

CREATING AN INCLUSIVE AND EQUAL FUTURE: BREAKING FREE FROM GENDER NORMS AND STEREOTYPES FOR GENDER EQUALITY



Dr. Kiran Dennis Gardner*

*Former Dean and Professor (Law),

Alliance University, Bengaluru, Karnataka, India

Kavitha Christo Nelson**

**Research Scholar, Alliance School of

Law, Alliance University, Bengaluru, Karnataka, India

Abstract

Deep-rooted gender norms, stereotypes, and discriminatory practices against women and girls continue to hinder progress toward gender equality. Gender equality and women's empowerment are fundamental human rights. Gender inequality is a global challenge that impacts women and girls in various aspects of life, including education, health, employment, participation in decision-making, and access to resources. This paper explores the development and reinforcement of gender norms and stereotypes, highlighting their influence on societal expectations and women's impact on individual behaviour, identity, and other manifestations in various aspects of life. The Sustainable Development Goals (SDGs) aim to ensure equal opportunities, rights, and freedoms for women and girls, reducing poverty, enhancing productivity, and building resilient societies. Empowering women and girls impact families, communities, and globally. SDG 5 addresses gender-based violence, discrimination, harmful practices, and limited access to resources and services for women and girls nationally and internationally. This paper spotlights the mere essence of the formation of SDGs for gender equality and women's empowerment as a response to an urgent need to address gender inequalities, fulfil human rights, and promote a more just, inclusive, and equitable world for all.



Keywords:

Discrimination; Gender Equality; Gender-based violence; Gender norms; Gender Stereotypes; harmful practices; Sustainable Development Goals; SDG-5; Empower Women

1. Introduction

“*Women’s Rights are Human Rights,*” a phrase of the feminist movement, though initiated in the 1980s and nevertheless achieving the same to date, is always in a dilemma. Eliminating gender-based discrimination requires a comprehensive understanding of addressing the discrimination and violations faced every minute by women and girls around the world. International instruments have played a major role in uplifting women and girls globally. The 17 Sustainable Development Goals (SDGs) are intended to be universally applicable regardless of their level of development and provide a roadmap for global efforts to address pressing challenges and achieve a more sustainable and equitable future for all.

SDGs prioritize gender equality and empower women and girls as goal-5 to achieve by 2030, based on the principle of “*leaving no one behind*” (LNOB). The mere meaning of LNOB is to ensure focus on all the vulnerable and marginalized populations ensuring progress for all people. The principle of LNOB is essential for the achievement of SDG 5 as it emphasizes the need to address the targeted challenges and barriers faced by women and girls of all ages, most vulnerable groups, indigenous women, women from minorities, and those women and girls living in rural areas which aim to ensure that no woman or girl is excluded from benefits of gender equality and women’s empowerment contributing to sustainable development¹. This initiated the Prime Minister of India to initiate the “*Sabka Saath Sabka Vikas*”² which emphasizes the government’s commitment to fostering equitable development and ensuring that the benefits of development reach every section of society, that aims to bridge the socio-economic gaps, uplift the marginalized and vulnerable communities, and promote social harmony and unity among all citizens.

2. SDG 5, Gender–Inequalities, Persistent Challenges, and Root Causes: A Global Scenario

SDG 5 spotlights women’s empowerment along with other SDGs towards

¹United Nations Sustainable Development Group, 2023, “Leave No One Behind.”

²Government of India, “Sabka Saath Sabka Vikas.”



the focus on ending all discrimination and overcoming barriers with initiatives that promote advancement in gender equality in all areas of life. SDG 5 has 9 targets and 14 indicators that aim to eliminate violence, harmful practices, and discrimination against women and girls in public and private spheres.³ SDG 5 emphasizes the need to promote women's equal participation and equal access to economic resources and the importance of women's leadership and decision-making in economic and business spheres. SDGs call for public and community participation, creating spaces for women in decision-making on community development, planning, and resource allocation.

SDG 5 calls for gender-responsive policies, laws, and institutions that promote women's rights, gender equality, and inclusive decision-making towards strengthening institutional mechanisms ensuring women's voices are heard and considered in all decision-making processes. SDG calls for enhancing data collection systems to inform evidence-based policies and interventions to analyze sex-disaggregated data to monitor the progress that promotes women's participation and decision-making.

SDG 5 was initiated to perpetuate the inequalities due to deep-rooted gender stereotypes and discriminatory social norms faced by women and girls. Globally, women and girls experience gender-based violence, including sexual harassment, human trafficking, intimate-partner violence, and other harmful practices such as female genital mutilation and child marriage. Worldwide around 3/4th of countries did not stipulate the minimum age for a girl to marry as 18 years, and more than half of the countries deny equal rights to enter marriage and/or initiate divorce. In most parts of India, it is still prevalent to see honour killing if the girl chooses her marital life according to her wish with another caste or community male partner, which denies her right to equality and right to life due to the narrow-minded people who decide whom their daughter or a girl must marry whether she likes him or not.⁴

A new trend of girl trafficking in Hyderabad, as many Arab men had been arrested for marrying young girls for a contractual period and for consideration and leaving them in vain after their contracts.⁵ Muslim personal laws permit a girl of 15 years competent to marry where it is universally 18 years, and the Supreme Court still examines the same. Male chauvinists

³Goal 5, United Nations Department of Economic and Social Affairs. Achieve Gender Equality and Empower All Women and Girls.”

⁴Mansi Tyagi, “Honour Killing in India” (2021).

⁵“Contract Marriage Racket” Indian Express (2017).



and perpetrators rape young girls less than 18 years even with the consent of the girl, as would be charged under the Protection of Children from Sexual Offences (POCSO) Act, 2012, to evade such sexual assault charges, they marry the survivor as Rape accused marriages.⁶

Female circumcision, a customary practice dating back to pre-Islamic times, involves mutilating or injuring female genitalia. As this practice is prevalent in Egypt, Africa, the Middle East, and Asia, the UN initiated the Prohibition of Female Genital Mutilation Act (2011). Some countries consider Female Genital Mutilation a criminal offence, while India lacks specific legislation. Strict laws and effective implementation mechanisms are needed to prevent inhumane harmful practices against women.^{7,8}

Girls face barriers to equal access to quality education due to early marriages and reduced economic prospects, cultural norms, and limited educational opportunities for girls leading to lower literacy rates. Educational barriers lead to economically and mentally insecure women and girls, where 1 in 3 women i.e., around 736 million between the age of 15 and older, are subjected to intimate partner violence, sexual violence, and physical violence, as stated in the statistical report of the United Nations (UN). Though 83 % of countries have enacted laws to safeguard women against violence, around 57% are subjected to abuse every single day. In intimate relationships, literate and illiterate women and young girls sometimes face difficulties making informed decisions on sex and reproductive healthcare globally.⁹ Most women and young girls are unaware of the impact of uncontrolled pregnancies and abortions, and this is evident that there is no appropriate sex education on reproductive health and reproductive rights, the importance of family planning, sterilization of males and females, and contraceptives.

Women face not just sexual harassment at the workplace but also economic disparities in unequal pay for equal work, barriers to leadership positions and entrepreneurship, and limited access to financial resources.

⁶Ratna Singh, “Delhi High Court Flags Disturbing Pattern of Rape Accused Marrying Survivor to Avoid Sexual Assault Charges (2023).

⁷Prohibition of Female Genital Mutilation Act, 2011, “Global Database on Violence Against Women.”

⁸Kirti Bhargavadown, “Does India Need a Law to Curb Female Genital Mutilation? What Has FGM to Do with Religion?” Outlook India (2022).

⁹Martin, “United Nations: Gender Equality and Women’s Empowerment” United Nations Sustainable Development. (2022).



According to the facts and figures of the UN, only 28.3 percent of women share managerial positions worldwide until 2020.¹⁰

Kirti Bhargavadown, “Does India Need a Law to Curb Female Genital Mutilation? What Has FGM to Do with Religion?”

These gender-pay gaps, occupational discrimination, and lack of supportive policies hinder the upliftment of women and women’s economic empowerment. Nearly half of the countries restrict women from working certain jobs or industries. In India, though the exclusive man’s recruitment in National Defence Academy has opened for women, the Supreme Court denied prescribing a 50 percent reservation for female cadets.^{11,12}

Education and employment are crucial for women’s empowerment and gender equality. Ensuring equal access to quality education and dismantling barriers can foster women’s leadership in the workplace. However, women’s leadership and political decision-making will remain at 14.4% globally until 2021. In India, women’s sarpanch hold positions at Panchayat Raj levels, but male members manage politics.

Despite women being equally capable of such work and performance, they are often paid lower than male workers in most workplaces, their domestic work, including caring for family members and the elderly, is neither appreciated nor valued. This vulnerability often leads to women remaining unpaid domestic workers throughout their lifetime, with women spending 2.5 times more on this work than men, contributing to 75 % of the world’s unpaid care, and domestic work is performed by women.¹³

Economic empowerment is crucial for gender equality and sustainable development, but women still face challenges in accessing economic stability. Property ownership offers economic security, decision-making power, and participation in economic activities. However, barriers like financial illiteracy, lack of collateral, and gender biases restrict women’s access to credit and loans. To overcome these barriers, fostering women-led enterprises, increasing participation in non-traditional sectors, and technology-driven industries can promote gender equality and reduce economic disparities.

¹⁰Kirti Bhargavadown, “Does India Need a Law to Curb Female Genital Mutilation? What Has FGM to Do with Religion?” Outlook India (2022).

¹¹Kush Kalra v. Union of India, W.P. (Civil) No. 1416 of 2020

¹²Awstika Das, “Supreme Court Turns Down Plea for 50% Women Reservation in National Defence Academy”. (2023).

¹³“Unpaid Care and Domestic Work: Issues and Suggestions for Vietnam” (2017).



The underrepresentation of women in Science, Technology, Engineering, and Mathematics (STEM) fields remains a persistent issue. In a survey in India, 83 % of the male adult population had a mobile phone, while only 71 % of the female population.¹⁴ Despite progress, women still face barriers in low-paid and high-paid STEM jobs. Women's inclusion in these fields offers diverse perspectives and innovative solutions, benefiting individuals and society.

Gender-balanced teams enhance creativity, productivity, and problem-solving, but unconscious bias and stereotype threats can deter women from STEM careers. Early interventions, inclusive education, parental support, educators, and media can boost girls' interest in STEM subjects. Collaborative efforts, policy reforms, and cultural shifts can create equal economic opportunities, equitable compensation, and workforce success for women.

3. Other SDGs Ensure Empowering SDG 5

- i. SDG 3 goal spotlights Good Health and well-being, ensuring healthy lives and promoting comprehensive universal access to quality maternal healthcare, including antenatal care, reproductive health services, postnatal care, and ensuring safe and healthy pregnancies and childbirth. This goal focuses on access to family planning, contraception, and safe abortion services addressing gender-based violence and harmful practices calling for achieving universal health coverage and removing financial, geographical, and cultural barriers.
- ii. *SDG 4 focuses on Quality Education*, ensuring inclusive and equitable education for all. It emphasizes eradicating gender disparities in enrollment and completion rates, promoting gender-responsive curricula, and promoting girls' and women's participation in STEM fields. SDG 4 calls for adequate sanitation facilities, menstrual hygiene management, and gender-sensitive infrastructure in schools and educational institutions.
- iii. *SDG 8 focuses on decent work, economic growth*, and economic empowerment for women in the workforce. It emphasizes equal access to equal value, economic opportunities, and entrepreneurship in secure working environments. The goal also emphasizes women's representation in leadership positions, policymaking, and management roles. It also emphasizes social protection measures and labour rights for all workers, enforcing labour laws and regulations to protect women's rights, social security, and benefits.

¹⁴“Share of Mobile Phone Owners in India in 2021, by Gender and Type,” Statista (2023).



- iv. *SDG 9 on access to technology and information* focuses on women's access to technology and information, enabling them to access information, communicate, and participate in digital technologies, remote work, online learning, entrepreneurship, skill development, and lifelong learning. This empowers women to overcome traditional barriers and improve their well-being in health, nutrition, reproductive rights, finance, social media, digital activism, and legal matters. Through other SDGs, this goal promotes resilient infrastructure, sustainable industrialization, and innovation.
- v. *SDG 16 on Peace, Justice, and Strong Institutions* aims to promote peace, justice, and strong institutions by eliminating gender-based violence, domestic violence, and sexual harassment. It calls for ending discrimination and ensuring equal rights for women and girls. Women's participation in peacebuilding and conflict prevention is crucial for promoting and protecting women's rights.

4. India's Role in Empowering Women and Girls

India is a member of the UN, and its commitment to sustainable development has significantly contributed to the global SDGs' achievement by 2030. Through policy measures, initiatives, and international collaboration, India's dedication to sustainable development is crucial for a more equitable and sustainable future for all.

Nonetheless, with evident traces, the evolution of women's rights and women's movements from the colonial era to date is evident with the landmark legislations and policy measures that have shaped the landscape of women's empowerment in India before the Agenda of SDG 2030. The Constitution of India of 1950, The Dowry Prohibition Act of 1961, the Equal Remuneration Act of 1976, the National Policy for Empowerment of Women of 2001, the National Commission of Women, Protection of Children from Sexual Offences Act of 2012, Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013, etc., are evidential historical progress for India's role in empowering women and girls.

5. India's Initiatives Influenced by The Agenda For Sdg 2030

Towards recognizing the crucial role women play in the country's development, India has initiatives aimed to address various challenges and barriers faced by women and girls, to enhance their social, economic, and political participation, including as below:



5.1 Beti Bachao, Beti Padhao (Save the Girl Child, Educate the Girl Child) launched in the year 2015, aims to address the declining child sex ratio and promote the value of the girl child. This initiative focuses on preventing female foeticide, improving access to education for girls, and ensuring their survival, protection, and development.

5.2 Pradhan Mantri Matru Vandana Yojana is a scheme that provides financial assistance to pregnant and lactating women to support them during motherhood and ensure proper nutrition and healthcare for both the mother and child.

5.3 Mahila e-Haat, an initiative of the Ministry of Women and Child Development, provides an online platform that facilitates women entrepreneurs to showcase and sell their products and services, promoting their economic empowerment and financial inclusion.

5.4 National Mission for Empowerment of Women aims to strengthen women's economic and social empowerment, focuses on eliminating violence against women, and mainstream gender concerns in policy and planning.

5.5 Pradhan Mantri Jan Dhan Yojana (PMJDY) though not exclusively focused on women, this financial inclusion program has significantly benefitted women in India, encouraging them to open bank accounts and gain access to various financial services.

5.6 Sukanya Samridhi Yojana is an initiative that encourages parents to save for their girl child's future education and marriage expenses by offering a high-interest savings account.

5.7 Swachh Bharat Mission, through an initiative for environmental protection, also promotes access to sanitation and hygiene facilities, which directly impacts the dignity and safety of women and girls, especially in rural areas.

5.8 Support to Training and Employment Programme for Women (STEP), a program that supports skill development and employment opportunities for women and enables them to become financially independent.

5.9 Women Helpline (181), a toll-free helpline, provides support and assistance to women facing violence, harassment, or other issues, offering a safe space for reporting and seeking help.

5.10 One-Stop Centers or Sakhi Centres provide integrated support services to women and girls affected by violence, including medical, legal, and counselling assistance.



5.11 Reservation for Women in Local Government is a remarkable initiative to enhance women's participation in politics, India has implemented a constitutional amendment that reserves one-third of seats for women in local government bodies, known as Panchayati Raj institutions.

A few amendments in existing laws that would safeguard women and girls as the *Maternity Benefit (Amendment) Act of 2017*, increasing the paid maternity leave from 12 weeks to 26 weeks, gives more time for mothers to recover and bond with their newborns.

Education, media, and cultural initiatives are vital in promoting gender equality and breaking down gender-based barriers in economic spheres. The laws are enacted on an emerging need for gender equality; the judiciary plays a major role in uplifting and empowering girls and women.

6. Judicial Inclusion Towards Empowering Women in India

The judiciary continues to advance gender equality and promote women's rights by upholding gender-sensitive interpretations of laws, addressing gender-based discrimination, and protecting women's rights. A few notable cases post Agenda of SDG 2030 are evident in the following cases:

- *Shayara Bano v. Union of India (2017)*,¹⁵ a landmark verdict where the Supreme Court declared the customary practice of instant triple talaq (*talaq-e-bid'ah*), an instant divorce, among Muslim men as unconstitutional, granting Muslim women the right to equality and protection from arbitrary divorce.
- *Independent Thought v. Union of India (2017)*,¹⁶ Independent Thought v. Union of India, Writ Petition (Civil) No. 382 of 2013(2017) the Supreme Court ruled that sexual intercourse with a minor wife, even with consent and/or within a marital relationship, constitutes rape under the Protection of Children from Sexual Offences (POCSO) Act, 2012 that aimed to protect the rights and well-being of minor girls married off at a young age.
- *Indian Young Lawyers Association v. State of Kerala (2018)*,¹⁷ the Supreme Court lifted the ban on the entry of women of menstruating

¹⁵Shayara Bano v. Union of India, AIR 2017 9 SCC 1 (SC), (2017)

¹⁶Independent Thought v. Union of India, WRIT PETITION (CIVIL) NO. 382 of 2013(2017)

¹⁷Indian Young Lawyers Association v. State of Kerala, WRIT PETITION (CIVIL) No. 373 of 2006.



age into the Sabarimala temple in Kerala, asserting women's right to equality and non-discrimination in matters of religious practices.

- ***Joseph Shine v. Union of India (2018)***,¹⁸ the Supreme Court struck down Section 497 of the Indian Penal Code, which criminalised adultery but only held men liable. The court ruled that the provision was discriminatory and violated the principle of gender equality.
- ***Navtej Singh Johar v. Union of India (2018)***¹⁹, a landmark judgment where the Supreme Court decriminalised consensual homosexual acts among adults, overturning Section 377 of the Indian Penal Code to uphold the rights and dignity of LGBTQ+ individuals, including women, and recognised their right to equality and non-discrimination. This is evident that transgender women who assume to be women would have equal gender equality.
- ***Anuj Garg v. Hotel Association of India (2020)***, the Supreme Court held that a woman has an equal right to employment and, when it comes to employment in the hotel industry, cannot be discriminated against based on her gender.

Judiciary has created and continues its commitment to a more equitable and empowering environment for women to thrive and contribute to the nation's progress toward a more inclusive and gender-just society.

Conclusion and Recommendations

Women face disparities in gender norms and stereotypes, hindering their full participation in the workforce and at home. Addressing these disparities requires a multifaceted approach that challenges discriminatory practices, promotes equal opportunities, and supports women's economic empowerment. Addressing these inequalities can enhance individual lives and create a more just society. Advocating for transformative policies and practices can create an inclusive and equitable economic landscape, empowering women to thrive and contribute to their communities and economies. Achieving gender equality in the economic sphere is a matter of justice, sustainable development, and societal progress.

¹⁸Joseph Shine v. Union of India, 2018.

¹⁹Navtej Singh Johar v. Union of India, (2018).