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**EXPLORING GENDER STEREOTYPES' IMPACT ON HUMAN
RIGHTS AND EQUALITY**

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ABSTRACT

Stereotyping has become an issue of discussion in human rights legislation. Stereotypes give a group of people specific jobs and traits. Examples include the ideas that men are strong and confrontational, women are nurturing and weak, and homosexuals are promiscuous. Human rights can be severely impacted by these kinds of stereotypes. They serve to legitimise prejudice and inequity. As a result, states are required by several human rights conventions to take action against stereotyping. The Istanbul Convention, which is the Council of Europe's convention on preventing and eliminating violence against women, specifically articles 12 and 14 are a few examples, as is References: Article 5(a) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Article 8(b) of the Convention on the Rights of Persons with Disabilities (CRPD). Human rights tribunals and treaty organisations, such as the CEDAW Committee, the Inter-American Court of Human Rights (IACtHR), the European Court of Human Rights (ECtHR), and the Committee on the Elimination of Racial Discrimination (CERD) express worries about discriminatory preconceptions and demand that authorities refrain from enforcing damaging stereotypes.

However, human rights law specialists haven't given stereotypes much thought up until this point. The majority of the literature has been restricted to either internal boundaries (i.e., the US Equal Protection Law), or to a single ground (gender), or to a particular human rights treaty (usually CEDAW). Compared to other grounds of discrimination, the idea of stereotyping is noticeably deeper established in the context of gender discrimination, raising concerns about how effectively it transfers to other grounds.

KEYWORDS: Stereotyping, Homosexuals, Traits, Human Rights, Gender Discrimination, Racial Discrimination

INTRODUCTION

A "stereotype" refers to an oversimplified perspective or assumption on the characteristics or attributes of members of a specific social group should or should not have, or about the roles that individuals in that group ought to or should not play. Therefore, a "gender stereotype" is a generalised belief or assumption about the characteristics or roles that men and women should or shouldn't play, or about the qualities or attributes that men and women should or shouldn't have. Noteworthy is the fact that Judges' and solicitors' independence, as reported by the UN Special Rapporteur as well as the UN Working Group on the Problem of Law and Practice Discrimination Against Women, have both cited and approved of this definition, which was initially put forth in Transnational Legal Perspectives on Gender Stereotyping.

A gender stereotype is essentially a belief, and a belief can lead its bearer to assume specific things about women or men who belong to the target demographic. The term "gender stereotyping," conversely, describes the process of using a stereotype to a specific member of the subject group; that is, the practice of appointing specific characteristics, duties, or features to a man or woman only on the basis of that person's social group membership. Based on generalised perceptions, prejudices, and associated presumptions regarding the characteristics, traits and the various sexes' and genders' roles, conclusions are then made about specific women and men.

DIFFERENT KINDS OF STEREOTYPES

There are many different and overlapping varieties of gender stereotypes, such as:

1. Stereotypes about sex
2. Sexual Preconceptions
3. Stereotypes of Sex Roles
4. Exaggerated Stereotypes

Comprehending the various forms are crucial as it aids in recognising and comprehending the boundaries of a specific preconception and, consequently, the actions the State Party could effectively undertake to tackle that preconceived notion. Does the stereotype, for example, address women's emotional traits, the way they identify sexually, and/or their positions in the home as well as in society? What impact does this have on the kind or extent of measures the State Party must take to fulfil its duties in accordance with international human rights legislation? The remaining portion within this part examines many preconceived notions that are prevalent in the activities of the UN's human rights agencies.

1. Sex Stereotypes

A "sex stereotype" is an all-encompassing opinion or assumption regarding the attributes that are biological, emotional, cognitive, and physical or attributes that women and men should or shouldn't possess. Put another way, sex stereotypes are not concerned with the roles that men and women play; rather, they concentrate regarding the mental, emotional, and physical traits and qualities of men and women. Instead of real differences between men and women, a lot of sex stereotypes are founded on imagined, or manufactured, distinctions. Here are a few instances:

- i. Women lack strength
- ii. Men like to compete
- iii. Women are kind
- iv. Men are violent
- v. Women are not assertive.

2. Sexual Stereotypes

Typically, prevalent sexual orientations, especially The dominant masculine sexuality and heterosexuality, are reinforced by sexual preconceptions that centre on sexual traits and behaviours. Sexual stereotypes are similar to sex stereotypes in that they frequently founded on imagined—that is, manufactured—rather than real—differences between men and women and their sexual orientation.

3. Stereotypes of Sex Roles

The phrase "sex-role stereotype" refers to a generalised perception or assumption regarding the roles that men and women play or are supposed to play, as well as the kinds of behaviours that they exhibit or are expected to exhibit.

Stereotypes of sex roles concentrate on the roles and behaviours of men and women, usually designating them differently but in ways that reinforce each other. Sex-role stereotypes, for instance, frequently give roles to men and women, respectively, according to the public and private spheres.

Even though the general term "gender stereotype" is frequently Sex-role stereotypes when employed as the description are likely the most prevalent sort of the stereotype taken into account by the UN Human Rights processes. Stereotypes of sex roles that portray men as household leaders and breadwinners and women as carers and housewives have received a lot of attention, which speaks to how prevalent and harmful those specific preconceptions are. A

suitable example can be found in the Special Rapporteur's 2010 report on modern forms of slavery.

3. Compounded Stereotypes

A "compounded stereotype" is a broad view or assumption regarding a group that arises from the assignment of features, roles, or attributes based on one or more additional factors, such as sex/gender and handicap. Sex, sexual, or sex-role stereotypes combined with another form of stereotype are essentially what constitute a compounded gender stereotype (e.g., stereotypes related to sexual orientation and age, or disability stereotype) to create distinct stereotypes of various subgroups of men or women (e.g., lesbians, wives, and women with impairments). Compound stereotypes have a different impact on women who belong to specific groupings than they do on males, much like compounded/intersectional discrimination.

Many of the preconceptions those are classified because gender norms probably really preconceived preconceptions about gender. This is due to the fact that gender stereotypes usually focus on a certain subset of women—women of childbearing age, for example—instead of all women.

HOW STEREOTYPING AND GENDER STEREOTYPES AFFECT WOMEN

Few spheres of human endeavour remain immune to gender preconceptions and gender stereotyping, a reality that has been amply supported by an unexpectedly wide array of UN human rights instruments. UN mechanisms that oversee domains not conventionally linked to Stereotypes and gender norms have acknowledged the detrimental impacts of gender norms and prejudices against women's fundamental freedoms and human rights. One example is Particular Representative of the United Nations on the right of human clean and secure water for drinking. Nevertheless, it should be highlighted that while the United Nations human rights procedures have recognised a wide range of damages brought about by gender preconceptions and gender stereotyping, they have typically just mentioned the damage to a great extent and have not frequently looked into it in greater detail. For instance, some methods have linked gender stereotypes to gender-based violence against women; however, few have thoroughly examined the ways in which gender stereotypes encourage and enable this kind of violence.

1. Discrimination

UN human rights mandates generally agree that, in the absence of an objective and acceptable justification, disparities in treatment preconceptions about gender or, in fact, other stereotypes, may constitute discrimination against women. This consensus has been developed and (Website-lexscriptamagazine.com) 6 (lexscriptamagazine@gmail.com)

strengthened in large part through the CEDAW Committee and CESCR. As stated in General Recommendation No. 25, for instance, the Committee on Education for Women clarified that discrimination against women encompasses treatment disparities that arise "due to stereotypical expectations, attitudes, and behaviour directed towards women" as well as "due to the generally existing subordination of women by men." In its General Recommendation No. 28, it acknowledged this connection once more.

Using the criteria of discrimination against women from CEDAW, CESCR has stated clearly that stereotyping and gender stereotypes can be discriminatory towards women.

Several Special Procedures explicitly acknowledge The connection between prejudice against females and gender norms, indicating that this recognition is not exclusive to treaty organisations. Once more, the Special Rapporteur's recent report gives an example in favour of the right to eat.

2. Violence against women due to their gender

UN human rights procedures now generally acknowledge that one of the primary reasons why women are victims of gender-based violence is inaccurate and damaging gender stereotypes. Commitment No. 19 of the Committee on Education for Women on Violence Against Women includes:

- Widely accepted practices involving violence or coercion are perpetuated by traditional attitudes that view women as inferior to men or as playing stereotyped roles.
- These viewpoints also encourage the dissemination of pornography and the commercial exploitation of women, treating them more like objects of sex than like distinct human beings.
- Consequently, gender-based violence is made worse.
- The enduring conventional beliefs in many rural areas about women's subservient roles put rural women at risk of gender-based violence.

The recognition of detrimental UN human rights procedures' gender prejudices and inaccurate gender stereotyping affects survivors' treatment when they report violence and their ability to obtain justice for the abuse they've experienced.

➤ **Bulgaria v. Isatou Jallow**

The Committee pursued accountability against the State Party in *Isatou Jallow v. Bulgaria* for its inability to offer adequate safeguards against domestic abuse. The correspondence was centred on Jallow's claims of domestic abuse and the State Party's inability to look into them (Website-lexscriptamagazine.com) 7 (lexscriptamagazine@gmail.com)

thoroughly. Among other things, According to the Committee's findings, the State Party's choice to look into Jallow's partner's claims of domestic abuse but not her own was influenced by the notion that men are household heads and the resulting belief in masculine dominance. The Committee further stated that the authorities' actions were predicated "on a stereotyped notion that the husband was superior and that his opinions should be taken seriously."

➤ **Special Rapporteur on gender-based violence**

The examination of instances and the penalty of offenders are based on patriarchal ideas that are connected to myths and prejudices about men and women and their assigned genders.

Stigmas work to exclude or discredit the testimony of [women with disabilities], in addition to the fact that they are not allowed to testify as witnesses because they might find it difficult to communicate with the police. For instance, juries and judges may dismiss witness testimony in sexual assault cases because to society's general unwillingness to view individuals with disabilities as sexual beings. However, because several females suffering from psychiatric impairments are perceived as very sexual and impulsive, complaints may be ignored.

- Due to stigma and stereotyping, [women with disabilities] may find that their complaints are not taken seriously or are not believed when they seek assistance from police or other community members.

3. Sufficient living standards, encompassing sustenance, destitution, and lodging

Gender stereotypes have been found to have a detrimental effect on Women's entitlement to a sufficient quality of life. This is evident in a number of different UN human rights mechanisms, in addition to their heightened susceptibility to poverty and unequal access to food and housing. Gender stereotypes, in particular, have been linked to marriage and family relations. Although beyond the purview of the agreed-upon research period, the CEDAW Committee's Final Thoughts about the Korea Democratic People's Republic, 2005 effectively caught this negative association and are worth mentioning here.

The detrimental impacts of the gender norms and stereotyping on women's and girls' rights to food have been further explained by Special Rapporteur for the Entire Food System on several occasions. Simultaneously, the Special Rapporteur has issued a warning to States Parties regarding the possibility of gender stereotypes being reinforced by policies and initiatives meant to reduce hunger and improve food security.

Even though she doesn't directly contribute to this field, purview of the current report, The Special Envoy has typically paid close paying heed to the detrimental consequences of stereotypes persons who are facing poverty. It is noteworthy, therefore, that The Special Envoy

has performed a particularly excellent job of identifying the prevalent stereotypes that are utilised for both men and women who are poor, and in this regard, provides other UN human rights mechanisms with a model of exemplary conduct.

4. Well-being

A few UN human rights procedures have drawn attention to the detrimental effects of harmful and incorrect gender stereotypes on the health of women and girls. For example, The Committee on Regional Cooperation has emphasised that these attitudes and practices can negatively impact girls' growth and well-being, while the CESCR has acknowledged that prejudices and Access to resources that affect health, like food and water, might be hampered by stereotypes. The effect of gender preconceptions and myths about women's access to contraceptive and other sexual health services, however, has likely received more attention than any other area of health. According to CESCR, "there is a causal relationship between women and girls' enjoyment of their right to sexual and reproductive health and gender stereotypes, discrimination, and marginalisation of them."

On the right, the Special Rapporteur of every person to the best possible benchmark for both mental and physical well-being seems to concur, pointing out that sexual stereotypes and sex roles frequently restrict women's ability to express their sexuality and exercise their right to choose whether or not to have children, among other things.

Several individual letters have further emphasised the negative effects of prejudices and discrimination against women's access to safe and legal abortions. Apart from the previously mentioned *L.C. v. Peru case*, allegations of detrimental effects of gender stereotyping on victims' access to abortion were made in *K.L. v. Peru* and *L.M.R. v. Argentina*. However, the HRC did not examine prejudices or stereotyping in either instance when it concluded that the restriction of access the ICCPR by the corresponding States Parties with regard to abortion.

Information about sexual and reproductive health can be applied to both test and reinforce negative gender stereotypes as well as incorrect gender stereotypes, according to UN human rights mechanisms. These contradicting results have been highlighted, for example, by the Right-hand Special Rapporteur for every individual to the best possible quality of bodily and mental health.

5. Instruction

Among other human rights mechanisms, the United Nations Special Rapporteur on the right to education, the CESCR, and the CEDAW Committee have emphasised the detrimental relationship between gender stereotypes and stereotyping and women's educational access, (Website-lexscriptamagazine.com) 9 (lexscriptamagazine@gmail.com)

attainment, and quality; this in turn affects the quality and content of educational resources and materials. For example, CESCR has voiced its worry about gender stereotypes that “impede girls’ and women’s access to education” and “influence students’ choice of field of study.” Fareda Banda has done a great job of summarising the CEDAW Committee's input in this regard.

The effects of gender norms and stereotyping in contexts beyond than local schools is being taken into account by the Special Envoy for the Rights of Education. This includes sex education and educational possibilities for women who are detained.

Although it is impossible to give a thorough summary of how gender preconceptions and stereotyping negatively impact women's and girls' educational opportunities, two recurring themes show up in the activities of the UN human rights organisations. The initial topic is that incorrect gender stereotyping and harmful gender stereotypes can both be effectively eliminated and perpetuated through education. The second theme that comes to light is that gender stereotypes are ingrained in education, especially in primary and secondary education, and this has a lasting and wide-ranging impact on women's life plans, financial security, employment opportunities, and other aspects of their lives.

OBSTACLES IN COMBATING GENDER STEREOTYPES

Particularly in the last five years, significant advancements have been made against detrimental and incorrect gender stereotypes according to the UN's human rights instruments. During this time, there has undoubtedly Gender preconceptions and gender stereotyping have seen a comeback in popularity, and even if it is happening slowly, there seems to be a rising understanding of how important it is to address these issues in order to fully realise women's human rights. However, it appears that a variety of obstacles are impeding efforts made by the UN human rights bodies to counteract harmful and inaccurate gender stereotypes.

1. Lack of comprehension of important ideas

The great degree of misunderstanding surrounding the meaning of these fundamental ideas presents a serious obstacle to combating gender stereotypes and gender stereotyping. The phrases "gender stereotype" and "gender stereotyping" are frequently used interchangeably by UN institutions for human rights, and many mechanisms misuse them when talking about related but different terms like "prejudices" (e.g., women are inferior to men) and "myths" (e.g., rapists are strangers).

➤ Peru v. L.C.

The Committee on Education for Women determined in *Peru v. L.C.* the State Party possessed breached CEDAW's article 5 when its medical professionals handled a child who was pregnant based on a stereotype, specifically the belief that the mother's health should not come before the foetus's protection. It is politely proposed that in *L.C. v. Peru*, the pertinent stereotype is that "women should be mothers," with the underlying premise being that ladies ought to put raising children ahead of their own life, their health, and any other duties they may select or do. Stated differently, it is proposed that although the CEDAW Committee labelled the operative stereotype that L.C.'s doctors relied upon, it actually recognised the underlying assumption.

1. Insufficient knowledge of state obligations

Another issue is that the UN human rights institutions and States Parties are not entirely cognizant of their obligations to eradicate false preconceptions and alter damaging stereotypes. The fact that CEDAW's article 5 is frequently cited in the activities of other United Nations human rights mechanisms suggests that, although it may be widely known, there are obligations under the treaty to combat stereotyping and gender stereotypes. Several United Nations human rights mechanisms and States Parties are said to be taken aback by the suggestion that these duties also apply to other types of stereotypes and forms of stereotyping, and that they are included in numerous regional and other international human rights treaties. To be sure, the requirements imposed by CEDAW have received a lot of attention in the discourse and research on stereotyping; other international and regional conventions have received less attention. Furthermore, there seems to be little knowledge indicating the kind and scope of duties to address gender stereotypes and stereotyping, even in cases where their existence is acknowledged. In actuality, awareness of these responsibilities is still in its infancy. It is respectfully argued that the UN mechanisms for human rights inability to offer precise and comprehensive recommendations on States Parties' obligations to remove incorrect gender stereotyping and alter damaging gender stereotypes has contributed to the limited understanding of those obligations.

2. Ignorance about effective strategies for combating gender stereotypes

The ignorance of effective strategies for combating gender preconceptions and gender stereotyping presents another difficulty. Interest in finding practical solutions to combat stereotyping and gender stereotypes is increasing as People start to pay more attention to the negative effects of these attitudes and behaviours. In 2013, the Swiss Government attended the annual full-day session of the Human Rights Council dedicated to discussing women's human

rights posed a question regarding best practices for addressing gender stereotypes. With relation to gender-based violence is one indication that States Parties are clearly eager to learn about examples of good practices. It seems that the UN human rights procedures are included in this focus.

3. Juggling conflicting commitments under human rights

The crucial issue dilemma of how to reconcile other, possibly incompatible rights of individuals, including the absence of unlawful intervention in one's private life, the right to freedom of speech, and cultural rights, including the freedom from harmful and inaccurate gender stereotypes, will be the last challenge discussed here. It's interesting to note that worries regarding how the responsibilities in CEDAW's Article 5 would affect other fundamental freedoms and human rights were voiced even before the treaty was drafted.

Until recently, the UN human rights institutions had not, at least not openly, addressed the issue of striking a balance between rights and gender stereotypes. This was altered by the UN Special Rapporteur's 2012 report on cultural rights, as the following extensive excerpts demonstrate. Its first analysis focused on striking a balance in comparison to women's cultural rights and the avoidance of damaging gender stereotypes.

4. Opportunities to confront gender norms and stereotyping were lost

Another major issue is the lost chances to talk about gender preconceptions and stereotypes, such as correctly identifying the prevalent preconceptions. When the CEDAW Committee identified the need must deal with stereotyping and gender stereotypes as one of the three categories of duties necessary to achieve meaningful equality in its General Recommendation No. 25, it demonstrated outstanding leadership and vision. Therefore, it was disheartening and, in many ways, weakened the Committee's characterization of that requirement that it gave only sporadic and limited attention to gender stereotypes and stereotyping in the years right after its General Recommendation No. 25 was published.

The difficulty in tackling gender preconceptions and stereotyping is exacerbated by the dearth of strong recommendations from UN human rights organisations for the prevention of harmful and incorrect gender stereotypes. The lack of strong recommendations can occasionally be attributed to the United Nations human rights bodies' inability to pinpoint harmful or incorrect gender stereotypes as the root cause of specific human rights breaches against women. For instance, the Human Rights Commission neglected to take into account the harm that incorrect gender stereotypes had caused while also greatly lowering the possibility that it would be the

cause of the rape in *L.N.P. v. Argentine Republic*, failing to recognise the part that it had played in the rape and L.N.P.'s subsequent inability to obtain justice.

CONCLUSION

When it comes to identifying and dispelling gender stereotypes that contribute international human rights legislation in relation to violence against women has come a long way. But the Strasbourg Court has mainly stayed mute over the matter. The Court has acknowledged that using gender stereotypes as an excuse for disparities in treatment will make those differences discriminatory. We have maintained that this acknowledgment ought to advance the domestic abuse case law of the Court. Gender stereotypes should not be used by states as an excuse for not acting quickly enough in cases of domestic abuse.

In addition, it needs to be mandatory for states to proactively tackle the gender stereotypes that serve as the foundation for domestic abuse. It will participate in global initiatives to address them through human rights law.

Hostile stereotyping arises to prevent women from joining the military, to make them invisible there, or to assign them to support positions when they assume warrior and leadership duties that have historically been held by men. This phenomenon is not exclusive to the armed forces. Hostile stereotyping surfaced when females started working in other fields, such as medicine, law, and religion; with the aid of courts, this has been corrected or is in the process of being handled. Military forces will need to confront aggressive gender stereotyping as female involvement in the armed services rises (to about 13% in Australia, 17% in Canada, 9% in the US, and 12% in the UK). This is to make sure that professional competence, regardless of gender, is prioritised.

This study of a few court decisions on sexual assault, unfair treatment of men and women, as well as the exclusion of women from the military offers some important conclusions.

The fact that biases in certain problem domains existed outside of the military contributed to the successful identifying of the hostile stereotypes in the incidents of sexual assault and unequal treatment. Because awareness had not been raised, decisions and stereotypes were not as strongly expressed. In addition, it is risky to accept a disproportionate representation of one sex as a spontaneously existing pattern as opposed to challenging the communally manufactured norm. It is important to consider the reasons behind the disparity and how they influence the system's objectives and design. Courts are demonstrating how the replacement of unsuitable stereotypes with individual assessments deprives the military and civil society in general of certain rights and capabilities of both genders.

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