


# THE ROLE OF INTERNATIONAL LAW IN ADVANCING GENDER EQUALITY UNDER THE SUSTAINABLE DEVELOPMENT GOAL

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## ABSTRACT

This paper examines the role of international law in advancing gender equality under the framework of Sustainable Development Goal 5 (SDG 5). SDG 5, which aims to achieve gender equality and empower all women and girls, is a critical component of the United Nations 2030 Agenda for Sustainable Development. International law plays a pivotal role in promoting and enforcing gender equality through various treaties, conventions, and human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights (UDHR). This paper explores how these legal frameworks, combined with international bodies like the United Nations and regional institutions, contribute to setting normative standards, influencing national legislation, and driving global policy changes. Additionally, it assesses the progress and challenges faced by countries, with a particular focus on the Indian legal landscape, in implementing international commitments to gender equality. By analyzing current legal developments, the paper provides a comprehensive overview of how international law has both shaped and is being shaped by the pursuit of gender equality in line with SDG 5, offering insights into potential pathways for future advancements.

**Keywords:** Gender Equality, Sustainable Development, International Law, United Nations

## 1. INTRODUCTION

Gender equality is a fundamental human right and a cornerstone for achieving global sustainable development. The recognition of women's rights, empowerment, and participation in all aspects of society is not only essential for individual well-being but also crucial for the advancement of societies at large. Sustainable Development Goal 5 (SDG 5), as part of the United Nations' 2030 Agenda for Sustainable Development, is dedicated to achieving gender equality and empowering all women and girls.<sup>1</sup> This goal underscores the imperative to address and eliminate the systemic barriers

<sup>1</sup> Summerfield, Jenny MA (Hons) et al "How Can We Achieve Sustainable Development Goal-5: Gender Equality for All by 2030?" 64 *Clinical Obstetrics and Gynecology* 415-421, (2021).

that have historically hindered gender equality, such as discriminatory laws, gender-based violence, and unequal economic opportunities.<sup>2</sup>

International law has played a role in advancing the agenda for gender equality. Through a range of international treaties, conventions, and legal frameworks, global norms have been established that compel nations to take concrete steps toward dismantling gender discrimination. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly in 1979, remains one of the most significant international legal instruments aimed at promoting gender equality.<sup>3</sup> Together with the Universal Declaration of Human Rights (UDHR) and other human rights conventions, these frameworks provide a legal and normative basis for countries to address gender disparities.<sup>4</sup>

However, despite significant progress made over the past decades, gender inequality remains pervasive across the globe.<sup>5</sup> This is evident in the areas of education, political representation, employment, and access to healthcare, among others.<sup>6</sup> Many nations face challenges in fully implementing international commitments to gender equality due to social, cultural, economic, and legal constraints.<sup>7</sup> The gap between international obligations and domestic enforcement highlights the need for a more robust approach to aligning national laws with international gender equality standards.

This paper seeks to explore the role of international law in advancing gender equality within the framework of SDG 5. By examining key international legal instruments, global policies, and their impact on national legal systems, particularly in the context of India, this study aims to assess the effectiveness of international norms in shaping domestic legislation and policies to promote gender equality. Moreover, it will address the obstacles that hinder the full realization of SDG 5 and offer recommendations on how international law can further contribute to the achievement of this crucial development goal.

- 1) **Gender Equality:** Gender Equality refers to the state in which individuals of all genders have equal rights, responsibilities, and opportunities in every aspect of life.<sup>8</sup> It encompasses the idea that everyone, regardless of their gender, should have the same access to resources and opportunities, including economic participation, education, political representation, healthcare, and personal security.<sup>9</sup> Gender equality also seeks to eliminate the discrimination and systemic inequalities that disproportionately affect women and girls.<sup>10</sup>
- 2) **Sustainable Development:** Sustainable development is a type of development that meets the needs of the present generation without compromising the ability to meet the needs of future generations.<sup>11</sup> It involves reducing the threats to the Earth's systems from consumption and production, and improving well-being and reducing global inequalities.<sup>12</sup>
- 3) **Importance of gender equality in achieving SDGs:** Gender equality is important for the Sustainable Development Goals (SDGs) because it is fundamental to achieving the broader objectives of sustainable development.<sup>13</sup> It not only represents a goal in itself-SDG 5-but also serves as a critical enabler for the success of many other goals.<sup>14</sup> Without addressing gender inequality, the world cannot fully realize the potential of individuals and societies, nor achieve the vision of prosperity, peace, and sustainability that the SDGs seek to create by 2030.<sup>15</sup>

<sup>2</sup> *Ibid.*

<sup>3</sup> Natalie Renée Persadie, "A critical analysis of the efficacy of law as a tool to achieve gender equality" 41 (University Press of America, 2012).

<sup>4</sup> *Ibid.*

<sup>5</sup> S. Razavi, "The 2030 Agenda: challenges of implementation to attain gender equality and women's rights" 24 *Gender & Development*, 25-41 (2016).

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Aleksandar Mratinkovic, Den Piestun et al., "*Gender and Equality*" 14 (3G E-learning, USA, 2019).

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Dr. Datchana Moorthy Ramu, "*Gender Equality and Sustainable Development Goals in India*" 4 (Xpress Publishing, Tamil Nadu, 2019).

<sup>12</sup> *Ibid.*

<sup>13</sup> U.C. Pandey, and Chabi Kumar, "The Relationship of SDG5 to Other Goals", SDG5-Gender Equality and Empowerment of Women and Girls (Concise Guides to the United Nations Sustainable Development Goals), 103-120 (Emerald Publishing Limited, Leeds, 2019).

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

Firstly, gender equality is a matter of human rights and social justice.<sup>16</sup> Women and girls make up half of the world's population, and ensuring their equal rights, access, and opportunities is essential for building fair and inclusive societies.<sup>17</sup> The SDGs emphasize leaving no one behind, and this cannot happen if systemic barriers, discrimination, and violence against women and girls are not addressed.<sup>18</sup> Gender equality ensures that all individuals, regardless of gender, can contribute to and benefit from social, economic, and political progress.<sup>19</sup>

## 2. RESEARCH METHODOLOGY

This research adopts a doctrinal research methodology, which is primarily focused on analyzing legal principles, statutes, international treaties, and case law relevant to the role of international law in advancing gender equality under Sustainable Development Goal (SDG) 5. Doctrinal research is essential in this study as it enables a comprehensive examination of legal frameworks and instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, and various other international conventions and treaties that shape the normative structure of gender equality across the world. The research is predominantly based on secondary data, relying on a wide array of legal texts, scholarly articles, reports from international organizations, and governmental publications. Secondary sources, including books, journal articles etc.

## 3. BACKGROUND ON SDG 5 AND GENDER EQUALITY

Sustainable Development Goal 5 (SDG 5) focuses on achieving gender equality and empowering all women and girls. Adopted as part of the United Nations' 2030 Agenda for Sustainable Development in 2015, SDG 5 acknowledges that equality between genders is not only a fundamental human right but also a necessary foundation for a peaceful, prosperous, and sustainable world.<sup>20</sup>

### Key Aspects of SDG 5

- 1) **End Discrimination:** SDG 5 aims to end discrimination and violence against women and girls in public and private spheres.<sup>21</sup> This includes addressing harmful practices such as child marriage, female genital mutilation, and human trafficking.
- 2) **Ensure Equal Participation:** The goal emphasizes the importance of equal participation in leadership and decision-making across political, economic, and public spheres.<sup>22</sup> This is crucial for fostering inclusive governance and enhancing development outcomes.
- 3) **Economic Empowerment:** SDG 5 seeks to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.<sup>23</sup> Economic empowerment also includes ensuring equal access to resources, land, and inheritance rights.
- 4) **Access to Health and Education:** The goal promotes the need for women and girls to have access to education, health care, and reproductive rights as essential elements in achieving gender equality.<sup>24</sup>
- 5) **Data and Systematic Monitoring:** Improving the availability of data related to gender equality is crucial for informing policies and ensuring accountability in implementing initiatives aimed at enhancing gender equality.<sup>25</sup>

<sup>16</sup> Lavinia Hirsu, Lamiah Hashemi, et al "SDG 5: Achieve gender equality and empower all women and girls." Jean Monnet Sustainable Development Goals. Policy Brief Series. RMIT University (2019). Available at <https://www.rmit.edu.au/content/dam/rmit/rmit-images/college-of-dsc-images/eu-centre/sdg-5-policy-brief.Pdf>.

<sup>17</sup> *Ibid*

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid*

<sup>20</sup> S. Fund, Sdg. "Sustainable development goals" Available at this link: <https://www.un.org/sustainable-development/inequality> (2015).

<sup>21</sup> M Jahanzeb Butt, "The Role of the International Law in Shaping the Governance for Sustainable Development Goals" 28 *Journal of Law and Political Sciences*, 97-98 (2021).

<sup>22</sup> *Ibid*

<sup>23</sup> *Ibid*

<sup>24</sup> *Ibid*

<sup>25</sup> *Ibid*

## Global Context

- 1) **Challenges:** Despite progress in many areas, significant challenges remain. Women and girls face widespread discrimination and violence, unequal access to education and healthcare, and economic disparities.<sup>26</sup> The COVID-19 pandemic exacerbated existing inequalities, demonstrating the vulnerabilities faced by women and girls globally.<sup>27</sup>
- 2) **Intersectionality:** Gender inequality intersects with other forms of discrimination based on race, ethnicity, socio-economic status, sexual orientation, disability, and more.<sup>28</sup> Addressing these overlapping issues is essential for achieving comprehensive gender equality.
- 3) **Global Efforts:** International frameworks and commitments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action support the aims of SDG 5.<sup>29</sup> Governments, NGOs, and civil society organizations worldwide are engaged in efforts to promote gender equality.

## 4. ANALYSIS OF GENDER EQUALITY CHALLENGES: DISCRIMINATION, VIOLENCE, ECONOMIC DISPARITIES

Gender equality is a complex issue that encompasses various challenges, including discrimination, violence, and economic disparities. Analyzing these challenges reveals the multifaceted nature of gender inequality and the interconnectedness of various societal factors.

### 1) Discrimination

- **Workplace Discrimination:** Women often face gender bias in hiring, promotions, and wages.<sup>30</sup> They may be perceived as less competent or committed to their careers, particularly if they are of childbearing age.
- **Social Stereotypes:** Cultural norms and beliefs about gender roles can perpetuate discrimination.<sup>31</sup> Women are frequently seen as primary caregivers, limiting their opportunities in education and employment.<sup>32</sup>
- **Political Representation:** Women are underrepresented in political leadership roles, which limits their ability to influence policies that affect their lives.<sup>33</sup>
- **Impact:** Discrimination can lead to lower self-esteem and mental health issues among women. It also contributes to a cycle of poverty and marginalization in communities, reducing overall societal progress.

### 2) Violence

- **Domestic Violence:** A significant issue worldwide, domestic violence often stems from systemic inequality and power imbalances within relationships.<sup>34</sup>
- **Sexual Violence:** Women and girls are disproportionately affected by sexual violence, which can occur in various contexts, including war, trafficking, and peacetime settings.<sup>35</sup>
- **Harmful Practices:** Practices such as female genital mutilation, child marriage, and honor killings are extreme forms of violence rooted in gender inequality.<sup>36</sup>

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<sup>26</sup> Authors Yvonne Rafferty "International Dimensions of Discrimination and Violence against Girls: A Human Rights Perspective" 14 *Journal of International Women's Studies* 1 (2013).

<sup>27</sup> UNEP. (2021). Leaving no one behind: Impact of COVID-19 on the sustainable development goals (SDGs). Available at <https://www.undp.org/publications/>.

<sup>28</sup> *Supra* note 28.

<sup>29</sup> *Ibid.*

<sup>30</sup> Women, U. N. "Monitoring gender equality and the empowerment of women and girls in the 2030 agenda for sustainable development: opportunities and challenges." *UN Women* 6 (2015).

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> Sudershan Kumar Pathania, "Sustainable Development Goal: Gender Equality for Women's Empowerment and Human Rights" 5 *Int J Res* 72-82 (2017).

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

- **Impact:** Violence against women not only causes immediate physical and psychological harm but also has long-term effects on women's health, economic stability, and social participation. Societal acceptance of violence can also perpetuate a cycle of aggression and trauma within communities.

### 3) Economic Disparities

- **Wage Gap:** Women, on average, earn less than men for the same work, a discrepancy that persists across various industries and education levels.<sup>37</sup>
- **Employment Opportunities:** Women often have less access to full-time and well-paying jobs due to childcare responsibilities, lack of transportation, and discrimination in hiring and promotions.<sup>38</sup>
- **Unpaid Labor:** A significant portion of women's labor is unpaid, including caregiving and household work, which often goes unrecognized and undervalued in economic assessments.<sup>39</sup>
- **Impact:** Economic disparities hinder women's financial independence and ability to invest in their futures, exacerbating poverty and limiting their contributions to economic growth. These disparities also affect future generations, as children in economically disadvantaged households often face additional obstacles.

### 4) Interconnectedness of Challenges

It is essential to recognize the interconnectedness of these challenges. For example, economic disparities can lead to increased vulnerability to violence, as women with fewer economic resources may feel they cannot leave abusive relationships. Additionally, societal attitudes that normalize discrimination often contribute to the perpetuation of violence against women.

To tackle these issues effectively, a multifaceted approach is necessary:

- 1) **Education and Awareness:** Promoting gender equality through education can help change societal attitudes and norms surrounding gender roles.<sup>40</sup>
- 2) **Legal Reforms:** Enforcing legal protections against discrimination and violence, along with measures to ensure women's rights in economic contexts, is crucial.<sup>41</sup>
- 3) **Economic Empowerment:** Initiatives that provide women with training, mentorship, and access to finance can help bridge economic gaps.<sup>42</sup>
- 4) **Community Engagement:** Involving men and boys in conversations about gender equality can foster understanding and support for change.<sup>43</sup>

## 5. INTERNATIONAL LAW INSTRUMENTS AND GENDER EQUALITY

International law provides a framework for promoting gender equality and women's rights through various instruments and treaties. Here are some key international legal instruments that address gender equality:

- 1) **Universal Declaration of Human Rights (UDHR) (1948):** The UDHR states, in Article 1, that "All human beings are born free and equal in dignity and rights."<sup>44</sup> This foundational document underlines the principle of equality, which is essential for gender equality.
- 2) **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979):** Often described as the international bill of rights for women, CEDAW obligates state parties to eliminate

<sup>37</sup> Valeria Esquivel, Caroline Sweetman "Gender and the Sustainable Development Goals" 24 *Gender & Development* 1-8 (2016).

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> Peake, Linda & Nyasimi, Mary. "Review of SDG 5: Achieve gender equality and empower all women and girls" (2015).

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> UN General Assembly, Universal Declaration of Human Rights, 217 A (III), 10 December 1948, <https://www.refworld.org/legal/resolution/unga/1948/en/11563>, art. 1.



discrimination against women in all areas, including political, economic, social, and cultural life.<sup>45</sup> It provides a comprehensive framework for addressing issues such as violence against women, reproductive rights, and gender stereotypes.

- 3) **Beijing Declaration and Platform for Action (1995):** This outcome of the Fourth World Conference on Women outlines actions to advance gender equality and empower women in various sectors, including health, education, and political participation.<sup>46</sup> It emphasizes the importance of gender mainstreaming in all policies and strategies.
- 4) **International Covenant on Civil and Political Rights (ICCPR) (1966):** The ICCPR guarantees civil and political rights to all individuals without discrimination based on sex.<sup>47</sup> It emphasizes the right to equality before the law and the right to participate in public life.<sup>48</sup>
- 5) **International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966):** Similar to the ICCPR, the ICESCR provides for the right to work, education, and an adequate standard of living, with an emphasis on non-discrimination based on sex.<sup>49</sup>
- 6) **Regional Instruments:** Various regional treaties also tackle gender equality, such as the African Charter on Human and Peoples' Rights and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (also known as the Belém do Pará Convention).<sup>50</sup>
- 7) **UN Security Council Resolutions on Women, Peace, and Security (e.g., Resolution 1325):** These resolutions affirm the importance of women's participation in peace processes and call for the protection of women in conflict situations, recognizing the unique impact of conflict on women.<sup>51</sup>

## 6. CONCLUSION

International law has been instrumental in advancing gender equality, particularly through frameworks such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action. These instruments have provided a legal and normative basis for countries to address gender inequality, influencing global efforts to improve women's rights, political representation, economic opportunities, and protection from gender-based violence. While there has been progress, especially in the formal adoption of gender equality laws, the true impact of international law is often limited by domestic barriers, weak enforcement mechanisms, and socio-cultural challenges. The gap between legal commitments and practical implementation remains a significant obstacle. Despite this, the potential of international law to achieve gender equality under Sustainable Development Goal (SDG) 5 is immense, provided that legal frameworks are matched with stronger enforcement, enhanced accountability, and genuine political commitment.

To fully realize the benefits of international law in promoting gender equality, the global community must address the ongoing challenges of implementation, cultural resistance, and inconsistent progress across regions. Effective gender equality requires a comprehensive approach that involves not just legal reforms but also active cooperation between international bodies, governments, civil society, and local communities. By adopting a more focused and coordinated effort, international law can continue to be a powerful tool for ensuring that gender equality is not just a goal, but a lived reality for women and girls worldwide.

<sup>45</sup> UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, Treaty Series, vol. 1249, p. 13, 18 December 1979, <https://www.refworld.org/legal/agreements/unga/1979/en/13757>.

<sup>46</sup> United Nations Specialised Conferences, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, -, United Nations, 27 October 1995, <https://www.refworld.org/legal/resolution/un/1995/en/73680>

<sup>47</sup> UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966, <https://www.refworld.org/legal/agreements/unga/1966/en/17703>

<sup>48</sup> *Ibid.*

<sup>49</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966, <https://www.refworld.org/legal/agreements/unga/1966/en/33423>

<sup>50</sup> Ibe Okegbe Ifeakandu "Women's rights under international human rights instruments" 7 *International Journal of Law* 30-39 (2021).

<sup>51</sup> *Ibid.*

## 7. SUGGESTIONS

First, strengthening legal enforcement mechanisms is crucial. International gender equality agreements should incorporate stronger binding commitments, ensuring that states are held accountable for non-compliance. At the domestic level, legal reforms are needed to equip judicial systems with the tools to apply and enforce gender equality laws effectively. This would make gender equality more than just a legal aspiration and ensure its practical application across different legal systems.

Second, enhanced monitoring and accountability are essential to ensure that countries follow through on their international gender equality commitments. International organizations must implement robust systems for tracking progress, such as regular reporting and compliance reviews, which can identify gaps in implementation. Involving civil society and independent bodies in this process will provide additional scrutiny and support efforts to hold governments accountable.

A third suggestion is to promote the harmonization of domestic laws with international gender equality standards. Many countries still maintain discriminatory laws in areas such as inheritance, family law, and labor rights, which hinder true gender equality. Legislative reforms are necessary to eliminate these inequalities, and governments must prioritize aligning their national laws with international commitments.

Furthermore, regional cooperation should be expanded. Regional legal systems can complement global efforts by addressing specific challenges unique to different areas. Collaboration between countries on shared issues, such as human trafficking and gender-based violence, will enhance the effectiveness of international gender equality frameworks.

Supporting civil society engagement is another key suggestion. Civil society organizations (CSOs) can play a vital role in promoting gender equality by advocating for legal reforms, offering legal aid, and raising awareness. Governments and international bodies should partner with CSOs to ensure that gender equality measures are understood and implemented at the grassroots level, especially in communities where cultural resistance to change is strong.

Cultural sensitivity and education must also be prioritized when implementing gender equality norms. Legal reforms and policies should be tailored to respect and engage with local cultural contexts to ensure broader acceptance and effectiveness. Educational programs that challenge traditional gender stereotypes and promote gender equality should be integrated into national education systems to foster long-term societal change.

Moreover, financial and technical assistance should be provided to developing countries to help them implement gender equality measures. International bodies can offer financial resources and technical expertise to strengthen legal institutions, improve data collection, and develop gender-sensitive policies. This will be especially important in countries where resource constraints limit the ability to make significant progress.

Lastly, data-driven policymaking is critical. Governments must invest in collecting reliable, gender-disaggregated data to monitor the effectiveness of gender equality measures. This data will allow policymakers to assess where progress has been made and where further interventions are needed, ensuring that efforts are targeted and impactful.

By addressing these suggestions, the role of international law in advancing gender equality can be significantly strengthened, bringing the global community closer to achieving the ambitious goals of SDG 5.