



GENDER INEQUALITY AND SAFER SEX

CHAPTER 4

A wide range of power imbalances and inequalities between men and women - rooted in economic relations, in family structures, in differences in education and experience, in exposure to violence and in cultural expectations - have placed many women in the position of being unable to negotiate safer sexual practices with their partners. They may risk impoverishment or assault, may be legally unable to divorce their husbands, or may be certain of losing their children in the process. Social norms may dictate silence, passivity and compliance for women in sexual relations, and give the right to decide how and when sex takes place exclusively to men. There are multiple constraints on a woman's ability to engage only in the sexual relationships and sexual practices she herself chooses and desires, and the autonomy women need in order to negotiate safer sex depends on the realization of women's right to equality in many different areas of life.

1. INEQUALITY WITHIN THE FAMILY

Regarding power imbalances within family relations, the Women's Convention addresses problems such as legal impediments to women obtaining divorce, forced marriages, male ownership and control over family resources, and men being granted decision-making power over matters affecting the family.

The steps States parties may need to take to ensure their compliance with the Convention include reviewing and revising civil, common and customary laws affecting marriage, in particular to make divorce available to men and women on the same terms, to prohibit coercive forms of marriage, and to ensure equal rights to ownership and control over property within marriage and upon divorce.



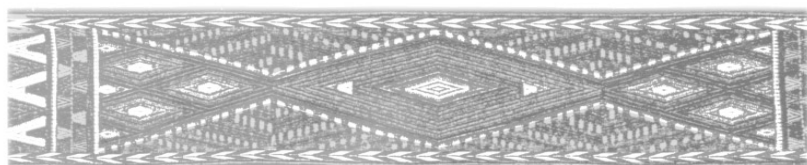
WHAT THE CONVENTION SAYS

- Article 16 requires States parties to **eliminate discrimination against women in the context of marriage and family relations**. Among the steps that States parties are directed to take, in particular, are those to ensure that women and men have: the same right to enter into marriage; the same right to **freely choose a spouse** and to enter into marriage only with their free and full consent; the **same rights and responsibilities during marriage and at its dissolution**; and the same rights in respect of **ownership, acquisition, management, administration, enjoyment and disposition of property**.
- In its General Recommendation on equality in marriage and family relations, the CEDAW Committee has stated that a woman's **right to choose when, if and whom she marries** must be protected and enforced by law, and the Committee has expressed particular concern about practices such as **forced marriage, forced remarriage and marriage arranged for payment**.
- The CEDAW Committee has stated in this General Recommendation that where the rights and responsibilities of married partners are regulated according to **religious or customary law**, there can be wide-ranging consequences for women that restrict their right to equal status and responsibility within marriage. The Committee notes that such limitations often **result in the husband being accorded the status of head of household and primary decision maker** and therefore contravene the Convention.
- The Committee has also stated in this General Recommendation that any law or custom that grants men a right to **a greater share of property at the end of a marriage** or de facto relationship, or on the death of a relative, is discriminatory and will have a **serious impact on a woman's practical ability to divorce her husband**, support herself or her family and live in dignity as an independent person.

2. EARLY MARRIAGE OF GIRLS

One of the factors that is especially responsible for generating unequal power relations within families, and so increasing women's vulnerability to the disease, is the early marriage of girls. Marriage to an older man sets up significant imbalances between husband and wife in terms of experience, authority and economic autonomy. Girls frequently leave school when they marry, due in part to the early onset of pregnancy and childbearing, and the consequent impairment of their education and employment prospects guarantees that a dynamic of inequality will continue throughout their adulthood. The Women's Convention clearly prohibits the practice of child marriage.

The Convention requires States parties to take measures to prevent the marriage of girls. To ensure that legal prohibitions are real and effective, they may need to establish compulsory and universal marriage registration, and birth registration as well, and also conduct public campaigns to raise awareness about the dangers of early marriage.





WHAT THE CONVENTION SAYS

- Article 16.2 provides that the **marriage and betrothal of a child shall have no effect**, and that States parties must set minimum ages for marriage and make marriage registration compulsory.
- In the General Recommendation on equality in marriage and family relations, the CEDAW Committee states that it considers that the **minimum age of marriage should be set at 18 years for both men and women**. The Committee notes that when minor girls marry and have children, their health can be affected, their education impeded and their economic autonomy consequently restricted. The **long term effects include the limitation of women's skill development and independence, and reduced access to employment**.
- In this same General Recommendation the Committee also states that providing **different ages for marriage for men and women and the betrothal of girls** and undertakings by families on their behalf contravene the Convention.

3. ECONOMIC AUTONOMY

Financial dependence on husbands and other male relatives, on employers and on men willing to provide some form of support in exchange for sex can severely compromise a woman's capacity to refuse sexual relations that she perceives to be dangerous. A series of articles in the Women's Convention are directed towards ensuring that women and men have the same ability to develop economic autonomy.

The following are some of the many different measures States parties may need to take to achieve compliance with the Convention in relation to women's economic autonomy: ensuring equal access to education for girls and to adult literacy and vocational training for women; ensuring women rights to own property, including land and access to financial credit on an equal basis with men; ensuring equality in employment, including the requirement that women receive equal pay for work of equal value; and taking a range of measures to ensure that rural women have the support they need to participate fully and equally in rural economies.



WHAT THE CONVENTION SAYS

- Article 15 provides that States parties must accord women equality with men before the law, giving them **the same legal capacity** and opportunity to exercise that capacity. Women shall, for example, be given equal rights to **conclude contracts and administer property**.
- Article 13 provides that States parties must take measures to ensure the same rights for men and women in relation to matters such as **family benefits, bank loans, mortgages and other forms of financial credit**.
- In its General Recommendation on equality in marriage and family relations, the CEDAW Committee has noted that **the requirement of a husband's or male relative's guarantee** to have access to credit or to enter into a contract denies women legal autonomy and seriously limits their ability to provide for themselves and their dependents.
- Article 11 provides that States parties must take steps to **eliminate discrimination against women in employment**, in particular to ensure equal rights in matters such as employment opportunities, promotion, job security and benefits, vocational training and apprenticeships, equal remuneration and social security.
- Article 10 provides that, in relation to **education**, States must take measures to **ensure equal rights with men**, including by: offering the same access to studies and career and vocational guidance, providing the same opportunities for **access to continuing education and literacy programmes, and reducing female student drop-out rates** and organizing programmes for girls and women who have left school prematurely.
- Article 14 requires States parties to ensure that **rural women participate in and benefit from rural development on a basis of equality with men**, and to ensure their rights in matters such as: participation in development planning; social security benefits; training and education, including functional literacy training; the organization of economic co-operatives; and access to agricultural credit and loans and equal treatment in land and agrarian reform.

4. STEREOTYPED SEXUALITY

Finally, stereotyped gender roles in relation to sexuality may be the most important factor constraining **both** men and women from taking appropriate preventative measures. Female norms of sexual innocence, ignorance and passivity don't exist in isolation. They go hand in hand with male norms dictating sexual recklessness, lack of responsibility, aggression and dominance. Despite the dramatic rise in infection rates for women in many regions, more men than women are currently living with HIV/AIDS. Men are putting themselves, and consequently their partners, at risk because of the cultural messages they have received about their own sexuality.

The Women's Convention speaks directly to this problem. Article 5 requires States parties to take all appropriate measures to change accepted social and cultural patterns of conduct for both men and women, with the goal of completely eliminating practices that are based on stereotyped roles and notions of inferiority or superiority of either sex. States parties to the Convention have the obligation to work to change discriminatory cultural norms and stereotypes relating to women and men's sexuality through, for example, public education campaigns and introducing new messages about sexuality into courses and programmes in the school system. They are also required to assess the ways in which the legal order may work to support and reinforce discriminatory stereotypes, such as by failing to impose criminal sanctions for marital rape, and to amend laws where necessary.

Stepping Stones, a programme developed in Uganda in 1995, is now used by some 2,000 organisations in 104 countries. The programme involves groups of younger women, older women, younger men and older men who explore SRH risk situations and negotiate strategies to promote sustainable behaviour change. After working through activities that examine a progression of themes such as co-operation and communication, relationships, HIV and safer sex, other aspects of SRH, gender roles and planning for the future, the single-sex age groups prepare "special requests" to the community in the form of role plays. This process makes it possible for adolescents to speak as a group and helps overcome gender and age barriers.

Source: UNAIDS 2001, Gender and AIDS Almanac, fact sheet