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Conference Proceeding of the International Gender Justice Conference on Progress and Challenges in Enforcing Gender Justice in the Contemporary New World Order: A Multidisciplinary Approach



250



CONFERENCE PROCEEDING

of
THE INTERNATIONAL GENDER JUSTICE
CONFERENCE ON PROSPECTS AND
CHALLENGES IN ENFORCING GENDER
JUSTICE IN THE CONTEMPORARY NEW
WORLD ORDER:
A MULTIDISCIPLINARY APPROACH

FIRST EDITION



Edited by
Dr. Rangaswamy D.
Mr. Mayilsamy K. | Mr. Sarthak Aryan



**Conference Proceeding of the
International Gender Justice
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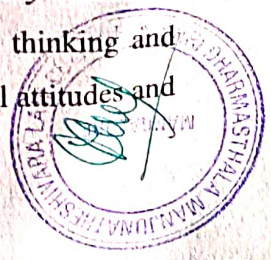
Editorial

In today's rapidly evolving global landscape, the pursuit of gender justice stands as a critical imperative. The release of this book by Aequitas Victoria Foundation & Patel Law College, Bengaluru on the topic 'Prospects and Challenges in Enforcing Gender Justice in the Contemporary New World Order: A Multidisciplinary Approach' delves into the multifaceted dimensions of enforcing gender justice in the contemporary new world order, employing a multidisciplinary lens to dissect the prospects and challenges inherent in this endeavor. As we navigate through the complexities of gender dynamics, societal norms, and institutional frameworks, it becomes evident that a comprehensive approach is necessary to address the systemic barriers that hinder the realization of true equality.

Gender justice transcends mere legal frameworks; it embodies a fundamental reimagining of societal norms, power dynamics, and opportunities. In today's rapidly evolving world, traditional paradigms are being challenged, necessitating a nuanced understanding of gender justice. This entails recognizing the intersecting layers of discrimination based on gender identity, ethnicity, class, sexuality, and other axes of marginalization. By delving into the multifaceted dimensions of gender justice, the conference book seeks to illuminate the evolving nature of inequality and injustice in the contemporary global context.

At the heart of the discourse on gender justice lies the concept of intersectionality, which underscores the interconnectedness of various forms of oppression. Understanding how gender intersects with race, class, ethnicity, sexuality, disability, and other social categories is essential for addressing systemic injustices. By adopting an intersectional lens, the conference book endeavors to unravel the complex interplay of power structures and privilege, thereby paving the way for more holistic and effective strategies for achieving gender justice.

Education and awareness play a pivotal role in challenging stereotypes, dismantling biases, and fostering a culture of gender equality. The conference highlights the importance of incorporating gender perspectives into educational curricula at all levels. Moreover, leveraging media, arts, and popular culture as tools for social change can amplify narratives of gender justice and challenge dominant hegemonies. By promoting critical thinking and fostering empathy, education becomes a potent catalyst for transforming societal attitudes and behaviors towards gender equity.



Despite significant strides in the realm of gender equality, formidable challenges persist in enforcing gender justice worldwide. Deep-seated patriarchal norms, cultural barriers, economic disparities, and institutionalized discrimination pose formidable obstacles to progress. Moreover, the rise of reactionary forces and backlash against gender equality initiatives underscores the urgency of addressing these challenges. By confronting these impediments head-on, we endeavor to catalyze collective action and solidarity in the pursuit of gender justice.

In conclusion, "Prospects and Challenges in Enforcing Gender Justice in the Contemporary New World Order: A Multidisciplinary Approach" represents a timely and indispensable contribution to the discourse on gender equality and social justice. By bringing together insights from scholars, activists, and practitioners across disciplines, this book offers a comprehensive and nuanced understanding of the prospects and challenges in enforcing gender justice in the contemporary world. It is our hope that this volume will serve as a catalyst for informed dialogue, critical reflection, and concerted action towards a more just and equitable future for all genders.



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Editors: Dr. Rangaswamy D., Mr. Mayilsamy K., Mr. Sarthak Aryan

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Gender Justice and Human Rights – A Global Perspective

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Abstract

Human rights and gender justice represent the fundamental principles essential for ensuring equality, dignity, and fairness in the global perspective. Gender Justice refers to the pursuit of fair treatment, equality, and dignity for individuals of all genders across different cultural, social, economic, and political contexts worldwide. On the other hand, human rights refer to the fundamental entitlements and freedoms that belong to all individuals by their humanity, irrespective of their nationality, ethnicity, religion, gender, or any other status. India presents a vibrant landscape of resilience and activism with grassroots movements, legal reforms, and policy initiatives striving to address gender justice and uphold human rights. Landmark judgments by the Indian judiciary, such as Vishakha guidelines³⁹⁸ on sexual harassment in the workplace, progress towards gender justice and human rights. Human rights and gender justice are inseparably linked and mutually supportive from a global perspective. Even with advancements, obstacles continue to exist such as deeply ingrained gender norms, unequal income distribution, etc. International cooperation between governments, civil society organization and individuals is required to achieve gender justice and human rights. Gender justice and human rights are crucial elements of fair and just world community. In order to create a more affluent and peaceful society, their goals of fostering inclusiveness, respect and dignity for people of all genders are highlighted in this paper. This paper provides an overview of interconnection between the two concepts gender justice and human rights, encompassing legal frameworks, social movements and international policies and aimed at promoting equality and combating discrimination on the basis of gender, race, etc.

Keywords: Gender Justice, International Policies, Workplace, Equality, Harassment.

INTRODUCTION:

Gender Equality is not only an essential Human right but it also forms the basis for the world that is prosperous, peaceful and sustainable. It is attained when men, women, girls and boys all have equal opportunities, rights and control over their own lives as well as the advancement of the society. Gender equality simply means giving equal opportunities to both men and women in all the fields, such as economy, education, political, social, employment, leadership, participation in political activities, societal activities, decision making, financial independence, etc., For instance, in case of employment everyone should get the equal payment for their same work, that is equal pay for equal work.

³⁹⁸ Smt. Bhanwari Devi v. State of Rajasthan 1997(1) WLC42, 1996(2) WLN 387



work³⁹⁹. So, gender justice is a fundamental component of human rights, embodying the values of impartiality, equity and respect for every individual, irrespective of their caste, creed, sex or gender identity, etc., In recent years, the conversation around gender justice has become increasingly prominent on the international and national level, indicating a growing recognition of the societal injustice and inequalities that people of all genders must contend with.

The wider human rights framework is closely associated with the pursuit of gender justice. The principle to it is the non-discrimination concept, which is codified in a number of international agreements and various treaties, such as UDHR⁴⁰⁰, CEDAW⁴⁰¹, etc., But many people still experiencing violence, marginalization, discrimination due to their gender in spite of these legal protection. The goal of gender justice incorporated social, economic and cultural aspects in addition to legal barriers. Every facet of society is impacted by gender inequality, which shows itself as unequal access to healthcare, employment possibilities, education and political representation. These differences obstruct not just personal growth but also the general progress and well-being of societies and states.

This research paper intends to illuminate the connection between gender equality and human rights in a variety of legal context by investigating the complex aspects of gender justice from a global perspective as well as national perspective.

Gender Justice from Human Rights Perspective:

From the perspective human rights, gender justice entails protecting the equality, dignity and justice of all genders, as stated in numerous international human rights instruments, including the Beijing Declaration and Platform for Action, the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), Universal Declaration of Human Rights (UDHR). Key aspects of Gender Justice from Human Rights perspective, equality, non-discrimination, putting an end to violence, reproductive rights, economic justice, social cultural challenges, etc.,

In terms of gender identity or expression, gender justice provides equal rights and opportunities for individuals of all genders. Equal access to political involvement, work, healthcare and education are all included in this. It also necessitates the eradication of gender-based discrimination, such as homophobia, transphobia, sexism and misogyny. It entails dispelling myths and biases that support marginalization and justice. It tackles the widespread problems of gender-based violence, which encompasses sexual assault, harassment, domestic violence and human trafficking. It highlights how crucial it is to have support networks, legal protection and social disapproval of any kind of violence against women and girls. Reproductive rights including the availability of safe abortion, contraception and reproductive healthcare are recognized by gender justice as essential human rights. It promotes individual control over one's body and reproductive choice. The goal of gender justice is to eliminate economic disparities between the sexes through advocating for equal pay for equal work, assisting women in achieving financial independence and opposing discriminatory employment practices. In order to achieve this goal, negative gender norms must contest and more inclusive, fair attitudes and

³⁹⁹ Article 39 of Indian Constitution
Equal Remuneration Act, 1976

⁴⁰⁰ Universal Declaration of Human Rights

⁴⁰¹ Convention on the Elimination of All forms of Discrimination Against Women



actions must be encouraged in the society. Promoting positive portrayals of all genders in the media, in the educational institution and in popular culture is part of this⁴⁰².

From the perspective of human rights, gender justice involves confronting power disparities, tearing down prejudiced institution and frameworks and making sure that everyone has the same chances, rights and respect, regardless of gender identity. To build a more just and equitable society for all, a comprehensive strategy addressing social, cultural and economic changes in addition to legal and regulatory reforms is needed.

Gender Justice under Indian constitution:

As mentioned, gender justice is one of the most important human rights issues. Even though establishing gender equality is still a work in progress, it is a fundamental human right and is necessary for a successful and peaceful society. Deeply entrenched cultural institutions are largely responsible for the persistence of gender inequality in India. The Indian judiciary frequently serves as a people's representative and India's profound Constitution inspires hope for the realization of gender equity.

According to Indian Constitution, Gender justice is an important component of the country's legal, social structures. Indian Constitution adopted in 1950, ensures equality before law and forbids discrimination based on the gender. The word 'Gender' is not used in Constitution, Articles 15(1), 16(2), 325 which forbids discrimination based on sex, all includes the term 'Sex'. While the term 'gender' is more broadly described than the word sex and gender justice strive to achieve equality and absence of discrimination⁴⁰³.

Article 14 of Indian Constitution gives everyone, including men and women, the right to equality before the law and equal protection under the law⁴⁰⁴. This Article guarantees that all citizens receive equal treatment from the state and forbids discrimination based on gender. Article 15, forbids discrimination based on caste, religion, sex, race or place of birth⁴⁰⁵. It guarantees that men and women have equal access to legal protections and opportunities. Article 15(3), permits the state to establish specific measures for women and children, so facilitating affirmative action policies aimed at redressing historical injustices and disparities experienced by women⁴⁰⁶. Article 16, ensures equal opportunity in matters of public employment or appointment to any office⁴⁰⁷. Article 19, protects a number of liberties that apply to both men and women equally, including the freedom of speech, expression, assembly, association, movement, domicile and profession⁴⁰⁸. Articles 23 and 24, protect the rights of both men and women against exploitation by prohibiting forced labour, human trafficking and employment of minors in hazardous industries⁴⁰⁹. Part IV of the Constitution⁴¹⁰, the Directive Principles of State Policy, contains provisions pertaining to human rights and gender justice, including equal pay for equal work Article 39(d), advancing the welfare of women and children Article 39(a), Article 42 guarantees just and humane working conditions.

⁴⁰² #EndcyberGBV and create #GenderJustMedia, Let's End Violence Against Women and Secure Gender Justice (2022 – 2030) <https://waccglobal.org/resources/gender-justice/>. Last visited on 13th March 2024.

⁴⁰³ Gender Justice, Rajasthan Judicial Academy, <https://rajasthanjudicialacademy.nic.in/docs/Studymeterial01122020.pdf>. Last visited on 13th March 2024

⁴⁰⁴ The Constitution of India, A. 14

⁴⁰⁵ Ibid, A. 15

⁴⁰⁶ Ibid, A. 15(3)

⁴⁰⁷ Ibid, A. 16

⁴⁰⁸ Ibid, A. 19

⁴⁰⁹ Ibid, A.23 & 24

⁴¹⁰ Ibid, A. 39(d) 39(a) 42



A number of Constitutional Amendments⁴¹¹ have been passed, to strengthen human rights and gender justice in India. For example, 73rd and 74th Amendments increased women's political representation and engagement at the local level by reserving seats for them in local bodies. Through various judicial interpretations, the Indian courts has been instrumental in interpreting and defending human rights and gender justice. In order to defend women's rights, such as their freedom from discrimination, equality and access to justice, courts have frequently intervened.

In addition, a number of distinctive measures have been implemented to eliminate social, legal and other barriers and inequalities so that they can utilize the opportunities and rights that have been made available to them. However, a number of primitive social customs and traditions continue to be practiced, giving them grater power and authority than statutory enactments and undoing majority of the benefits of these practical initiatives, leading to an unequal distribution of the benefits of progress and development.

Gender Justice – An International Perspective, An overview of Gender Justice and Human Rights in India, UK, USA and Australia:

From an international point of view, gender justice entails recognizing and correcting injustices and inequalities related to gender on a worldwide basis. It includes initiatives taken in various nations and areas to advance gender equality, combat discriminatory behaviours and protect individual human rights, regardless of gender identity or expression.

A. Gender Justice and India:

In India, gender justice has long been a source of advocacy and concern, recent advances indicate in the direction of continued progress and obstacles. India has a long history of gender-based stereotypes based on patriarchal ideology, many of which have found their way into the legal system throughout time. The rulings made by the courts also demonstrated the historical injustices committed by society against women. The Declaration of Independence emphasizes of status and opportunity. Equality could only exist between equals, according to the founders of constitution, otherwise injustice may ensure. So, in order to bring the unequals up to par with the equals, they suggested the idea of substantive equality, which calls for making particular arrangements for them.

The prominent cases like *Mathura Rape Case*⁴¹², *Nandan Kanan Rape Case*⁴¹³, *Sowmithri Vishnu Case*⁴¹⁴ and *M. Kishwar v. State of Bihar*⁴¹⁵ provides as powerful illustrations of the Apex Court's traditional and patriarchal viewpoint. The rulings rendered by the court in the cases of *Sowmithri Vishnu v. Union of India* and *Revathi v. Union of India*⁴¹⁶ were, in fact verdicts that were against gender justice.

As the changes in the society there are changes in the legislation and changes in the judiciary even. India has a thorough legal system designed to combat prejudice and advance gender equality. The Indian Constitution forbids discrimination based on gender and ensures equality before law as mentioned earlier. Women are also provided with legal protection by statutes, such as The Dowry Prohibition Act, 1961, POSH Act⁴¹⁷, protection from domestic

⁴¹¹ The 73rd & 74th Constitutional Amendment Act, 1992

⁴¹² *Tukaram vs. State of Maharashtra*, (1979) 2 S.C.C. 143.

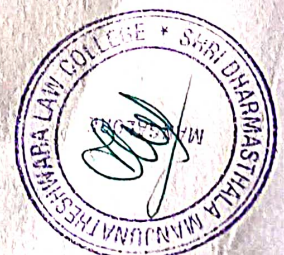
⁴¹³ *Pratap Mishra vs. State of Orissa*, A.I.R. 1977 S.C. 1307.

⁴¹⁴ *Sowmithri Vishnu vs. Union of India*, 1985 Supp S.C.C. 137.

⁴¹⁵ *Madhu Kishwar & Ors v. State of Bihar & Ors*, 1996 SCC (5) 125.

⁴¹⁶ *V. Revathi v. Union of India & Ors*, AIR 1988 SC 835.

⁴¹⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.



violence⁴¹⁸, etc., gender justice depends on everyone having access to education. Although female literacy rates have increased significantly, Constitution of India upholds free and compulsory education to children of age 6 to 14 years⁴¹⁹, there are still gender gaps in education, especially in rural areas and among marginalised communities. These gaps are caused by a number of factors including poverty, social norms and lack of infrastructure. Gender inequality in India is typically sustained by deeply ingrained cultural and social conventions. Customs including child marriage, dowry, infanticide of female and preference for sons still have the impact on the position and rights of women, many campaigns have been made such as Beti Bachao Beti Padhao⁴²⁰, etc., still it will take extensive work to change the mindset of public including community involvement, education and legal actions.

The fact that the judiciary is now finally acknowledging the long-standing injustices and atrocities committed against women is indeed a source of great pride. It occasionally necessary for laws to serve as tools for social transformation⁴²¹. The women, who have been imposed for ages by the deeply ingrained sexism in Indian society are calling for judicial intervention to set them free.

B. Gender Justice and UK

Although there has been progress in some sectors, there are still issues with gender justice in UK. In order to fight discrimination and advance gender equality, the UK has built a legal framework. In number of contexts such as the workplace, education system and in execution of service, discrimination on the basis of gender as well as other protected characteristics is illegal under the 2010 Act⁴²². Gender parity has not yet been attained, despite advances in the representation of women in politics, with more of them holding positions in parliament and local government. There is a continuous endeavour to promote increased female involvement in politics and decision-making positions. In UK, the gender pay gap is still a major problem. Women still make less money overall than males do in a variety of industries and professions despite efforts to change this. The objective of policies like the requirement that large firms disclose their gender pay disparity is to promote accountability and openness⁴²³. Policies pertaining to maternity leave, flexible work schedules and efforts to eliminate gender bias in hiring and promotion procedure are some of the initiatives being undertaken to advance workplace equality. But obstacles like job segregation and lack of assistance with caring duties continue to hinder women's career growth. Gender justice includes access to reproductive healthcare and reproductive rights as key components. Although abortion rights are protected by law in UK, there are still discussion and issues surrounding them, such as access to service and legislative limitations on Northern Ireland⁴²⁴.

Even though gender justice has advanced in UK, there are still areas that require improvement. Building a more just and equitable society in UK will require sustained efforts to address systemic disparities, promote gender equality and guarantee the rights and dignity of all genders.

C. Gender Justice and USA:

In USA, promoting gender equality, addressing systemic injustices and preserving the rights and dignity of all genders are all parts of gender justice. USA has put in place legal safeguards to advance gender equality and outlaw discrimination on the basis of gender.

⁴¹⁸ The Protection of Women from Domestic Violence Act, 2005.

⁴¹⁹ The Constitution of India, A. 21A.

⁴²⁰ Beti Bachao, Beti Padhao, 2015 Government of India.

⁴²¹ Supra, 8

⁴²² The Equality Act, 2010 (UK)

⁴²³ Equality and Human Rights Commission (EHRC) Statutory Code of Practice on Equal Pay (UK).

⁴²⁴ Northern Ireland (Executive) Formation Act, 2019 (UK).



Important laws include, Title IX of 1972 Act, which forbids sex discrimination in programs receiving federal financing⁴²⁵ and Title VII of 1964 Act, which forbids discrimination in employment⁴²⁶. Women are still paid less than males on average in a wide range of professions and sectors. The gender pay gap is being addressed through equal pay laws⁴²⁷, pay transparency campaigning, workplace equality programs and addressing systematic biases in compensation systems. In USA, gender-based violence which includes sexual assault, harassment and domestic violence remains a serious problem. The VAWA⁴²⁸ offers assistance and resources to victims of gender-based violence yet, there are still issues with closing service gaps, enhancing safety protocols and stopping abuse. In USA, access to reproductive healthcare and reproductive rights are divisive topics. States differ in their laws⁴²⁹ and practices regarding abortion rights, access to contraception and financing for reproductive healthcare. These discussions are still going strong. Legal obstacles and hostility to reproductive rights expansion and protection exist. In USA, campaigns for gender justice involve standing out for the rights of LGBTQ+ persons, which includes transgender and binary people. At the federal states and local levels laws against discrimination on the basis of sexual orientation and gender identity have been strengthened yet, there are still obstacles in the way of guaranteeing complete equality and inclusion.

Even if gender justice has advanced in USA, there are still big issues that need to be resolved. To create a more just and equitable society in USA, ongoing efforts to advance gender equality, defend human rights and uphold the rights and dignity of all genders are imperative.

D. *Gender Justice and Australia:*

In Australia, addressing systemic injustices, advancing gender equality and preserving the rights and dignity of all genders are all part of gender justice. In order to advance gender equality and outlaw discrimination based on gender, Australia has put forth legal protections. The 1984 Act, forbids discrimination on the grounds of sex, gender identity and intersex status in a number of contexts, such as the workplace, the educational system and supply of goods and service⁴³⁰. Gender-based violence which includes sexual assault, harassment and domestic abuse remains a serious problem. Government efforts to stop violence, assist survivors and enhance responses to gender-based violence is outlined in the National Plan⁴³¹. In Australia, prejudice and inequality against indigenous women are intersectional and stem from factors including their gender, race and socio-economic background⁴³². Initiatives to advance gender justice focus on the particular difficulties encountered by indigenous women and advocate for their rights and self-determination. Advocating for the rights of LGBTQ+ individuals, including transgender and non-binary people, is a part of Australia's gender justice activities. Although there are still obstacles in the way of achieving complete equality and inclusion, legal protections against discrimination based on sexual orientation and gender identity have been expanded at federal, state and territory levels.

Although Australia has made advances in achieving gender justice, there are still major issues that need to be resolved. For just and equitable society must be built in Australia via sustained efforts to advance gender equality, defend human rights and uphold the rights and dignity of all gender.

⁴²⁵ The Education Amendments of 1972, Title IX. (USA).

⁴²⁶ The Civil Rights Act, 1964, Title VII (USA).

⁴²⁷ The Equal Pay Act, 1963 (USA).

⁴²⁸ The Violence Against Women Act, 1994 (USA).

⁴²⁹ Thomas E. Dobbs v. Jackson Women's Health Organization, 597 U.S. 215 (USA).

⁴³⁰ The Sex Discrimination Act, 1984 (Australia).

⁴³¹ The National Plan to Reduce Violence Against Women and Children, 2022 – 2032 (Australia).

⁴³² The Sex Discrimination Act, 1984 (Australia).



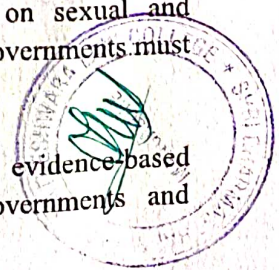
Suggestions:

"Freedom cannot be achieved unless women have been emancipated from all kinds of oppression"

- Nelson Mandela

Promoting equality and gender equality in all spheres of society is the most efficient strategy to combat gender disparity. Here are some of the solutions for advancing gender justice human rights from a global perspective:

- 1) *Modifying Legal and Policy Frameworks:*
Restructuring current laws and regulations is a crucial step in achieving gender equality. This entails removing gender-based violence, changing discriminatory laws and guaranteeing equitable access to healthcare and education. Legislations pertaining to reproductive rights, LGBTQ+ rights, violence against women and oppressed gender and discrimination, etc.,
- 2) *Raising Awareness and Concern:*
Changing societal norms and empowering women, need to increase awareness of gender justice. This entails spreading awareness of gender equality through media campaigns, in businesses, and educational institution.
- 3) *Promoting Gender Equality in the Workplace:*
Equal compensation for equal work, access to resources, and opportunity for training and advancement are all necessary to achieve gender equality in the workplace. A work atmosphere that respects and supports the needs of every employee can also be created by encouraging flexible schedules and rules and providing more parental leave.
- 4) *Groups for the further reach of Community and Support:*
Support groups and community outreach initiatives can give women a chance to develop their skills, advocate for their rights, and gain access to resources. This entails offering instruction in emotional support, legal rights and advocacy, and financial literacy. These programs have the potential to establish safe spaces where women can come together to exchange stories and foster camaraderie.
- 5) *Positive Representation of Women in Media:*
Since the media frequently shapes gender identity and roles, it is critical to support positive representations of women. Making information that dispels myths about gender and other oppressed groups is part of this solution. Encouraging the portrayal of women in leadership roles in both fiction and non-fiction is equally crucial.
- 6) *Equal Participation in politics or gender equality in Government:*
Governments have the authority to take action to guarantee that women and other gender minorities have equal representation in positions of decision-making and opportunity to engage in politics. This entails putting affirmative action plans into place, creating quotas for women on corporate boards and raising the proportion of women in parliament.
- 7) *Greater Access to resources for Education and Healthcare:*
Achieving gender equality requires ensuring that women have equal access to resources for healthcare and education. This entails offering financial aid and scholarships in addition to facilitating better access to healthcare services, including information on sexual and reproductive health. In rural areas and isolated places, it is need of an hour, governments must guarantee that girl child have access to the high-quality education as males.
- 8) *Data Collection and Research:*
Enhancing gender related data collecting and research is crucial for evidence-based programming and policy making. To develop successful policies, governments and



organisations should make investment in gathering de-identified data on gender related indicators, researching new topics and assessing the results of programs

Global issues of social, cultural, religious, institutional and economic causes all contribute to gender inequality⁴³³. Promoting equality and gender equality in all spheres of society is the most efficient strategy to combat gender disparity. By implementing these suggestions into practice, nations can endeavour to safeguard human rights for all individual worldwide and achieve more gender justice.

Conclusion:

In conclusion, it will take coordinated efforts from governments, international organizations, civil society and individuals to achieve gender justice and preserve human rights on worldwide. In order to effectively address the overlapping forms of discrimination and disadvantage that people experience due to their gender, race, ethnicity, class, sexual orientation, disability and other variables a holistic strategy is required.

Global human rights protection and gender justice are difficult, continuous projects that call for constant action, cooperation and dedication from all parties involved. We can build a society in which every person regardless of gender, is free from prejudice, violence and injustice by striving for gender equality, upholding human rights and tackling injustices.



⁴³³ What is Gender Justice? <https://www.sa-hr.org/single-post/what-is-gender-justice>. Last Visited on 14th March 2024

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