

4. Gender Justice Gap - Economy

Recently, UN Women, on International Women's Day, issued a global alert highlighting serious gaps in justice systems worldwide

1. Key Findings of the UN Report on Women's Rights – Expanded Analysis

Global Legal Inequality

1. Despite decades of international commitments toward gender equality, women globally continue to experience significant legal inequality.
2. According to the UN report, women possess only about 64% of the legal rights available to men, highlighting systemic discrimination embedded in many national legal systems.
3. This gap manifests in areas such as property rights, inheritance laws, employment opportunities, and access to justice.
4. Weak legal protections for women undermine the rule of law, as justice systems fail to ensure equal protection and accountability.
5. Such inequality also weakens democratic institutions, since equal participation and rights are essential for inclusive governance.
6. Legal discrimination perpetuates economic dependency, social marginalisation, and limited political participation for women.

Major Legal Gaps Affecting Women

Weak Legal Definitions of Sexual Violence

1. In 54% of countries, rape is not legally defined on the basis of absence of consent.
2. Instead, many legal systems rely on narrow definitions requiring proof of physical force or resistance, which excludes many forms of sexual violence.
3. This gap limits the prosecution of offenders and denies justice to survivors.
4. It also discourages victims from reporting crimes due to legal ambiguity and social stigma.

Persistence of Child Marriage

1. In nearly three-fourths of countries, girls can still be legally married under certain exceptions, such as parental consent or judicial approval.
2. Child marriage has severe consequences, including early pregnancy, health risks, school dropout, and economic dependency.
3. It also violates fundamental human rights, including the right to education, health, and bodily autonomy.

Economic Discrimination Against Women

1. Approximately 44% of countries lack legal provisions guaranteeing equal pay for work of equal value.
2. This legal gap contributes significantly to the global gender wage gap, where women earn less than men for similar work.
3. Economic discrimination also manifests in restricted access to credit, land ownership, and formal employment opportunities.
4. Such inequalities reduce women's financial independence and economic participation, thereby limiting overall economic growth.
5. Studies indicate that improving women's labour participation could significantly increase global GDP and productivity.

2. Rising Threats to Women's Rights

Weak Enforcement of Laws

1. Even in countries with strong legal frameworks, weak enforcement mechanisms and lack of accountability often allow violations of women's rights to continue.
2. Gender-based crimes frequently remain underreported and under-prosecuted, creating a culture of impunity.

Technology-Driven Violence

1. Rapid expansion of digital technologies has led to new forms of violence against women, including –
 - Online harassment
 - Cyberstalking
 - Non-consensual sharing of images
 - Digital threats and trolling
2. Women journalists, activists, and political leaders are particularly vulnerable to coordinated online abuse campaigns.

Sexual Violence in Conflict Situations

1. Sexual violence continues to be used as a weapon of war in armed conflicts.
2. Such acts are often used to terrorise populations, destabilise communities, and assert control over territories.
3. The UN reports that documented cases of conflict-related sexual violence have increased by about 87% in the last two years.
4. Survivors face long-term trauma, social exclusion, and lack of justice, particularly in fragile states with weak institutions.

3. Barriers to Accessing Justice

Social Norms and Stigma

1. Deep-rooted patriarchal norms and victim-blaming attitudes discourage women from reporting crimes.
2. Survivors often face social ostracism, honour-based pressures, and family opposition.
3. These societal barriers reinforce silence and perpetuate cycles of abuse.

Institutional Barriers

1. Women frequently lack trust in law enforcement agencies, courts, and legal systems.
2. In many countries, police officers and judicial officials may lack gender-sensitive training.
3. Delays, corruption, and bureaucratic hurdles further discourage victims from seeking justice.

Practical Constraints

1. Access to justice is also limited by practical challenges, including –
 - High legal costs
 - Long and complex judicial processes
 - Language barriers
 - Lack of awareness about legal rights
2. Rural women, migrant women, and marginalised groups often face additional barriers.

Impunity and Weak Enforcement

1. Crimes such as femicide, domestic violence, and sexual assault often go unpunished due to weak investigation and prosecution.
2. In many countries, conviction rates for gender-based violence remain extremely low.
3. This impunity emboldens perpetrators and undermines the credibility of justice systems.

4. Emerging Global Challenges

Backlash Against Gender Equality

1. Recent years have witnessed growing political and ideological resistance to gender equality initiatives.
2. Some governments have introduced laws restricting women's reproductive rights, political participation, and civil liberties.
3. Women activists and organisations advocating gender rights often face harassment, censorship, and legal restrictions.

Digital and Online Violence

1. The digital ecosystem has become a new frontier for gender-based violence.

2. Women are disproportionately targeted with misinformation campaigns, harassment, and threats on social media platforms.
3. Weak global regulation of digital platforms allows perpetrators to act anonymously and with limited consequences.

5. Progress Achieved So Far

Legal Reforms and Policy Improvements

1. Approximately 87% of countries have enacted laws addressing domestic violence, marking significant global progress.
2. Over 40 countries have strengthened constitutional protections for women and girls in the last decade.

International Normative Frameworks

1. Global agreements have played an important role in promoting gender equality, including -
 - o Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
 - o Sustainable Development Goal 5 (Gender Equality)
 - o UN Security Council Resolution 1325 on Women, Peace and Security
2. These frameworks encourage governments to adopt legal reforms, policy initiatives, and monitoring mechanisms.

Limitations of Legal Progress

1. Despite improvements in legislation, laws alone are insufficient without proper enforcement mechanisms.
2. Effective change requires institutional reforms, social awareness, and cultural transformation.

6. Global Call to Action

The International Women's Day 2026 theme — "Rights. Justice. Action. For ALL Women and Girls" — highlights the urgency of strengthening gender justice worldwide.

Key priorities include -

1. Ending impunity for gender-based violence through stronger investigation and prosecution mechanisms.
2. Strengthening rule of law and building gender-sensitive police, courts, and legal institutions.
3. Ensuring equal legal rights and economic opportunities for women.
4. Regulating digital platforms to address online harassment and cyber violence.
5. Expanding legal awareness programmes and access to affordable legal aid for women.
6. India and Women's Rights

7. Constitutional Provisions

India's Constitution provides a strong legal foundation for gender equality -

1. **Article 14** - Guarantees equality before the law and equal protection of laws.
2. **Article 15(1)** - Prohibits discrimination on grounds of sex, religion, race, caste, or place of birth.
3. **Article 15(3)** - Allows the State to make special provisions for women and children.
4. **Article 39(d)** - Directs the State to ensure equal pay for equal work for both men and women.

Key Legislative Measures

India has enacted several laws to protect women's rights -

1. **Protection of Women from Domestic Violence Act, 2005** - Provides civil remedies and protection orders for victims of domestic abuse.
2. **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** - Mandates Internal Complaints Committees and safeguards women in workplaces.
3. **Prohibition of Child Marriage Act, 2006** - Criminalises child marriage and provides legal remedies for victims.

These legal frameworks reflect India's commitment to strengthening gender justice and protecting women's rights.

Conclusion

Despite progress in legal reforms and international commitments, gender inequality and violence against women remain widespread across the world. Bridging the gap between legal rights and their effective implementation is essential for ensuring justice and empowerment. Strengthening legal institutions, addressing social barriers, and fostering global cooperation will be crucial in advancing gender equality and safeguarding the rights of women and girls.

Source - https://www.downtoearth.org.in/governance/women-globally-hold-just-64-of-the-legal-rights-of-men-un#google_vignette

