

STUDY MATERIAL

GENDER EQUALITY AND HUMAN RIGHT

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Meaning of Human Rights

Human rights refer to the fundamental freedoms and protections that every individual is entitled to, regardless of nationality, ethnicity, religion, or any other status. These rights are inherent to all human beings and are essential for maintaining human dignity, equality, and justice. They include civil rights such as freedom of speech, the right to a fair trial, and protection from discrimination, as well as economic, social, and cultural rights like access to education, healthcare, and an adequate standard of living. The concept of human rights is grounded in the belief that all people should be treated with respect and dignity, and it serves as a framework for safeguarding individuals from oppression, exploitation, and abuse.

Meaning of Gender Equality

Gender equality is a foundational principle of contemporary human rights discourse which is rooted in the recognition that all individuals, regardless of gender, are entitled to the same freedoms, opportunities, and protections. The Universal Declaration of Human Rights (UDHR) affirms that all human beings are born free and equal in dignity and rights. It establishes a normative baseline for gender-inclusive human rights frameworks (United Nations, 1948). Yet historical, cultural, and structural inequalities have often resulted in the exclusion, marginalization and subordination of women and gender-diverse individuals across social, political, and economic spheres. This tension between universal rights and gendered lived realities reflects the need for a rights-based approach capable of addressing both formal and substantive dimensions of equality.

From a legal standpoint, gender equality is reinforced by international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which defines discrimination and obligates states to take proactive measures to dismantle systemic gender-based barriers (United Nations, 1979). CEDAW's emphasis on structural transformation shifts the discourse from merely ensuring equal treatment to reshaping institutions and norms that reproduce inequality. This approach aligns with contemporary human rights discourse, which conceptualizes rights not only as legal entitlements but also as tools for redistributing power and restructuring social relations (Fredman, 2016). In this sense, gender equality is both a legal mandate and a socio-political process.

Provisions of UDHR related to Gender Equality

- **Article 1** – *Equality in dignity and rights*: States that “*all human beings are born free and equal in dignity and rights,*” establishing the foundation for gender equality.

- **Article 2 – Non-discrimination:** Ensures that all rights in the UDHR apply to everyone “*without distinction of any kind,*” including sex or gender.
- **Article 3 – Right to life, liberty, and security:** Applies to all individuals equally, reinforcing equal protections for men and women.
- **Article 7 – Equality before the law:** Affirms that all are “*equal before the law and entitled without any discrimination to equal protection of the law.*” This includes protection against gender-based discrimination.
- **Article 16 – Marriage and family:** Specifically states that “*men and women of full age*” have equal rights regarding marriage, including during marriage and at its dissolution. It also requires that marriage occur only with the free and full consent of both parties.
- **Article 21 – Equal participation in government:** Guarantees equal access to public service, supporting the political rights of women and gender equality in governance.
- **Article 23 – Equality in employment:** Ensures equal pay for equal work and non-discrimination in employment opportunities regardless of gender.
- **Article 26 – Right to education:** Supports equal access to education for all, which is essential for achieving gender equality.

Relation between Gender Equality and Human Rights

The relationship between gender equality and human rights can be pointed out as follows –

- a) **Gender Equality Is a Fundamental Human Right:** Gender equality is embedded in the Universal Declaration of Human Rights, which affirms that *all* individuals are entitled to the same rights and freedoms. When a nation passes a law guaranteeing women equal inheritance rights as men, it upholds the principle that everyone has the right to property without gender-based discrimination.
- b) **Elimination of Gender Discrimination Protects Human Dignity:** Gender discrimination undermines human dignity by treating one group as inferior. Human rights demand respect for dignity, regardless of gender. Prohibiting workplace harassment ensures that women and LGBTQ+ employees can work in an environment where their dignity is respected and protected.
- c) **Gender Equality Ensures Equal Access to Education:** Access to education is a human right. Gender equality ensures that girls and boys, women and men, receive the same educational opportunities. Scholarship programs that support girls in rural areas where they are often pulled out of school for domestic work promote gender equality and fulfil the right to education. Similarly equal treatment of LGBTQ+ students in the school campus protects their human dignity and rights.
- d) **Equal Participation in Political and Public Life:** The right to participate in governance is a core human right. Gender equality demands that women and gender-diverse people have the same access to leadership roles. Gender quotas in parliaments (e.g., Rwanda’s 61% women representation) ensure women’s voices are included in decision-making processes that affect national policies.

- e) **Protection from Gender-Based Violence:** Freedom from violence is a fundamental human right. Gender equality frameworks highlight the disproportionate violence faced by women and LGBTQ+ individuals. Domestic violence laws and shelters protect women from abusive partners, ensuring their right to life, safety, and physical integrity. Transgender individuals are vulnerable to different forms of abuse and humiliation. Protection of transgenders from gender based violence protects their human rights.
- f) **Equal Economic Opportunities and Fair Wages:** Human rights guarantee the right to work and to fair wages. Gender equality ensures that men and women receive equal pay for equal work. For example, a company enforcing equal pay policies ensuring women engineers receive the same salary as male engineers supports both economic rights and gender equality.
- g) **Equal Access to Healthcare:** The right to health is a human right. Gender equality ensures that everyone can access health services, including reproductive and maternal care for women.
- h) **Challenging the Harmful Cultural and Social Norms:** Many human rights violations arise from gender norms that limit freedoms. Gender equality challenges these practices. Campaigns against early marriage empower girls to choose when and whom to marry, protecting their rights to education, health, and autonomy.
- i) **Inclusive Spaces for All Gender Identities:** Human rights frameworks include protection for gender-diverse and non-binary individuals. Gender equality ensures that all genders are treated equally. A government recognizing a third gender on official documents allows transgender and non-binary individuals to access public services without discrimination.
- j) **Support to Sustainable Development and Social Justice:** Gender equality is necessary for achieving broader human rights goals such as poverty reduction, quality education, and good governance. When women are empowered to own land or start businesses, entire families and communities benefit improving economic rights and reducing social inequality.

NATIONAL EDUCATION POLICY (NEP) 2020 ON GENDER EQUALITY

The National Education Policy (NEP) 2020 is a comprehensive framework introduced by the Government of India to transform the country's education system and align it with the needs of the 21st century. It emphasizes holistic, multidisciplinary learning and aims to promote critical thinking, creativity, and conceptual understanding over rote memorization. The policy brings significant reforms to school and higher education, including a shift to the 5+3+3+4 curricular structure, mother tongue-based instruction in early grades, and increased flexibility in subject choices. NEP 2020 also focuses on equity and inclusion, aiming to bridge educational gaps among socio-economically disadvantaged groups while strengthening teacher training and the integration of technology. The policy envisions an education system that prepares learners to become skilled, ethical, and globally competent citizens.

The policy in its chapter 6 talks about the Equitable and Inclusive Education: Learning for All and in chapter 14 about Equity and Inclusion in Higher Education.

- Chapter 14.4.1. Steps to be taken by Governments -
 - (a) Earmark suitable Government funds for the education of SEDGs
 - (b) Set clear targets for higher GER for SEDGs
 - (c) Enhance gender balance in admissions to HEIs
 - (d) Enhance access by establishing more high-quality HEIs in aspirational districts and Special Education Zones containing larger numbers of SEDGs
 - (e) Develop and support high-quality HEIs that teach in local/Indian languages or bilingually
 - (f) Provide more financial assistance and scholarships to SEDGs in both public and private HEIs
 - (g) Conduct outreach programmes on higher education opportunities and scholarships among SEDGs
 - (h) Develop and support technology tools for better participation and learning outcomes.
- Chapter 14.4.2. Steps to be taken by all HEIs –
 - (a) Mitigate opportunity costs and fees for pursuing higher education
 - (b) Provide more financial assistance and scholarships to socio-economically disadvantaged students
 - (c) Conduct outreach on higher education opportunities and scholarships
 - (d) Make admissions processes more inclusive
 - (e) Make curriculum more inclusive
 - (f) Increase employability potential of higher education programmes
 - (g) Develop more degree courses taught in Indian languages and bilingually
 - (h) Ensure all buildings and facilities are wheelchair-accessible and disabled-friendly
 - (i) Develop bridge courses for students that come from disadvantaged educational backgrounds
 - (j) Provide socio-emotional and academic support and mentoring for all such students through suitable counselling and mentoring programmes
 - (k) Ensure sensitization of faculty, counsellor, and students on gender-identity issue and its inclusion in all aspects of the HEI, including curricula
 - (l) Strictly enforce all no-discrimination and anti-harassment rules
 - (m) Develop Institutional Development Plans that contain specific plans for action on increasing participation from SEDGs, including but not limited to the above items.