immoral websites and corrupt their ethics. Moreover, any man whose wife, daughter, sister, or relative has a mobile phone, will be fined 200,000 Yemeni riyals, and a cow”, this was applied in the districts of Kahlan Afar, Shaghadra, and Hjjah Almadina.

While we do not wish to prejudge the accuracy of these allegations, we express our utmost concern about the systematic pattern of large-scale erosion of women’s and girls’ rights in Yemen which has been aggravated since the beginning of the conflict in contravention with Yemen’s international human rights obligations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations of potential gender persecution.

We would like to seize this occasion to remind your Excellency’s Government that, under the CEDAW Convention, the obligation to protect women and girls’ rights to equality and non-discrimination compels the State to prevent discrimination by private actors. Due diligence as a principle of State action should result in a global model of prevention, protection, prosecution, punishment and redress for acts of discrimination and violence against women in all areas of women’s and girls’ lives.

While reaffirming our commitment to the principle of upholding freedom of religion or belief as human rights to be protected, we would like to reiterate that freedom of religion or belief should never be misused to discriminate against women and girls. We would also like to reiterate the importance of systematically respecting women’s and girls’ bodily autonomy and agency as well as their free informed choices while firmly rejecting any form of coercion or imposed modesty codes stemming from patriarchal oppression. As stated in article 5 of the Vienna Declaration on Human Rights, all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

We are deeply concerned at the continuous impunity for human rights violations against women and girls in the country. We are also concerned about the widespread discriminatory and misogynistic propaganda in the country and the restriction of women’s and girls’ freedom of movement, clothing and education. The continuity of the same and the lack of accountability for the alleged human rights violations have a chilling effect on women and girls to exercise their rights to freedom of movement, to education and to participate in cultural life, and leisure, and in public affairs, including in the peace and security processes. We would like to seize this occasion to reiterate the calls from the UN Secretary General to the Government

forces and their allies, together with *Ansar Allah* forces and their international backers to “choose peace for good”. The suffering of the Yemeni people will continue until this conflict is brought to an end.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the steps taken aimed at holding accountable anyone within the ranks of the *Ansar Allah* forces, including superior officials, who engage in violations of human rights. If no one has been held accountable so far, please indicate why.
3. Please provide information in relation to the allegations of restriction of movement of women without mahram and the consequences for women that are unable to secure a mahram.
4. Please indicate any steps taken or envisioned to be taken to implement effective safeguards against human rights violations of women and girls in the context of conflict and ensure that religion or belief is not alleged as the grounds for discrimination against women.
5. Please provide information about the allegations of restriction of movement of women and girls and their segregation in educational institutions and public spaces. In particular, please provide information about whether any persons have been detained in this regard, if any investigation has been initiated and if any reparations have been provided.
6. Please explain the grounds for the prevention of women from working and entering public spaces and their segregation in educational institutions under the pretext of avoiding the provocation of ‘sexual desire’ and preserving ‘religious identity’, as those restrictions are not compatible with Yemen’s obligations under international human rights law.
7. Please provide detailed explanation of measures taken to ensure that women and girls are provided with appropriate reproductive health services including, access to contraceptives and vital information on family planning.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

A letter with similar concerns is transmitted to the de facto authorities controlling the adjacent border region in Yemen. We would like to underline that the letter addressed to the de facto authorities does not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.

Please accept, Excellency, the assurances of our highest consideration.

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Chair-Rapporteur of the Working Group on discrimination against women and girls

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a state party since February 1987, and in particular articles 2, 7, 18, 19, 26 and 27, which provide for the principle of non-discrimination on any protected ground – including religion or belief – the right to be free from torture and other forms of ill-treatment, the rights to freedom of thought, conscience, religion or belief, opinion, and expression, equality before the law, as well as the right of persons belonging to minorities.

Article 18 (1) of the ICCPR stresses “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

While the manifestation of religion or belief may be restricted as per article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including being non-discriminatory in intent or effect and constitute the least restrictive measure. The Human Rights Committee stressed that “[L]imitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner”. In this sense, States should refrain from authoritative interpretations of what should be considered an essential religious practice of a specific religious group. They should instead proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in art. 2, 23 and 26, to determine whether a religious practice undermines the interests noted in art. 18 (3) of ICCPR and assess the legitimacy of possible limitations to such practice.

The Human Rights Committee also noted that “the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition [...]”. (See General Comment No. 22, CCPR/C/21/Rev.1/Add.4, para. 8).

We would like to refer to article 2 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) ratified by Yemen in 1984 requesting States to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. We would also like to refer to article 5 of the CEDAW Convention which requires States to take all appropriate measures to 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. The Working Group on discrimination against women and girls notes the vital importance of this provision which establishes a legal basis for the primacy of women's right to equality over discriminatory cultural patterns of conduct, including those stemming from religious edicts.

In its reports to the Human Rights Council, the Working Group on discrimination against women and girls has demonstrated the persistence of a global discriminatory cultural construction of gender, often tied to religion, and the continued reliance of States on cultural justifications for adopting discriminatory laws or for failing to respect international human rights law and standards. It has particularly emphasized that failure to ensure the equality of women and girls within the family undermines any attempt to ensure their equality in all areas of society. While the Working Group is committed to the principle of upholding freedom of religion or belief as human rights to be protected, it regrets the increasing challenges to gender equality in the name of religion. It joins other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women. The Working Group also demonstrated that secular systems, while being imperfect, are the most conducive to gender equality (see A/HRC/29/40 and A/HRC/38/46).

The Working Group documented that culture and religion are often invoked to justify discrimination and violent practices against women and girls. Women have often been viewed as objects rather than as equal participants with men in the creation and manifestation of cultural principles. Indeed, when culture and religion are invoked to justify different forms of discrimination against women, women are seen not as victims or survivors of such discrimination, but as persons who "violate" cultural rules and norms. In Joint General Recommendation 31 of the CEDAW Committee and General Comment No. 18 of the Committee on the Rights of the Child (CRC), the Committees have noted that harmful practices affecting women and girls are deeply rooted in social attitudes according to which women and girls are regarded as inferior to men and boys based on stereotyped roles. They highlight the gender dimension to violence and indicate that sex- and gender-based attitudes and stereotypes, power imbalances, inequalities and discrimination perpetuate the widespread existence of practices that often involve violence or coercion (A/HRC/29/40).

The Working Group is concerned about the considerable increase in laws and public policies developed to "protect" culture and religion that threaten the universally established standards on the rights of women. Gender-based stereotypes, often strengthened and legitimized in national laws and policies, are justified in the name of cultural norms or religious beliefs. Failure to eliminate these stereotypes leads to the generalization of practices that are harmful to women and girls. The Working Group has recommended the promotion of a culture free of discrimination and the rejection of any cultural or religious practice that violates human rights and the principle of equality or prevents the establishment of an egalitarian society free of gender-based discrimination (A/HRC/29/40).

In relation to the allegations of inadequate access to health care, we would like to remind your Excellency's Government of article 12, coupled with article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified

by Yemen in 1987, which enshrines the right of everyone, including people prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons to health preventive, curative and palliative services (Committee on Economic, Social and Cultural Rights, General Comment No. 14, para. 34). The Committee stresses that reproductive health is an integral part of the right to health and that States have the obligation to fulfil the right of everyone to reproductive health, and “should aim to ensure universal access without discrimination for all individuals [...] to a full range of quality sexual and reproductive health care, including maternal health care” (Committee on Economic, Social and Cultural Rights, General Comment No. 22, paras. 1 and 45).

As stressed by the Working Group on discrimination against women and girls in a report to the Human Rights Council (A/HRC/32/44), the right of a woman or girl to make autonomous decisions about her own body and reproductive functions lies at the very heart of her fundamental right to equality and privacy, with respect to intimate matters of physical and psychological integrity. Equality in reproductive health includes access, without discrimination, to affordable, quality contraceptives, including emergency contraception. Unfortunately, according to WHO, an estimated 225 million women are deprived of access to essential modern contraceptives. The Working Group on discrimination against women and girls has called on States to ensure that access to health care, including reproductive health care, is autonomous, affordable and effective (see also the Working Group’s position paper [*on Women’s autonomy, equality and reproductive health in international human rights: Between recognition, backlash and regressive trends*](#)).

In its report on women’s sexual and reproductive rights in crisis (A/HRC/47/38), the Working Group stressed that States have the duty to continue to meet their core obligations when a crisis strikes, which include the obligations to provide access to family planning services, including emergency contraception, maternal health services, safe abortion services and post-abortion care and counselling for those in need, to prevent and treat HIV/AIDS and other sexually transmitted infections, to ensure access to comprehensive education and information on sexual and reproductive health and to ensure that survivors of gender-based violence have access to comprehensive medical treatment, mental health care and psychosocial support, among other services.

Denial of access to various forms of reproductive health care, such as maternal health care, including emergency obstetric care, and the criminalization of abortion is a profound failure to meet the obligation to guarantee equality in the area of sexual and reproductive health. The denial of access to a full range of contraceptive information and services, as well as the failure to remove barriers to access, including stereotypes portraying women’s “natural role” as mothers to justify such denial, constitutes a form of discrimination against women and girls, which puts their well-being at risk. The Working Group has called on States to ensure access to a full range of contraceptive information and services for women and girls, including emergency contraceptives, and increase their availability in situations of crisis and make women’s and girls’ agency, autonomy, privacy and informed consent central to all sexual and reproductive health laws and policies and ensure access to accurate information thereon, remove requirements that result in delays or denials of sexual and reproductive health care and undermine women’s and girls’ autonomy, such as third-party consent requirements and approvals by medical boards, and regulate

refusals of care based on conscience or religion (A/HRC/47/38).

Furthermore, the Special Rapporteur on Torture found that the intentional interference of reproductive coercion with the personal dignity, integrity and autonomy of the victim, for coercive or discriminatory purposes, can inflict severe pain or suffering amounting to torture or, in the absence of one or more of those constitutive elements, to other cruel, inhuman or degrading treatment or punishment (A/74/148, para. 53).

The Committee on the Elimination of Discrimination against Women (CEDAW Committee), in its General Recommendation No. 35 on gender-based violence against women, which updates General Recommendation No. 19, refers to the obligation of States parties, its bodies and agents refrain from engaging in practices of direct or indirect discrimination against women and ensure that public authorities and institutions act in accordance with that obligation. This implies the obligation of judicial bodies to refrain from engaging in any act or practice of gender-based discrimination against women and to ensure that judicial proceedings in cases involving complaints of gender-based violence against women are impartial, fair and not affected by gender stereotypes or a discriminatory interpretation of legal provisions, including international law. The Committee considers that the implementation or reference to preconceived and stereotyped notions of what constitutes gender-based violence, the reactions or responses that women should have to acts of violence against them, and the test score to substantiate their existence, affect the right of women and girls to equality before the law and to a fair trial and an effective remedy.

In addition, in its report on women's participation in political and public life, the Working Group on discrimination against women and girls noted that, for women to have the capacity to participate in political and public life on equal footing with men, including to build autonomous movements for their own empowerment, they must be able to exercise their rights to freedom of thought, conscience, religion, expression, movement and association. It is imperative to recognize and secure these rights as individual rights for women's effective participation in political and public life, in the light of the complex tensions between collective rights and women's rights. Political will of States is the key element to ensure gender equality outcomes, combined with persistent support, pressure and scrutiny by women's movements, whose autonomy should be protected by the State. Patriarchal and discriminatory family law or practice may limit women's freedom of occupation and freedom of movement in the public space. Laws which require women to seek permission from their husbands, or other family members traditionally defined as their guardians, in acquiring passports and other identity documents also potentially undermine women's capacity to equal participation in political and public life, including through limited freedom of movement. The Working Group has called on States to ensure, including through constitutional provisions, a coherent systemwide framework for equality between men and women in all fields of life and accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (A/HRC/23/50).

In the same report, the Working Group demonstrated that stigmatization, harassment and outright attacks are used to silence and discredit women who are

outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (A/HRC/23/50).

Under article 13 of the ICESCR, all persons have the right to education. As underlined by the Committee on Economic, Social and Cultural Rights in its General Comment 13 on the right to education, given article 2 (2), States parties are obliged to remove gender and other stereotyping which impedes the educational access of girls, women and other disadvantaged groups (E/C.12/1999/10, para. 55).

Article 15 of the ICESCR also protects the right of everyone without discrimination to participate in cultural life. As underlined by the Special Rapporteur in the field of cultural rights, "cultural diversity is not a justification for practices that violate women's human rights." Instead, "the principle of non-discrimination, which lies at the root of the principle of universality of human rights, must always be respected" (A/67/287, para. 60).

We would also like to draw your attention to the report by the Special Rapporteur in the field of cultural rights, which states that fundamentalist and extremist ideologies aim at forcing or coercing people into specific world visions, beliefs systems and cultural practices, therefore threatening human rights, and especially cultural rights. Governments must ensure there is a counterweight to fundamentalist and extremist discourses by publicly challenging them, by guaranteeing education in accordance with international standards specified in article 13 (1) of the ICESCR and article 26 (2) of the Universal Declaration of Human Rights and by creating conditions allowing all people to access, participate in and contribute to cultural life without discrimination (A/HRC/34/56, para. 24).

The Special Rapporteur in the field of cultural rights stressed that States must respect, protect and fulfil human rights, in particular cultural rights, meaning that they must: (a) stop supporting directly or indirectly fundamentalist ideologies; (b) protect all persons from any act of fundamentalist or extremist groups aimed at coercing them into specific identities, beliefs or practices; and (c) design programmes aimed at creating conditions allowing all people to access, participate in and contribute to cultural life, without discrimination. (A/HRC/34/56, para 27).

According to the Special Rapporteur in the field of cultural rights, de facto and de jure norms which exclude women altogether from certain public spaces, such as stadiums, mixed concerts, cafés, places of worship or heritage sites, are incompatible with international human rights norms and must be abrogated (A/74/255, paras. 40 and 89 c)).

The Special Rapporteur on freedom of religion or belief stressed that any claim that religious beliefs can be invoked as a legitimate justification for violence or discrimination against women and girls should be rejected (see A/HRC/43/48 paragraph 69). "International law is clear that the manifestation of religion or belief

may be limited by States, in full conformity with the criteria outlined in article 18 (3) of the International Covenant on Civil and Political Rights, to protect the fundamental rights of others, including the right to non-discrimination and equality, a principle upon which all human rights, including the right to freedom of religion or belief, depends” (ibidem).