

CSW 57 – Panel 8 March 2013: Gender Stereotypes – Gender Violence

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Although in large parts of the world women during the past century have gained equal rights under the law, in actual life they often are still subordinated to patriarchal power, subjected to severe restrictions and oppressed in many ways, including by means of gender based violence. These persistent violations of their human rights are deeply rooted in traditions, cultures, customary laws and religious convictions in which women are constructed as different from men, often meaning: as *inferior* to men.

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was the first international human rights document in which the damaging effects of gender stereotyping and fixed parental gender roles were explicitly acknowledged and addressed. According to Article 5a CEDAW, States parties “shall 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.” With this Article, the Convention takes the issue of women’s rights beyond the mere adoption of formal equality, and acknowledges that in order to achieve women’s *de facto* or substantive equality a fundamental transformation of society and culture is called for.

From the very beginning, the CEDAW Committee has underlined the close connection between gender stereotypes and gender based violence against women. For example, in General Recommendation No. 19 on VAW (1991), State parties are requested to “identify the nature and extend of attitudes, customs and practices that perpetuate violence against women” and are urged to “take effective measures to overcome these attitudes and practices”. In almost all Concluding Observations about States parties’ reporting, the Committee comments on the stubborn persistence of gender based violence and its connection with prevailing patriarchal traditions, customs and religious practices. And in its Report about the rapes and murders of women in and around Ciudad Juarez in Mexico the Committee concluded that these serious crimes over a sustained period of time show systematic violence “founded in a

culture of violence and discrimination, based upon women's alleged inferiority" that gives rise to a culture of impunity.

Time and again, the Committee has made it crystal clear that traditional cultural practices, customary law or religious beliefs cannot serve as a justification for gender based violence or any other form of oppression of women. This stance has been confirmed by many other international organisations who have also declared that – although culture, religion and tradition are precious aspects of human life and are as such protected under international human rights law – they can never be used as an excuse for violations of women's human rights.

Although the Committee often discusses the causal relationship between gender stereotypes and gender based violence, more systematic attention could be given to the issue of how States could and should implement Article 5a CEDAW. Which States have booked good results in modifying gender stereotypes that lead to gender based violence? How can women themselves become more engaged in the intercultural dialogue that is much favoured by the Committee? Which methods to address gender stereotyping in media and education are exemplary for other States? What strategies can be developed to prevent that culture, religion or tradition is used as an excuse for gender based violence and other forms of discrimination against women? The Committee could clarify these and many other issues in a General Recommendation on Article 5 and other related Articles in the Convention. Such a document could give an important impulse to the use of the Convention in the fight against gender based violence.

(* Author of the Chapter on "Article 5" in: Marsha A. Freeman, Christine Chinkin and Beate Rudolf: *The UN Convention on the Elimination of All Forms of Discrimination against Women; a Commentary*. Oxford: Oxford University Press, 2012, pp. 141-167.

Other relevant publications are: Rikki Holtmaat, *Preventing Violence against Women: The Due Diligence Standard with Respect to the Obligation to Banish Gender Stereotypes on the Grounds of Article 5a of the CEDAW Convention*. In: Carin Benniger-Budel (ed): *Due diligence and its application to protect women from violence*. Martinus Nijhoff Publishers, Leiden-Boston 2008, pp 63-90; and: Rikki Holtmaat & Jonneke Naber: *Women's Human Rights and Culture; From Deadlock to Dialogue*. Antwerp: Intersentia, 2011.