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# GLOBALIZATION AND WOMEN'S RIGHTS: A LEGAL PERSPECTIVE

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## ABSTRACT

This paper deals with complicated relations between globalization and women rights from a legal point of view, focuses on how international law has both enabled advancement and reduces the inequality. It detects the historical evolution and development of women's rights within international human rights law, from their minimal acknowledgement and recognition in early universal frameworks to their recognition by instruments such as CEDAW and regional conventions. This paper critically analyses globalization as a double-edged sword: while it has expanded feminist networks, digital activism, and women's involvement in global markets on the other side it has also boosted economic misuse, unorganized sector, and structural gender discrimination, particularly in developing and third world's countries. By engaging with feminist legal theory and Third World feminist critiques, this paper reveal the limitations of state-centric international law and neoliberal globalization in addressing women's real life. It also signifies the role of the landmark international and domestic judicial decisions in translating normative commitments into enforceable rights. The study concludes that genuine gender justice requires an intersectional, context-sensitive, and the globally inclusive legal approach beyond formal equality.

**Keywords:** Globalization; Women's Rights; International Human Rights Law; Gender Equality; Feminist Legal Theory; Third World Feminism; Intersectionality; CEDAW; Neoliberalism; Gender-Based Violence; Transnational Feminism; Judicial Activism; Global South; Cultural Relativism; Substantive Equality.

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## INTRODUCTION

Women hold a vital place in shaping society and preserving the balance of nature. From nature's viewpoint, both men and women contribute equally to the world around them, each carrying their own distinct roles and responsibilities. But over the time women has become more vulnerable due to male dominated society over the world, as international laws are made through patriarchal lens privileging state sovereignty and male dominated structure over the concerns of marginalized group particularly women only after the World War second with the adoption of UDHR and other international instruments women's rights got some consideration at international level after that women's right were codified over the time specially through ,international covenant on civil and political rights ,(ICCPR),international covenant on economic social and cultural rights(ICESCR) and most effectively through the CEDAW(international bill of rights for women.)<sup>2</sup>

At the same moment, globalization characterized by economic liberalization, technological advancement, and cross-border cultural exchanges has deeply influenced gender equality. Globalization has provided new avenues for transnational feminist movements, enabled international advocacy campaigns, and increased women's participation in global markets. Yet, it has also deepened economic disparities, perpetuated exploitative labor practices, and entrenched patriarchal power structures on a global scale. The dual nature of globalization emancipating and misuse makes it an analytical perspective through which it analyzes the progress and limitations of women's rights in present day international law. Globalization, marked by the pressure of economic freedom, quick technology progress, and the multicultural trans-boundary communication, has notably shaped discussions about gender equality. It has created new room for women's advocacy group, strengthened international women's liberation movement, and increase women to participation in the global markets<sup>3</sup>.

## WOMEN'S RIGHT IN INTERNATIONAL LAW: HISTORICAL AND NORMATIVE DEVELOPMENTS-

The admission of women's rights in international law is the result of period of intense effort, advocacy, and evolution of international law. In the early years of the human rights movement,

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<sup>2</sup>Dr Suja Nayar, "Women Rights in International Law and Impact of Globalization"2 International Journal of Sciences and Innovation Engineering 589 (2025)

<sup>3</sup>Ibid

based on the Universal Declaration of Human Rights (UDHR, 1948) adopted by the United Nations General Assembly, sets this base by declaring that “*all human beings are born free and equal in dignity and rights*” (Article 1)<sup>4</sup>. This landmark declaration establishes gender equality as a universal human right and seeks the elimination of all forms of gender-based discrimination.

Feminist legal scholars have showcases the relationship between gender equality and the broader human rights framework. For example, *Article 26*<sup>5</sup> of the UDHR guarantees the right to education, which is essential in addressing gender inequality in educational access and opportunities and *Article 23*<sup>6</sup> states the right to work and fair labor practices, support the principle of equal pay for equal work and prohibiting gender-based discrimination in employment. These provisions explains how the understanding of women’s rights is deeply connected with the social, economic, and cultural rights<sup>7</sup>.

In further, the feminist advocates stress importance of understanding and addressing the gender inequality intersectionality coined by Kimberle Crenshaw (1989), has recognizes that women’s experiences of discrimination are shaped not only by the gender but also by other social identities such as class, race, ethnicity, religion, and the sexuality. This perspective shows how overlapping systems of oppression create the unique forms of problem for different groups of the women. However, they mostly overlooked the specific and systemic discrimination faced by women. Women’s concerns were often grouped under broader human rights protections, which meant that gendered injustices remained invisible and unaddressed.

It was during the mid-twentieth century that the international community began to acknowledge women’s distinct experiences of inequality. A major change came with the establishment of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979). This treaty in addition to prohibiting discrimination it required states to take positive and bold measures to take part the social, cultural, and legal barriers that maintain gender inequality. CEDAW covers a wide area of rights, including women’s

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<sup>4</sup>The Universal Declaration of Human Rights, Art. 1

<sup>5</sup>Supra note 4, Art. 26

<sup>6</sup> Supra note 4, art 23

<sup>7</sup>James Macalino Violon, “Women Empowerment Under International Law: A Comprehensive Analysis”, Vol. 1, Research Ethics: Journal of Multidisciplinary Research, 20-21(2023).

participation in politics<sup>8</sup>, access to education<sup>9</sup>, equality in employment<sup>10</sup> healthcare, and equality in marriage and family life<sup>11</sup>, it introduced the principle of substantive equality, which acknowledges that treating men and women the same is not enough to overcome historically established gender hierarchies. Further development emerged through regional human rights tools.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994), also known as the Belem do Para Convention, was the first treaty to define and condemn violence against women as a violation of human rights. Similarly, the Protocol to African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) often called the Maputo Protocol advanced women's rights in areas such as reproductive health, political participation, and protection from harmful traditional practices. At the international level, the Beijing Declaration and Platform for Action (1995) played an important role by begging governments to accept gender stance in all areas of governance, law, and public policy.

Despite these historical achievements, making sure the effective execution remains a crucial challenge. The International legal frameworks depend directly on state conformity, and doctrine of cultural relativism is mostly invoked to limit the universal application of the women's rights. Many states have ratified CEDAW but entered reservation mainly regarding the family law, marriage, or religious practices that enfeeble its impact and objectives. As while international law has formally make law regarding women's equality, the nonstop division between legal acknowledgment and women's lived realities point out the ongoing conflict for authentic gender justice<sup>12</sup>.

### **Critical Analysis: International Law, Globalization, and Structural Inequality**

Critical analysis of women's rights in the era of globalization state's that international law, in spite of its continuous expression, remains restricted by deep-rooted structural and patriarchal inequalities. Although treaties such as the Convention on the Elimination of All Forms of

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<sup>8</sup> The convention on elimination of all forms of discrimination against women,1979, art.7

<sup>9</sup> Ibid,art.10

<sup>10</sup> Ibid,art.11

<sup>11</sup> Id, art.16

<sup>12</sup> Rebecca J. Cook, "Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women" 30 Virginia Journal of International Law 643 (1990).

Discrimination against Women (CEDAW, 1979) and the Beijing Platform for Action (1995) have significantly advanced the global women's rights agenda, their implementation mechanisms remain limited and state-dependent. Feminist legal scholars, including Hilary Charlesworth and Christine Chinkin, argue that international law historically evolved as a framework to regulate relations between sovereign states, largely male-dominated institutions, rather than to address injustices that occur in private or domestic spheres. Consequently, critical issues such as domestic violence, reproductive autonomy, unpaid care work, and sexual harassment were long excluded from the legal domain of public international law<sup>13</sup>. CEDAW represents a milestone, yet its enforcement is weak. While *Article 2* obliges states to eliminate discrimination "by all appropriate means," there is no direct sanction for noncompliance. As of 2024, nearly 30% of UN member states have ratified CEDAW with reservations, mostly concerning family law, inheritance, and cultural practices, limiting its effectiveness (UN Women, 2024)<sup>14</sup>. Moreover, the CEDAW Committee's recommendations, though influential, remain non-binding, reducing their capacity to compel domestic reforms. At time, landmark cases and announcement have begun to oppose this gap. The Declaration on the Elimination of Violence against Women (1993) acknowledgment gender-based violence as a human rights violation, while cases such as *Gonzalez et al. v. Mexico* (Inter-American Court of Human Rights, 2009) held that it's state duty for systemic violence against women<sup>15</sup>. Similarly, *A.T. v. Hungary* (2005)<sup>16</sup> before the CEDAW Committee reinforced the state's duty to stop domestic violence, marking a move toward recognizing gendered harms as violations of international duties.

However, these changes remain restricted by the larger patriarchal structure of international institutions and the unequal international power dynamics that figure whose rights are prioritized and whose remain outer.

## GLOBALIZATION, NEOLIBERALISM, AND THE FEMINIZATION OF INEQUALITY

Globalization has produced a complex and contradictory impact on women's rights. While it

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<sup>13</sup> Hilary Charlesworth, Christine Chinkin & Shelley Wright, "Feminist Approaches to International Law" 85 *American Journal of International Law* 613 (1991).

<sup>14</sup> UN women's rights committee publishes findings on Brazil, Estonia, Kuwait, Malaysia, Montenegro, Republic of Korea, Rwanda and Singapore available at: <https://www.ohchr.org/en/press-releases/2024/06/un-womens-rights-committee-publishes-findings-brazil-estonia-kuwait-malaysia> (last visited on nov 15, 2025).

<sup>15</sup> *Gonzalez et al. v. Mexico*, 52 I.L.M. 281 (2013).

<sup>16</sup> *A.T. v. Hungary*, Communication No. 2/2003, U.N. Doc. CEDAW/C/36/D/2/2003 (2005).

has created new opportunities for participation in global economies and transnational activism, it has simultaneously entrenched structural inequalities within the global capitalist order. The neoliberal model of globalisation, anchored in market liberalisation, privatisation, and deregulation, has prioritised profit over social justice, reinforcing gendered hierarchies within global labour markets. In the Global South, economic globalisation has led to the feminisation of labour, where women's employment in export-oriented industries such as textiles, electronics, and agribusiness has surged. According to the International Labour Organization (ILO, 2023), women constitute nearly 60% of the world's low-wage labor force, often concentrated in precarious, informal, and unprotected sectors<sup>17</sup>. These industries, while offering some economic independence, frequently subject women to unsafe working conditions, long hours, and wage disparities. Multinational corporations exploit this vulnerability, taking advantage of weak labor laws and limited regulatory oversight in developing countries. More macroeconomic principles encourage by international financial institutions including International Monetary Fund (IMF) and World Bank have also had gendered results. Structural adjusting programs introduced in the 1980s and 1990s forced developing nations to reduce public spending, privatize essential services, and liberalize trade. Feminist economists such as Diane Elson and Sylvia Chant have states that these serious measures unequally affected women, who depend mostly on public healthcare, childcare, and social welfare systems. Reduce state help increased women's voluntary burden, deepening gender inequality in both public and private area.

This change has also builds what the sociologist Arlie Hochschild (2000) terms the "global care chain" an international system where women from the developing countries and third world's countries migrate to developed nations to work as domestic or care workers, leaving their own families behind. Such patterns reproduce global inequalities, as the emotional and reproductive labor of women from poorer regions sustains the economies and households of the Global North. Despite these exploitative dynamics, the globalization has simultaneously created new spaces for resistance and advocacy<sup>18</sup>.

Transnational feminist networks, such as Women Living Under Muslim Laws and The Association for Women's Rights in Development (AWRD), use global platforms to challenge corporate misconduct, campaign for labour reforms, and hold states accountable through

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<sup>17</sup>statistics on women available at <https://ilostat.ilo.org/topics/women/> LOSTAT (last visited on nov 15 2025)

<sup>18</sup>Arlie Russell Hochschild, *The Nanny Chain*, "Global Networks: A Journal of Transnational Affairs" 131–146 (2000).

international legal mechanisms. Strategic litigation before regional human rights bodies has led to significant advancements in gender equality jurisprudence, including decisions addressing sexual violence in conflict zones, reproductive rights violations, and workplace discrimination.

However, the conflict between universalism and cultural relativism continues to complex these efforts. While international law aspires to universality, some states invoke cultural or religious exceptionalism to limit the women's rights norms, especially in areas related to the sexuality, family, or dress. Feminists of developing countries such as Chandra Talpade Mohanty (2003) and Uma Narayan (1997) highlight that international feminism must remain careful to local contexts and the power dynamics. They explain that Western-centered universalism risks imposing external values, while uncritical relativism can conserve the patriarchal oppression under the appearance of cultural genuineness. From this perspective, the fight for women's rights under globalization requires a context-specific and intersectional approach, informed by the global standards but grounded in the realities of developing countries where economic dependence, postcolonial legacies, and gender hierarchies intersect to shape the women's lived experiences.

## **OPPORTUNITIES AND CHALLENGES**

The Globalization has positively changed environment of women's rights, presenting both the new ideas for empowerment and the new forms of inequality. On one side, rapid spread of digital technologies has given women unrivalled tools to mobilize, connect, and challenge oppression. Social media movements such as #MeToo<sup>19</sup>, #BringBackOurGirls, and Ni Una Menos have crossed the national borders, drawing international acknowledgment to gender-based violence and the systemic discrimination. Through these cross broader networks, grassroots activists many from the developing countries have successfully raised their voices, influencing international policy debates and pressuring governments to strengthen the legal protections for women. Economic globalization has also opened opportunities for women's participation in the global work force, particularly in the developing countries. The expansion of export-oriented industries such as textiles, electronics, and services has brought millions of women into the global workforce. In some regions, such as South and Southeast Asia, employment in garment factories, call centers, and micro-enterprise sectors has given women with their own incomes, increasing their bargaining power within households and local

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<sup>19</sup> Dr Suja Nayar, "Women Rights in International Law and Impact of Globalization" 2 International Journal of Sciences and Innovation Engineering, 590 (2025)

communities. Access to global markets has, in certain cases, improved education and living standards, contributing to broader social mobility.

Yet, these economic profits are not even and most of them come at a cost. From a developing countries feminist point of view, globalization propagates historical inequalities between the Global North and South, where women in developing countries are placed as cheap, flexible worker in global production chains. Neoliberal economic principles give importance to profit and deregulation over social shielding, leaving women vulnerable to taking advantage in sweatshops, domestic work, agricultural labor, and informal economies. International corporations mostly take advantage of weak labor laws and gendered hierarchies, giving low wages and unsafe conditions while marketing empowerment account. This reflects what Chandra Talpade Mohanty (2003) states as the “feminization of labor,” where women’s economic participation is celebrated but supported by shaped inequality.

In addition, globalization has increased the objectification of women’s bodies, seen in the rise of international surrogacy markets, international sex trafficking networks, and taking advantage beauty and care industries. All these scenarios reveal darker areas of the global integration, where women’s reproductive and emotional labor is seen as the tradable commodities.

Generally, globalization applies a double impact. On one side, it provides the international flow of the feminist ideas, giving power to women to challenge the patriarchal norms and claim public spaces. On the other hand, it also gives rise to limitations from the conservative or nationalist movements that frame women’s rights as the Western or neo-colonial burden. This conflict between the universal human rights and cultural relativism increases difficulty for the execution of the international gender equality norms, especially in areas where the cultural identity and sovereignty are politically weak.

Developing and third world countries feminists advocate that true gender justice must go beyond the traditional equality and historical, economic, and cultural inequalities between nations. For instance, while the international human rights implementations such as CEDAW (1979) and the Beijing Platform for Action (1995) encourage universal principles, their success depends on how they acknowledge lived realities of women before the colonial societies where

the poverty, conflict, and social hierarchies overlap with gender<sup>20</sup>.

In total, globalization remains a mixed blessing process for women: it attaches and empowers, and also breaks and takes advantages. An honestly inclusive approach to the women's rights must united the institution of developing countries feminism centering local voices, encouraging economic justice, and challenging the international shape that maintain gendered inequality and discrimination.

## **WOMEN RIGHTS, LANDMARK JUDGMENTS & JUDICIAL DEVELOPMENTS**

Judicial judgments at both international and national levels have been tool in changing the conceptual ideals of gender equality into concrete, enforceable rights. Through their jurisprudence, international courts, treaty bodies, and national judiciaries have progressively declared the scope of state duties under international human rights law especially in relation to gender-based violence, discrimination, and substantive equality.

One of the most impacting judgments in international human rights landscape is *Opuz v. Turkey* (2009), decided by the European Court of Human Rights (ECHR). The Court held that Turkey had violated Articles 2 (Right to Life), 3 (Prohibition of Torture), and 14 (Non-Discrimination) of the European Convention on Human Rights (ECHR) by failing to safeguarding a woman and her mother from domestic violence, despite frequent complaints to authorities. This was the first time the ECHR expressly acknowledge gender-based violence as a form of discrimination, linking it straight to state duty. The case held that failure to stop domestic violence is a violation of a state's positive duty under the ECHR liable governments not only to restraint from discrimination but also to actively stop, investigate, and punish gender-based violence.<sup>21</sup>

A similar judgment appear under CEDAW in the case of *A.T. v. Hungary* (2005)<sup>22</sup>, where the Committee on the Elimination of Discrimination against Women found Hungary in violation of Articles 2(a-f) and 5(a) of CEDAW. The state had failed to give protection and shelter to a domestic violence survivor. The Committee focused that discrimination may includes either direct and indirect act or omissions, stating that states have a liability to acquire proactive and

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<sup>20</sup> Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses" *Boundary 2* 333-358 (1984)

<sup>21</sup> *Opuz v. Turkey*, App. No. 33401/02, Judgment of 9 June 2009, ECHR (2009).

<sup>22</sup> *Supra* note 16 at 4

preventive measures against gender-based violence. This verdict strengthen CEDAW's provision of substantive equality acknowledging that formal equality is not enough when systemic structures maintain gender-based harm.<sup>23</sup>

At the Inter-American level, the case of Gonzalez et al Cotton Field v. Mexico (2009)<sup>24</sup> before the Inter-American Court of Human Rights represented a watershed in acknowledging killing of female and organize gender violence. The Court decide Mexico internationally liability under Articles 4 (Right to Life), 5 (Right to Humane Treatment), and 7 (Right to Personal Liberty) of the American Convention on Human Rights, read with Articles 1 and 7 of the Belém do Pará Convention. The decision was remarkable for acknowledging systemic influence of gender-based killings and the joining of immunity and discrimination, compulsory comprehensive state action to prevent and investigate violence against women. This case till date is one of the important cases of Latin American gender jurisprudence.

In the Africa, the case of Egyptian Initiative for Personal Rights and Intersights v. Egypt (2011), decided by the African Commission on Human and Peoples' Rights, further widen liability for state-sanctioned sexual violence. The Commission held that the Egypt in violation of Articles 2 (Non-Discrimination) and art.3 (Equality before the Law), art. 4 (Right to Life and Integrity), and art.18(3) (Protection of Women's Rights) of the African Charter on Human and Peoples' Rights. It decided that state's tolerance of sexual assaults on women during the public protests is a failure to ensure equality, dignity, and the security key principles mentioned in Maputo Protocol (2003). This verdict strengthened the African human rights jurisprudence by acknowledging sexual violence as both a form of the discrimination and also a violation of international human rights.

A major change in the international criminal law came with the Prosecutor v. Akayesu (1998), before International Criminal Tribunal for Rwanda (ICTR). The Tribunal decided that rape and sexual violence can be acts of genocide when committed with the intent to end, in whole or in part, a specific community. It also held that such acts are crimes against humanity under Articles 6 and 7 of the Rome Statute of the International Criminal Court (1998). This judgment held the first expressed acknowledgment by an international tribunal of sexual violence as a tool of war and genocide. The decision impact later jurisprudence at the International Criminal

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<sup>23</sup> Supra note 19 at 6

<sup>24</sup> Gonzalez et al. ("Cotton Field") v. Mexico, Inter-Am. Ct. H.R., Judgment of 16 November 2009, Series C No. 205.

Tribunal for the former Yugoslavia (ICTY), including *Prosecutor v. Furundžija* (1998) and *Kunarac et al.* (2001), which defended that sexual violence comprise torture and subjugation under international criminal law<sup>25</sup>.

## **DOMESTIC JURISPRUDENCE: INDIA'S CONTRIBUTION TO GLOBAL GENDER JUSTICE**

India's constitutional jurisprudence has been crucial in joining international human rights standards into domestic law, using international norms to fill normative space in national legislation.

A landmark judgment is *Vishaka v. State of Rajasthan* (1997), where Supreme Court of India held that binding guidelines against workplace sexual harassment in the absence of legislation in India. Drawing expressly attention on Articles 11 and 24 of CEDAW, the Court held sexual harassment as a violation of the Articles 14, 15, 19(1)(g), and 21 of Indian Constitution guaranteeing equality, non-discrimination, freedom of profession, and the right to life and dignity. This judgment signify the judiciary's intention to harmonize domestic constitutional rights with international treaty, impacting later statute was legislated, including the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

In *Mary Roy v. State of Kerala* (1986), the Court held that provisions of discrimination of the Travancore Christian Succession Act, 1916, which does not give women equal inheritance rights. By providing women's equal rights under the Indian Succession Act, 1925<sup>26</sup>, the judgment collaborate with Articles 14 and 15(1) of the Constitution and with international principles of gender equality under Article 16(1)(h) of CEDAW dealing with property and inheritance.

Similarly, in *Laxmi v. Union of India* (2014), dealing with acid attacks, the Supreme Court upheld the right to life with dignity under Article 21 and gives the direction for the regulation of acid sales, compulsory compensation for acid attack's survivors, and state-funded medical treatment. The Court's reasoning focused on CEDAW's General Recommendation No. 19 (1992), which defines gender based violence as a form of the discrimination that impairs

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<sup>25</sup>Dr Suja Nayar," Women Rights in International Law and Impact of Globalization" 02 International Journal of Sciences and Innovation Engineering ,593( 2025)

<sup>26</sup> *Mary Roy v. State of Kerala*, AIR 1011; 1986 (2) SCC 209 (1986).

women's enjoyment of human rights.

The judgment in *Shayara Bano v. Union of India* (2017)<sup>27</sup>, popularly known as the Triple Talaq case, further focused on gender justice by holding that talaq-e-biddat (instant triple divorce) unconstitutional. The Court held that it violated Articles 14 and 21 of the Constitution and was inconsistent with India's liability under Articles 2(f) and 5(a) of CEDAW, which mention that states to abolish discriminatory customs and change cultural patterns that mention inequality. In *Joseph Shine v. Union of India* (2018), Supreme court held that Section 497 of Indian Penal Code, which state that adultery is offence, deciding that it violated Articles 14, 15, and 21 by treating women as property of their husbands. The decision reflected a change in the substantive equality and personal autonomy, inconsistent with the Indian constitutional principles and with the International standards under the Article 1 of the UDHR and Article 3 of the ICCPR.

## CONCLUSION

In conclusion, the meeting of globalization and international law has positively forms the evolution of women's rights, giving both opportunities for empowerment and continuous challenges of inequality. While international treaty like CEDAW, the Beijing Platform for Action, and various other national conventions have provide a strong legal stone for gender equality, their real-world influence depend on effective execution and the state liability. Globalization, though encouraging international feminist solidarity and the awareness, has simultaneously strengthens the economic and structural inequalities, especially for women in the developing and third world countries. Landmark judgment on both international and at the national level have played important role in changing the women's rights from principles into enforceable legislations. At the end acquiring the true gender justice provide not only the legal acknowledgment but also a context-sensitive, international, and globally inclusive approach one that take part in patriarchal power structures and make sure that women everywhere in world can equally enjoy their fundamental rights and the freedoms.

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<sup>27</sup>*Shayara Bano v. Union of India*, AIR 2017 9 SCC 1.