

# Gender stereotypes and Stereotyping and women's rights

***“Moving beyond recognition that gender stereotyping is an obstacle to women’s rights to meaningful progress in implementing human rights obligations to address harmful stereotypes and wrongful stereotyping will require all of us – treaty bodies, special procedures, States Parties, civil society, academics and many others – to give this issue the serious attention it deserves.”***

*OHCHR commissioned report – ‘Gender Stereotyping as a human rights violation’*

## **What is a stereotype?**

A generalised view or preconception about attributes or characteristics that are or ought to be possessed by members of a particular social group or the roles that are or should be performed by, members of a particular social group.

## **What is gender stereotype and what is gender stereotyping?**

A **gender stereotype** is a generalised view or preconception about attributes, or characteristics that are or ought to be possessed by women and men or the roles that are or should be performed by men and women. Gender stereotypes can be both positive and negative for example, “women are nurturing” or “women are weak”.

**Gender stereotyping** is the practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his membership in the social group of women or men.

A gender stereotype is, at its core, a *belief* and that belief may cause its holder to make assumptions about members of the subject group, women and/or men. In contrast, gender stereotyping is the practice of applying that stereotypical belief to a person.

## **When are gender stereotypes and gender stereotyping human rights concerns?**

The international human rights law framework is concerned with stereotypes and stereotyping that affect recognised human rights and fundamental freedoms, rather than all stereotypes and all forms of stereotyping. The Committee on the Elimination of Discrimination against Women (CEDAW) has explained that States Parties are required to modify or transform “harmful gender stereotypes” and “eliminate wrongful

gender stereotyping”.

A stereotype is harmful when it limits women’s or men’s capacity to develop their personal abilities, pursue their professional careers and make choices about their lives and life plans. Both hostile/negative or seemingly benign stereotypes can be harmful. It is for example based on the stereotype that women are more nurturing that child rearing responsibilities often fall exclusively on them.

Gender stereotyping is wrongful when it results in a violation or violations of human rights and fundamental freedoms. An example of this is the failure to criminalize marital rape based on the stereotype of women as the sexual property of men. Another example is the failure of the justice system to hold perpetrator of sexual violence accountable based on stereotypical views about women’s appropriate sexual behaviour.

## **How do gender stereotypes/stereotyping harm women?**

Discrimination against women includes those differences of treatment that exist because of stereotypical expectations, attitudes and behaviours towards women. Just to give some examples:

- The Special Rapporteur on the rights to food pointed out that stereotype about women’s role within the family leads to a division of labour within households that often result in time poverty for women and lower levels of education.
- The CEDAW Committee has highlighted how traditional attitudes by which women are regarded as subordinate to men perpetuate widespread practice involving violence and coercion.
- Both CRC and the CEDAW Committee noted that harmful practices are multidimensional and include stereotyped sex and gender-based roles.
- The Special Rapporteur on violence against women and the Special Rapporteur on independence of judges and lawyers have stressed that the investigation of cases of violence and the sanctioning of perpetrators are underpinned by patriarchal notions and stereotypes that negatively affect their objectivity and impartiality.
- A range of UN human rights mechanisms have highlighted how stereotypes about women’s role can be incorporated in discriminatory legislation, for example

preventing women from acquiring ownership of land since only the "head of the household" is authorized to sign official documentation.

- The Special rapporteur on the right to health has also observed how societal norms are often based on stereotypical beliefs about the need to regulate women's freedom, particularly with regard to sexual identity and life, resulting into restrictions to sexual and reproductive rights.

### **What are the States obligations vis-à-vis stereotypes and stereotyping?**

CEDAW's Article 5 (a) requires States Parties to take "all appropriate measures" to "modify the social and cultural patterns of conduct of men and women" in an effort to eliminate practices that "are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." Article 2(f) reinforces article 5 by requiring States Parties to take "all appropriate measures" to "modify or abolish ... laws, regulations, customs and practices which constitute discrimination against women."

The Committee has interpreted these provisions as imposing an obligation on States Parties to modify and transform gender stereotypes and eliminate wrongful gender stereotyping. This distinction is important as it recognises that although there are difficulties in requiring States Parties to "eliminate" a (stereotypical) belief, it is important to "modify and transform" beliefs that are harmful to women. It also recognises that States Parties must eradicate the practice of applying stereotypical beliefs to individual women and men in ways that violate their human rights.

Art. 10 of CEDAW further provides that States shall take all appropriate measures to "ensure, on a basis of equality of men and women the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods".

Many international human rights treaty bodies have interpreted the rights to non-discrimination and equality to include those forms of discrimination and inequality that are rooted in stereotypes, including gender stereotypes. The nature of States' obligations in this regard has been detailed in the jurisprudence and recommendations of treaty bodies. Those obligations include, inter alia:

- revising text books;
- ensuring that teachers receive gender training;
- implementing programmes to encourage girls to pursue education and employment in non-traditional fields;
- undertaking public information and education programmes to change attitudes concerning the roles and status of men and women;
- taking measures to train public officials and the judiciary to ensure that stereotypical prejudices and values do not affect decision-making;
- emphasizing through awareness raising activities the importance of women's participation in decision making roles;
- adopting measures, including temporary special measures, to eliminate occupational segregation based on gender stereotypes;
- adopting positive measures to expose and modify harmful genders stereotypes within the health sector;
- addressing gender stereotypes/ing that impairs or nullify equality in marriage and family relations, including through implementing comprehensive policy and awareness raising initiatives designed to overcome stereotypical attitudes about the roles and responsibilities of women and men in family and society.

### **The work of OHCHR**

There is a growing consensus that gender stereotyping poses a significant, yet largely unaddressed, challenge to the recognition, exercise and enjoyment of women's human rights. OHCHR has completed research on wrongful gender stereotyping by the judiciary in cases of sexual and gender-based violence and is engaged in projects in some countries to address stereotyping in judicial decisions. OHCHR is also supporting the human rights mechanisms in analysing human rights obligations related to gender stereotypes and stereotyping.

### **Normative Standards and further readings**

- [OHCHR commissioned study on eliminating judicial stereotyping \(2014\)](#) and [OHCHR-Commissioned Report: Gender Stereotyping as a Human Rights Violation \(2013\)](#).
- [Equality and Justice in the Courtroom - by Navi Pillay, United Nations High Commissioner for Human Rights \(2014\)](#).
- [Summary Report – Human Rights Council annual full day discussion on women's human rights, June 2014](#).
- [Convention on the Elimination of All Forms of Discrimination against Women, Dec 18, 1979, articles 2\(f\), 5 and 10\(c\)](#).
- [Convention on the Rights of People with Disabilities, Dec.13 2006, article 8\(1\)\(b\)](#).
- [Declaration on the Elimination of Violence against Women \(1993\)](#).
- [CEDAW General Recommendations No. 19: Violence against Women \(1992\) and No. 24: Women and Health \(1999\)](#).
- [Human Rights Committee, General Comment No.18: Non-discrimination \(1994\)](#).
- [Committee on Economic, Social and Cultural Rights, General Comment No.16: The Equal Rights of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights \(2005\)](#).
- [Protocol to the African Charter on human and People's Rights on the Rights of Women in Africa \(2000\)](#).
- [Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women \(1994\)](#).
- [Council of Europe Convention on Preventing and Combating Violence against Women and Domestic](#).
- [Resolution 2013/C 251 E/01 of the 13 March 2012 on equality between women and men in the European Union \(2012\)](#).