



# The Indian Journal for Research in Law and Management

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## **Examine whether and how gender equality changes have been incorporated into various international constitutions.**

"To increase the participation of women in work and in child care and support, UNICEF Argentina is working with partners in the public and commercial sectors to promote policies for the family."

Discrimination based on individuality and sex, in which one sex or gender is favored over another, is called gender inequality. Discrimination based on gender violates the human right to gender equality. More people are aware that policies and programs need to be bolder, more connected and more transformative to address the gaps affecting women, children and youth. The COVID-19 pandemic has completely changed gender equality outcomes. This highlighted the need for peer-reviewed policies and practices that raise awareness of gender inequality and address gender inequalities. Hunger and poverty are the main cause and influence of gender gaps. An estimated 60% of chronically hungry people are women. In developing countries, women represent 43% of agricultural workers. Studies show that these women can increase agricultural productivity by 20 to 30 percent, thereby increasing the country and its population. More than 60% of female workers in sub-Saharan Africa and almost 70% of female workers in South Asia work in agriculture. This shows the importance of creating programs and policies that take into account their needs, interests and limitations. Women represent less than 20% of the world's countries. In North Africa and West Asia, less than 5% of agricultural land owners are women. However, in sub-Saharan Africa, it is 15%. More than two-thirds of the 796 million women are illiterate. International data show that only 39% of rural girl's complete secondary education. This percentage is significantly lower among urban girls (59%), boys (60%) and rural youth (45%).<sup>1</sup>

Great strides have been made to end gender inequality around the world. However, there are still many hurdles to overcome. Gender discrimination in education is decreasing worldwide, women's participation in the labor market has increased in many sectors, women's education has increased rapidly in some, the proportion of women in public office has increased in many countries. In fact, despite these remarkable advances, gender equality does not exist locally or in some parts of the

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<sup>1</sup> Kuwahara, N. (1970, January 1). Negotiating Gender Rights and Gender Relations in the Constitutionmaking Process in Egypt: Towards a 'Thick' Constitutional Guarantee for Women's Rights. *Al-Raida Journal*, 43–54. <https://doi.org/10.32380/alrj.v0i0.1725>

world. Although the gender gap varies, in most countries men and women have different access to opportunities, economic participation, decision-making power and social norms and expectations.

As a champion of early childhood education, Vietnam has achieved the highest secondary school enrollment in the world. But despite these advances, a minority of boys and girls continue to fall behind, especially during adolescence. Absenteeism rates for ethnic minority secondary school girls and boys are double the national average. In some states and mountainous areas, more than 10% of minority women pass the entrance exams to upper secondary school. Two reasons for this are early labor recruitment and child marriage.<sup>2</sup>

Gender inequality is still evident in the world's public and private spheres, including the political representation, education system, and economy. Women make 24% less money than males worldwide; 104 nations forbid women from working in particular professions. In low-income nations, only 66 girls out of every 100 boys complete secondary education. Every nation has rules against sexual harassment in the workplace, but just one-third of them protect women from gender-based violence. The presence of explicit protections for gender equality in constitutions has had an impact. In Nepal, for example, the gender equality provision of the constitution served as the impetus for a new law that outlawed marital rape; in Zimbabwe and Tanzania, courts ruled that lowering the marriage age for girls compared to boys is unconstitutional. Based on the constitution's guarantee of gender equality, the Administrative Court of Kuwait overturned a ban on female applicants to the Justice Ministry.<sup>3</sup>

Equal rights safeguards in general can also be influential, although their applicability is less certain: The Equal Protection Clause of the Fourteenth Amendment, which was passed in 1868, was not applied to claims of discrimination against women in the United States until the 1970s. A justice of the U.S. Supreme Court has stated that gender discrimination is not prohibited by the constitution, even within the last ten years. As of 2017, 85% of all constitutions worldwide expressly protected equal rights or forbade discrimination based on gender or sex. Ensuring equal rights based on sex and gender can offer more robust defence against prejudice stemming from gender stereotypes regarding.

Less than 25% of constitutions guarantee equal rights within marriage or while both entering and exiting marriage, while 6% comprehensively protect equality at each stage—in entering, leaving, and within marriage. In Uganda, the Supreme Court invoked the constitution's guarantee of equal rights in marriage to overturn a customary law requirement that women pay back their "bride price" upon divorce. Protections of equal rights in the family are far less common, despite the significant

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<sup>2</sup> Kirana, P. D., & Nisak, Q. (2022, September 30). The role of UNICEF in addressing child marriage issues in Indonesia. *Gender Equality: International Journal of Child and Gender Studies*, 8(2), 216. <https://doi.org/10.22373/equality.v8i2.14029>

<sup>3</sup> *Constitutional Equal Rights Across Gender and Sex | UCLA World*. (n.d.). UCLA World. <https://www.worldpolicycenter.org/constitutional-equal-rights-across-gender-and-sex#:~:text=Around%20the%20world%2C%20gender%20inequalities,women's%20employment%20in%20specific%20jobs>

consequences for women's public lives. The fact that just 5% of constitutions address indirect discrimination makes it crucial to identify and change policies and regulations that disproportionately limit women's chances and rights without being specifically directed towards them.