Policy Brief:
Jurisprudence of CEDAW and General Recommendations
On Engaging Men & Boys, Transforming Masculinities and Dismantling Patriarchy

A. Inclusion and Gaps: An Analysis of the Normative Framework
B. Jurisprudence of CEDAW and General Recommendations

A. Inclusions and Gaps: Analysis of the Normative Framework

The CEDAW Convention and accompanying General Recommendations center a strong framing around addressing root causes of discrimination against women and girls through gender-norms transformation and eliminating gender-based stereotypes and harmful practices. This includes detailed references and recommendations on the need and strategies to engage men and boys to end all forms of discrimination and violence against all women and girls, and in gender equality more broadly.

We welcome the articulation of these issues across the body of work of the Committee, noting the influence which the work of the treaty body has in setting the international normative framework for the attainment of the rights and fundamental freedoms of all women and girls worldwide.

The following policy analysis will lay out the treaty body’s jurisprudence on advancing a transformative framework for the work to engage men and boys in social norms transformation, noting inclusions and potential gaps. This assessment will include a review of thematic articulations on the roles and responsibilities of men and boys in combating the gender inequalities present across a variety of issues of central importance to advancing a feminist and women’s rights agenda.
It will also assess the incorporation of key points in the promising practices framework for the engagement of men and boys as detailed in the OHCHR Report: Review of promising practices and lessons learned, existing strategies and United Nations and other initiatives to engage men and boys in promoting and achieving gender equality, in the context of eliminating violence against women.

a. Gender Transformative Approaches to engaging men and boys

From the earliest articulation, the CEDAW Convention lays the burden firmly on the state 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 (article 5a)”.

In subsequent General Recommendations, progressive discourse-setting drives an analysis of patriarchal structures, power dynamics and harmful social norms, stereotypes and traditional practices that underpin gender inequalities and elaborates a theory of rights-based social norms change. The recommendations refer to ‘patriarchal structures’, ‘patriarchal traditions and attitudes’ as root causes of gender inequality, and specifically mention “social norms, attitudes and expectations that are associated with traditional femininity and masculinity”, “the assertion of male power and control” and ‘violent masculinities’ as key elements to be addressed. The recommendations place the responsibility for addressing social norms and stereotypes firmly on states, and call for the engagement of men and boys in this effort. They urge states to engage men and boys in a range of issues including gender-based violence, harmful practices, unpaid care work, conflict prevention, HIV prevention and women’s access to justice, in varying degrees of detail.

The definition of the term “gender” in General Recommendation No. 28 is welcome, expressed as “socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and
disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community.” Likewise, the treaty bodies’ articulation of the definition of a “social norm” is equally welcome, which makes note of the great forces of pressure that hold social norms in place and which therefore require holistic, multi-pronged and long-term strategies to dismantle.

General recommendation No. 25 on Temporary Special Measures, deepens the understanding of the great task at hand, stating that “the position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns”. In order to achieve gender equality and the empowerment of all women and girls, we must not only transform individual men and boys or harmful masculinities that condone and perpetuate ideologies of the superiority of men and boys, we must also transform institutions and systems of power, including patriarchy in political and public space, and dismantle paradigms of power over, oppression and exclusion.

Recommendations

In future language formulations we would welcome an articulation of how patriarchy manifests in these spaces and systems, as well as how the work with men and boys, no matter how well intentioned, if not carried out properly can replicate these harmful social norms.

b. Accountability to Women, Girls and people of diverse SOGIESCs

Accountability in the work to engage men and boys and transform masculinities - from policy to programming - is of central consideration in order to ensure that efforts to dismantle harmful
social norms, stereotypes and traditional practices do not end up reinforcing paternalistic, protectionist or patriarchal notions of masculinity or replicate patriarchal power dynamics within institutions.

General Recommendation No. 35 on Gender-based violence against women, in general terms, stresses the need for “active participation of all relevant stakeholders, such as women’s organisations and those representing marginalised groups of women and girls, to address and eradicate the stereotypes, prejudices, customs and practices, laid out in article 5 of the Convention, that condone or promote gender-based violence against women and underpin structural inequality of women with men”.

Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices deepens this thinking while specifically recommending “that the States parties to the Conventions ensure that any efforts undertaken to tackle harmful practices and to challenge and change underlying social norms are holistic, community based and founded on a rights-based approach that includes the active participation of all relevant stakeholders, especially women and girls.” The Joint General Recommendation also notes the importance of mobilizing critical constituencies in these efforts, noting that the “most effective efforts are inclusive and engage relevant stakeholders at all levels, especially girls and women from affected communities and boys and men. Moreover, those efforts require the active participation and support of local leaders, including through the allocation of adequate resources. Establishing or strengthening existing partnerships with relevant stakeholders, institutions, organizations and social networks (religious and traditional leaders, practitioners and civil society) can help to build bridges between constituencies” - which must always be carried out in ways that centralize the needs and rights of women and girls, per their recommendation noted prior.

**Recommendations**

*We welcome the Committee’s jurisprudence on the need for accountability, and encourage the Committee to further lay out an articulation of the central importance of*
ensuring that all efforts to engage men and boys are carried out in consultation with women’s rights and feminist organizations, that they encourage the leadership of women and girls, that they do not divert funding away from initiatives focused on women and girls, centralizing the rights and fundamental freedoms of all women and girls as their key outcome.

As well, we recommend that the Treaty Body consider deepening an assessment of the need for accountability in all efforts to engage men and boys, transform harmful masculinities, stereotypes, male entitlements, traditions and customs, and the risk of reinforcing existing power dynamics in such efforts.

c. Engaging men and boys and transforming masculinities across all levels of society: Socio-ecological framework

When seeking to dismantle deeply held and historical societal norms, laws, beliefs, and patterns of conduct, it is not sufficient to do so by working at just one level of society. Working across a socio-ecological framework (from the individual, to the community, to institutions, to the policy sphere), is critical, including carrying out transformative processes at all levels.

In General recommendation No. 25 on Temporary special measures, we see a firm reminder by the Committee of this imperative requirement if we are to realize the goal of gender equality for all. The recommendation states that: “The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.”
How to effectively begin to ensure that men and boys are engaged in transformation at all levels is elaborated upon in the Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices. It notes that “one of the primary challenges in the elimination of harmful practices relates to the lack of awareness or capacity of relevant professionals, including front-line professionals, to adequately understand, identify and respond to incidents or the risks of harmful practices. A comprehensive, holistic and effective approach to capacity-building should aim to engage influential leaders, such as traditional and religious leaders, and as many relevant professional groups as possible, including health, education and social workers, asylum and immigration authorities, the police, public prosecutors, judges and politicians at all levels. They need to be provided with accurate information about the practice and applicable human rights norms and standards with a view to promoting a change in the attitudes and forms of behaviour of their group and the wider community.”

Recommendations

Calling attention to the need for gender transformation of men, especially those in positions of authority, power and privilege, as is the case for men working across the judicial, executive and legislative branches, is welcome and we encourage the treaty body to continue to call attention to this need.

d. Human-rights based approaches

Noting an increased uptake globally in work to engage men and boys, and having detailed the need for this work to be done in accountable ways, ensuring that efforts to engage men and boys in social norms transformation is done from a human rights-based approach, is equally central, in order to ensure that these efforts are centered around the realization of the rights of and women and girls.
Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices notes that “One of the first steps in combating harmful practices is through prevention. Both Committees have underlined that prevention can be best achieved through a rights-based approach to changing social and cultural norms, empowering women and girls, building the capacity of all relevant professionals who are in regular contact with victims, potential victims and perpetrators of harmful practices at all levels and raising awareness of the causes and consequences of harmful practices, including through dialogue with relevant stakeholders.” It also firmly calls upon an understanding of the centrality of “adopting a rights-based approach that is founded on recognition that rights are indivisible and interdependent”.

Recommendations

We welcome a more explicit articulation of why a rights-based approach is of particular importance in all efforts to engage boys and men in social norms transformation, especially as this work is predisposed to replicate patterns of male dominance as these efforts are carried out within still present patriarchal systems. Engaging men and boys is not the end goal, rather the means to an end, being the realization of the rights of all women and girls. Compelling the State parties to ensure that all efforts to engage men and boys be realized from a human-rights based approach, centered on the rights of all women and girls, and men and boys, is key.

e. Thematic address of the roles and responsibilities of men and boys in key issues of the feminist agenda

In addition to the Convention itself, many subsequent General Recommendations have articulated the need to engage men and boys at all levels of society in social norms transformation. Given that Article 5 of the Convention lays out this clear structural prescription for the attainment of a more just and equitable societies, we note the need for deepening
definitions, articulations and understanding on the role and responsibility of men and boys in transforming our societies through their own transformation.

In addition, many General Recommendations have deepened the exploration of the role of men and boys in all forms of violence and discrimination against women and girls and in gender-based violence. General Recommendation 19 and following, General Recommendation No. 35 do so, in addition to the general call alongside other Recommendations on the obligation of the state to encourage social norms transformation as a root cause that sustains and upholds VAWG/GBV more broadly. Across this jurisprudence, the treaty body has made tremendous strides in laying out the “how” and “why” of engaging men and boys in these efforts.

As is observed across other international policy spaces, from the Human Rights Council, Agenda 2030, CSW, and others, a recommendation is made to the committee, to deepen an articulation of how to both engage and hold to account men and boys across other critical thematic areas of focus for the advancement of the rights of women and girls, including SRHR, unpaid care, SOGIESC, Women Peace and Security, and climate change.

B. Jurisprudence of CEDAW and General Recommendations

Elimination of Harmful Social Norms, Stereotypes and Practices:
General Articulation of the Role and Responsibility of Men and Boys

JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS

CEDAW - Article 5

States Parties shall take all appropriate measures:

(a) 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 the participation of MenEngage Alliance Members:

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19

19. The Committee regards gender-based violence against women to be rooted in gender-related factors such as the ideology of men’s entitlement and privilege over women, social norms regarding masculinity, the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behaviour. These factors also contribute to the explicit or implicit social acceptance of gender-based violence against women, often still considered as a private matter, and to the widespread impunity for it.

General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women

5. Although the Convention only refers to sex-based discrimination, interpreting article 1 together with articles 2 (f) and 5 (a) indicates that the Convention covers gender-based discrimination against women. The term “sex” here refers to biological differences between men and women. The term “gender” refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community.

Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices

57. A social norm is a contributing factor to and social determinant of certain practices in a community that may be positive and strengthen its identity and cohesion or may be negative and potentially lead to harm. It is also a social rule of behaviour that members of a community are expected to observe. This creates and sustains a collective sense of social obligation and expectation that conditions the behaviour of individual community members, even if they are not personally in agreement with the practice. For example, where female genital mutilation is the social norm, parents are motivated to agree to its being performed on their daughters because they see other parents doing so and believe that others
expect them to do the same. The norm or practice is often perpetuated by other women in community networks who have already undergone the procedure and exert additional pressure on younger women to conform to the practice or risk ostracism, being shunned and stigmatization. Such marginalization may include the loss of important economic and social support and social mobility. Conversely, if individuals conform to the social norm, they expect to be rewarded, for example through inclusion and praise. Changing social norms that underlie and justify harmful practices requires that such expectations be challenged and modified.

67. Childhood, and early adolescence at the latest, are entry points for assisting both girls and boys and supporting them to change gender-based attitudes and adopt more positive roles and forms of behaviour in the home, at school and in wider society. This means facilitating discussions with them on social norms, attitudes and expectations that are associated with traditional femininity and masculinity and sex and gender-linked stereotypical roles and working in partnership with them to support personal and social change aimed at eliminating gender inequality and promoting the importance of valuing education, especially girls’ education, in the effort to eliminate harmful practices that specifically affect pre-adolescent and adolescent girls.

69. The Committees recommend that the States parties to the Conventions:

(c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination;

(f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

70. One of the primary challenges in the elimination of harmful practices relates to the lack of awareness or capacity of relevant professionals, including front-line professionals, to adequately understand, identify and respond to incidents or the risks of harmful practices. A comprehensive, holistic and effective approach to capacity-building should aim to engage influential leaders, such as traditional and religious leaders, and as many relevant professional groups as possible, including health, education and social workers, asylum and immigration authorities, the police, public prosecutors, judges and politicians at all levels. They need to be provided with accurate information about the practice and applicable human rights norms and standards with a view to promoting a change in the attitudes and forms of behaviour of their group and the wider community.

74. To challenge sociocultural norms and attitudes that underlie harmful practices, including male-dominated power structures, sex- and gender-based discrimination and age hierarchies, both Committees
regularly recommend that States parties undertake comprehensive public information and awareness-raising campaigns that are part of long-term strategies to eliminate harmful practices.

77. The most effective efforts are inclusive and engage relevant stakeholders at all levels, especially girls and women from affected communities and boys and men. Moreover, those efforts require the active participation and support of local leaders, including through the allocation of adequate resources. Establishing or strengthening existing partnerships with relevant stakeholders, institutions, organizations and social networks (religious and traditional leaders, practitioners and civil society) can help to build bridges between constituencies.

89. States parties should include in their reports under the Conventions information about the nature and extent of attitudes, customs and social norms that perpetuate harmful practices and on the measures guided by the present joint general recommendation/general comment that they have implemented and the effects thereof.

Elimination of Violence Against all Women and Girls/Gender-Based Violence:
General Articulation of the Role and Responsibility of Men and Boys

JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19

34. Adopt and implement effective legislative and other appropriate preventive measures to address the underlying causes of gender-based violence against women, including patriarchal attitudes and stereotypes, inequality in the family and the neglect or denial of women's civil, political, economic, social and cultural rights, as well as to promote women’s empowerment, agency and voice.

35. Develop and implement effective measures, with the active participation of all relevant stakeholders, such as women’s organisations and those representing marginalised groups of women and girls, to address and eradicate the stereotypes, prejudices, customs and practices, laid out in article 5 of the Convention, that condone or promote gender-based violence against women and underpin structural inequality of women with men. These measures should include:
a) The integration of gender equality content into curricula at all levels of education both public and private from the early childhood on and in education programmes with a human rights approach; it should target stereotyped gender roles and promote values of gender equality and non-discrimination, including non-violent masculinities, as well as ensure age-appropriate, evidence-based and scientifically accurate comprehensive sexuality education for girls and boys;

b) Awareness-raising programmes that (1) promote an understanding of gender-based violence against women as unacceptable and harmful and inform about available legal recourses against it, encourage its reporting and by-standers’ intervention; (2) address the stigma experienced by victims/survivors of such violence, and (3) dismantle the commonly held victim-blaming beliefs that make women responsible for their own safety and for the violence they suffer. These programmes should target: (a) women and men at all levels of society; (b) education, health, social services and law enforcement personnel and other professionals and agencies, including at the local level, involved in prevention and protection responses; (c) traditional and religious leaders; and (d) perpetrators of any form of gender-based violence, so as to prevent recidivism.

Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices

4. Moreover, the Committees recognize that boys are also the victims of violence, harmful practices and bias and that their rights must be addressed for their protection and to prevent gender-based violence and the perpetuation of bias and gender inequality later in their lives. Accordingly, reference is made herein to the obligations of States parties to the Convention on the Rights of the Child regarding harmful practices stemming from discrimination that affect boys’ enjoyment of their rights.

6. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child consistently note that harmful practices 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 also highlight the gender dimension of 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. It is also important to recall that the Committees are concerned that the practices are also used to justify gender-based violence as a form of “protection” or
control of women and children in the home or community, at school or in other educational settings and institutions and in wider society.

Unpaid Care and Economic Empowerment of Women and Girls:
General Articulation of the Role and Responsibility of Men and Boys

JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS

CEDAW: Article 11

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

  c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

CEDAW: Article 16

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

  d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

General recommendation No. 19: Violence against women

23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and
With the participation of MenEngage Alliance Members:

coercion. These forms of violence put women’s health at risk and impair their ability to participate in family life and public life on a basis of equality.

General recommendation No. 21: Equality in marriage and family relations

19. As provided in article 5 (b), most States recognize the shared responsibility of parents for the care, protection and maintenance of children. The principle that “the best interests of the child shall be the paramount consideration” has been included in the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and seems now to be universally accepted. However, in practice, some countries do not observe the principle of granting the parents of children equal status, particularly when they are not married. The children of such unions do not always enjoy the same status as those born in wedlock and, where the mothers are divorced or living apart, many fathers fail to share the responsibility of care, protection and maintenance of their children.

20. The shared rights and responsibilities enunciated in the Convention should be enforced at law and as appropriate through legal concepts of guardianship, wardship, trusteeship and adoption. States parties should ensure that by their laws both parents, regardless of their marital status and whether they live with their children or not, share equal rights and responsibilities for their children.

24. A stable family is one which is based on principles of equity, justice and individual fulfilment for each member. Each partner must therefore have the right to choose a profession or employment that is best suited to his or her abilities, qualifications and aspirations, as provided in article 11 (a) and (c) of the Convention. Moreover, each partner should have the right to choose his or her name, thereby preserving individuality and identity in the community and distinguishing that person from other members of society. When by law or custom a woman is obliged to change her name on marriage or at its dissolution, she is denied these rights.

42. Many of these countries hold a belief in the patriarchal structure of a family which places a father, husband or son in a favourable position. In some countries where fundamentalist or other extremist views or economic hardships have encouraged a return to old values and traditions, women’s place in the family has deteriorated sharply. In others, where it has been recognized that a modern society depends for its economic advance and for the general good of the community on involving all adults equally, regardless of gender, these taboos and reactionary or extremist ideas have progressively been discouraged.
Political and Public Life: General Articulation of the Role and Responsibility of Men and Boys

JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS

General recommendation No. 23: Political and public life

8. Public and private spheres of human activity have always been considered distinct, and have been regulated accordingly. Invariably, women have been assigned to the private or domestic sphere, associated with reproduction and the raising of children, and in all societies these activities have been treated as inferior. By contrast, public life, which is respected and honoured, extends to a broad range of activity outside the private and domestic sphere. Men historically have both dominated public life and exercised the power to confine and subordinate women within the private sphere.

10. In all nations, the most significant factors inhibiting women’s ability to participate in public life have been the cultural framework of values and religious beliefs, the lack of services and men’s failure to share the tasks associated with the organization of the household and with the care and raising of children. In all nations, cultural traditions and religious beliefs have played a part in confining women to the private spheres of activity and excluding them from active participation in public life.

12. Stereotyping, including that perpetrated by the media, confines women in political life to issues such as the environment, children and health, and excludes them from responsibility for finance, budgetary control and conflict resolution. The low involvement of women in the professions from which politicians are recruited can create another obstacle. In countries where women leaders do assume power this can be the result of the influence of their fathers, husbands or male relatives rather than electoral success in their own right.

20. Factors which impede these rights include the following:

(c) In many nations, traditions and social and cultural stereotypes discourage women from exercising their right to vote. Many men influence or control the votes of women by persuasion or direct action, including voting on their behalf. Any such practices should be prevented;

(d) Other factors that in some countries inhibit women’s involvement in the public or political lives of their communities include restrictions on their freedom of movement or right to participate, prevailing negative attitudes towards women’s political participation, or a lack of confidence in and support for
female candidates by the electorate. In addition, some women consider involvement in politics to be distasteful and avoid participation in political campaigns.

27. States parties have a further obligation to ensure that barriers to women’s full participation in the formulation of government policy are identified and overcome. These barriers include complacency when token women are appointed, and traditional and customary attitudes that discourage women’s participation. When women are not broadly represented in the senior levels of government or are inadequately or not consulted at all, government policy will not be comprehensive and effective.

40. The inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations and the international criminal justice system will make a difference. In addressing armed or other conflicts, a gender perspective and analysis is necessary to understand their differing effects on women and men.

44. States parties should explain the reason for, and effect of, any reservations to articles 7 or 8 and indicate where the reservations reflect traditional, customary or stereotyped attitudes towards women’s roles in society, as well as the steps being taken by the States parties to change those attitudes. States parties should keep the necessity for such reservations under close review and in their reports include a timetable for their removal.

**Sexual and Reproductive Health and Rights: General Articulation of the Role and Responsibility of Men and Boys**

**JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS**

Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices

17. The causes of harmful practices are multidimensional and include stereotyped sex- and gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies and sexuality of women and girls, social inequalities and the prevalence of male-dominated power structures. Efforts to change the practices must address those underlying systemic and structural
causes of traditional, re-emerging and emerging harmful practices, empower girls and women and boys and men to contribute to the transformation of traditional cultural attitudes that condone harmful practices, act as agents of such change and strengthen the capacity of communities to support such processes.

General recommendation No. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)

Noting that the World Health Organization has announced that the theme of World AIDS Day, 1 December 1990, will be “Women and AIDS”, Recommends:

(b) That programmes to combat AIDS should give special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection.

Women, Peace and Security: General Articulation of the Role and Responsibility of Men and Boys

JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS

General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations

43. The immediate aftermath of conflict can provide a strategic opportunity for States parties to adopt legislative and policy measures to eliminate discrimination against women in the political and public life of the country and to ensure that women have equal opportunities to participate in the new, post-conflict structures of governance. In many cases, however, the promotion of gender equality and women’s participation in decision-making processes is not seen as a priority at the official cessation of hostilities and may even be side-lined as incompatible with stabilization goals. The full participation and involvement of women in formal peace-making and post-conflict reconstruction and socioeconomic development are often not realized on account of deeply entrenched stereotypes, reflected in the traditionally male leadership of State and non-State groups, which exclude women from all aspects of decision-making, in addition to gender-based violence and other forms of discrimination against women.
SOGIESC: General Articulation of the Role and Responsibility of Men and Boys

JURISPRUDENCE OF CEDAW AND GENERAL RECOMMENDATIONS

General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women

6. The Committee has, in previous general recommendations, clarified that articles 1, 2 (f) and 5 (a) of the Convention read together indicate that the Convention covers sex- and gender-based discrimination against women. The Committee has explained that application of the Convention to gender-based discrimination falls under the definition of discrimination contained in article 1, which points out that any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms is discrimination. Discrimination against women based on sex and/or gender is often inextricably linked with and compounded by other factors that affect women, such as race, ethnicity, religion or belief, health, age, class, caste, being lesbian, bisexual or transgender and other status. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.

16. Gender-related claims to asylum may intersect with other proscribed grounds of discrimination, including age, race, ethnicity/nationality, religion, health, class, caste, being lesbian, bisexual or transgender and other status. The Committee is concerned that many asylum systems continue to treat the claims of women through the lens of male experiences, which can result in their claims to refugee status not being properly assessed or being rejected. Even though gender is not specifically referenced in the definition of a refugee given in the 1951 Convention relating to the Status of Refugees, it can influence or dictate the type of persecution or harm suffered by women and the reasons for such treatment. The definition in the 1951 Convention, properly interpreted, covers gender-related claims to refugee status. It must be emphasized that asylum procedures that do not consider the special situation or needs of women can impede a comprehensive determination of their claims. For example, asylum authorities may interview only the male “head of household”, may not provide same-sex interviewers and interpreters to allow women to present their claims in a safe and gender-sensitive environment or may interview women asylum seekers in the presence of their husbands or male family members who may in fact be the source or sources of their complaints. (...)
States parties should interpret the definition of a refugee in the 1951 Convention relating to the Status of Refugees in line with obligations of non-discrimination and equality; fully integrate a gender-sensitive approach while interpreting all legally recognized grounds; classify gender-related claims under the ground of membership of a particular social group, where necessary; and consider adding sex and/or gender, as well as the reason of being lesbian, bisexual or transgender, and other status to the list of grounds for refugee status in their national asylum legislation.