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MONITORING CASES OF GENDER-BASED VIOLENCE

TOOL 4

ANALYZING GENDER-BASED VIOLENCE

TABLE OF CONTENT

I. Assessing when violence is gender-based	3
1. Victims	3
2. Perpetrators	3
3. When is violence gender-based?	4
4. Forms of GBV	6
5. Assessing the impact of GBV	6
6. Identifying the related human rights violations	9
7. Examples of GBV	10
Gender-related killings	10
Sexual violence	11
Reproductive violence	12
Harmful practices	13
Violence based on sexual orientation and gender identity	14
II. Verifying the information	15

TOOL 4

ANALYZING GENDER-BASED VIOLENCE

I. Assessing when violence is gender-based

1. Victims

Gender-based violence (GBV) can affect any person, regardless of age, sex, gender and other characteristics: women, girls, men and boys, people with diverse sexual orientations, gender identities/expressions or sex characteristics.

GBV is endemic in all societies and GBV acts can take place at any time and in any environment, including marital, familiar or intimate. It is often amplified in periods of crises or armed conflict.

2. Perpetrators

Anyone can commit an act of GBV, **State, non-State or private actors**¹. GBV is a violation of international human rights law and bears the State's responsibility² if it is:

- committed through acts or omissions of a **public official**³, or at the instigation or with the **consent** or **acquiescence** of a public official; or
- committed through acts or omissions of **non-State or private actors**, if the State failed to exercise **due diligence**⁴, meaning it failed to take all appropriate measures to prevent, as well as to investigate, pros-

¹ For a broader analysis on the attribution of individual responsibility in the context of human rights investigations, see [OHCHR, Who's Responsible: Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations](#), 2018. ² See CEDAW Committee, [General Recommendation 35 on gender-based violence against women](#) CEDAW/C/GC/35 paras 22-26; [Report of the Special Rapporteur on violence against women, its causes and consequences on State responsibility for eliminating violence against women](#), A/HRC/23/49. ³ See art. 2 of the [UN convention against corruption](#) on the definition of "state officials" and [CEDAW General Recommendation 35](#) para.26: the obligations of States towards GBV encompass all areas of State action, including in the legislative, executive and judicial branches and at the federal, national, subnational, local and decentralized levels, as well as action under governmental authority by privatized governmental services. ⁴ See art. 4(c) of the [UN Declaration on the Elimination of Violence against Women](#); [CEDAW General Recommendation 35](#), paras 24b-25; see also CEDAW Committee, [S.H. v. Bosnia and Herzegovina](#), CEDAW/C/76/R/116/2017, 26 August 2020, para. 8.3., [Angela González Carreño v. Spain](#), CEDAW/C/58/D/47/2012, 15 August 2014.

ecute, punish and provide reparations for, acts or omissions by non-State actors that resulted in gender-based violence.

Non-State armed groups⁵ who exercise de facto control over a territory must also respect the fundamental human rights of persons in that territory. In certain circumstances, armed non-state actors can be bound by international human rights law and can assume, voluntarily or not, obligations to respect, protect and fulfill human rights. Additionally, it is uncontested that the duties set out in international humanitarian law apply to armed non-state actors.

Example of reporting on GBV by non-state actors

“As recounted by several victims and eyewitnesses, the brutality with which gang elements committed these acts of sexual violence points to a clear intention to inflict severe pain and to punish those considered to be supportive of the rival group or who simply live in the area under the control of the latter. On several occasions, perpetrators collectively raped women, girls and boys in front of their relatives after having invaded their homes or after having taken them to public spaces with the deliberate intention to inflict as much humiliation and fear as possible”. Haiti, OHCHR / BINUH’s report on “Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear”, October 2022, para. 33.

3. When is violence gender-based?

Do not make assumptions about whether a violation is gender-based or not, based solely on the sex or gender of the victim(s). Seek to obtain information about the **purpose and impact** of the violence or abuse. To establish whether an individual is targeted or disproportionately affected by violence and discrimination because of their sex or gender, or in relation to perceived transgressions of gender norms, consider:

> **The context:** Take into account the **pre-existing human rights landscape** in the country/region/situation. Assess how legal, civil, economic, political, cultural, and social issues affect women, men and persons of diverse gender identities differently, resulting in different experiences. Use the **mapping of the relevant actors/perpetrators** and their roles, power/influence, needs and interests (Tool 2 on Information gathering). Examine the **causes underpinning the underreporting of GBV** in the situation or context under investigation.

> **Individual Facts:** Take into account the **individual characteristics of the victim(s) and perpetrator(s)**. Examine the harms caused to the victim(s) and the events surrounding them (for example, any acts of violence or intimidation preceding or following the events). Consider the connections between the individual acts and the broader context and look at how

⁵ CEDAW General Recommendation 35, para.24.

those individual acts fit into wider patterns or trends of violence and discrimination.

> **Intersections between gender and other characteristics/identity categories:** Individuals often experience discrimination and violence based on multiple characteristics or identities such as age, marital status, race, religion or belief, economic and social situation, political affiliation, sexual orientation, gender expression, sex characteristics, dis-

ability, minority status, indigeneity, or migration status. **Establish the connection between GBV and other human rights violations** or abuses. Give visibility to situations where several forms of discrimination and disadvantage operate and interact with each other at the same time. Such analysis allows for the consideration of the specific circumstances that may heighten the risk of GBV for certain individuals and can contribute to identifying patterns and manifestations of GBV.



Photo: UN

Example of analysis of gender-based violations

“The mission finds that gender persecution has taken place against the backdrop of an institutionalized system of discrimination and elements of segregation against women and girls. Iranian women and girls have been severely deprived of a broad range of fundamental rights, including the right to life, the right to be free from torture, to freedom of expression, to freedom of religion, to public life, to bodily integrity and autonomy, and to access to education and to health care. Moreover, in implementing State policy, the security forces have used persecutory conduct, including rape and other forms of sexual and gender-based violence, with the intention of discriminating against women and girls and men and boys supporting demands for gender equality and LGBTQI+ persons, in order to silence, deter and punish the protesters and their supporters. The authorities have enforced discriminatory laws through violent measures, including murder, imprisonment, torture, rape and other forms of sexual violence. Women and girls have been subjected to further violations, due to multiple forms of discrimination on the grounds of their political or other opinions, ethnicity, socioeconomic background, sexual orientation or gender identity.” Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran, A/HRC/55/67, 2024, para. 107.

4. Forms of GBV

GBV takes multiple forms, including **acts or omissions** intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, as well as threats of such acts.

Examples of GBV include gender related killings, harmful practices, sexual violence, reproductive violence, violence against LGBTIQ+ persons, dowry-related violence; forced and coercive medical interventions against inter-sex children, infants and adolescent, acid attacks; trafficking in persons; and certain forms of slavery and servitude. *(see para 7 on detailed examples of forms of GBV)*

5. Assessing the impact of GBV

GBV has an enduring impact not only on the direct victims but also on their families, friends, acquaintances and communities. The impact may differ depending on the type of violation, the context, the category of victim, and the perpetrator, among other factors. Analysing the impact is critical to accurately document the harms caused, identify all the rights violated as a result of GBV, and to assess the victim's needs, particularly in terms of reparations.

To establish the impact, **collect information from various sources** in the community on their perceptions about the consequences of the GBV acts in the community (school teachers, health centre personnel, local leaders etc.)



Examples of impact:

- Physical harm, including the death of the victim;
- Psychological trauma, including depression, post-traumatic stress disorder, acute anxiety, sleep disorders, and suicidal behaviour;
- Sexual health-related harms, including disability, chronic pain, sexual dysfunction and infertility, contracting HIV and other sexually transmitted infections and diseases;
- Reproductive health-related harms, including the risk of miscarriages, premature delivery and other pregnancy complications, forced or unsafe abortion, bearing unwanted pregnancies (which may impact the mother's mental health and may amount to cruel, inhuman or degrading treatment), and in the case of teenage girls: higher risk of placenta tears, obstruction at the time of delivery, and obstetric fistula;

- Social harm, including stigma, isolation or exclusion from the community or family, loss of social networks and loss of social belonging (for ex., in the case of forced marriage, this may include harm to the social reputation of the victims because of their forced “unions”);
- Lack of access to social and economic means, including land, inheritance, and means of subsistence (for ex., when a woman’s access to means of subsistence is tied to her spouse or a male relative);
- Financial hardship and loss (for ex., women may have to face the financial burden of their children alone);
- Barriers to continuing, or accessing, education, employment, and other economic, social and cultural rights (for ex., due to physical injuries, psychological trauma, social stigma or security threats, or due to displacement after armed actors committed GBV).
- Barriers to access to justice, accountability or redress mechanisms.

The consequences endured by victims of GBV can also result in **an intergenerational cycle of harm and human rights violations** that affects the current and future generations. For example, children of victims of femicides or children born of rape or from forced unions can face discrimination or rejection by community members and can suffer from acute psychological harm due to social isolation and lack of livelihoods. They can also face challenges to have their legal identity recognised and, as a result, face barriers to access basic services, such as education or health.

Practical tip: Do not make assumptions about how an individual may have been affected. Find out information beyond the physical impact through open questions:

- How has their life changed because of the GBV?
- Which changes have occurred in relation to the victims’ general well-being and morale, including their health, sleep and anxiety?
- How have the victims’ relationships with their families or community been impacted?
- Which social and economic consequences have the victims or their families suffered as a result of the violation?
- Have other persons been affected and how?

Photo: Shutterstock



Examples of reporting on the impact of GBVs:

“For male victims of rape, the psychological consequences after their release can be as severe. Men and boys said they feel they lost their masculinity and were unable to confide to relatives or friends about what happened to them. Some men become impotent as a result of sexual torture and feel guilty for being unable to conceive. Former young male detainees fear that their fathers will no longer respect them if they find out about the rapes.” Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/37/CRP.3, 2018, para. 96.

“Women and girls in South Sudan, living under siege, lament that no one and nowhere is safe. Rape and other sexual violence destabilize society, fraying community and familial bonds, as women, who maintain those bonds, are targeted. Persistent sexual violence has shattered any belief in the capacity of society to protect women.” Commission on Human Rights in South Sudan, A/HRC/55/26, 2024, para.43.

“Children born in Syria as a result of sexual slavery and rapes that occurred as part of the genocide against the Yazidi population perpetrated by Daesh have faced particular challenges to acquiring nationality, since the legal name of their father is usually unknown and/or he is a foreign national. Most of these children who stayed in Syria are reported to remain stateless, as they were born outside of registered marriages. As most fathers were killed or went missing, no legal link to the father can be proven, whether or not the father was a Syrian or a foreign national.” Independent International Commission of Inquiry on the Syrian Arab Republic, Policy paper, [Gendered impact of the conflict in the Syrian Arab Republic on women and girls, 2023](#).



Photo: Freepik

6. Identifying the related human rights violations

GBV is a human rights violation and has an impact on various other human rights of the victim as well as her family/community.

Depending on the circumstances, acts GBV may also constitute a violation of international humanitarian law⁶ and amount to **international crimes such as against humanity, war crimes and/ or genocide**⁷.

It is important to analyse and determine **all the violations** committed against the direct victim and any other impacted persons, in light of the relevant international, regional and domestic legal instruments.

The right to be free from gender-based violence is **indivisible from and interdependent** on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, freedom from torture, cru-

el, inhumane or degrading treatment, and freedom of expression, movement, participation, assembly and association⁸. It is important to determine in each case which of these rights has been violated, keeping in mind that depending on the circumstances, the impact of GBV may also give rise to additional human rights violations such as violations of the right to equal protection before the law, the right to work, the right to education, among others.

For example, various UN human rights treaty bodies and special procedures have found that GBV can constitute torture or cruel, inhuman or degrading treatment in certain circumstances, including in cases of sexual violence,⁹ forced pregnancy and forced sterilization,¹⁰ as well as domestic violence¹¹ and harmful practices.¹² The CAT Committee has recognized that the purpose and intent elements of the definition of torture are always fulfilled if an act is gender-specific or perpetrated against persons on the basis of their sex, real or perceived sexual orientation or gender identity and sex characteristics¹³.

⁶ See 3rd Geneva Convention arts. 14, 88, 97; 4th Geneva Convention arts. 27, 76, 97, 117, 124; Additional Protocol I to the Geneva Conventions art. 75(2)(a),(b), (5), 76, Common Article 3, Additional Protocol II to the Geneva Conventions art. 4(2)(a),(e) and 5(2)(a). ⁷ International Criminal Court (ICC), Rome Statute, art. 7(1)(g), s 8(2)(b)(xxi); (xxii); 8(2)(c)(ii); 8(2)(e)(vi). See also ICC, Office of the Prosecutor, [Policy on gender-based crimes](#) (2023). ⁸ CEDAW General Recommendation 35. ⁹ See UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [A/HR/31/57](#), par. 51; UN Special Rapporteur on violence against women, its causes and consequences, [A/HRC/29/27](#), paras. 54, 58; CAT Committee, *V.L. vs. Switzerland*, [CAT/C/37/D/262/2005](#), para. 8.10; Istanbul Protocol: [Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (2022), paras. 25, 27, 50, 76, 274-276. ¹⁰ See CEDAW General Recommendation No. 35 para. 18; [Istanbul Protocol \(2022\)](#), para. 455. ¹¹ See UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [A/74/148](#), paras. 10 & 24; [Istanbul Protocol \(2022\)](#), paras. 27, 87. ¹² See Human Rights Committee, [General Comment No. 28](#): para. 11; UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [A/HRC/7/3](#), paras. 44, 53, 54. ¹³ Committee against Torture, [General Comment 2](#), para. 22. See also [A/HRC/7/3](#), para. 30 and [A/HRC/31/57](#).

7. Examples of GBV

Gender-related killings¹⁴ are the **extreme manifestation of existing forms of GBV** (also called femicide/feminicide when victims are women and “honour” killings) and constitute a violation of, among others, the right to life, to equality, dignity and non-discrimination, and not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment¹⁵. Depending on the context and circumstances, they may also constitute **crimes under international criminal law¹⁶**.

They are based on a person’s gender or sex as well as perceived transgression of the gender norms in their community or society and may occur both in the private and public spheres in diverse circumstances and settings. They represent a structural situation and are often an ultimate act of violence that is experienced in a continuum of violence. Gender-related killings can be active or direct, with defined perpetrators, or they can be passive or indirect.

Examples of ***direct gender-related killings***: killings of women as a result of intimate-partner violence; misogynist killings of women; killings of women and girls in the name of “honour”; dowry-related killings of women;



killings of women in the context of conflict (for ex., as a strategy of war, or as a tool of repression in the context of electoral-related violence); killings motivated by a victim’s actual or perceived sexual orientation or gender identity, for example in contexts of intimate-partner violence, by strangers, by state security forces, and in armed conflicts; infanticide of female or intersex children, and as well as gender-biased sex selection (feticide); witchcraft-related killings; and ethnic and indigenous identity-related killings.

Examples of ***indirect gender related killings***: deaths due to unsafe or clandestine abortions; maternal mortality; deaths from harmful practices (for ex. resulting from female

¹⁴ For more information on the characteristics of gender related killings, see the Report of the Special Rapporteur on violence against women, its causes and consequences on gender-related killings of women, [A/HRC/20/16](#); Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings [A/HRC/35/23](#) and OHCHR & UN Women, [Latin American Model Protocol for the investigation of gender-related killings of women](#) (2014). ¹⁵ See [A/HRC/20/16](#) and Human Rights Committee, General comment 28, para 31. ¹⁶ See ICC, [elements of crimes](#) and ICC, Office of the Prosecutor, [Policy on gender based crimes](#).

genital mutilation); deaths linked to human trafficking, drug dealing, illicit circulation of weapons and ammunition, organized crime and gang-related activities; death of girls, women and persons of diverse gender identities from simple neglect, through starvation or ill-treatment; and deliberate acts or omissions by public servants or agents of the State.

Remember: Not all killings of women and girls are gender related.

Examine the motives and objectives sought by the aggressor for committing the act. Several factors should be examined: the context and scenario in which the death occurred, the characteristics of the perpetrator(s) and victim(s), the type(s) of violence associated with the death, and any manifestations of violence against the victim(s) before and after the death.

Sexual violence¹⁷

It encompasses any sexual act against one or more persons and/or that causes such person or persons to engage in an act of a

sexual nature¹⁸ by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person/s or another person, or by taking advantage of a coercive environment or such person's incapacity to give genuine consent.

Sexual violence is **prohibited under international human rights law¹⁹, international criminal law and international humanitarian law²⁰.**

Under the Rome Statute "Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity" may constitute war crimes, crimes against humanity or genocide²¹.

Sexual violence violates a persons' right to personal security and physical, sexual and psychological integrity, health and may also constitute torture or cruel, inhuman or degrading treatment²².

It can be committed against any person, regardless of age, sex, gender or other characteristics, and can take place at any time in any environment, including marital, familiar or intimate. It also encompasses all violations of sexual autonomy and integrity, even in the absence of physical violence or physical contact.

¹⁷ For a definition of sexual violence, see art. 36 of the [Council of Europe Convention on preventing and combating violence against women and domestic violence](#). ¹⁸ For indicia that an act is sexual in nature, see [The Hague Principles on Sexual Violence: The Civil Society Declaration on Sexual Violence](#), pp. 14-15. ¹⁹ See CEDAW General Recommendations [19](#) and [35](#) and regional instruments: Inter American convention on the prevention, sanction and eradication of violence against women; Council of Europe Convention on preventing and combating violence against women and domestic violence; Protocol to the African Charter on human and people's rights on the rights of women in Africa. ²⁰ Geneva Conventions, Common art. 3; 4th Geneva Convention art. 27; Additional Protocol I to the Geneva Conventions art. 75(2)(a);(b) and 76; Additional Protocol II to the Geneva Conventions Article 4(2)(a);(e). ²¹ See Rome Statute of the ICC, art. 7(1)g; art. 8(2)(b)(xxi); (xxii); 8(2)(c)(ii); 8(2)(e)(vi) and ICC office of the Prosecutor's [policy on gender-based crimes](#). ²² See footnote 11.

Examples of sexual violence include:

- **trafficking** in persons for the purpose of sexual exploitation, forced prostitution²³;
- **sexual slavery**²⁴;
- **rape**²⁵; forced witnessing of rape;

NB: **An attempted rape** involves the following elements: (1) the intent to commit the rape; (2) conduct that commences the execution of the rape by means of a substantial step and (3) a failure to complete the rape due to reasons independent of the perpetrator's intentions. It is **a threat of rape** when the perpetrator threatens but does not commit the rape. Both are forms of sexual violence and can constitute an act of torture²⁶.

- **Forced nudity**²⁷;
- **child pornography; child prostitution and child sexual abuse**²⁸;
- **unjustified and inappropriate strip-searches, forced vaginal screening/hymen/anal examination, and forced virginity testing**²⁹;
- **female genital mutilation**³⁰;
- **online violence** and technology-facilitated violence of sexual nature³¹.
- **situations where individuals are coerced to**

engage in acts of sexual nature in exchange for material goods, necessities or "protection".

Reproductive violence³²

It refers to violations of reproductive autonomy, that is, the ability to freely determine one's reproductive choices, including whether and in what circumstances to reproduce. Reproductive violence can be committed against any person, although certain forms of this violence predominantly affect women, because of their ability to become pregnant and give birth. It is also a violation of the right to personal security and physical, sexual and psychological integrity, health, and may amount to torture or ill treatment³³.

Examples of reproductive violence include forced sterilization; forced pregnancy; forced childbirth; forced continuation of pregnancy; forced contraception; forced impregnation; and forced abortion.

²³ See the definition provided by art. 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. Art 6 of the CEDAW calls on State to suppress all forms of traffic in women and exploitation of prostitution of women. ²⁴ See the definition provided by art. 8(2)(b)(xxii) and (e)(vi) of the Rome Statute. Art. 8 of the ICCPR prohibits slavery. ²⁵ See CEDAW, General Comment 35, para. 29; report of the Report of the Special Rapporteur on violence against women, its causes and consequences on, Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention, [A/HRC/47/26](#) (2021). ²⁶ See art. 4 of the UN Convention Against Torture, and Istanbul Protocol: para. 455: verbal sexual threats, verbal abuse and mocking are also part of sexual torture. ²⁷ See [Istanbul protocol](#) para. 455: Sexual torture includes forced nudity, sexual assault by touching intimate parts of the body, digital penetration, forced masturbation, forced insertion of an object into the vagina or anus, oral rape, anal rape and vaginal rape, ejaculation or urination onto the victim, sexual slavery, forced pregnancy and enforced sterilization. ²⁸ See the definition provided by art.2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. ²⁹ See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [A/HRC/31/57](#), paras.23 and 46. ³⁰ See [Joint general recommendation No. CEDAW/C/GC/31/CRC/C/GC/18](#). ³¹ See Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, [A/HRC/38/47](#). ³² CEDAW General Recommendation 35, CCPR General Comment 36, para.8; CESCR General comment 22 on the right to sexual and reproductive health. ³³ See Report of the Special Rapporteur against Torture on Gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment, [A/HRC/31/57](#).

Practical tip: When investigating acts of sexual violence:

- document the impact on the victim's reproductive autonomy.
- examine whether, apart from the sexual violence, other forms of violence or denial of rights in the situation under investigation (such as restrictions on access to education, health services, or movement) are also negatively impacting individual reproductive choices.
- consider the possible links between these restrictions on reproductive choices and identity factors relevant to the victim (such as gender, race, disability and ethnicity) in order to identify the factors that may be underpinning the violations.

Example: *"The use of rape and other forms of sexual torture (such as the application of electric shocks, or kicks or blows to the genitals) was more frequent between April and August 2018, and generally occurred in the context of interrogations and detention in police stations and in the DAJ. Rapes of men were mostly carried out by penetration with objects (pipes or firearms), while women were generally penetrated by the perpetrators' sexual organ, and in some cases repeatedly over several days. The threat of rape was also frequently used, particularly against women, during apprehensions and interrogations, and was also extended to family members of the detainees. Cases were reported of women who suffered miscarriages as a result of the treatment received during detention."* Report of the Group of Human Rights Experts on Nicaragua, A/HRC/52/63, 2023., para. 85.

Example of reporting on reproductive violence

"Witnesses reported that a doctor conducted abortions on two women in a school in Ba'aj, Ninewa; they were two and three months pregnant, respectively. Prior to the abortion, one witness reportedly heard an ISIL fighter stating: "we do not want more Yezidis to be born". Both women received an injection and were made to take pills. A week after the abortions, both women were sold." Report of the Office of the UN High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so called Islamic State in Iraq and the Levant and associated groups, A/HRC/28/18, 2015, para 41.

Harmful practices³⁴

They are persistent practices and forms of behaviour that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering.

Examples of harmful practices include **female genital mutilation, child and/or forced marriage, polygamy, widowhood practices, accusations of witchcraft, infanticide, incest and virginity tests.**

NB: A forced marriage is a harmful practice that primarily affects women and girls, and in which

³⁴ CEDAW/C/GC/31-CRC/C/GC/18.

one and/or both parties have not personally expressed their full and free consent to union. A forced marriage is a human rights violation, even when it is informal and there is no official registration of the union. Child marriage is a form of forced marriage and refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child.

Example of reporting on child and forced marriage

“Children’s rights organizations in Afghanistan have reported a sharp increase in child marriage due to the worsening economic and humanitarian crisis and lack of educational and professional opportunities for girls and women. A group of younger women told the Special Rapporteur about the increased pressure to marry young, especially in female-headed households, as livelihood and educational opportunities had evaporated. The Special Rapporteur was told that girls were being forced to marry members of the Taliban as a safety measure for families.” Report of the Special Rapporteur on the situation of human rights in Afghanistan, A/HRC/51/6, 2022, para. 31.

Violence based on sexual orientation and gender identity³⁵

Persons frequently face high levels of discrimination and pressure from their families and society for their physical characteristics or for expressing masculinity, femininity and sexuality outside of that “expected” according to their sex assigned

at birth. They are often subjected to a wide range of human rights violations which constitute gender-based violence as they are based on their non-conformity with preconceived notions of what should be their sexual orientation or gender identity such as marginalization, social exclusion, arbitrary arrests, beatings, torture, “corrective” rapes, killings motivated by prejudice and discrimination, so-called “conversion therapies”, forced and coercive medical interventions, infanticide. However, it is important not to treat LGBTI people as a homogenous group as different populations within this umbrella acronym can face different human rights violations. Only use the acronym “LGBTI” when it is accurate to refer to lesbian, gay, bisexual, transgender and intersex people. A good rule of thumb is to spell out the acronym, and check if the sentence is still accurate in relation to every population within the acronym.

Example of reporting on violence against LGBTQ persons

“The Palestinian police also failed to protect persons from violent attacks by groups advocating against the human rights of lesbian, gay, bisexual, transgender and queer persons. In one such case, a group of approximately 40 assailants threw rocks at a cultural centre after demanding that the organizers cancel a concert on the basis of the perceived sexual orientation of the artist. The centre’s exterior was destroyed and at least two of the attendees injured. Palestinian police failed to respond to repeated phone calls from the victims asking for assistance and did not intervene despite being present outside

³⁵ See Yogyakarta principles (2006) and Yogyakarta principles PLUS10 (2017); Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, [A/HRC/38/43](#) and [A/77/235](#) on the impacts of sexual violence against LGBTI people in conflict contexts.

the centre and speaking to the assailants when the attack started. Following the attack, the police arrested several attendees without providing them with the reasons for their arrest.” Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, A/HRC/53/22, 2023, para 67.

II. Verifying the information³⁶

Investigation teams should comply with the OHCHR methodology to corroborate information and establish if the threshold of **reasonable grounds to believe** that violations occurred is met. The ‘reasonable grounds’ standard is met where, based on a body of corroborated information, an objective and ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described and, where legal conclusions are drawn, that those facts meet all the elements of a violation.

In practice, corroboration for GBV cases can be obtained:

- By evaluating the source as credible and reliable and by identifying at least one corroborating source; and/or
- By evaluating the source as credible and reliable, and by assessing whether the violation is consistent with a pattern.

The **testimony of the victim is not needed** to verify an incident of GBV, especially if there are security or protection concerns. When the victim is unavailable or unwilling to provide a

statement, corroboration can, and should, be obtained from other sources. These sources can include circumstantial or contextual information, in the absence of direct evidence³⁷. This entails examining the facts that are known together and considering the reasonable inferences that can reasonably be drawn from such facts.

In cases where incidents of GBV are perpetrated without eyewitnesses who can corroborate the violation(s) (for ex., when the victim did not receive medical assistance or report the incident) corroboration may be obtained by assessing the details of the victim’s account, evaluating if they are consistent with what is generally known about the incident (for ex., the methods used to commit the violation, the area where it occurred, the alleged perpetrator) and establishing whether the incident reveals a pattern that is consistent with other similar incidents.

To establish a pattern, examine who is being targeted, by whom and why, and whether the same root causes are driving the violations. A pattern exists where at least three similar cases/incidents present common features: whether in the type of violation; the behaviour or characteristics of the alleged perpetrator(s); the characteristics of the targets or the victims; the methods used; or the locations and timing of incidents or other circumstances.

Unverified allegations of GBV can still be used in various ways in the report or for the provision of technical assistance.

³⁶ For guidance on assessment and verification, consult OHCHR’s Guidance note on Assessing Sources and [OHCHR’s Guidance note on Information and Verification and Standard of proof](#). ³⁷ For an example of the use of circumstantial evidence in international criminal law to establish an incident of sexual violence, see, ICTY, Prosecutor v Djordjevic, Appeals Judgment, 27 January 2014, para. 857.

