

- [Courseware \(/courses/LouvainX/Louv2.01x/1T2014/courseware\)](/courses/LouvainX/Louv2.01x/1T2014/courseware)
[Course Info \(/courses/LouvainX/Louv2.01x/1T2014/info\)](/courses/LouvainX/Louv2.01x/1T2014/info)
- [Discussion \(/courses/LouvainX/Louv2.01x/1T2014/discussion/forum\)](/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)
[Wiki \(/courses/LouvainX/Louv2.01x/1T2014/course_wiki\)](/courses/LouvainX/Louv2.01x/1T2014/course_wiki)
- [Progress \(/courses/LouvainX/Louv2.01x/1T2014/progress\)](/courses/LouvainX/Louv2.01x/1T2014/progress)
- [Reading Materials \(/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/\)](/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/)
- [Syllabus \(/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/\)](/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/)

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) imposes on States parties a duty 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' (Art. 5 (a)).

In Concluding Observations related to Russia, the Committee on the Elimination of Discrimination against Women (CEDAW/C/USR/CO/7)(30 July 2010) expressed its concern

'at the persistence of practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. In this respect, the Committee is concerned at the State party's repeated emphasis on the role of women as mothers and caregivers. The Committee is concerned ... that, thus far, the State party has not taken effective and systematic action to modify or eliminate stereotypes and negative traditional values and practices'.

In the light of these comments, consider the case (/c4x/LouvainX/Louv2.01x/asset/_Materials__Gender_Stereotyping_-_Markin_Final_.pdf) of *Konstantin Markin v. Russia* on which the European Court of Human Rights, sitting in Grand Chamber, delivered a judgment on 22 March 2012. In reading this case, recall that the problem of stereotypes is *not* about their truth or falsity, i.e., about their statistical reliability. As explained by R. Cook and R. Cusack, echoing the views expressed by baroness Hale of Richmond in the 2004 'Prague airport case' presented above, the problem is, rather, in *the fact of generalization itself*, which treats the individual not as individual but as member of a group: 'It does not matter for purposes of characterizing a generalization as a stereotype that attributes or characteristics are or are not common to individual members of that group, or whether members perform those roles or do not. The key consideration is that, because a particular group is presumed to possess those attributes or characteristics or perform those roles, an individual, simply by virtue of membership in that group, is believed to conform to the generalized view or preconception' (R. Cook and S. Cusack, *Gender Stereotyping. Transnational Legal Perspectives* (Univ. of Pennsylvania Press, 2010), 9).



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