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GENDER AND HUMAN RIGHTS: A LEGAL PERSPECTIVE ON GENDER EQUALITY AND DISCRIMINATION

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ABSTRACT

The fundamental right of gender equality in international human rights law continues to face restrictions from legal and institutional factors together with cultural obstacles. The research reviews how law safeguarding equality between male and female evolved through United Nations documents starting with the Universal Declaration of Human Rights (UDHR) leading to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) before culminating in the Beijing Declaration. The examination investigates regional human rights instruments through the ECHR plus the Maputo Protocol together with the Belém do Pará Convention while analyzing their ability to stop gender-specific discriminatory acts. The evaluation of different countries' legal frameworks reveals inconsistent policy execution patterns where judicial action and constitutional defense systems lead to the most significant development progress. Gender justice faces constant obstacles which stem from poor legal enforcement together with discriminatory practices across gender and political barriers to justice. Image verification demonstrates why law enforcement requires better implementation and gender-oriented policies and structural reforms to close the disparity between established rights and true equality. The advancement of gender equality depends on intersectionality research and above all on fortified digital rights shields and appropriate solutions against new forms of gender discrimination in law.

Keywords: Gender equality, human rights law, legal frameworks, gender discrimination, judicial activism, policy enforcement.

1. INTRODUCTION

International human rights law contains essential principles which establish gender equality as well as the complete removal of gender-based discrimination. The term gender equality describes the situation where everybody regardless of gender obtains equal rights and fair and neutral access to all resources and prospects like political representation alongside educational possibilities employment and legal safety (Gupta et al., 2019). The principle protects people from gender-based prejudices which block their complete involvement in social activities and economic opportunities and political processes. Gender discrimination includes all gender-based distinctions and exclusions and restrictions which create disadvantages for individuals when they attempt to access rights and opportunities (Grey et al., 2019). Wage discrimination and restricted leadership opportunities along with gender-based violence and broken protection systems against marginalized genders are among the gender-based issues (Das & Das, 2019).

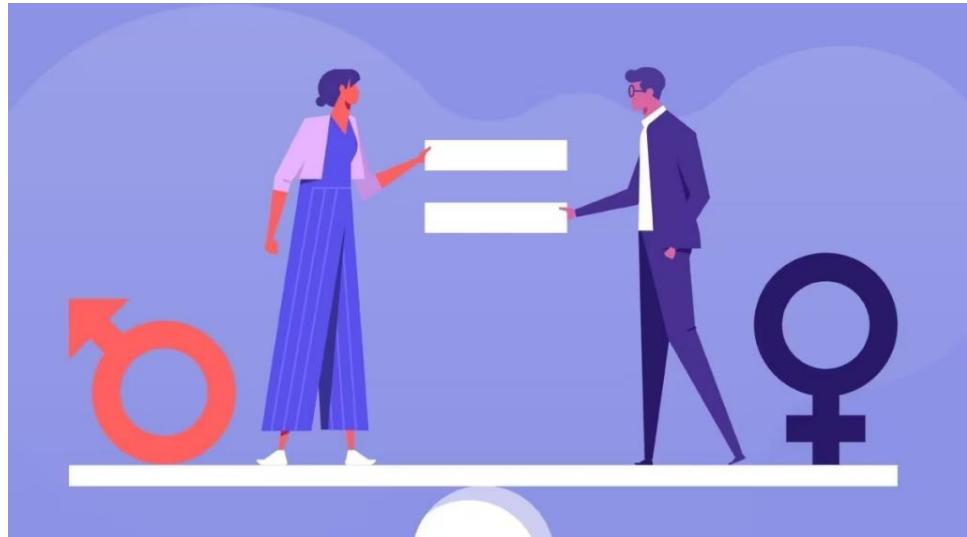


Fig 1: Gender Equality (Unit, n.d.)

The human rights framework integrate gender rights by the adoption of international legal instruments which include the Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Beijing Declaration and Platform for Action (Freeman, 2019). The frameworks demonstrate that gender equality stands as a legal requirement which demands states to take specific actions against discriminatory practices. The concept of gender equality links directly to fundamental human rights such as life preservation and dignity protection along with non-discriminatory rights. The achievement of sustainable development requires gender equality according to the United Nations through Sustainable Development Goal (Heymann et al., 2019).



Fig 2: Human Rights and Gender Equality (Unit, n.d.)

This article reviews gender equality and discrimination by investigating current legal systems together with policy frameworks and international agreements' performances. The study investigates a wide range of legal instruments starting from international conventions to regional agreements as well as national law frameworks from several countries around the world. A thorough examination takes place of judicial decisions along with important courtroom cases along with institutional practices which handle gender discriminatory issues. This study takes on importance because it reveals inadequacies within legal framework structures which enables recommendations for policy changes that further gender

justice discussions in law-based systems. A doctrinal research approach enables the review to fulfill its objectives by conducting a systematic investigation of gender rights through analysis of legal texts and judicial decisions and academic papers. The method examines opposite frameworks across multiple jurisdictions to both learn successful measures and document obstacles faced during gender equality law enforcement. Throughout the research the study conducts a comprehensive evaluation regarding how judicial activism and both legislative development as well as international human rights organizations impact gender rights law. This review analyzes both legal information and human rights concepts to explain how law addresses gender equality issues and what resistance remains or has been overcome (McCradden, 2019).

2. THEORETICAL AND LEGAL FOUNDATIONS OF GENDER EQUALITY

Gender equality foundations together with their supporting legal frameworks derive from theoretical discussions and human rights law. Gender equality developed through legal and social transformations because of multiple movements and legal decisions and international agreements. The understanding of gender equality through legal systems requires evaluation of its historical development together with theoretical perspectives which shaped policy changes and human rights' essential role for its fulfilment (Elefante & Robakowski, 2020).

2.1 Conceptual Framework of Gender Equality and Discrimination

Gender equality means all people should receive equal rights and responsibilities and opportunities without consideration of their gender. The pursuit of gender equality needs to achieve two goals: equal treatment in law and systematic equality that eliminates historic disadvantages particularly affecting women and gender minorities (Gupta et al., 2019). Gender equality received progressive legal acceptance that shifted through historical periods starting with women's voting rights and labor liberty into present-day debates about pay inequality and maternal healthcare access and violence against women and gender minorities. Law enforcement institutions demonstrate dual characteristics because discriminatory legislation has gradually been dismantled to preserve positive equality gains through modern legal frameworks (King et al., 2020).

The analysis of gender equality developed through various theoretical perspectives which both shape new laws and direct policy development:

1. **Liberal Feminism:** Liberal feminism draws from classical liberal principles to support legal changes which establish equal opportunities between men and women. Based on its analysis the movement showed how gender disparities stem from built-in obstacles in legal structures alongside political frameworks along with economic systems rather than existing due to natural differences between men and women. Liberal feminist advocacy led to most breakthroughs in voting rights and education and workplace safeguards the law provided (Bynum, 2020; Law, 2019).
2. **Radical Feminism:** From this view the gender oppression shows its deep roots inside patriarchal institutions which extend to include legal systems as well. The fundamental restructuring of social institutions with legal systems is essential for radical feminism to erase power-based discrimination that endures because of gender-based oppression (Grant, 2020).
3. **Intersectionality:** The concept of intersectionality which lawyer Kimberlé Crenshaw developed studies multiple social aspects such as gender, race, class and sexuality because they combine to generate increased forms of oppression. The legal field needs complex laws which handle multiple forms of discrimination because intersectionality opposes treating gender bias in a simplistic manner. Lawmaking practices which overlook various forms of oppression result in inadequate solutions for gender-based discrimination problems (Al- Faham et al., 2019; Collins & Bilge, 2020).

2.2 Human Rights and Gender Equality

Gender equality remains established as a fundamental human right through international human rights standards. When the Universal Declaration of Human Rights (UDHR) came into effect in 1948 it declared in Article 1 that all human beings automatically start as free equals with equal dignity and rights (Donnelly & Whelan, 2020). The principle established a foundation for future treaties that focused on gender discrimination through the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action. The instruments establish that states must protect and promote gender equality because it represents a basic human right (Burke & Molitorisova, 2019).

Human rights law functions as a vital system to lead gender equality because it establishes legal processes which fight discrimination while requiring responsibility for violations and sets guidelines for developing effective policies. More jurisdictions around the globe are using constitutional and international legal frameworks as human rights bodies and courts to protect gender equality through their interpretation of such provisions. Landmark cases, such as India's *Vishaka v. The United States v. Virginia* (1996) case and *Vishaka v. State of Rajasthan* (1997) on workplace harassment both emerged from their respective jurisdictions. The *United States v. Virginia* (1996) together with *Virginia* (1996) on gender-based exclusion in education have established that gender discrimination violates fundamental rights (Choukroune, 2020). Gender equality creates a vital connection with fundamental human rights which also include education access and employment opportunities and protection from violence and healthcare services. Legal protocols that exclude gender-sensitive methods generate institutional inequalities which mostly harm women and gender populations that lack representation (Odera & Mulusa, 2020).

When gender equality stands within human rights legislation it breaks away from basic formal equality and helps create genuine equality which actively works to produce fair results. The legal framework of gender equality will progress

because institutions must adjust their strategies to handle new challenges which include online gender abuse as well as rights to procreation and recognition of non-binary identities alongside human rights discourse (Heymann et al., 2019).

3. INTERNATIONAL LEGAL FRAMEWORKS ON GENDER EQUALITY

International human rights law dedicates one of its main objectives to gender equality through its establishment of different legal instruments which defend gender rights on a global scale. The international framework of gender equality uses United Nations conventions alongside treaties and declarations as well as regional agreements which focus on specific socio-legal contexts (Jelin, 2019). These binding legal instruments in addition to laying down state obligations serve as a normative basis for countries to build reforming legislation that safeguards gender equality over all territories (Vijeyarasa, 2020).

3.1 United Nations and Gender Rights

Through multilateral treaties and declarations and policy frameworks the United Nations operates actively to form the international laws on gender equality which explicitly combat gender-based discrimination. The following UN instruments serve as primary tools for gender equality (Mullally, 2020).

Universal Declaration of Human Rights (UDHR)

When the Universal Declaration of Human Rights (UDHR) adopted in 1948 established international human rights principles it declared all human beings receive their birthright as equal free subjects with equal dignity and rights (Article 1). The UDHR does not specifically target gender equality yet its provisions including non-discrimination in Article 2 together with equality before the law in Article 7 and equal pay for equal work in Article 23 form the basis of evolving gender-related legal standards. The UDHR has guided the formation of binding treaties dedicated to gender discrimination which established a framework that international legal instruments for gender equality have used (Daly, 2020; Bielefeldt & Wiener, 2019).

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) serves as the "international bill of rights for women" because the UN General Assembly adopted it in 1979 (Tait et al., 2019). The Convention on the Elimination of All Forms of Discrimination Against Women creates binding legal requirements for states to eliminate gender-based discrimination across political, economic, social and cultural domains. Article 1 of the Convention establishes that discrimination against women occurs when any distinction or exclusion or restriction based on sex hinders or eliminates their human rights (Chinkin & Yoshida, 2020).

Key provisions of CEDAW include:

- **Article 2:** Mandates state parties to adopt legislative measures prohibiting gender discrimination.
- **Article 10:** Ensures equal access to education for women.
- **Article 11:** Guarantees equality in employment, including equal pay and maternity protections.
- **Article 16:** Calls for gender equality in marriage and family relations.

The Committee on the Elimination of Discrimination Against Women was established by CEDAW to monitor state compliance and issue recommendations through General Comments and country reports. Some states have restricted the complete implementation of CEDAW by adding reservations to particular provisions which mainly focus on family law and religious practices (Byrnes et al., 2020).

Beijing Declaration and Platform for Action (1995)

The Beijing Declaration and Platform for Action emerged during the 1995 Fourth World Conference on Women as an influential policy document that presents strategic goals to achieve gender equality among 12 priority fields (Sambo, 2020).

- Women's participation in decision-making
- Elimination of violence against women
- Access to education and healthcare
- Equal economic opportunities

The Beijing Platform serves as a key instrument which drives countries to develop gender equality policies through legislative changes. The Beijing+25 review process conducted in 2020 showed that countries must maintain their dedication for removing structural obstacles which limit gender equality (Declaration, 2020).

Sustainable Development Goals (SDG 5: Gender Equality)

The Sustainable Development Goals (SDGs) include Goal 5 that demands full empowerment for women and girls and the achievement of gender equality (Sdg, 2019). SDG 5 holds legal importance because it enables the integration of gender perspectives into worldwide development initiatives through these three main areas:

- Ending all forms of discrimination against women and girls
- Eliminating gender-based violence, including trafficking and forced marriages

- Ensuring equal participation in leadership and decision-making
- Providing universal access to reproductive health and rights

3.2 Regional Legal Instruments

The current treaties that function at a global level confirm gender equality frameworks yet regional human rights systems work within particular political and cultural backgrounds of their member nations. Several vital regional legal instruments enhance international gender rights campaigns by supporting international strategies (Thies, 2020).

European Convention on Human Rights (ECHR) and Gender Equality

The European Convention on Human Rights (ECHR) which the Council of Europe adopted in 1950 stands as one of the strongest human rights instruments for maintaining gender equality between people. The European Convention on Human Rights (ECHR) lacks a specific provision on gender equality yet Article 14 (prohibition of discrimination) receives gender-based discrimination interpretation from the European Court of Human Rights (ECtHR) (Leloup, 2020; Medvedeva et al., 2020).

Several landmark cases have reinforced gender equality under the ECHR, such as:

- The Russian government established paternity leave as a gender equality matter in 2012.
- The European Court of Human Rights found Turkey responsible for its inability to protect women from domestic violence while establishing gender-based violence as a form of discrimination under Article 14 (2009) (Kleinlein, 2019; Sparks, 2020).

African Charter on Human and Peoples' Rights (Maputo Protocol)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) serves as the most extensive legal instrument for women's rights across Africa. It addresses issues such as:

- Gender-based violence
- Harmful traditional practices (FGM, child marriage)
- Reproductive rights, including access to abortion in certain cases

The Maputo Protocol stands out from other treaties because it specifically includes protection for women's reproductive choices which establishes it as the primary gender rights document in Africa. The Maputo Protocol encounters obstacles in its implementation because of opposition from traditional legal and cultural institutions (Geng, 2019; Mwenelupembe et al., 2019).

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará Convention)

The Organization of American States (OAS) adopted the Belém do Pará Convention as the first committed regional treaty dedicated to address gender-based violence specifically in 1994. The convention requires all state parties to take the following obligations (Ziniakova, 2020).

- Prevent, investigate, and punish acts of violence against women.
- Ensure access to justice and reparations for victims.
- Adopt legislative and policy measures to eliminate discrimination.

Through the Inter-American Court of Human Rights convention states face accountability for their inability to protect women from gender-based violence which has led to substantial progress in Latin American gender equality (Krsticevic, 2020).

4. NATIONAL LEGAL APPROACHES TO GENDER EQUALITY

National regulations regarding gender equality implementation display considerable variation across jurisdictions because of differences between traditional laws and cultural backgrounds as well as political systems. Governmental implementation of CEDAW, UDHR and regional conventions depends on domestic laws that integrate gender equality principles into legal and constitutional structures. National gender equality frameworks consist of statutory provisions and constitutional guarantees and affirmative action policies and judicial interventions which together form the basis of gender rights (Sarter, 2020; Reidl, 2020).

4.1 Comparative Analysis of Gender Equality Laws

Different jurisdictions have varying approaches to gender equality recognition through their legal systems because of religious and cultural factors and progressive legal frameworks. Lawmakers across various jurisdictions have implemented different sets of gender equality legislation that affect the laws' enforcement systems and related policy frameworks (Williamson et al., 2020).

United States (USA)

Under United States law the Equal Protection Clause of the 14th Amendment along with particular federal statutes protect gender equality.

- The Civil Rights Act (1964) includes Title VII that prohibits employment gender discrimination.
- Title IX of the Education Amendments (1972) protects gender equality in educational settings.
- The Lilly Ledbetter Fair Pay Act of 2009 aims to resolve issues regarding unequal pay between genders in the workplace.

The ERA (Equal Rights Amendment) failed to gain ratification because of opposition from political forces despite its goal to establish gender equality in the U.S. Constitution. Landmark cases such as *United States v. In Virginia* (1996) the judiciary applied its authority by abolishing male-only access to military academy admissions thus solidifying its position to protect gender equality (Muncy, 2019; Suk, 2020).

European Union (EU)

One of the most advanced legal systems supporting gender equality in Europe exists through:

- Article 157 of the Treaty on the Functioning of the European Union (TFEU) requires equal pay between men and women.
- Workplace discrimination finds prohibition within the European Directive on Gender Equality in Employment (2006/54/EC).
- The Istanbul Convention (2011) serves as a tool to fight gender-based violence (Koburtay et al., 2020; Zdravkovic et al., 2020).

India

The Constitution of India from 1950 establishes gender equality through Article 14 (Right to Equality) and Article 15 (Non-Discrimination). Further legislative protections include:

- The Protection of Women from Domestic Violence Act (2005).
- The Maternity Benefit (Amendment) Act (2017) offers paid maternity leave benefits to women.
- The Criminal Law (Amendment) Act (2013) enhanced existing regulations for battling sexual harassment alongside violence against women.

The Panchayati Raj System implemented women's reservations as part of India's affirmative action policies. The implementation of laws faces barriers when it comes to gender-based violence and workplace harassment situations (Thakur, 2019; Bhardwaj, 2020).

Middle East (Saudi Arabia, UAE, Iran)

Many Middle Eastern nations have restrictive gender laws, influenced by Sharia law. For instance:

- The Saudi Arabian government has maintained gender-based guardianship laws that restricted women's rights until it passed reforms which included the 2018 driving rights for women.
- The legal system of Iran continues to enforce discriminatory practises against women in their marital rights and divorce proceedings and inheritance distribution.
- The United Arab Emirates (UAE) has passed laws to protect against gender-based violence yet it does not provide full legal protection for gender equality.

Although there is strong cultural resistance against gender quotas many Middle Eastern countries have started implementing minimum female representation in politics. Parliamentary quotas serve as a mechanism for improving female representation in the political systems of Jordan and Tunisia (Alhajri, 2020; Soekarba, 2019).

Gender Quotas in Politics and Corporate Leadership

Many nations have adopted gender quotas as a legal mechanism to ensure women's representation in politics and business. Notable examples include:

- Norway: Introduced a 40% gender quota for corporate boards in 2008.
- Rwanda leads the world with its 30% female representation requirement in Parliament which has produced one of the highest percentages of women in government.
- The government of Argentina became the first nation to establish a 30% quota law for women in political positions during 1991.

These legal quota regulations have demonstrated their ability to boost female representation in decision-making roles yet critics maintain that female inclusion requires comprehensive workplace policy and governance practice transformations (Barnes & Holman, 2020).

4.2 Gender Equality in Constitutional Law

The recognition of gender equality within constitutional law is fundamental in providing legal defenses against discrimination. While several national constitutions explicitly ensure equality through specific provisions, others adopt broad interpretations of general discrimination clauses. For instance, the South African Constitution includes a strong equality provision, prohibiting gender-based discrimination and mandating affirmative action measures. Germany's Basic Law similarly establishes gender equality rights, requiring the state to address and eliminate gender-based disadvantages.

Mexico has amended its constitution to endorse gender equality in employment, education, and family-related legislation, while also guaranteeing equal political representation for men and women (Hassim, 2020).

Landmark legal cases have further shaped the evolution of gender rights globally. The Indian court system made significant strides by establishing workplace sexual harassment guidelines through a key decision in 1997, well before the country passed formal legislative reforms. In the United States, the Supreme Court ruled that gender-based restrictions in military institutions violated the Equal Protection Clause of the Constitution. Furthermore, the Inter-American Court of Human Rights held Mexico accountable for its failure to prevent gender-based violence and femicide in a landmark case in 2009. Gender equality movements have gained significant momentum through such constitutional rights and innovative court decisions, which have been instrumental in their effective implementation (Thomas, 2019).

4.3 Role of the Judiciary in Enforcing Gender Rights

Through the interpretation and enforcement of gender equality laws, the judiciary ensures that legislation designed to protect against discrimination results in tangible benefits for affected individuals. Judicial bodies play a pivotal role in shaping national legal reforms and guaranteeing the protection of gender rights. The Committee on the Elimination of Discrimination Against Women has influenced such reforms through its general recommendations and case rulings. Key judicial decisions, such as *D.H. and Others v. Czech Republic* (2007), addressed gender-based discrimination in education, while *Opuz v. Turkey* (2009) recognized domestic violence as a violation of human rights, emphasizing the judiciary's role in maintaining a gender-just world (Musawwamah, 2020).

Legal remedies for gender-based violence (GBV) and workplace discrimination differ widely across nations. Some countries, such as Spain and Argentina, have established gender courts specifically dedicated to handling domestic violence cases. Independent bodies like Equal Opportunity Commissions in the UK, Australia, and Canada manage workplace discrimination complaints, while countries like the United States and members of the European Union enforce strict anti-harassment laws with corporate compliance requirements. However, weak enforcement, legal inadequacies, and societal resistance often hinder effective protection of gender rights. Many victims face obstacles such as judicial delays, inadequate resources, and even judicial condemnation, all of which complicate their access to justice and undermine gender equality efforts (Izzi & Umunna, 2020).

5. Challenges in Implementing Gender Equality Laws

The strong international and domestic laws supporting gender equality face large-scale implementation barriers because of legal technicalities and cultural obstacles and institutional opposition. Many countries have joined CEDAW and passed gender-equality laws but the practice of these laws remains significantly behind the written laws. Gender equality strives to advance because legal systems face problems such as weak implementation strategies combined with resistive social attitudes and slow political changes. A solution to these problems needs multiple levels of intervention integrating legislative adjustments with social transformations and holding institutions responsibility to account (Chinkin & Yoshida, 2020).

5.1 Legal Loopholes and Lack of Enforcement

Gender equality laws encounter major implementation barriers from both legal exceptions and feeble inspection systems that protect their effectiveness. The implementation of gender rights protections through legislation remains ineffective because numerous countries lack proper enforcement systems to support these laws. Gender laws face widespread implementation challenges because legal systems lack communication about laws to the public and suffer also from minimal judicial supervision as well as inefficient bureaucratic processes and insufficient punishment for rulebreakers. The enforcement of gender-based violence (GBV) and workplace discrimination laws remains insufficient because authorities interrupt services inadequately and victims encounter judgment and court procedures stretch beyond reasonable durations (Izzi & Umunna, 2020; Arifin, 2020).

Intersectional discrimination creates extra challenges because of its complicated nature in legal systems. The legal framework lacks ability to detect how different types of oppression combine with gender-based discrimination through factors like race, caste, disability and economic status. The limited enforcement of laws produces inadequate legal solutions for individuals who suffer compound discrimination including people with combinations of racial background and gender as well as cultural identities and sexual orientation status. A gender equality legislation that applies one universal framework overlooks the diverse manner in which discrimination stems from so it requires specialized legal frameworks that specifically shield marginalized communities (Cremers, 2019; Steblianko et al., 2020).

5.2 Cultural and Social Barriers

The challenge to achieve gender equality becomes hindered by patriarchal societal values that persist because of cultural beliefs and social traditions. Societies that maintain traditional gender roles restrict women from obtaining education and employment opportunities and preventing them from taking leadership roles even though laws protect their equality rights. The implementation of laws that challenge gender norms faces resistance from society because these laws include equal inheritance rights and domestic violence criminalization. The effective enforcement of property rights for women remains blocked by traditional cultural practices even though laws exist to protect them in certain regions (Shillcutt & Silver, 2019; Grey et al., 2019).

Religion plays a fundamental role in developing gender-related laws. Religious doctrines direct numerous legal systems to follow one of two methods when handling gender equality issues. Various religious teachings support female empowerment through their principles yet some traditions maintain discriminatory practices regarding marriage rights

and reproductive choices and divorce-related rights. Certain nations combine secular legal systems with religious personal laws which create legal conflicts that grant male dominance. In countries such as several nations in South Asia and the Middle East Sharia-based personal laws maintain restrictions on female rights in divorce procedures while also governing child custody cases and inheritance distributions despite gender equality protocol commitments. The problem with religious law lies in achieving harmony between religious freedom and fundamental gender rights so that constitutional equal rights commitments are not compromised (Coe et al., 2019; Das & Das, 2019).

5.3 Political and Institutional Resistance

Gender equality laws face strong opposition from political and institutional forces especially when male policymakers control decision-making in patriarchal governance systems. The combination of traditional political opposition and societal backlash towards gender reforms together with institutional resistance containing existing power dynamics creates barriers for proper implementation of gender quotas and reproductive rights protections as well as anti-discrimination laws. Law enforcement institutions plagued by gender bias serve as a major obstacle because male-dominated courts fail to execute and interpret gender-equity laws correctly thus producing decisions that uphold discriminatory standards (Yue et al., 2019). Judges together with prosecutors and law enforcement officers work within institutions that accept gender inequality as normal practice which results in gender violence cases being dismissed or receiving lenient sentences thus deterring victims from pursuing legal remedies. Insufficient funding together with limited resources prevent the establishment of gender-focused institutions like women's courts and human rights commissions and gender-focused law enforcement units from becoming substantial gender equality measures. Effective solutions to counter these challenges need the reinforcement of political dedication combined with improved female participation in public policy creation together with training for judges about gender sensitivity. These measures will make legal systems maintain gender rights through the elimination of broad systemic discrimination (Martin et al., 2020).

6. Challenges in Implementing Gender Equality Laws

The formal recognition of gender equality at both global and local levels creates a significant challenge because actual implementation proves difficult to achieve. Gender equality laws remain unimplemented in real life because of both legal loopholes and socio-cultural resistance as well as institutional biases. Such obstacles reduce the effectiveness of law enforcement because they prevent genuine changes from occurring. Resolution of these problems needs improved legislation alongside systematic changes in society together with accountable institutions.

6.1 Legal Loopholes and Lack of Enforcement

Several nations have established gender equality laws through legislation but these laws become less powerful because of legal exceptions. Because of general and imprecise legislation combined with limited punishment systems and weak enforcement systems discriminatory practices continue to exist. Actual enforcement processes and enough legal avenues for victim compensation are mostly absent from anti-discrimination legislation which exists in many jurisdictions. When GBV laws do not receive equal enforcement across jurisdictions this creates conditions for perpetrators to remain free even though they evade prosecution (Freeman, 2019).

The problem of intersectional discrimination occurs when people encounter multiple forms of oppression because they belong to gender groups and additional categories including racial groups, social classes and disabled groups or sexual orientation groups. Law enforcement lacks mechanisms to deal with discrimination which exists across multiple categories thus creating unprotected zones for marginalized people groups. Legal frameworks which adhere to binary gender definitions exclude transgender and non-binary people from receiving legal protections thus creating more dissimilarities in society (McCradden, 2019).

6.2 Cultural and Social Barriers

Traditional gender expectations work against all legal attempts to achieve gender equality in society. Insufficient social changes within patriarchal societies restrict female rights even though laws protect equality. Social opposition toward laws that ensure equal pay and inheritance rights and political rights makes their enforcement challenging. Societal gender stereotypes that show male dominance in authority positions block women from gaining education and achieving work and leadership achievements (Daly, 2020).

Religious beliefs shape gender laws by strengthening discriminatory legal structures that exist in certain jurisdictions. Several nations use religious personal laws to control marriage and divorce and inheritance rights but these laws grant men superior authority over women. Religious traditions exist with two differing approaches toward gender justice because some acknowledge gender equality yet other religions accept laws that contradict human rights standards. The lawful protection of religious freedom against gender equality standards continues to pose intricate problems for multiple legal systems worldwide (Bielefeldt & Wiener, 2019).

6.3 Political and Institutional Resistance

Political opposition frequently blocks the progress of gender equality laws from movement to their final implementation stage. Traditional political organizations together with legislative bodies controlled by men commonly resist changes that threaten their current power distribution. Traditionalist policymakers together with lobby groups prevent the implementation of gender quotas and reproductive rights protections and workplace equality laws through delaying tactics and legislative amendments and outright rejections. The opposition leads to weakened policies which produce minimal legal transformations ((Byrnes et al., 2020).

The systematic biases present throughout the legal and judicial institutions create barriers for the achievement of gender equality. The inadequate execution of gender equality laws occurs because male-dominated courts, law enforcement agencies along with legal institutions fail to implement them correctly. The practice of gender-based violence continues because judges dismiss too many cases and workplace discrimination charges go unresolved leading to widespread impunity in society. The weak institutional responses to gender discrimination become more pronounced because of insufficient funding and resources directed toward women's rights organizations and gender-equality commissions and specialized gender courts (Vijeyarasa, 2020).

7. Emerging Trends and Future Directions

New developments in equality for men and women derive from advanced technologies along with changes in laws and worldwide support networks for progressive progression. The digital world serves as a key component for gender rights activism by giving voice to marginalized people while launching worldwide movements and showing how discrimination operates but digital rights enforcement remains underdeveloped because of issues with gender-based online abuse plus cyberstalking along with digital privacy violations thus requiring stronger governmental regulations. Multiple jurisdictions actively pass procedural gender-neutral legislation while giving transgender and non-binary citizens the power to self-identify their gender alongside protection from discriminatory practices. International gender equality law is currently undergoing a shift toward reform because global legal systems plan to address intersectionality and reproductive rights and gender-based violence alongside United Nations and European Union and regional human rights court efforts to enforce compliance and design gender justice policies across the world.

8. Conclusion

Universal respect for equality between sexes needs strong legal structures and constant implementation to remove bias and facilitate identical opportunities for all people. Gender rights face different implementation challenges in the field because of these executive weaknesses and social resistance towards change as well as bias in institutions. Different countries implement different laws regarding gender because some states create new freedoms while others hold onto traditional gender expectations. The progressive enforcement of gender rights depends heavily on judicial activism along with constitutional protections yet still encounters substantial obstacles because of inadequate enforcement of anti-violence conditions and discrimination barriers at the workplace. Future trends show a trend toward gender-unspecific laws in addition to increased protection for transgender people alongside an increasing use of technology to defend gender rights. The new developments in legislation should be reinforced through greater enforcement powers together with stronger political dedication and the addition of intersectionality principles to existing legal frameworks for better discrimination prevention. Gender equality in reality needs legal acknowledgment together with fundamental organizational changes to combat deep-rooted discrimination and power disparities. International human rights bodies that strive for advancing legal standards need the global community to sustain its alertness about achieving effective translations of legal safeguards into practical benefits.

References:

1. Al-Faham, H., Davis, A. M., & Ernst, R. (2019). Intersectionality: From theory to practice. *Annual Review of Law and Social Science*, 15(1), 247-265.
2. Alhajri, W. (2020). *Women's Perspectives on Social Change in Saudi Arabia*. Indiana University-Purdue University Indianapolis.
3. Arifin, R. (2020). Legal Protection and Law Enforcement: The Unfinished Works. *Indonesian Journal of Advocacy and Legal Services*, 2(1), 1-4.
4. Barnes, T. D., & Holman, M. R. (2020). Gender quotas, women's representation, and legislative diversity. *The Hassim, S. (2020). Decolonising equality: the radical roots of the gender equality clause in the South African constitution. In Conquest, Constitutionalism and Democratic Contestations (pp. 48-64). Routledge.Journal of Politics*, 82(4), 1271-1286.
5. Bhardwaj, I. (2020). Gender Equality and Equal Opportunity for Social Economic Developments. *Issue 2 Int'l JL Mgmt. & Human.*, 3, 1153.
6. Bielefeldt, H., & Wiener, M. (2019). *Religious freedom under scrutiny*. University of Pennsylvania Press.
7. Burke, C., & Molitorisová, A. (2019). Reservations/declarations under the Council of Europe Convention on Preventing and combating violence against women and domestic violence (Istanbul Convention) and Convention on the elimination of all forms of discrimination against women (CEDAW) in light of sex/gender constitutional debates. *International Human Rights Law Review*, 8(2), 188-214.
8. Bynum, G. (2020). Aspirations to Gender Equality in Philosophy, Political Activism, and Education. In *Oxford Research Encyclopedia of Education*.
9. Byrnes, A., Mégret, F., & Alston, P. (2020). The Committee on the Elimination of Discrimination against women. OUP Oxford.
10. Chinkin, C., & Yoshida, K. (2020). 40 Years of the Convention on the Elimination of All Forms of Discrimination against Women.
11. Choukroune, L. (2020). Globalization and Indian Political Modernity: Internationalizing Law, Domesticating Democracy. In *Challenges of Globalization and Prospects for an Inter-civilizational World Order* (pp. 637-654). Cham: Springer International Publishing.

12. Coe, I. R., Wiley, R., & Bekker, L. G. (2019). Organisational best practices towards gender equality in science and medicine. *The Lancet*, 393(10171), 587-593.
13. Collins, P. H., & Bilge, S. (2020). *Intersectionality*. John Wiley & Sons.
14. Cremers, J. (2019). Market Integration, Cross-Border Recruitment, and Enforcement of Labour Standards—A Dutch Case. In *Posted Work in the European Union* (pp. 128-146). Routledge.
15. Daly, E. (2020). *Dignity rights: Courts, constitutions, and the worth of the human person*. University of Pennsylvania Press.
16. Das, S., & Das, S. (2019). Gender-based employment segregation: Understanding causes and policy interventions.
17. DECLARATION, B. (2020). Synthesis Report on the Implementation of the Beijing Declaration and Platform for Action.
18. Donnelly, J., & Whelan, D. J. (2020). *International human rights*. Routledge.
19. Elefante, M., & Robakowski, A. (2020). *Integrating a Gender Equality Lens: Drawing Lessons from Three Good-Practice Development Policy Operations*. World Bank Group.
20. Freeman, M. A. (2019). The Convention on the Elimination of All Forms of Discrimination Against Women. In *International Human Rights of Women* (pp. 85-105). Singapore: Springer Singapore.
21. Geng, J. (2019). The Maputo Protocol and the reconciliation of gender and culture in Africa. In *Research handbook on feminist engagement with international Law* (pp. 411-429). Edward Elgar Publishing.
22. Grant, J. (2020). *Fundamental feminism: radical feminist history for the future*. Routledge.
23. Grey, R., O'Donohue, J., Rosenthal, I., Davis, L., & Llanta, D. (2019). Gender-based persecution as a crime against humanity: the road ahead. *Journal of International Criminal Justice*, 17(5), 957-979.
24. Gupta, G. R., Oomman, N., Grown, C., Conn, K., Hawkes, S., Shawar, Y. R., ... & Darmstadt, G. L. (2019). Gender equality and gender norms: framing the opportunities for health. *The Lancet*, 393(10190), 2550-2562.
25. Gupta, G. R., Oomman, N., Grown, C., Conn, K., Hawkes, S., Shawar, Y. R., ... & Darmstadt, G. L. (2019). Gender equality and gender norms: framing the opportunities for health. *The Lancet*, 393(10190), 2550-2562.
26. Hassim, S. (2020). Decolonising equality: the radical roots of the gender equality clause in the South African constitution. In *Conquest, Constitutionalism and Democratic Contestations* (pp. 48-64). Routledge.
27. Heymann, J., Levy, J. K., Bose, B., Ríos-Salas, V., Mekonen, Y., Swaminathan, H., ... & Gupta, G. R. (2019). Improving health with programmatic, legal, and policy approaches to reduce gender inequality and change restrictive gender norms. *The Lancet*, 393(10190), 2522-2534.
28. Heymann, J., Levy, J. K., Bose, B., Ríos-Salas, V., Mekonen, Y., Swaminathan, H., ... & Gupta, G. R. (2019). Improving health with programmatic, legal, and policy approaches to reduce gender inequality and change restrictive gender norms. *The Lancet*, 393(10190), 2522-2534.
29. Izzi, M. M., & Umunna, O. (2020). Legal Response to Gender Based Violence in Nigeria. *International Journal of Business & Law Research*, 8(3), 12-27.
30. Jelin, E. (2019). Women, gender, and human rights. In *Constructing Democracy* (pp. 177-196). Routledge.
31. King, T. L., Kavanagh, A., Scovelle, A. J., & Milner, A. (2020). Associations between gender equality and health: a systematic review. *Health promotion international*, 35(1), 27-41.
32. Kleinlein, T. (2019). The procedural approach of the European Court of Human Rights: Between subsidiarity and dynamic evolution. *International & Comparative Law Quarterly*, 68(1), 91-110.
33. Kleinlein, T. (2019). The procedural approach of the European Court of Human Rights: Between subsidiarity and dynamic evolution. *International & Comparative Law Quarterly*, 68(1), 91-110.
34. Koburtay, T., Syed, J., & Haloub, R. (2020). Implications of religion, culture, and legislation for gender equality at work: Qualitative insights from Jordan. *Journal of Business Ethics*, 164(3), 421-436.
35. Krsticevic, V. (2020). The Inter-American System. In *Research Handbook on Economic, Social and Cultural Rights as Human Rights* (pp. 67-87). Edward Elgar Publishing.
36. Law, S. A. (2019). In defense of liberal feminism. In *Research Handbook on Feminist Jurisprudence* (pp. 24-43). Edward Elgar Publishing.
37. Leloup, M. (2020). The concept of structural human rights in the European Convention on Human Rights. *Human Rights Law Review*, 20(3), 480-501.
38. Martin, D., Minca, C., & Katz, I. (2020). Rethinking the camp: On spatial technologies of power and resistance. *Progress in Human Geography*, 44(4), 743-768.
39. McCrudden, C. (2019). Gender-based positive action in employment in Europe: a comparative analysis of legal and policy approaches in the EU and EEA. Available at SSRN 3524238.
40. Medvedeva, M., Vols, M., & Wieling, M. (2020). Using machine learning to predict decisions of the European Court of Human Rights. *Artificial Intelligence and Law*, 28(2), 237-266.
41. Mullally, S. (2020, December). GENDER EQUALITY. In *A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings* (pp. 249-257). Edward Elgar Publishing.
42. Muncy, R. (2019). The Equal Rights Amendment. In *Oxford Research Encyclopedia of American History*.
43. Musawwamah, S. (2020). The Implementation of PERMA Number 3 of 2017 Concerning The Guidelines For Dealing With Women's Cases on Laws As an Effort of Women Empowerment In The Judiciary in Madura. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 15(1), 67-92.
44. Mwenelupembe, P. N. G. (2019). *Approaching reproductive rights through a positive cultural context: The interdependence of Articles 14 and 17 of the Maputo Protocol* (Master's thesis, University of Pretoria (South Africa)).

45. Odera, J. A., & Mulusa, J. (2020). SDGs, gender equality and women's empowerment: what prospects for delivery. *Sustainable development goals and human rights: springer*, 95-118.
46. Reidl, S., Beranek, S., Holzinger, F., & Streicher, J. (2020). Gender equality regimes and evaluation regimes in Europe and their implications for policy design and evaluation. *Evaluation and Program Planning*, 83, 101860.
47. Sambo, A. R. (2020). *Evaluating the Beijing Declaration: An Analysis of the Effects of Discourses, Agendas, and Aid on Women's Equality and Empowerment*. The University of Wisconsin-Madison.
48. Sarter, E. K. (2020). The development and implementation of gender equality considerations in public procurement in Germany. *Feminist economics*, 26(3), 66-89.
49. Sdg, U. (2019). Sustainable development goals. *The energy progress report. Tracking SDG*, 7(3), 2-6.
50. Shillcutt, S. K., & Silver, J. K. (2019). Barriers to achieving gender equity. *Journal of Cardiothoracic and Vascular Anesthesia*, 33(7), 1811-1818.
51. Soekarba, S. R. (2019, November). Determinants of patriarchy in the Middle East: Hope for the 2030 Vision in a new Saudi Arabia. In *2nd International Conference on Strategic and Global Studies (ICSGS 2018)* (pp. 193-200). Atlantis Press.
52. Sparks, T. (2020). Protection of animals through human rights: the case-law of the European Court of Human Rights. *Studies in global animal law*, 290, 153-171.
53. Steblianko, A. V., Chernadchuk, T. O., Kravchenko, I. O., Andriichenko, N. S., & Rudanetska, O. S. (2020). International law enforcement cooperation against money laundering.
54. Suk, J. C. (2020). *We the Women: the unstoppable mothers of the Equal Rights Amendment*. Simon and Schuster.
55. Tait, C. A., Abdillahi, I., Wong, W., Smith-Cannoy, H., & Siddiqi, A. (2019). Can the health effects of widely-held societal norms be evaluated? An analysis of the United Nations convention on the elimination of all forms of discrimination against women (UN-CEDAW). *BMC public health*, 19(1), 279.
56. THAKUR, D. (2019). Gender equality and human rights in India: Issues and perspectives. *An International Peer Reviewed Open*, 2(3), 169-275.
57. Thies, A. (2020). The EU's law and policy framework for the promotion of gender equality in the world. In *The European Union as Protector and Promoter of Equality* (pp. 429-454). Cham: Springer International Publishing.
58. Thomas, T. A. (2019). Leveling down gender equality. *Harv. JL & Gender*, 42, 177.
59. Vijeyarasa, R. (2020). What is gender-responsive legislation? Using international law to establish benchmarks for labour, reproductive health and tax laws that work for women. *Griffith Law Review*, 29(3), 334-350.
60. Williamson, S., Colley, L., & Foley, M. (2020). Human resource devolution, decoupling and incoherence: How line managers manage gender equality reforms. *Public Management Review*, 22(10), 1560-1578.
61. Yue, L. Q., Wang, J., & Yang, B. (2019). Contesting commercialization: Political influence, responsive authoritarianism, and cultural resistance. *Administrative Science Quarterly*, 64(2), 435-465.
62. Zdravkovic, M., Osinova, D., Brull, S. J., Prielipp, R. C., Simões, C. M., Berger-Estilita, J., ... & Loskutov, O. (2020). Perceptions of gender equity in departmental leadership, research opportunities, and clinical work attitudes: an international survey of 11 781 anaesthesiologists. *British journal of anaesthesia*, 124(3), e160-e170.
63. Ziniakova, T. (2020). Gender-based violence in international human rights law: Evolution towards a binding post-binary framework. *Wm. & Mary J. Race Gender & Soc. Just.*, 27, 709.