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ISSN: 2582-6433

HUMAN RIGHTS AND GENDER JUSTICE: REIMAGINING EQUALITY IN A CHANGING GLOBAL ORDER

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Abstract

Gender justice constitutes an essential dimension of the international human rights framework and is fundamental to achieving equality, dignity, freedom and social inclusion. Despite significant developments in international law, gender-based discrimination, violence, economic inequality, political underrepresentation and unequal access to education, healthcare, technology and justice continue to affect women and gender minorities across the world. The persistence of these inequalities demonstrates a substantial gap between the formal recognition of rights and their effective realization.

This paper examines the relationship between human rights and gender justice from an international and comparative perspective. It analyses the evolution of gender equality under international instruments, particularly the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenants and the Sustainable Development Goals. It further examines intersectionality and the manner in which gender discrimination interacts with poverty, race, caste, disability, conflict, migration and socio-economic marginalisation. Particular attention is given to emerging challenges associated with artificial intelligence, algorithmic discrimination, digital exclusion and technology-facilitated gender-based violence.

The paper argues that gender justice requires a shift from formal equality towards substantive and transformative equality. It concludes that effective implementation of human rights norms requires gender-responsive legislation, institutional accountability, access to justice, political participation, economic empowerment, digital inclusion and international cooperation.

Keywords: Human Rights; Gender Justice; Gender Equality; CEDAW; Intersectionality; Digital Rights.

ISSN: 2582-6433

1. Introduction

Human rights and gender justice are deeply interconnected. The idea that every individual possesses inherent dignity and equal rights cannot be meaningfully realised when gender determines a person's access to education, employment, political participation, healthcare, property, technology, bodily autonomy or justice. Gender inequality is therefore not merely a social or developmental concern; it is fundamentally a human rights issue.

The international human rights system has progressively recognised gender equality as a central principle. The Universal Declaration of Human Rights (UDHR) established the normative foundation by proclaiming that all human beings are born free and equal in dignity and rights and that everyone is entitled to rights without distinction based, among other grounds, on sex.[1] The subsequent development of specialised treaties, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), transformed gender equality from a general principle into a comprehensive legal obligation requiring States to eliminate discrimination against women.

Nevertheless, the existence of international legal standards has not automatically produced gender justice. The contemporary world continues to experience gender-based violence, unequal distribution of unpaid care work, discriminatory social norms, political exclusion, economic disparities and restrictions upon reproductive autonomy. According to recent United Nations data, approximately 840 million women—almost one in three women aged 15 years and older—have experienced physical and/or sexual intimate-partner violence, non-partner sexual violence, or both during their lifetime.[2]

The challenge has become more complex with technological transformation. Digital platforms have created opportunities for education, political participation and economic empowerment, but they have simultaneously generated new forms of harassment, surveillance, image-based abuse, cyberstalking, online threats and technology-facilitated violence. Artificial intelligence can further reproduce existing social inequalities when algorithms are trained on biased data or designed without adequate consideration of gendered consequences.

Gender justice therefore requires more than equality before law. It requires examination of the structural, institutional, economic, cultural and technological conditions that produce unequal outcomes. The central argument of this paper is that human rights law must move from formal equality towards substantive and transformative gender justice.

ISSN: 2582-6433

2. Conceptualising human rights and gender justice

Human rights are grounded in the principles of dignity, equality, liberty, non-discrimination and participation. The UDHR provides that everyone is entitled to all rights and freedoms without distinction of any kind, including distinction based on sex.[3] The International Covenant on Civil and Political Rights (ICCPR) reinforces these principles by requiring States to respect and ensure rights without distinction, including sex, and by recognising the equal right of men and women to enjoy civil and political rights.[4] The International Covenant on Economic, Social and Cultural Rights (ICESCR) similarly requires States to guarantee equal enjoyment of economic, social and cultural rights.[5]

Gender justice can therefore be understood as the practical realisation of human rights in circumstances where gender has historically operated as a basis of disadvantage. It extends beyond treating men and women identically. Where historical and structural inequalities exist, identical treatment may perpetuate rather than eliminate disadvantage.

2.1 Formal equality and substantive equality

Formal equality means that individuals are treated equally under the law. Substantive equality asks whether legal rules and social institutions actually produce equal opportunities and outcomes.

For example, a law may provide formally equal access to employment while women continue to face barriers resulting from unpaid care responsibilities, workplace harassment, discriminatory recruitment practices or inadequate maternity protection. In such circumstances, formal equality alone is insufficient.

CEDAW reflects this broader conception. Article 1 defines discrimination against women as any distinction, exclusion or restriction based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms by women.[6] The reference to discriminatory effects is particularly important because discrimination may occur even in apparently neutral systems.

Gender justice therefore demands corrective and enabling measures. Temporary special measures, affirmative action, gender-responsive budgeting, social protection and institutional reforms may be necessary to achieve substantive equality.

ISSN: 2582-6433

3. International legal framework for gender justice

The international legal framework concerning gender equality has developed through declarations, treaties, policy frameworks and sustainable development commitments. Together these instruments establish duties of non-discrimination, equality, participation and protection.

3.1 Universal Declaration of Human Rights

The UDHR represents the foundational international statement of universal human dignity and equality. Articles 1 and 2 establish equality and non-discrimination, while Article 16 recognises equal rights in marriage and family relations.[7] The Declaration is significant because it rejects the idea that gender can legitimately determine the enjoyment of basic human rights.

Although adopted as a declaration rather than a treaty, the UDHR profoundly influenced subsequent international human rights law. Its principles have been incorporated into treaties, constitutional systems and international jurisprudence.

3.2 Convention on the Elimination of All Forms of Discrimination against Women

CEDAW, adopted in 1979, is the central international treaty concerning women's equality. It requires States to eliminate discrimination through legislative, administrative, institutional and social measures.

Article 2 requires States to pursue policies eliminating discrimination against women and to adopt appropriate legislative and other measures. Article 5 addresses gender stereotypes and social practices based upon assumptions concerning the superiority or inferiority of either sex.[8] Article 11 concerns employment, Article 12 healthcare, Article 14 the situation of rural women, and Article 16 equality in marriage and family relations.

CEDAW is particularly significant because it recognises that discrimination is not confined to State action. Gender inequality can be sustained through social practices, stereotypes and private relationships. Consequently, States have positive obligations to prevent and remedy discrimination.

3.3 Beijing Declaration and Platform for Action

The 1995 Beijing Declaration and Platform for Action represented a major international commitment to advancing women's rights. It identified twelve critical areas of concern, including poverty, education, health, violence, armed conflict, economic structures, decision-making, institutional mechanisms and human rights.

The Beijing framework established the principle that gender equality must be integrated across all areas of public policy rather than confined to women's welfare programmes.

ISSN: 2582-6433

3.4 Sustainable Development Goal 5

The 2030 Agenda for Sustainable Development places gender equality at the centre of sustainable development through SDG 5: 'Achieve gender equality and empower all women and girls.'[9] Its targets include eliminating discrimination, ending violence against women and girls, eliminating harmful practices, recognising unpaid care work, ensuring women's political participation, guaranteeing reproductive rights, securing equal economic resources and using technology to empower women.

Recent United Nations data demonstrates that progress remains inadequate. As of January 2026, women held approximately 27.4 per cent of seats in national parliaments, while women held around 30.5 per cent of managerial positions globally in 2025.[10] These figures demonstrate the continuing gap between international commitments and lived realities.

4. Gender-based violence as a human rights violation

Gender-based violence is one of the most serious obstacles to gender justice. It includes domestic violence, sexual violence, sexual harassment, trafficking, forced marriage, female genital mutilation, intimate-partner violence and technology-facilitated abuse.

Violence violates multiple rights simultaneously, including the rights to life, liberty, security, equality, privacy, health and dignity. Its consequences also extend beyond the immediate victim, affecting children, families, communities and economic participation.

UN Women estimates that approximately 840 million women have experienced physical and/or sexual intimate-partner violence, non-partner sexual violence or both during their lifetime.[11] The persistence of such violence demonstrates that legal prohibition alone is insufficient.

4.1 State responsibility

States have obligations not merely to refrain from committing violence but also to exercise due diligence to prevent violence by private actors, investigate allegations, prosecute perpetrators and provide effective remedies.

The due-diligence principle is therefore central to gender justice. Police, courts, healthcare institutions and social services must be adequately equipped to respond to gender-based violence in a victim-sensitive and rights-based manner.

4.2 Technology-facilitated gender-based violence

The digital environment has transformed the nature of gender-based violence. Women may face cyberstalking, online sexual harassment, threats, doxxing, non-consensual dissemination

ISSN: 2582-6433

of intimate images, impersonation and digitally manipulated content.

UN Women identifies technology-facilitated violence as an emerging dimension of violence against women.[12] Women journalists, politicians and human rights defenders are particularly vulnerable because online attacks can be used to silence their participation in public life.

Digital violence is therefore not merely an issue of cyber regulation. It is connected to freedom of expression, privacy, dignity, security and political participation.

5. Intersectionality and gender justice

Gender discrimination does not operate in isolation. A woman's experience may simultaneously be shaped by race, caste, class, disability, ethnicity, age, migration status, poverty, sexuality or geographic location.

The concept of intersectionality, associated particularly with Kimberlé Crenshaw, explains how multiple forms of disadvantage can intersect and create experiences that cannot be understood through a single category of discrimination.[13]

5.1 Intersectionality in the international human rights system

CEDAW increasingly recognises the importance of addressing multiple and intersecting forms of discrimination. General Recommendation No 28 emphasises the need to consider discrimination that affects women through multiple dimensions of identity and social position.[14]

Intersectionality changes the policy question from ‘Are women treated equally?’ to ‘Which women remain excluded, why are they excluded, and how do multiple structures of disadvantage interact?’ This approach is essential for effective gender justice.

6. Economic inequality and the gendered distribution of work

Economic independence is fundamental to the effective enjoyment of human rights. Yet women continue to experience unequal participation in labour markets, wage disparities, occupational segregation and disproportionate responsibility for unpaid care work.

The gendered distribution of unpaid domestic and care work is particularly important. Globally, women spend approximately two and a half times as many hours on unpaid domestic and care work as men.[15] This limits women's opportunities for education, employment, political participation and economic advancement.

ISSN: 2582-6433

6.1 Equal pay and decent work

The principle of equal remuneration for work of equal value is recognised under international labour standards. The ILO Equal Remuneration Convention, 1951 requires States to promote and ensure equal remuneration for men and women workers for work of equal value.[16]

However, gender equality in employment requires more than equal wages. It requires maternity protection, protection against sexual harassment, access to leadership positions, reasonable working conditions, social security and recognition of unpaid care work.

6.2 Care economy

The care economy demonstrates the relationship between private life and public policy. Where childcare, eldercare and social protection are inadequate, care responsibilities are transferred disproportionately to women.

Consequently, gender justice requires investment in public services and social infrastructure. SDG Target 5.4 expressly calls for recognition and valuation of unpaid care and domestic work through public services, infrastructure, social protection and shared responsibility.[17]

7. Political participation and representation

Political participation is both a human right and an instrument for achieving gender justice. Women must have meaningful opportunities to participate in legislatures, political parties, public administration and decision-making institutions.

Although women's representation has increased globally, progress remains slow. As of January 2026, women occupied approximately 27.4 per cent of seats in national parliaments.[18] Underrepresentation has consequences for policy priorities. Women's participation does not automatically guarantee gender-sensitive legislation, but exclusion makes it more difficult for women's experiences to influence public decision-making.

Gender justice therefore requires measures addressing structural barriers, including political violence, discriminatory party structures, unequal access to campaign resources and online harassment.

8. Digital rights, artificial intelligence and gender justice

The technological revolution presents one of the most important emerging dimensions of human rights and gender justice.

ISSN: 2582-6433

8.1 Digital divide

Digital technology can improve access to education, employment, healthcare, financial services and political participation. However, unequal access to devices, internet connectivity, digital literacy and financial resources can reinforce existing gender inequalities.

Recent UN data indicates that women remain less likely than men to own mobile phones globally.[19] Digital inclusion must therefore be understood as increasingly connected to the effective enjoyment of social, economic and political rights.

8.2 Algorithmic discrimination

Artificial intelligence systems can reproduce discrimination present in training data. Recruitment algorithms, facial recognition systems, credit scoring mechanisms and automated decision-making tools may produce unequal outcomes if they rely upon biased datasets or inappropriate proxies.

The problem is particularly significant because algorithmic discrimination may be difficult for affected individuals to identify or challenge. Traditional anti-discrimination law must therefore be adapted to technological environments.

8.3 Generative AI and gender-based abuse

Generative AI has introduced new risks, including the creation of manipulated sexual images, impersonation and automated harassment. Such technologies can intensify existing forms of gender-based abuse while making attribution and removal more difficult.

A human-rights-based approach to AI should therefore incorporate principles of transparency, accountability, non-discrimination, privacy, safety and effective remedy.

9. Reproductive rights and bodily autonomy

Bodily autonomy is central to human dignity. Decisions concerning marriage, pregnancy, contraception and reproductive healthcare directly affect women's ability to participate equally in social, economic and political life.

International human rights law increasingly connects reproductive health with rights to privacy, health, equality, information and freedom from discrimination. SDG Target 5.6 specifically recognises the importance of universal access to sexual and reproductive healthcare and reproductive rights.[20]

Restrictions on reproductive autonomy may have disproportionate consequences for women who are poor, rural, displaced or otherwise marginalised. Effective gender justice therefore

ISSN: 2582-6433

requires accessible, affordable and non-discriminatory healthcare services together with accurate health information.

10. Gender justice in the Indian constitutional framework

India provides an important example of the interaction between constitutional rights and international gender justice.

The Constitution of India guarantees equality before law under Article 14, prohibits discrimination on grounds including sex under Article 15, permits special provisions for women and children under Article 15(3), guarantees equality of opportunity under Article 16 and protects life and personal liberty under Article 21.

The Supreme Court of India has progressively interpreted these provisions to advance gender equality. In Vishaka v State of Rajasthan, the Court recognised sexual harassment at the workplace as a violation of fundamental rights and relied upon CEDAW in developing guidelines for institutional protection.[21] The decision illustrates the relationship between international human rights norms and domestic constitutional interpretation.

In Anuj Garg v Hotel Association of India, the Supreme Court rejected paternalistic restrictions that purported to protect women while limiting their employment opportunities.[22] The Court emphasised that gender stereotypes cannot be used to justify discriminatory restrictions.

In Joseph Shine v Union of India, the Supreme Court invalidated the criminalisation of adultery and strongly rejected notions of women as subordinate to their husbands.[23] The judgment connected dignity, autonomy and equality with constitutional protection.

These developments demonstrate the movement from protective discrimination towards an autonomy-based understanding of gender justice.

11. Access to justice and institutional accountability

Legal rights have limited significance if individuals cannot effectively enforce them. Access to justice is therefore an essential component of gender justice.

Women may face barriers including lack of legal awareness, financial dependence, social stigma, fear of retaliation, inaccessible courts, discriminatory attitudes and inadequate institutional support.

11.1 Gender-sensitive justice institutions

Courts, police, prosecutors and administrative bodies must be equipped to respond to gender-

ISSN: 2582-6433

based claims without reinforcing stereotypes. Gender-sensitive training, victim-support services, legal aid and accessible complaint mechanisms are essential.

11.2 Effective remedies

Human rights law requires effective remedies for violations. Remedies may include compensation, criminal prosecution, protective orders, institutional reform, rehabilitation and guarantees of non-repetition.

For gender justice to be transformative, remedies should address both individual harm and structural causes.

12. From formal equality to transformative gender justice

The future of gender justice requires moving beyond a narrow anti-discrimination approach.

12.1 Transforming social norms

Laws cannot independently eliminate gender stereotypes. Education, media representation, family structures and institutional cultures play important roles.

Gender equality education should begin early and should challenge stereotypes relating to leadership, caregiving, occupations and social roles.

12.2 Gender-responsive governance

Governments should integrate gender analysis into legislation, public expenditure and policy development. Gender-responsive budgeting can help determine whether public resources actually address gender disparities.

The United Nations reports that only a minority of countries have comprehensive systems for tracking allocations directed towards gender equality.[24] This illustrates the gap between policy commitments and financial implementation.

12.3 Participation of women in decision-making

Gender justice should not be designed exclusively for women without their participation. Women must be represented in institutions responsible for developing laws and policies affecting them.

Meaningful participation also requires protection against political and digital violence.

ISSN: 2582-6433

13. Recommendations

First, States should harmonise domestic legislation with international gender-equality standards, particularly CEDAW and relevant ILO conventions.

Second, legal systems should move from formal equality towards substantive equality by addressing structural disadvantages.

Third, States should strengthen mechanisms for preventing and investigating gender-based violence and ensure effective remedies.

Fourth, technology-facilitated gender violence should be expressly addressed through appropriate legal and institutional mechanisms while protecting freedom of expression and privacy.

Fifth, artificial intelligence regulation should incorporate mandatory equality, transparency, impact-assessment and accountability requirements.

Sixth, governments should invest in childcare, healthcare, social protection and other elements of the care economy to reduce the unequal burden of unpaid work.

Seventh, political institutions should promote meaningful participation of women in legislatures, public administration and leadership positions.

Eighth, gender-responsive budgeting should be strengthened so that equality commitments are supported by adequate financial resources.

Ninth, intersectional approaches should be incorporated into gender policies so that the specific needs of marginalised women are addressed.

Tenth, international organisations and States should strengthen cross-border cooperation in combating trafficking, online violence, exploitation and other transnational forms of gender-based abuse.

14. Conclusion

Human rights and gender justice are inseparable. The recognition of universal human dignity cannot be meaningful when individuals continue to experience discrimination because of gender. International law has developed an extensive framework through the UDHR, ICCPR, ICESCR, CEDAW, the Beijing Platform for Action and the Sustainable Development Goals. Yet the persistence of gender-based violence, economic inequality, political underrepresentation, unequal care responsibilities and digital discrimination demonstrates that legal recognition has not translated into universal substantive equality.

The contemporary challenge is no longer simply to establish whether gender equality is a

ISSN: 2582-6433

human right. That proposition is firmly established. The more difficult question is how legal systems, institutions and societies can convert that right into lived equality.

The answer requires a transformation from formal equality to substantive and transformative justice. Gender justice must address the structural causes of inequality and recognise the intersection between gender and poverty, caste, race, disability, migration, conflict and technological exclusion. It must also respond to emerging challenges created by artificial intelligence and digital platforms.

The international human rights framework provides the normative foundation, but implementation depends upon political commitment, institutional accountability, adequate resources and meaningful participation. Gender equality should therefore not be regarded as a specialised policy objective affecting only women. It is a fundamental condition for democratic governance, sustainable development, social justice and the realisation of human rights for all.

The achievement of gender justice ultimately requires a shift from asking whether women have been granted rights to asking whether women and persons affected by gender inequality are actually able to exercise those rights with dignity, autonomy and security. Only such a transformation can fulfil the promise of universal human rights.

Footnotes

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3. Universal Declaration of Human Rights (n 1) art 2.
4. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, arts 2 and 3.
5. International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art 3.
6. Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, art 1.
7. Universal Declaration of Human Rights (n 1) arts 1, 2 and 16.
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ISSN: 2582-6433

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