

EXPLORING INTERRELATIONS BETWEEN GENDER EQUITY AND GENDER EQUALITY: CONSTITUTIONAL IMPLICATIONS

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Abstract: This research paper critically examines the intricate interrelations between gender equity and gender equality, two foundational pillars in the pursuit of a more just and inclusive society. While often used interchangeably, these concepts encapsulate distinct dimensions within the broader discourse on gender. Gender equality advocates for parity in opportunities, rights, and responsibilities, while gender equity addresses fairness in outcomes by recognizing and rectifying historical and systemic imbalances. This study investigates the symbiotic relationship between the two, unravelling their mutual influences and contributions to dismantling gender-based discrimination. This research explores the impacts of gender equity and gender equality on various societal dimensions. By navigating the nexus between gender equity and gender equality, the study aims to provide practical insights for policymakers, activists, and stakeholders involved in shaping gender justice initiatives. The ultimate goal is to inform and guide efforts aimed at dismantling barriers and fostering a world that ensures equitable opportunities and equal rights for individuals of all genders. Through this exploration, the paper seeks to contribute to the broader mission of creating a more inclusive and just society that transcends gender-based disparities.

Key words: Gender equity, Gender equality, Gender justice, Constitution, Women's rights, Feminist theory, Intersectionality

INTRODUCTION:

In the pursuit of a more just and inclusive society, the concepts of gender equity and gender equality emerge as pivotal touchstones, each carrying distinct connotations and implications. While the terms are often used interchangeably, a nuanced examination reveals a symbiotic relationship that transcends mere semantics. This research endeavors to unravel the intricate interplay between gender equity and gender equality, delving into their interconnectedness, mutual influences, and collective contributions to fostering a world free from gender-based discrimination.

Gender equity and gender equality, although related, encapsulate distinct dimensions within the broader discourse on gender. Gender equality, rooted in the principles of fairness, demands parity in opportunities, rights, and responsibilities for individuals of all genders. On the other hand, gender equity delves into the fairness of outcomes, recognizing and addressing historical and systemic imbalances that have perpetuated disparities. As this research contends, the pursuit of one is inherently intertwined with the realization of the other.¹

The interconnectedness between gender equity and gender equality becomes apparent when examining their impacts on diverse aspects of society – from economic development and political representation to education and healthcare. By discerning the mutual reinforcement and potential conflicts that may arise in their implementation, this study seeks to contribute a nuanced perspective to the ongoing dialogue surrounding gender justice.²

¹ UN. 1995. *The world's women 1995: trends and statistics*. Sales No. E.95.XVII.2. New York.

² E. Sare Aydin Yilmaz: "A New Momentum: Gender Justice in the Women's Movement" *Turkish Policy Quarterly*. Winter 2015 (<http://turkishpolicy.com/article/719/a-new-momentum-gender-justice-in-the-womens-movement-winter-2015>)

In navigating this nexus, it is imperative to acknowledge the contextual intricacies that shape the experiences of individuals across diverse cultures, socio-economic backgrounds, and identities. Moreover, this research recognizes the evolving nature of gender dynamics and aims to shed light on the adaptability and responsiveness required of policies and practices to meet the ever-changing needs of a diverse global community.

As we embark on this exploration, the ultimate goal is to unravel not only the theoretical interrelations between gender equity and gender equality but also to provide practical insights for policymakers, activists, and stakeholders. By understanding the synergies and tensions within this intricate relationship, we endeavor to contribute to the ongoing efforts aimed at dismantling the barriers that impede the realization of a truly equitable and equal world for all genders.

Gender equity means fairness of treatment for all genders according to their respective needs. It strives to bring all the genders to an equal playing field. Gender equity doesn't equate one gender with another, instead, it attempts to facilitate equal opportunities for all genders to overcome their historical and social disadvantages by ensuring fairness and justice in the distribution of resources to all genders.

It recognises the individual needs of each gender and addresses them in an intersectional manner that can redress the gross imbalances created between the male-female binary.

GENDER EQUALITY AND ITS DIFFERENCE FROM GENDER EQUITY

Gender equality means that an individual's rights, responsibilities and opportunities will not be determined by the sex they are assigned at birth. While gender equity is the equal treatment or treatment that might be considered equivalent in terms of rights, benefits, obligations, and opportunities.

If the exact same opportunities, rights and privileges are given to all genders then it would be a historically catastrophic assumption that both men and women started out at the same position. But that is far from the truth. The socio-historical oppression of women and queer individuals has marginalised them for centuries. So, giving a cis-gender heterosexual man and woman or queer individual the same rights and social location will not bridge the gap that exists in our gender biased society. It would unfortunately endorse the distinction and the pre-existing bias by maintaining the gap.³ Although, gender equality is the ultimate goal, it is only through gender equity that it can be achieved.

FEMINISM AND GENDER EQUITY

A question that could arise in this context is – If equality is the end goal shouldn't we call it "equalism" instead of feminism? Gender equity is essential while talking about feminism because then it invalidates the conservative interpretation of "equalism." The moment we say "equalism," we are invalidating the entire history of oppression faced by women and non-binary people.⁴

³ Ridgeway, Cecilia L. 2001. "Gender, Status, and Leadership." *Journal of Social Issues* 57(4): 637–55.

⁴ Women Watch (n.d.), Gender Equality and Sustainable Urbanisation: Fact Sheet, available at: https://www.un.org/womenwatch/feature/urban/downloads/WomenWatch_Gender_Equality_and_Sustainable_Urbanisation-fact_sheet.pdf

But gender equity states that the individual who is historically the most marginalised, should be given more and better opportunities than the gender enjoying the perks of living in a gender biased society. This means that one has to start at the very bottom. Gender equity is a part of intersectional feminism that enables the most oppressed individual to climb up the ladder and demand equality. The concept of fairness only comes when all the genders start out from the same level which they did not.

To aspire for equality amongst all genders, which is the ultimate goal of feminism, we must first ensure gender equity. Each gender should be provided with the ammunitions that cater to their individual needs. For example, the need of a cis-gender woman and a transgender woman are not same. Similarly, a cis woman with class and caste privilege does not need the same opportunities or rights as a marginalised, oppressed class, oppressed caste man. Equity hence ensures an intersectional view of development in the society.

Gender equity refers to the fair and just treatment of individuals, irrespective of their gender, ensuring that everyone has equal opportunities, rights, and access to resources. It involves recognizing and addressing historical and social imbalances that have led to discrimination based on gender, aiming to create a level playing field for all genders. Gender equity goes beyond simply focusing on the rights of one gender; it seeks to establish fairness and justice for everyone, regardless of whether they identify as male, female, or non-binary.

KEY COMPONENTS OF GENDER EQUITY

The important components of gender equity include:

1. **Equal Opportunities:** Gender equity advocates for equal opportunities in education, employment, and various other aspects of life. This means eliminating barriers and biases that may prevent individuals from accessing the same opportunities based on their gender.
2. **Fair Treatment:** It involves treating individuals fairly and justly, considering their skills, abilities, and qualifications rather than their gender. This extends to addressing stereotypes and prejudices that contribute to unequal treatment.
3. **Empowerment:** Gender equity emphasizes empowering individuals of all genders to reach their full potential. This includes providing the necessary resources, support systems, and environments that foster personal and professional growth without limitations based on gender.
4. **Representation:** Achieving gender equity involves ensuring diverse representation in various spheres, such as politics, business, academia, and the media. This means breaking down barriers that limit certain genders from participating and excelling in these fields.
5. **Health and Well-being:** Gender equity encompasses promoting equal access to healthcare, addressing specific health concerns faced by different genders, and ensuring that individuals have control over their reproductive rights and health decisions.
6. **Social and Cultural Change:** To achieve gender equity, societal norms and cultural expectations that perpetuate gender stereotypes need to be challenged and transformed. This involves promoting a cultural shift towards valuing diversity and recognizing the unique contributions of individuals, regardless of their gender.

7. Legal Protections: Implementing and enforcing laws and policies that protect individuals from gender-based discrimination is a crucial aspect of gender equity. This includes addressing issues such as gender-based violence, harassment, and unequal pay.
8. Intersectionality: Gender equity acknowledges that individuals may experience intersecting forms of discrimination based on factors such as race, ethnicity, class, sexual orientation, and ability. A comprehensive approach considers these intersections to address the complexity of individuals' experiences.

In essence, gender equity is about creating a society where everyone, regardless of their gender identity, has the opportunity to live, work, and thrive in an environment that is free from discrimination and bias. It is an ongoing process that requires the collective efforts of individuals, communities, and institutions to foster a more equitable and inclusive world.⁵

THE INTERCONNECTION WITH THE CONSTITUTION

The interconnection between a country's constitution and the concept of gender equity is profound, since the constitution serves as the foundational legal document that shapes the principles, values, and rights within a society. Gender equity is embedded in constitutional frameworks through explicit provisions, fundamental rights, and the overarching commitment to equality.

Here are several ways in which the constitution and gender equity are interconnected:

1. Equality and Non-Discrimination: Many constitutions explicitly guarantee the right to equality and prohibit discrimination on the basis of gender. These provisions lay the groundwork for promoting gender equity by ensuring that all individuals, regardless of gender, have equal protection under the law.
2. Fundamental Rights: Constitutions often include fundamental rights that are essential for the protection and promotion of gender equity. These may include the right to life, liberty, and security of person, as well as the right to education, work, and equal protection before the law, irrespective of gender.
3. Affirmative Action and Positive Discrimination: Some constitutions incorporate provisions for affirmative action or positive discrimination to address historical and systemic gender-based inequalities. These measures aim to uplift underrepresented genders and ensure their equal participation in various spheres.
4. Right to Privacy and Reproductive Rights: Constitutional protections for the right to privacy often intersect with issues of reproductive rights. Ensuring equal reproductive rights for all genders contributes to gender equity by recognizing individual autonomy over reproductive choices.
5. Freedom from Gender-Based Violence: Many constitutions include provisions to protect individuals, especially women and marginalized genders, from gender-based violence. These provisions establish legal frameworks for addressing domestic violence, harassment, and other forms of gender-based abuse.

⁵ Skjeie, H. (2015), Gender equality and non-discrimination: how to tackle multiple discrimination effectively? In: Bettio, F. and Sansonetti, S. (Eds) *Visions for Gender Equality*. European Commission, Luxembourg, 79–82, available at: <https://publications.europa.eu/en/publication-detail/-/publication/47acb2f1-68fe-4991-a5d9609a7661e3fb>

6. Equality in Employment: Constitutional guarantees of equal protection under the law extend to the workplace. Provisions against gender-based discrimination in employment contribute to gender equity by promoting fair and equal opportunities for all genders.
7. Political Participation: Constitutions may address the need for gender equity in political representation. Some countries have constitutional provisions or affirmative action measures to ensure a more equitable distribution of political power, encouraging the active participation of women and other marginalized genders in governance.
8. Intersectionality: The recognition of intersectionality—how different aspects of identity, such as gender, race, and socioeconomic status, intersect—may be implicit or explicit in constitutional frameworks. Acknowledging intersectionality is essential for a more comprehensive approach to achieving gender equity.
9. Legal Recognition of Gender Identity: Constitutional provisions may address the legal recognition and protection of diverse gender identities, ensuring that legal frameworks are inclusive and respectful of the rights of transgender and non-binary individuals.
10. Legal Redress for Gender-Based Discrimination: The constitution provides a legal basis for individuals to seek redress in cases of gender-based discrimination. This legal recourse contributes to the enforcement of gender equity principles.

Thus the constitution serves as the bedrock for the establishment of gender equity within a society. By embedding principles of equality, non-discrimination, and fundamental rights, the constitution becomes a powerful instrument for shaping laws, policies, and societal norms that promote a more equitable and inclusive environment for all genders. Thus, it could be understood that gender equity finds place in our Constitution in various ways.

STRATEGIES AND MEASURES TOWARDS ACHIEVING GENDER EQUITY

Promoting gender equity involves implementing various strategies and measures that address systemic inequalities and create a more inclusive and equal society.⁶ Here are several detailed strategies in gender equity measures:

1. Educational Initiatives include the following components.
 - a. Equal Access to Education: Ensuring that individuals of all genders have equal access to quality education is fundamental to gender equity. This includes addressing barriers such as gender-based violence, cultural norms, and economic disparities that may limit educational opportunities for certain genders.
 - b. Gender-Sensitive Curriculum: Developing and implementing curriculum materials that challenge gender stereotypes and promote inclusivity, ensuring that educational content reflects diverse perspectives and contributions.
2. Workplace Policies include the following matters of concern.

⁶ UN. 1995. Critical areas of concern. In Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, Chapter III, Item 44, p. 23, United Nations A7CONF.177/20.

- a. Equal Pay and Compensation: Implementing policies that guarantee equal pay for equal work, closing the gender pay gap, and ensuring transparency in salary structures.
- b. Flexible Work Arrangements: Providing flexible work hours, remote work options, and parental leave policies that support work-life balance for all genders.
3. Affirmative Action and Quotas are important for ensuring gender equity and must consider the following points of concern.
 - a. Political Representation: Implementing affirmative action or quota systems to increase the representation of women and marginalized genders in political offices and decision-making bodies.
 - b. Corporate Boards: Setting quotas or targets for gender diversity on corporate boards to ensure greater representation in leadership positions.
4. Healthcare Access is also equally important and include the following points of significance.
 - a. Reproductive Rights: Ensuring access to reproductive health services and information, including family planning, maternal healthcare, and access to safe abortion services.
 - b. Mental Health Support: Providing gender-sensitive mental health support and addressing the unique mental health challenges faced by different genders.
5. Legal Reforms must be based on the points discussed below.
 - a. Legislation Against Discrimination: Enacting and enforcing laws that explicitly prohibit gender-based discrimination in all spheres of life, including education, employment, and public services.
 - b. Protection Against Gender-Based Violence: Strengthening legal frameworks to address and prevent gender-based violence, including domestic violence, sexual harassment, and trafficking.
6. Community Engagement programmes are significant and include the following points.
 - a. Community Empowerment Programs: Implementing community-based programs that empower women and marginalized genders, providing education, skills training, and resources to enhance economic independence.
 - b. Awareness Campaigns: Conducting awareness campaigns to challenge harmful gender stereotypes and promote understanding of diverse gender identities.
7. Intersectional Approach:
 - a. Addressing Multiple Identities: Recognizing the intersectionality of gender with other identities, such as race, ethnicity, class, and sexual orientation, and tailoring policies and programs to address the unique challenges faced by individuals with intersecting identities.
 - b. Media Representation: Encouraging media outlets to represent diverse and positive images of individuals of all genders, challenging stereotypes and promoting a more inclusive narrative.
8. Gender-Inclusive Language: Encouraging the use of gender-inclusive language in media and communication to avoid reinforcing traditional gender norms.
9. Data Collection and Research: Gender-Disaggregated Data: Collecting and analyzing data on a gender-disaggregated basis to identify disparities and inform evidence-based policies.
10. Supporting Gender Research: Investing in research on gender-related issues to deepen understanding and inform effective strategies for achieving gender equity.

11. Training and Sensitization: Workplace Training: Conducting training programs to sensitize individuals to issues of gender equity, unconscious bias, and creating inclusive work environments. Integrating gender sensitivity training into educational curricula to foster awareness and understanding from an early age.
12. Support for Victims of Gender-Based Violence: Crisis Intervention: Establishing crisis intervention services, helplines, and support networks for victims of gender-based violence.
13. Legal Support: Providing legal aid and support for survivors of gender-based violence to ensure justice and protection.
14. Technology and Innovation - Promoting Inclusive Technology: Encouraging the development of technology that is inclusive and free from gender bias, as well as increasing access to technology education for individuals of all genders.
15. Networking and Mentorship Programs:
 - a. Professional Networks: Establishing professional networks that facilitate mentorship and networking opportunities for women and marginalized genders in various fields.
 - b. Mentorship Programs: Creating mentorship programs to support individuals in their career development, particularly those facing systemic barriers.
11. Support for LGBTQ+ Inclusion:
 - a. Inclusive Policies: Implementing policies that explicitly include and protect individuals of diverse sexual orientations and gender identities.
 - b. Awareness Programs: Conducting awareness programs to foster understanding and acceptance of LGBTQ+ individuals within communities and workplaces.
12. Government Commitment and Collaboration:
 - a. National Action Plans: Developing and implementing national action plans for gender equity, outlining specific strategies, timelines, and indicators for progress.
 - b. International Collaboration: Collaborating with international organizations and neighbouring countries to share best practices and work collectively towards gender equity.

Implementing these strategies requires a multi-faceted and sustained effort from governments, organizations, communities, and individuals. By adopting a comprehensive approach that addresses various aspects of societal structures, policies, and cultural norms, societies can move closer to achieving gender equity.⁷

CONCLUSION:

In concluding our exploration into the interconnections between gender equity and gender equality, it becomes evident that these concepts are intricately woven into the fabric of societal progress and justice. The nuanced relationship between gender equity and gender equality goes beyond semantic distinctions, presenting a dynamic interplay that shapes the experiences of individuals across diverse cultures, identities, and social contexts.

⁷ Simon, S. and Hoyt, C. L. (2013), Exploring the effect of media images on women's leadership self-perceptions and aspirations. *Group Processes & Intergroup Relations* 16 (2): 232–245.

This review has highlighted the importance of recognizing both gender equity and gender equality as complementary elements in the pursuit of a just and inclusive society. While gender equality demands equal opportunities, rights, and responsibilities for individuals of all genders, gender equity addresses the historical and systemic imbalances, striving for fairness in outcomes. It is in their collective application that the transformative potential of these concepts is truly realized.

Moreover, considerations of intersectionality have emphasized the importance of acknowledging the diverse experiences of individuals based on intersecting identities, ensuring that gender justice initiatives are contextually sensitive and inclusive.

As we navigate the complex interconnections between gender equity and gender equality, it is crucial to recognize that these concepts are not mutually exclusive; instead, they reinforce and amplify each other. Challenges may arise, tensions may surface, but the literature reviewed suggests that a comprehensive approach, one that integrates both gender equity and gender equality, is essential for dismantling discriminatory practices and fostering a world that ensures equitable opportunities and equal rights for individuals of all genders.

In moving forward, this research calls for continued scholarly inquiry, policy interventions, and societal dialogues that embrace the dynamic nature of gender relations. By fostering a holistic understanding of gender justice, one that incorporates both the pursuit of equality and equity, we pave the way for transformative change that transcends traditional norms and creates a more inclusive and just future for all.

