

Gender Issues in Globalization: A Luxury for Developed Countries

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The process of globalization has a significant impact on the economic standing of the different genders, since not everyone benefits equally from its effects. There is an impression that the political agenda to incorporate the gender perspective runs through very divisive paths. This gap that separates both worlds more and more is being denounced with force and clarity by the feminists, who consider these policies as racist, sexist and imperialist and in many ways oblivious to their national, cultural and religious interests.

The commitment of the 2030 Agenda for Sustainable Development to "leave no one behind" constitutes a promise to dismantle inequality and bring down discrimination. The results for women and girls - their diverse and common experiences - are critical indicators to check whether or not the Sustainable Development Goals meet their promises.

Keywords: Gender, Gender Discrimination, Structural Discrimination, Poverty, Exclusion, Southern Feminisms, Globalization, Sustainable Development Goals.

INTRODUCTION

The third millennium opens with a clear sign of identity: the verification of a close interdependence of human societies where scientific, technical, and cultural exchanges are multiplying rapidly on a global scale. This phenomenon, commonly referred to as globalization or globalizaton, is presented as a challenge with consequences that are still unpredictable. And in this context, issues related to gender are some of the most complex and problematic because they appeal to the very core of the debate provoked by globalization.

Undoubtedly, this phenomenon has allowed feminists to speak about the rights to identity and difference because no issue like this has more to do with the relationship between human rights and culture, which is heavily questioned and debated. Not in vain, as Engle warns, since the last decade of the twentieth century regained a new impetus on the *identity policies* of the eighties that led women, indigenous populations, and citizens of third world countries to question the *corpus* of human rights for their apparent exclusion. The optics of those claims, however, have varied slightly. Now the discussion focuses mainly on third world rights¹. For some, human rights are too Western and liberal in interpretation and application to be able to conform to the needs and culture of that part of the world. For others, the problem does not lie in its Western content or orientation, but rather that interpretations of the neoliberal political agenda of Western countries is detrimental to the third world.

These demands were echoed when the relationship between human rights and culture was discussed at the *World Conference on Human Rights* in Vienna from June 14th to June 25th, 1993². On that occasion, the States and the entire international community committed themselves to the arduous task of harmonizing the universality of human rights with the recognition of the right to difference in societies that are increasingly multicultural³. Gender issues are, in this sense, a good catalyst for these achievements⁴. And, unfortunately, the reality betrays that we still have a lot to do.

AN APPROACH TO THE RELATIONSHIP BETWEEN GENDER PERSPECTIVE AND GLOBALIZATION

The boundaries of the topic cause difficulties: on the one hand, the term "gender" is ambiguous, which causes problems in constructing a univocal and universally shared definition; on the other hand, there is a breadth of realities that the concept of globalization encompasses today. Although it was of an exclusively economic nature originally, its meanings and effects are multiple at present. They reflect the different interventions of the Seminar: cultural and ideological, economic and financial, socio-political, ecological, criminal, etc.

This extensive evolution of its meaning has been shaping the distinction between the phenomenon of *globalization* of an economic nature and the phenomenon of *globalization* of a rather political nature as a trend that leads to the organization of a single world government. The first arises more frequently than the second in recent United Nations documents. However, both concepts are not incompatible with each other. However, regardless of the clarifications that are made later, the interconnection between gender issues and globalization / globalisation is very close. There is a clear reciprocal transversality between these two social phenomena. It is enough to think, for example, of the recurrent link between poverty and inequality that affects women. The gender perspective as an ideology that proposes a specific epistemology and political theory analyzes social facts from the perspective, but with globalizing pretenses. The dimension of gender, thus contemplated, is not an integral part of the whole but a structured element of it since it affects all of society. It is proposed, in short, as an essential key to analyze all realities.

The incorporation of this perspective on a global scale is one of the most important achievements of the Fourth International Conference on Women held in Beijing in 1995. It established the main global policy document on gender equality. Until then, Conferences (Mexico, 1970, Copenhagen, 1975, Nairobi, 1985) had introduced an increasingly broad approach to the advancement of women⁵. It was recognized that their equality, far from being an isolated issue, covered the entire sphere of human activity. Therefore, it was essential to have her particular approach and active participation in all issues, and not only those that affected women alone. In this sense, Beijing was a fundamental milestone: the focus of women's attention was transferred to the concept of gender, recognizing that the entire structure of society and all relationships between men and women within that structure had to be re-evaluated. Only through this fundamental restructuring of society and its institutions would it be possible to enhance the role of women while achieving equality with men in all aspects of life⁶.

If we transfer this gender analysis to the economic field, it is easier to see how the old social state relied on a patriarchal model that barely considered the indisputable human and economic capital that women constitute⁷. The new social welfare state can not do without it, hence the importance of the implementation of an active policy that encourages resources for housing, education, health care, and child care, as well as the reorganization of the public and private spaces, etc. These are, in short, measures that alleviate the economic burden that falls on women and contribute to their independence⁸. The relevance of the gender perspective to comprehensively address the solution of current socioeconomic problems and achieve effective equality for women is, therefore, evident⁹.

In turn, globalization is presented as a two-pronged process: intensive, in that it affects all areas of human activity, and extensive, because it covers the entire physical space of the planet. It demands the creation of an economic, productive, financial, political, cultural and ideological exchange. The various economic activities would be distributed among the different States. And at the top of the decision-

making system would be those devoted to the tasks of technological production and global coordination. This table leads some analysts to conclude that the expansion and intensification of economic power has ended up leading to a "global-totalitarianism," which engulfs the entire planet and all areas of human relations to integrate them into the market. In this sense, globalization and neoliberalism, despite not being synonymous, seem to have created a unique economic and ideological model- the neoliberal one- that has its own risks and problems. Both have a special impact on women, as we shall see later.

There is no doubt that the social order of gender, as we have mentioned, interacts with the economic order and determines the impact of globalization and poverty on women and men¹⁰. However, it is not our objective to focus on economic processes and effects in our analysis on gender; rather, we will point to some of its consequences in ideology and culture.

A BALANCE OF THE ACHIEVEMENTS MADE IN THE ADVANCEMENT OF WOMEN

Apparently, we can congratulate ourselves for the progress made in the protection of women's rights in the second half of the 20th century. The founding Charter of the United Nations (San Francisco, 1945) proclaims in its Preamble the commitment of the signatory States "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, *in the equal rights of men and women* and of nations large and small (...) »¹¹. Of course, it points to an important change in sensitivity in the members of the international community, although it is still very insufficient¹². In any case, unlike the rest of the commitments mentioned in the Charter, it was measurable.

The following three decades are detailed in the Declarations, Covenants, and International Agreements that outlaw discrimination based on sex¹³ and that specifically protect the status of women¹⁴. But it was the *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW), adopted in 1979, that was the first international legal instrument to define discrimination against women¹⁵. However, it is also the human rights treaty that received the most reservations and state declarations, as we will be able to verify¹⁶. Progress is also noticeable at the national level because almost all constitutions of the member states of the United Nations guarantee equality and condemn discrimination based on sex. Despite this, there are significant differences in the way that women's conditions are perceived in the different regions of the world based on political, economic, and social structures, culture, or religion. What in some cases are claims of greater well-being for women are demands for survival in others. It is enough to briefly analyze this distressing panorama:

- Today, 58 million children of primary school age are out of school worldwide. More than half of these are girls and nearly three quarters live in Sub-Saharan Africa and Southern Asia¹⁷.
- An estimated 781 million people aged 15 and older remain illiterate. Nearly two thirds of them are women, a proportion that has remained unchanged for two decades. Illiteracy rates are highest among older people and are higher among women than men. Among individuals aged 65 and older, 30% of women and 19% of men are illiterate. The vast majority of older persons are illiterate in Northern Africa, Sub-Saharan Africa, and Southern Asia, where gender gaps are also noted¹⁸.
- On average, women do three times as much unpaid care and domestic work as men¹⁹. When both paid and unpaid work such as household chores and caring for children are considered, women work longer hours than men -an average of 30 minutes longer per day in developed countries and 50 minutes longer in developing countries. The difference in hours spent on domestic labor per gender have decreased over time, mainly due to less time spent on household chores by women and, to a smaller extent, by an increase in time spent on childcare by men²⁰.
- Only 50% of women of working age are in the labor force compared to 77% of men. Across all sectors and occupations, women on average earn less than men; in most countries, women in full-time jobs earn between 70% and 90% of what men earn. Many developed countries

show a long-term decline in the gender pay gap, but the trend has been mixed in recent years²¹.

- Gender differences in laws affect both developed and developing economies, as well as women in all regions. Globally, over 2.7 billion women are legally restricted from having the same choice in careers as men. Of 189 economies assessed in 2018, 104 still have laws preventing women from working in specific jobs, 59 have no laws on sexual harassment in the workplace, and in 18 economies, husbands can legally prevent their wives from working²².
- Women remain less likely to participate in the labor market than men around the world. The rate of participation among women aged 25-54 is 63% compared to 94% for men²³. When including younger (ages 15 and up) and older women (ages 55 and up), the rate of participation of women in the global labor force was even lower at 48.5% in 2018, which is 26.5 percentage points below that of men²⁴.
- Women are more likely to be unemployed than men. In 2017, global unemployment rates for men and women stood at 5.5% and 6.2% respectively. This is projected to remain relatively unchanged going into 2018 and through 2021²⁵.
- Women are over-represented in informal and vulnerable employment. Women are more than twice as likely as men to be contributing family workers²⁶. From the latest available data, the share of women in informal employment in developing countries was 4.6 percentage points higher than that of men when including agricultural workers, and 7.8 percentage points higher when excluding them²⁷.
- Female migrant workers often are involved in informal, low paid, and unregulated work. The main sectors in which female migrant workers are employed are: services and retail (18.8%), elementary occupations (17.3%), craft and related trades (15.2%), professionals (13.9%) and clerks (12.3%)²⁸. Of the estimated 11.5 million international migrant domestic workers (in 2013), approximately 73.4% were women²⁹.
- Globally, women are paid less than men. The gender wage gap is estimated to be 23%. This means that women earn 77% of what men earn, although these figures underestimate the real extent of gender pay gaps, particularly in developing countries where informal self-employment is prevalent³⁰. Women also face the motherhood wage penalty, which increases as the number of children a woman has increases³¹.
- Globally, women make up just 13% of agricultural land holders.
- The proportion of women in national parliaments (upper or lower house) globally was 13.2% in 2000 and 24.3% in 2019. 39% of countries worldwide have used some form of quota system to increase women's representation in politics³². As of January 2019, 11 women are serving as Head of State and 10 are serving as Head of Government. Currently, only one in five members of the upper or lower houses of parliaments worldwide is a woman. Women are largely excluded from the executive branches of government. Female Heads of State or Government are still the exception, although the number has increased slightly (from 12 to 19) over the past 20 years. Similarly, only 18% of appointed ministers are women, and they are usually assigned to portfolios related to social issues. Women are also underrepresented among senior-level civil servants, and they represent their governments at the international level. Women's representation among corporate managers, legislators, and senior officials remains low, with only about half of countries having women in managerial positions of 30% or more, and none of them achieving or surpassing parity. The gender composition of executive boards of private companies are nowhere near breaking the "glass ceiling," which is a reality for the vast majority of women worldwide³³.
- More than 125 million girls and women today have been subjected to female genital mutilation across countries in Africa and the Middle East, which is where this form of violence against women is concentrated. The prevalence of this harmful practice tends to be

lower among younger women, indicating a decline. However, it remains commonplace in a number of these countries, with overall prevalence rates of over 80%³⁴.

- In 2014, the majority of detected trafficking victims were women and girls (71%) and about 28% of all detected trafficking victims were children (20% girls and 8% boys)³⁵; 90% of victims were trafficked for sexual exploitation or forced labor.
- 1 in 5 women and girls aged 15-49 reported experiencing physical and / or sexual violence by an intimate partner within a 12-month period³⁶.
- 47% of females and 6% of male homicide victims worldwide were intentionally killed by an intimate partner or a family member³⁷.
- The proportion of women between 20 and 24 years of age who were married or in a union before 15 in 2015 was 8%, and the proportion married or in a union after 15 but before 18 was 19%³⁸.
- Globally, an estimated 21% of women between 20 and 24 years of age reported that they were married or in an informal union before age 18 in 2017. This means that an estimated 650 million girls and women were married in their childhood³⁹. Still, the total number of girls married in childhood stands at 12 million per year, and progress must increase in order to end the practice by 2030 - the target set out in the Sustainable Development Goals. Without this progress, more than 150 million additional girls will marry before their 18th birthday by 2030. Overall, about one in six adolescent girls (aged 15 to 19) are currently married or in a union. West and Central Africa have the highest proportion of married adolescents (27%), followed by Eastern and Southern Africa (20%) and the Middle East and North Africa (13%). In Southern Asia, a girl's risk of getting married in childhood has dropped by over 40% since 2000.
- Only 52% of women who are married or in a union can freely make their own decisions about sexual relations, contraceptive use, and healthcare⁴⁰.
- Women and girls account for 50% of the global refugee population. Women represented more than half of the refugees in all subregions of Sub-Saharan Africa except Southern Africa. Wide variations are found among refugees. Women are underrepresented among asylum seekers (38% in 2012). On the other hand, stateless persons and people who return to their countries of origin are more often women⁴¹.
- In 2015, 303,000 women around the world died due to pregnancy or childbirth⁴².

The list could be completed with references to systematic violations as part of war, population control programs that impose sterilizations or forced abortions, as well as female infanticide, polygamy, sexual harassment at work, sexual exploitation of children, trafficking in persons, the existence of international prostitution networks for refugees and immigrants, etc.

Laws alone are not enough to guarantee the equality of their rights. The United Nations has become increasingly aware of its difficulties and through successive conferences, universal and regional strategies and plans of action have been developed in order to guarantee women the same rights, opportunities, and responsibilities so that they can be trained to develop their talents and abilities for their own personal fulfillment and for the benefit of society. However, improvements in the legal and social status of women and efforts to reduce discrimination have only benefited a small minority and were not able to change the basic structure of inequality in relations between men and women. Understanding this situation forced us to adopt a new approach.

As we noted above, the Declaration and the Platform for Action adopted at the IV International Conference on Women (1995) took up this challenge. They identified twelve areas of special concern that represent the main obstacles to the advancement of women and that required the adoption of concrete measures by governments and civil society: poverty, education and training, health, violence, armed conflicts, economics, participation in politics and decision-making, institutional mechanisms for the advancement of women, their human rights, the environment, and girls. The Fourth Conference reaffirmed that the human rights of women and girls were an inalienable, integral, and indivisible part of

universal human rights⁴³ and established several strategic objectives to ensure that they enjoy the full range of human rights.

Governments, in approving these documents, have committed to effectively include a gender perspective in all their institutions, policies, planning processes, and decisions⁴⁴. This meant that, from then on, before making decisions or executing plans, the decisions' effects on men and women and their respective needs needed to be analyzed. The incorporation of this new dimension required a re-examination of society as a whole and its basic structure of inequality. Consequently, the focus was not solely on the legal and social status of women, but on the restructuring of institutions and the adoption of political and economic decisions in the society. Since then, the integration of this gender perspective has been a generalized pattern in all the World Conferences held subsequently⁴⁵.

The interest of the United Nations in evaluating the effectiveness of the new system has resulted, among other measures, in a close monitoring of the implementation of the objectives set by the IV Conference. The Economic and Social Council adopted the Plan for the Advancement of Women (1996-2000) in its 1996/34 resolution by which the United Nations took measures to promote and defend women's rights related to some sectors in particular such as employment, education, violence against women, healthcare, reproduction, and in development. The General Assembly convened a special session in New York from June 5th to June 9th in 2000 under the theme, "Women 2000: Gender Equality, Development, and Peace for the Twenty-First Century"⁴⁶.

Since then, and as part of the United Nations reform program, the Organization has endowed itself with new resources and mandates to have a greater impact on the objectives related to gender equality and the empowerment of women. On July 2, 2010, the General Assembly voted unanimously to create *UN Women*, the United Nations entity for Gender Equality and the Empowerment of Women, where four international institutions and organizations merged: the Development Fund of the United Nations for Women (UNIFEM), the Division for the Advancement of Women (DAM), the Office of the Special Adviser on Gender Issues, and the International Institute for Research and Training for the Advancement of Women⁴⁷. And in September 2010, during the fifteenth session of the Human Rights Council, resolution 15/23 was approved to establish the *Working Group on the issue of discrimination against women in law and in practice* for a period of three years. It has been renewed *twice already*⁴⁸.

Undoubtedly, many things are changing, but there is still much to be done. There is, of course, a new international and national awareness about gender inequality and a more determined political will to come up with effective solutions to try to eliminate it⁴⁹. There have been recent additions to constitutions where discrimination is banned based on gender and not on sex, which was commonly written in the past⁵⁰.

The *Statute of the International Criminal Court* is more obvious and forceful⁵¹. For the first time in history, a court with international criminal jurisdiction incorporates gender issues when defining crimes subject to its jurisdiction. Thus, measures to prevent births within a national, ethnic, racial or religious group are included within the crime of *genocide*⁵². In turn, *crimes against humanity* include rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, and other similar practices⁵³, as well as the persecution of a group or community based on gender⁵⁴. Finally, rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and any other form of sexual violence that constitutes a serious violation of the Geneva Conventions of 12 August of 1949 are also punishable as *war crimes*⁵⁵.

The Statute of the International Criminal Court opened a new path for women in matters of peace and security and gave way to important resolutions of the United Nations Security Council. Resolution 1325, adopted unanimously in 2000, establishes a historical legal and political framework to recognize the importance of women's participation as well as to include a gender perspective in peace negotiations, humanitarian planning, peacekeeping operations, the consolidation of peace in post-conflict situations, and governance⁵⁶. A short time later, in 2008, the Security Council's 1820 resolution recognized sexual violence as a war tactic for the first time, whether it is used systematically to achieve military or political goals or when it is resorted to for cultural reasons or for impunity⁵⁷. The resolution identifies sexual violence as an obstacle for international peace and security that needs a solution. In addition, it recognizes that these acts may aggravate situations of armed conflict and constitute an impediment to the restoration

of peace and security. It also notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or an act of genocide.

Fifteen years after the adoption of resolution 1325, the road map is now consolidated, as confirmed by the unanimous adoption of Security Council resolution 2242 in 2015, which considers the *women, peace and security agenda* as a central component in addressing the challenges of global peace and security defined by the increase in violent extremism, higher numbers of refugees and internally displaced persons, and the global impacts of climate change and health pandemics. The resolution calls for greater participation of women in leadership positions and women's organizations in devising strategies to counter violent extremism and terrorism, and creates an *informal group of experts on women, peace and security* to support the Council in the systematic implementation of its commitments in this area⁵⁸.

THE INCORPORATION OF A GENDER PERSPECTIVE IN THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

In this line of changes and reorientations sensitive to women's rights and a systematic incorporation of a gender perspective, the *2030 Agenda for Sustainable Development*, adopted during the Summit on Sustainable Development held in September 2015, represents a point of relevant inflection because it transforms the rules of the game. It incorporates an important change in the center of gravity for development: moving from an approach based on "poverty of the developing world" to a deeper, universal concern for "global and local inequality." This means that it exists within countries as well as between countries. No country has reached sustainable development and, therefore, the objectives and goals are universal. Instead of being an agenda for developing countries, the 2030 Agenda is relevant for all countries, including underdeveloped and developed countries. Although the responsibilities are common, there are also some differences⁵⁹.

The 2030 Agenda explicitly states that inequality limits development through discriminatory practices and unfair distributions of power and voice, and it also prevents countries from progressing. The gap in the disparities covered by fanaticism, discrimination, and exclusion is preventing millions of people, especially women and girls, from having human dignity. However, since these realities are normalized and tolerated, they are hidden from a naked eye. The Agenda's commitment to "leave no one behind" is, in fact, a promise to dismantle inequality and tear down discrimination. Therefore, the results for women and girls in particular - their diverse and common experiences - are critical indicators as to whether or not the Sustainable Development Goals (SDGs) comply with their promises to achieve equal rights through identities differentiated by gender, public participation, non-discrimination, protection against attacks on people defending their rights, and access to justice when rights are violated, delayed, or denied.

In short, the 2030 Agenda places people (their interests, their rights, and their inclusion) in the center. This means, that states are faced with their own identity in the implementation of the SDUs. Sexual and reproductive rights are fundamental to the dignity of women and girls. Girls should be allowed to reach adulthood being completely free of gender-based violence - including child marriage, forced marriage, and genital mutilation -with preventable death during childbirth and with guaranteed access to information, resources, and services that give them the opportunity to determine when and how many children they want to have. Secondly, the implementation of the Agenda cannot forget that people are the main way to achieve these goals. They are essential partners and not just problems to be solved. This is why the Agenda assumes that gender equality is not only a human right, but also a necessary condition for a sustainable, peaceful, and prosperous world.

To remain consistent with this approach, the commitment to gender equality, women's rights, and empowerment is part of the 2030 Agenda and should guide the implementation of sustainable development policies⁶⁰. It is present in the declaration, in the SDBs, in its targets, and in the means of implementation, as well as in its monitoring and review. In addition, the SDGs include a specific objective for achieving gender equality and empowering all women and girls (SDGs 5)⁶¹ and establishing commitments in several of the objectives (SDGs 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 16, 17)⁶².

However, it should be noted that gender equality, empowerment, and women's rights have not been incorporated into the SDGs in the same way in all cases as a result of negotiations between states. Among the explicit goals, they are distinguished between references based on a women's human rights approach and where they are presented as a vulnerable group with specific needs⁶³. As has been rightly pointed out, "This difference is relevant because the implementation of the goals using one approach, or another causes different results. Needs-based approaches focus on meeting basic needs, but not on changing the conditions for needs that have not been met. An approach that considers women to be a vulnerable group does not address the patterns of inequality and discrimination and the imbalances in power relations that vulnerable situations cause⁶⁴. Implementation can also cause women to be viewed as passive beneficiaries of programs. The rights approach clearly identifies women as worthy of having rights and the State as responsible for guaranteeing them. Deprivation of needs is considered a denial of rights. This approach strengthens women's ability to participate and demand their rights from the State, addressing the causes of the vulnerable situations they face."

Likewise, some universal goals of the 2030 Agenda are "for all women and men" or "for all girls and boys"⁶⁶, while others are "for all" or ensure "universal access" to social protection, sexual and reproductive health services, and drinking water⁶⁷. I support Bidegain's opinion that "this nuance is relevant as universal goals can be met while widening the gaps in inequality between different social groups." For this reason, implementation requires transcending formal universalism by making specific efforts to subvert inequalities intertwined by gender, race-ethnicity, age, and territory, among others⁶⁹. Other goals are "gender sensitive" or aim at eliminating gender disparities. These commitments make it possible to address the relational nature of gender inequalities. Therefore, efforts to achieve these goals focus not only on women or girls, but on understanding how the relationships between the construction of the feminine and the masculine are structured and how inequalities can increase or decrease⁷¹. This is precisely one of the main reasons for the use of the gender perspective.

However, the Agenda and States face a major challenge: the lack of data disaggregation, which prevents discrimination and exclusion from being noted. This makes it more difficult to monitor and assess the direction and pace of progress of women and girls throughout the agenda⁷². Therefore, it is important to invest in information gathering, debate, and analysis. It will allow people to be able to discuss the exclusion and discrimination of women in a more persuasive and conclusive way. Conversely, if data collection initiatives do not expand rapidly, are not systematically updated, and are not used to produce gender statistics, the key gender dimensions of the 2030 Agenda will remain unexplained and risk being forgotten⁷³.

These achievements are only a small example of the gradual progress in promoting women's participation and equality. Addressing them in their entirety exceeds the pretensions of our research. In any case, it should be understood that gender equality before the law does not necessarily imply recognition in practice. Although 143 constitutions of the 195 countries that make up the international community recognize equality between men and women, discrimination against women persists in various fields through laws, politics, stereotypes based on gender, social norms, and practices. In short, incorporating this gender perspective is not an easy task. Ideology is also one of the difficulties that needs to be addressed. The definition and scope of the term "gender," as mentioned before, is part of this.

THE CONTROVERSIAL DEFINITION OF THE GENDER PERSPECTIVE

The term "gender" began to be used in the 1960s and was later developed by psychology and anthropology, especially by the constructivist school. The so-called "second-wave feminists" (the liberal, the Marxist and the psychoanalyst)⁷⁴ contributed decisively to its consolidation. They all showed the significant distance between sex and gender, and they did so from critical positions.

The first conceptual approach leads us to identify *sex* with a person's *biological* status as male or female⁷⁶. This refers to the biological categories of male or female based on anatomical characteristics and/or the corresponding chromosomes. While *gender* refers to the roles or stereotypes assigned to each sex in each society, it thus underlines the *cultural* aspect. We can say that this term is a cultural construct.

According to this gender theory, "the differences between men and women do not depend on the biological or social nature of each sex but are the result of processes of social construction through the expectations and values that each culture attributes to its males and females. These male and female gender roles are taught in families and communities, and vary from culture to culture, and from generation to generation⁷⁸."

Thus, it is easy to say that the scope of gender discrimination is motivated by much more than sex. The purpose of the principle of gender equality is the eradication of "disabilities" imposed on women on the basis of cultural definitions of their role in society, and not merely discrimination based on their reproductive capacity or its biological traits⁷⁹.

Certainly, this binary sex/gender system can be very useful in discerning the biological aspects of sexuality – what nature contributes – from those others built culturally. But it involves risks and obvious difficulties, because, among other things, it requires *reallocating* the roles traditionally linked to each sex within the family and society in order to achieve a true co-responsibility of men and women in all walks of life. It would therefore be important to raise awareness among citizens, politicians, and legislators that their perception of reality has been manufactured by society and is absolutely mutable⁸⁰.

This legal construction is part of a clear premise according to Martínez García. In his view, "The right exercises a powerful capacity to define reality, to conform it; (...) it has the power to differentiate reality and determines not only how things should be but also how they are. The law decides what reality is and what exists or does not exist legally. (...) Legal reality is therefore an invented reality, and the reality from which the law already arises is an invention of the same right⁸¹". In short, according to this particular view, the legal reality is essentially conventional.

The socio-legal consequences of this statement are especially complex when we project them on gender issues. Consider, for example, what CEDAW Article 5 states: "States' Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women"⁸². Now, who decides how the "pattern or cultural construction" to reshape the roles of men and women should be advocated? How can we differentiate between the legitimacy of the free choice of a polygamous wife and that of a lesbian who inseminates in order to have a child and to form a family? Is it possible to ignore various cultural identities and to suggest a uniform model?

The truth is that even today, even within the feminist movement, "You can, and must not agree on the unification of meanings or content that enclose feminism in worldviews or exclusionary proposals", as Arranz rightly points out⁸³. While for some sectors, reflected even in certain state positions, culture should serve to limit the rights of women in conflict with it; for others, culture should be modified to protect them. Gender issues connect with multiculturalism to not just respect differences, but to promote and even manufacture them (remember, Martínez García's thesis quoted above). Certainly, in many cases, identity is claimed based on discrimination, humiliation, or grievances in an understandable but biased way, appealing to "supposed" rights to the difference. Sartori rightly questions what the logic is that establishes what are the "important differences." "At this point, the logical reason gives way to this practical explanation: the differences that count are increasingly the differences by which it is known to mobilize to promote or harm economic interests or electoral interests. The issue, then, is that it is now almost impossible to find— in this labyrinth of "recognized differences" — an objective and coherent criterion that determines them"⁸⁵.

Herein lies the *punctum dolens* of the debate raised by the incorporation of a gender perspective into the context of globalization. Its inclusion in the international legal-political scene officially took place in 1995 at the "IV World Women's Conference". The term *gender* appeared to be mentioned in the draft one hundred and fifty-five times, of which at least forty referred to "a gender perspective." Its translation into French and Spanish provoked an intense debate because the feminist lobby and some state delegations refused to be translated as sex. There was even an *informal contact group* to be set up within the Conference itself to clarify and define its meaning. The answer was, however, deliberately ambiguous⁸⁷, despite the fact that this was the first time this term was included in an international document – without

binding legal force – of great importance for women's advancement policies for the recognition of some human rights such as life, health, or family⁸⁸. As a result, several States revised the final text of the Platform for Action, a position that was later repeated at other international conferences⁸⁹.

The conceptual problem, rather than the terminology, raised by the gender perspective was discussed again during the adoption of the Statute of the International Criminal Court and was resolved by including its definition: "for the purposes of this Statute – it is indicated in Article 7.3 – the term "gender" shall be understood to refer to the two sexes, male and female, in the context of society. The term "gender" will have no more meaning than the above."

CONTEXTUALIZATION AND PRIORITIES IN WOMEN'S POLICIES

There is a lot of controversy when it comes to determining what part of women's rights should be universally enforceable and considered intangible for inalienable human dignity, and which part is negotiable and even tolerable, even if it is not shared or understood by the other countries. This is not obvious if we look at the intense discussions among state delegations that attended the Fourth World Conference on Women. In fact, on that occasion, as would happen later in successive international conferences, the disagreement – the obvious lack of consensus – that had been evident years earlier when CEDAW was adopted⁹¹ happened again. This is a disagreement that continues if we address the number and content of the amendments raised by the States⁹².

Most of them – thirty-one, specifically – refer to dispute settlement clauses concerning the interpretation or application of the Convention (art. 29), which is still significant, as it shows the reluctance of States to compromise parts of their sovereignty on delicate and potentially very conflicting terrain. Amendments relating to women's equality in family law (art. 16) follow in numerical importance for a total of twenty-five; the same number (twelve) are those relating to the obligations of States' Parties (art. 2) and equality in national laws (art. 9). They all appeal to different cultural aspects of the status of women in their respective societies, although not all are of equal legal significance for the advancement of women, such as the right to choose a surname, the order of succession to the Crown, the division of inheritance, legal status, legal capacity to act, etc.

Obviously, the underlying foundation behind each of them differs noticeably. In some cases, discrimination against women is explicitly reflected in their legal systems, as is the case in several Islamic countries⁹³. Although recent international pressure is causing some changes in their legal systems, this does not mean that such practices have disappeared from traditional customs. In other cases, countries rejected the neoliberal model of absolute autonomy and emancipation of women advocated by radical feminism in some CEDAW articles, especially of the rights to health and motherhood (cf. arts. 12 and 16)⁹⁴. These States advocate greater co-responsibility for men, because their real problem is not the independence of women but the consequences: a serious feminization of poverty because women have educated and raised children alone. This is the situation in many countries in Africa and Latin America⁹⁵.

On the other hand, as has been mentioned, some of these reservations are not for ideological but economic reasons because certain States cannot or do not want to take on the investment of accepting some of the commitments required by CEDAW membership⁹⁶ especially with regard to free access to education and health (art. 13) or the right to work (art. 11). And at this point, history is repeated, as evidenced by the intense negotiations within the World Conferences held in the 1990s, especially those of Population and Development (Cairo, 1994)⁹⁷, Development Social (Copenhagen, 1995)⁹⁸ and Women (Beijing, 1995)⁹⁹.

In all these cases, it is no surprise that some of the state delegations that put the most pressure on others to carry out legislative and cultural changes in certain areas that they consider to be discriminatory to women are not willing to contribute financially to them¹⁰⁰. "Moralizing, when it does not cost money, is easy," Tamir said, alluding to policies aimed at eliminating the practice of genital mutilation. It is much more difficult to gather the necessary means to educate women and to train them to defend their standard of living.

Fighting illiteracy, poverty, and exploitation perpetuated by many of these discriminatory practices requires a generous economic effort in the afflicted countries, which Western states are reluctant to offer. On the contrary, there is the impression that its political agenda for incorporating the gender perspective is very diverse. Northern feminists seem to concentrate much of their efforts on the hyper-individualist ideology of neoliberalism, including introducing new emancipating rights for women, such as ones regarding sexual and reproductive health, the right to have children, the right to decide one's sexual orientation, and the right to determine how the family will be formed¹⁰². Novel and ambiguous concepts (safe motherhood, safe abortions, emergency contraception, adolescent sexual and reproductive health, etc.) are pushed onto the international stage to justify and intensify population control programs in developing countries, as has been seen in the abusive sterilization campaigns in Peru or Mexico¹⁰³. It is no coincidence that the main promoter of these changes was the *International Planned Parenthood Federation* (IPPF), which published the Charter on Reproductive Rights in 1996 where, as Elósegui rightly points out, "It presents *its* interpretation of human rights and reproductive rights in particular¹⁰⁴." It has received significant financial support to carry out its strategies from various States (Canada, Japan, Belgium, Finland, Malaysia, Sweden, the United Kingdom, Suriname) and some United Nations specialized agencies, such as the Population Fund (UNFPA)¹⁰⁵.

At this point, one has the impression that the globalization and ideology of this sector will end up making the mistake of promoting one vision of reality as being the only one. Some northern feminists are using the United Nations and its specialized agencies to impose one vision of women, sexuality, and society while remaining oblivious to the most pressing problems of at least two-thirds of women in the world. And this gap, which increasingly separates the two worlds, is being denounced by southern feminists, who regard these policies as racist, sexist, and imperialist, and often alien to their national and cultural values¹⁰⁶.

CONCLUSION

Many things are changing very rapidly in the new global context. The process of globalization has led to policy changes in favor of greater openness to financial and commercial flow, privatization of state-owned enterprises, and a reduction in public spending, all of which are transforming production patterns and accelerating technological advancement in communication. These changes are also significant in cultural values, lifestyle changes, and the media. These trends have been accompanied by profound political changes, including new forms of governance and the more universal realization of human rights. However, not all women have benefited equally from the effects of globalization. For some it has meant greater economic opportunities and more autonomy, but many others have been left in a more vulnerable situation¹⁰⁷.

There is no shortage of data to show that, at present, issues related to the right to identity, of whatever kind, end up becoming a poisoned subject. You can go so far as to invoke the right to cultural identity to entrench yourself in a disability, as is the case with Americans Sharon Duchesneau and Candy McCullough, two deaf lesbians who managed to have a boy and a girl, both of whom were deaf, through in vitro fertilization treatment. The father was a mutual friend and part of a family that has had deafness in its genes for five generations¹⁰⁸. I agree with Marina that there is a tendency to go beyond claims and to proudly display the trait for which one is marginalized, making it a hallmark. But being a woman or a man is not a source of rights. Rights are held by a person; they are a common condition in which universality lies and the ultimate basis for prohibiting any unfair discrimination¹⁰⁹.

Rights are, unfortunately, not always clear or recognized by society. Perhaps this is why it is still necessary to realize that the attitudes and behavior of both individuals and institutions must change in order to take into account the real rights and needs of women.

ENDNOTES

1. Cfr. K. Engle, *Culture and Human Rights: the Asian values debate in context*, "New York University Journal of International Law & Politics", 32 (2000), pp. 291-292.
2. A Doc. A/CONF.157/23.
3. The par. 5 of the Vienna Declaration, proclaimed on July 12, 1993, at this Conference recognizes that «All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms» (UN Doc. A/CONF.157/23).
4. Vine. in this regard the interesting contributions of Ch.M. Cerna, *Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts*, "Human Rights Quarterly", 16 (1994), pp. 740 ss. and A. Orford, *Contesting Globalization: A Feminist Perspective on the Future of Human Rights*, "Transnational Law & Contemporary Problems", 8 (1998), pp. 172 ss.
5. The texts are compiled by the Women's Institute of the Spanish Ministry of Labour and Social Affairs in the publication entitled *Las Conferencias Mundiales de Naciones Unidas sobre las mujeres*, Document Series, No. 26, Madrid, 1999.
6. Cfr. *The Four Global Women's Conferences 1975-1995: Historical Perspective*, The United Nations Department of Public Information, New York, 2000 (DPI/2035/M–May 2000–7M), p. 5.
7. According to United Nations estimates, the value of women's unpaid domestic work is estimated to be between 10 and 35% of global GDP. Cfr. *Women in a World Economic in Evolution, World Study on the Role of Women in Development*, 1995, United Nations (S.95.IV.1). Oxfam updated the figures in 2018 and notes that the value of these jobs amounts to \$10 trillion per year, which is about 13% of global GDP, thus becoming one of the largest and most important industries in the world. Oxfam Intermón, *Voces contra la precariedad: mujeres y pobreza laboral en Europa*, Barcelona, 2018, p. 5, Available in: <https://www.oxfamintermon.org/sites/default/files/documentos/files/voces-contra-la-precariedad.pdf>
8. The Platform for action adopted at the IV World Conference of the women (Beijing, 1995) denounces clearly that «insufficient attention to gender analysis has meant that women's contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households. As a result, many policies and programmes may continue to contribute to inequalities between women and men. Where progress has been made in integrating gender perspectives, programme and policy effectiveness has also been enhanced» (UN Doc. A/CONF.177/20, par. 155).
9. This is highlighted by the Secretary-General's Report on the globalization and empowerment of poor women among the cross-cutting issues on which the United Nations has decided to take further steps for its advancement. Framework for new measures and initiatives that could be considered before the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (E/CN.6/1999/PC/2, pars. 43-52).
10. They offer an interesting critical analysis of this problem: R. Toldaro, *Aspectos de Género de la globalización de la pobreza*. Available at: <http://www.un.org/womwnwatch/daw/csw/toldaro.htm> and Ch. Lamarca, *Globalización y género. Ella para él, él para el Estado y los tres para el mercado*. Available at: <http://www.nodo50.org/maast/documentos.htm>.
11. Came. arts too. 1.3, 13.1(b), 55(c), 76(c).
12. In fact, of the 51 founding States of the United Nations and original members, only 30 allowed women to enjoy the same rights as men.
13. Cfr. arts. 2 and 16.1 of the Universal Declaration of Human Rights, 10 December 1948 (GA Res. 217); arts. 2.2 and 3 of the International Covenant on Economic, Social and Cultural rights, 16 December 1966; arts. 2.1, 3, 23.4 and 26 of the International Covenant on Civil and Political Rights, 16 December 1966; art. 14 of the European Convention for the protection of human rights and fundamental freedoms, 4 November 1950; arts. 2 and 18.3 of the African Charter on Human Rights and peoples, 26 June 1981; arts. 1.1 and 17.4 of the American Convention on Human Rights (Pact of San José), 22 November 1969.
14. Cfr. Convention for the Suppression of the traffic in persons and of the exploitation of the prostitution of others, 21 March 1950; Convention against discrimination in education, 15 December 1950; Convention

- concerning equal remuneration for men and women workers for work of equal value, n° 100, 29 January 1951 and Recommendation N° 90 (1951); Convention relative to the protection of maternity (revised), n° 103 of 1952 and Recommendation N° 95 (1952); Convention concerning the employment of women with family responsibilities, n° 123 (1965); Declaration on the Elimination of discrimination against women, GA Res. 2263 (XXII), 7 November 1967; Convention on consent to marriage, minimum age for marriage and registration of marriages, approved by AG Res. 1763 a (XVII), 7 November 1962 (entered into force on 9 December 1964, in accordance with its article 6); Convention on the nationality of married women, 20 February 1957; Declaration on the protection of women and children in emergency and armed conflict, proclaimed by GA Res. 3318 (XXIX), 14 December 1974; Declaration on the Elimination of violence against women, approved by GA Res. 48/104, 20 December 1993 (UN Doc. A/RES/48/104).
15. In article 1 is indicated: «For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field».
 16. CEDAW was adopted and open for signature, ratification and accession on 18 December 1979 by the United Nations General Assembly (UN Doc). A/RES/34/180). It entered into force on 3 September 1981, in accordance with Article 27.1. As of 19 April 2019, 189 States had ratified or acceded to it. On 6 October 1999, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (UN Doc. A/RES/54/4).
 17. United Nations, *The World's Women 2015: Trends and Statistics*, United Nations, Department of Economic and Social Affairs, Statistics Division, New York, 2015, p. xi.
 18. Ibid.
 19. Based on latest available data [2001-2016] for 83 countries and areas. Source: Progress towards the Sustainable Development Goals (E/2017/66).
 20. Ibid.
 21. United Nations, *The World's Women 2015*, cit., p. xii.
 22. World Bank, *Women, Business and the Law 2018*, Washington, DC, 2018. Available at: <http://wbl.worldbank.org/>
 23. UN Women, *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development*, New York, 2018. Available at: <http://www.unwomen.org/en/digital-library/publications/2018/2/gender-equality-in-the-2030-agenda-for-sustainable-development-2018>
 24. International Labour Organization (ILO), *World Employment and Social Outlook: Trends for Women 2018: Global Snapshot*, Geneva, 2018. Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_619577.pdf
 25. Ibid.
 26. Ibid.
 27. ILO, *Women and men in the informal economy: A statistical picture, third edition*, Geneva, 2018. Available at: http://www.ilo.org/global/publications/books/WCMS_626831/lang--en/index.htm
 28. UN Women, *Women migrant workers' journey through the margins: labour, migration and trafficking*, New York, 2016. Available at: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/women-migrant-workers-journey.pdf?la=en&vs=4009>
 29. ILO, *ILO global estimates on immigrant workers: Results and methodology: Special focus on migrant domestic workers*, Geneva, 2015. Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf
 30. UN Women, *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development*, New York, 2018. Available at: <http://www.unwomen.org/en/digital-library/publications/2018/2/gender-equality-in-the-2030-agenda-for-sustainable-development-2018>
 31. D. Grimshaw and J. Rubery, *The motherhood pay gap: A review of the issues, theory and international evidence*, International Labour Organization, Conditions of Work and Employment Series N° 57, Geneva, 2015. Available at: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_348041.pdf

32. Based on data for 68 countries from 2009 to 2015. Sources: Inter-Parliamentary Union (IPU), www.ipu.org; ILO, 2017.
33. United Nations, *The World's Women 2015*, cit., p. xiii.
34. Ibid.
35. United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, Vienna, December 2016, p. 6,
https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf.
36. Data are latest available (2005-2016) for women and girls aged 15 to 49, across 87 countries.
37. Based on 2012 or latest year estimates from 52 countries. Sources: Progress towards the Sustainable Development Goals (E/2017/66); Data on laws is based on a review of 189 countries and territories from Women Business and the Law Database, 2016.
38. Based on data for 120 countries. Sources: Progress towards the Sustainable Development Goals (E/2017/66); UNICEF global databases, 2016.
39. United Nations, *The Sustainable Development Goals Report 2018*, New York, 2018, p. 6. Available in: <https://unstats.un.org/sdgs/files/report/2018/TheSustainableDevelopmentGoalsReport2018-EN.pdf>
40. Source: Progress towards the Sustainable Development Goals (E/2017/66).
41. United Nations High Commissioner for Refugees, *Global Trends. Forced displacement in 2017*, Geneva, 2018, p. 58. Available in: <https://www.unhcr.org/5b27be547.pdf>
42. United Nations, *The Sustainable Development Goals Report 2018*, cit., p. 5.
43. Cfr. par. 9 of the Beijing Declaration, adopted at the 16th plenary meeting, on 15 September 1995 (UN Doc. A/CONF.177/20/Add. 1).
44. The paragraph 38 of *Beijing Declaration* affirm: «We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programs. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action».
45. Cfr. World Summit on social development, Copenhagen, 6-12 March 1995, (UN Doc. A/CONF. 166/9); Conference of the United Nations on Human Settlements (Habitat II), Istanbul, 3-14 June 1996 (UN Doc. A/CONF. 165/14).
46. Cfr. General Assembly resolution S-23/2, annex, and resolution S-23/3, annex. It offers a very complete information concerning the report of the Secretary-General of United Nations on *Review and appraisal of the implementation of the Beijing Platform for Action* (UN Doc. E/CN.6/2000/PC/2).
47. UN Women supports UN Member States as they set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programs and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. More information in: <http://www.unwomen.org/en/about-us/about-un-women>
48. The Group is also tasked with developing a dialogue with States and other actors on laws that have a discriminatory impact where women are concerned. More information in: <https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx>
49. While a record 143 countries guaranteed equality between men and women in their Constitutions by 2014, another 52 had not taken this step.
50. Came. constitutions of the following countries: Article 23 of Zimbabwe (1979, reformed in 2000); Article 15.3 of Kyrgyzstan (1993); Article 13th Malawi (1995); Article 16.2.c of South Africa (1997); Article 8.1 of Somalia (2001) and Article 11.2(a) of Sri Lanka (2000).
51. The Rome Statute of the International Criminal Court was adopted on 17 July 1998 by the Diplomatic Conference of Plenipotentiaries, meeting in Rome from 15 June to 17 July 1998. It entered into force on 1 July 2002, in accordance with Article 126 (cf. UN Doc. A/CONF.183/9). It has been ratified by 123 countries, not many of those directly or indirectly engaged in international conflicts.
52. Cfr. Ibid., art. 6 d).
53. Cfr. Ibid., art. 7.1 g).
54. Cfr. Ibid., art. 7.1 h).
55. Cfr. Ibid., art. 8.2 b) xxii y 8.2 e) vi.

56. Security Council resolutions 1889 (2009) and 2106 (2013) strengthen the implementation and follow-up of resolution 1325.
57. Resolution 1820 has subsequently been reinforced by other United Nations Security Council resolutions, such as 1888 (2009) and 1960 (2010).
58. The resolution also emphasizes the need to address the critical funding gap for women's organizations, pointing to the *Instrument for Global Acceleration on Women, Peace and Security and Humanitarian Action* as a to attract resources, coordinate responses and accelerate implementation.
59. Therefore, achieving some objectives requires specific commitments and efforts by developed countries, as set out in the objective of reducing inequality between countries (SDG 10), ensuring consumption and production modalities (SDG 12), combating climate change (SDG 13) and strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development (SDG 17). The principle of common but differentiated responsibilities is made explicit in the 2030 Agenda when it refers to "all countries, starting with developed ones, must take action". United Nations, *Transforming our world: the 2030 Agenda for Sustainable Development*, New York, September 2015, para. 28, goals 8.4 and 12.1 (UN Doc. A/70/L.1).
60. The preamble of the 2030 Agenda is set: "Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. The achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities. (...) The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial" (United Nations, *Transforming our world...*, cit., párr. 20).
61. This ODS incorporates the following goals:
 - 5.1 End all forms of discrimination against all women and girls everywhere
 - 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual, and other types of exploitation.
 - 5.3. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
 - 5.4. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
 - 5.5. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
 - 5.6. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
 - 5.A. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
 - 5.B. Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.
 - 5.C. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.
62. Came. an approach to a cross-cutting analysis of the SDGs that analyses the objectives and their goals in order to determine how women's rights and gender equality are present in the Economic Commission for Latin America and the Caribbean (ECLAC) , *Women's autonomy and gender equality in the sustainable development agenda* (LC/G.2686(CRM.13/3), Santiago de Chile, United Nations, October 2016.
63. Goals 1.4, 5.a, 5.6, 8.8 refer to women's rights, while targets 2.2, 2.3, 6.2, 11.2, 11.7, 13.b cover the specific needs of women, adolescents and girls.
64. MC Benavente R. and A. Valdés Barrientos, *Políticas públicas para la igualdad de género: un aporte a la autonomía de las mujeres*, ECLAC Books, No. 130, United Nations, ECLAC, Santiago de Chile, 2014.
65. N. Bidegain Ponte, *La Agenda 2030 y la Agenda Regional de Género. Sinergias para la igualdad en América Latina y el Caribe*, United Nations, ECLAC - Gender Issues Series No. 143, Santiago de Chile, 2017, p. 13. Available in: https://www.cepal.org/sites/default/files/news/files/la_agenda_2030_y_la_agenda_regional_de_genero_sinergias_para_la_igualdad_en_america_latina_y_el_caribe_0.pdf
66. See targets 1.2, 1.4, 4.1, 4.2, 4.3, 4.6 to 4.a, 8.5, 10.2.
67. See targets 1.1, 1.3, 3.7, 5.6, 6.1, 16.1, 16.2, 16.3.
68. N. Bidegain Ponte, *La Agenda 2030 y la Agenda Regional de Género ...*, cit., p. 30.

69. For an analysis of intertwined inequalities and links between targeted and universal policies, vine. ECLAC, *La matriz de la desigualdad social en América Latina* (LC/G.2690(MDS.1/2), United Nations, Santiago de Chile, October 2016 and ECLAC, *Desarrollo social inclusivo. Una nueva generación de políticas para superar la pobreza y reducir la desigualdad en América Latina y el Caribe* (LC. L/4056/Rev.1), United Nations, Santiago, Chile, January 2016.
70. See targets 1.b, 4.5, 4.a, 5.c, 17.18 e.
71. Cfr. N. Bidegain Ponte, *The 2030 Agenda and the Regional Gender Agenda...*, cit., p. 30.
72. The global indicator framework for the Sustainable Development Goals (SDGs) comprising 232 indicators, 54 are gender-specific, meaning they are targeted at women and girls, explicitly call for disaggregation by sex or refer to gender equality as the underlying objective. Over one quarter of the gender specific indicators (14) can be found in SDG 5. Overall, the indicator framework is gender-sensitive in 6 out of 17 goals (SDGs 1, 3, 4, 5, 8 and 16), genders parse in other critical areas (S DGs 2, 10, 11, 13 and 17) and gender-blind in the rest (SDGs 6, 7, 9, 12, 14 and 15).
As of December 2017, of the 54 gender-specific indicators included in the global monitoring framework, 17 (32%) are Tier III, meaning that there is no internationally established methodology because they are new and/or were not part of global monitoring efforts until now. Another 24 of the gender-specific indicators (44%) are Tier II, where international standards exist but data gaps remain in a significant number of countries. Only 10 (19%) of the 54 gender-specific indicators are produced with enough regularity to be classified as Tier I by the IAEGSDGs. Only two indicators under SDG 5 are currently classified as Tier I. The remaining three gender-specific indicators (6%) have components spanning multiple tiers.
The timeliness and frequency of data are even bigger issues. Only 24% of the data available for gender-specific indicators are from 2010 or later. Globally, only 17% of the gender-specific indicators with data have information for two or more points in time, allowing for trend analysis. This suggests that many of the gender specific indicators rely on data collection mechanisms that were ad hoc or one-off exercises and not integrated into national statistical plans and strategies. Vine. UN Women, *Turning promises into action: gender equality in the 2030 agenda for sustainable development*, United Nations, 2018, pp. 47-56. Available in: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-en.pdf?la=es&vs=4332>
73. Ibid., p. 56.
74. They offer a good synthesis of their methodological premises: F. Arranz Lozano, *De la uniformidad a la diversidad reivindicativa: una introducción a la teoría feminista*, in P. Román and J. Ferri (eds.), *Los movimientos sociales. Conciencia y acción de una sociedad politizada*, Madrid, 2001, pp. 145-150 and G. Solé, *History of feminism (19th and 20th centuries)*, Pamplona 1995, pp. 50 ss.
75. His greatest exponents were S. De Beauvoir, *Le Deuxième sexe*, Paris, 1949 and B. Friedan, *The Feminine Mystique*, New York, 1963. The first, from the Hegelian dialectic of self-awareness and existentialism, questions the elements that have configured femininity to conclude that sex is a cultural construction, rather than a gift of nature. The true freedom of women goes through a review of their specific biology, as the key to entering the realm of reason and culture. Motherhood, from its point of view, by being engulfed within marriage and family, is a disadvantage and a trap because it strengthens them to the dictates of a patriarchal society. The second criticism of women for having obeyed the social mandates that required them to be good mothers and wives by confining them to the private sphere, hence calling for greater education for women and their incorporation into the world of work.
The picture is completed with contributions from female psioanalysis that call for the revision of some biologicalist principles, such as maintaining that anatomy is fate and attributing to biology the main cause of women's subordination. Vid., S. Firestone, *The Dialectic of Sex*, New York, 1972.
76. Cfr. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (DSM IV), Washington DC, 1995.
77. R. Bergalli and E. Bodelón, *La cuestión de las mujeres y el Derecho penal simbólico*, “Anuario de Filosofía del Derecho”, 9 (1992), pp. 43-67, cit. by J.I. Lacasta Zabalza, *Género y ambivalencia del Derecho y su sistema penal*, AA.VV., *Análisis del Código Penal desde la perspectiva de género*, Vitoria, 1998, p. 18.
78. Cfr. *Gender: A Working Definition*, in *Women's Health and Development Program*, World Health Organization (WHO), Geneva, 1998.
79. On the scope of this distinction, vid. D.J. Sullivan, *Gender equality and religious freedom: toward a framework for conflict resolution*, “Journal of International Law and Politics”, 24 (1992), pp. 797-805.

80. He describes this process of deconstruction of gender JC Williams, *Deconstructing Gender*, in P. Smith (ed.), *Feminist Jurisprudence*, New York/Oxford, 1993, pp. 531-559.
81. J.I. Martínez García, *La imaginación jurídica*, Madrid, 1993, pp. 33-37, cit. by J.I. Lacasta Zabalza, *Género y ambivalencia del Derecho...*, cit., p. 22.
82. They raised reservations to this article: France, India, Malaysia, New Zealand and Niger.
83. F. Arranz Lozano, *De la uniformidad a la diversidad reivindicativa...*, cit., p. 137.
84. On this debate vine. K. Engle, *Culture and Human Rights: the Asian values debate in context*, cit., pp. 294-297, with the bibliography cited there.
85. G. Sartori, *La sociedad multiétnica. Pluralismo, multiculturalismo y extranjeros*, Madrid, 2001, p. 87.
86. This was emphasized by Bella Abzug, a "historical" feminist and former member of the United States Congress, in her address to state delegates in New York on April 3, 1995: «We will not be forced back into the 'biology' is destiny' concept that seeks to define, confine and reduce women to their physical sexual characteristics... The meaning of the word 'gender' has evolved as differentiated from the word 'sex' to express the reality that women's and men's roles and status are socially constructed and subject to change. (...) The current attempt by several Member States to expunge the word 'gender' from the Platform for Action and to replace it with the word 'sex' is an insulting and demeaning attempt to reverse the gains made by women, to intimidate us and to block further progress». Text cited by D. O'leary, *The Deconstruction of Women Analysis of the Gender Perspective in Preparation for the Fourth World Conference on Women 1995*, p. 5. Available in: <http://digitalcollections.library.gsu.edu/cdm/ref/collection/booth/id/1384>
87. The President of the Conference, Gertrude Mongella, made public the outcome of this report during the course of this. It indicated there : «the word "gender" as used in the Platform for Action was intended to be interpreted and understood as it was in ordinary, generally accepted usage» [*Statement by the president of the conference on the commonly understood meaning of the term "gender"* (UN Doc. A/CONF.177/20/Add.1, Annex IV, n. 3)].
88. We have dealt with this problem in A. M. Vega Gutiérrez, *Family Policies in a Globalized World*, Pamplona, 2002.
89. They raised reservations about the term gender in the Platform for Action of the Fourth World Conference on Women: Paraguay (UN Doc. A/CONF.177/20, Capt. V, n. 25), Guatemala and the Holy See. The argument put forward by Guatemala was as follows: «In conformity with the ethical, moral, legal, cultural and natural criteria of the Guatemalan people, Guatemala interprets the concept of gender solely as female and male gender in reference to women and men and reserves its position on the interpretation of the term "lifestyle", because its meaning is not clear in these documents.» (*Ibid.*, n. 10). The Holy See included a statement under which «The term "gender" is understood by the Holy See as grounded in biological sexual identity, male or female. (...). The Holy See thus excludes dubious interpretations based on world views which assert that sexual identity can be adapted indefinitely to suit new and different purposes. It also dissociates itself from the biological determinist notion that all the roles and relations of the two sexes are fixed in a single, static pattern. Pope John Paul insists on the distinctiveness and complementarity of women and men. At the same time, he has applauded the assumption of new roles by women, stressed the degree to which cultural conditioning has been an obstacle to women's progress, and exhorted men to assist in "the great process of women's liberation" ("Letter to Women", 6)» (*Ibid.*, n. 11). In the Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996 (UN Doc. A/CONF.165/14, chap. VIII) made reservations and included statements: the Holy See (*ibid.*, n. 9) and Guatemala, which fully ratified the reservations at the previous World Conferences, "in particular wishes to state that it interprets the concept of "gender" as referring solely to male and female gender, ie men and women» (*ibid.*, n. 8); and The Islamic Republic of Iran, who defended the interpretation of «concepts and phrases such as gender, gender equality (...) in accordance with and with full respect for Islamic Shariah and the ethical and spiritual values of Islamic society» (*ibid.*, n. 11). The delegation of Zambia «reserves its position on all terminology which is in contradiction to the principles of Christianity and is not in accordance with its cultural and spiritual values and traditions. Zambia wishes to express its reservations with respect to the term "gender" unless it is understood as rooted in the biological sexual identity of male and female» (*ibid.*, n. 20).
90. The Statute uses gender on a number of occasions and in different contexts. In some cases, the term encompasses the sex/gender binomial, as in Article 7.1(h), when defining one of the subsumable conduct in the criminal type of crimes against humanity, in particular the persecution of a group or collective with its own identity based on motives gender; or Article 21.3, to ensure its undistinguished application and interpretation on the basis of gender. On the contrary, in other cases, the sex/gender distinction is explicitly

- underlined, as can be seen in articles that refer to sexual violence and on grounds of gender (cf. arts 42.9, 54.1(b), 68.1).
91. Concerning the different ideological basis of these reservations and the corresponding underlying political strategies, vid. RJ Cook, *Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women*, "Virginia Journal of International Law" 30/3 (1990), pp. 643-716; M. Elósegui, *Diez temas de género. Hombre y mujer ante los derechos productivos y reproductivos*, Madrid, 2002, pp. 92-113.
 92. As of 20 December 2000, the number of Reservations and Declarations filed was 132, raised by 49 States parties. 76% of the total were substantive or normative in nature, and 24% were procedural in nature. Cfr. *Reservations and Declarations to the Human Rights Treaties*. <http://www.bayefsky.com/report/annex5.php>. Since then, several states have withdrawn their reserves.
 93. They either follow a valuable analysis of those state positions: Z. Combalía, *El derecho de libertad religiosa en el mundo islámico*, Pamplona, 2001, pp. 125-132, 139-140; BA Venktramen, *Islamic States and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women: are the Shari'a and the Convention Compatible?*, in "American University International Law Review" 44 (1995), pp. 1949-2027; A. Jenefsky, *Permissibility of Egypt's Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women*, "Maryland Journal of International Law and Trade" 15 (1991), pp. 199-233.
 94. There has been no shortage of interpretations that, resorbling in such articles, claim certain freedoms as new rights; such is the case, for example, of so-called reproductive rights. This strategy had been in place since the early 1990s, as RJ Cook rightly reflects. In his view, the greatest obstacle to the transition from reproductive free self-determination to the universal human right status was precisely the lack of universality in its recognition. And, according to her, the Convention was about to solve this problem: "One goal of the Women's Convention is to compel the recognition and guarantee of reproductive rights" (RJ Cook, *International Protection of Women's Reproductive Rights*, Journal of International Law and Politics, 24 (1992), p. 658. On its content and scope vide., A. M. Vega Gutiérrez, *Los derechos reproductivos en la sociedad postmoderna: ¿una defensa o una amenaza contra el derecho a la vida?*, in *Derechos reproductivos y técnicas de reproducción asistida* (coord. J. Vidal Martínez), Granada, 1998, pp. 1-52.
 95. I share, in this regard, the thesis of M. Elósegui, *Diez temas de género...*, cit., pp. 107-113.
 96. *Ibid.*, p. 103.
 97. See a Doc. A/CONF.171/13.
 98. See a Doc. A/CONF. 166/9.
 99. See a Doc. A/CONF.177/20.
 100. To illustrate how much we have been saying, it is sufficient to examine the case of the United States. Her tenacious intervention in favour of the adoption of reproductive rights and the intensification of population control programmes in developing countries during the International Conferences on Population and Development and Women, contrast with their economic reluctance to support their social development. The content of its reservation to the final text of the Programme of Action of the World Summit for Social Development (Copenhagen, 1995) was as follows: "As the United States stated several times during the World Summit for Social Development and the preparations for it, owing to domestic funding constraints it cannot agree to increase official development assistance, as called for by commitment 7 (e) and as recommended in paragraph 11 (h) of the Programme of Action. Accordingly, the United States wishes to express its reservations on commitment 7 (e) and on paragraph 11 (h) of the Programme of Action. The United States remains none the less committed to working to accelerate the development of Africa and the least developed countries" (UN Doc. A/CONF.166/9, chap. V, n. 17).
 101. Y. Tamir, *Yael Tamir Replies*, in "Boston Review", 21 (1996), p. 32. The translation is ours. It offers a valuable analysis of the discussions around this practice and its cultural contextualization, K. Engle, *Culture and Human Rights...*, cit., pp. 297-302.
 102. An exhaustive exhibition of such claims can be seen in MK Eriksson, *Reproductive Freedom. In the Context of International Human Rights and Humanitarian Law*, The Hague, 2000.
 103. The Peruvian government launched the AQV (Voluntary Surgical Anticonceptions) Program to sterilize a total of 400,000 people between 1996-1998, with annual explicit quotas. At the end of the planned period, the Committee on Latin America and the Caribbean for the Defense of Women's Rights (CLADEM) has published a report on the results achieved in those three years under the heading *Nothing Personal*. Contrary to Law No. 26530, promises and stimuli were exercised by providing women with food, money and other goods; or exercising threats when the goal was not achieved; there were also sterilizations against

the express will of the woman, or without prior information. At the same time, the conscientious objection of doctors in the General Health Law was removed.

In the case of Mexico, in January 2003, the Mexican Commission on Human Rights, through an official statement, reported that the Government was violating the faculties of indigenous and poor women by including in its sexual and reproductive health program methods of forced sterilization.

104. M. Elósegui, *Diez temas de género...*, cit., p. 147, vine, also pp. 151-175.

105. Cfr. *Financial Statements 2000*, p. 33. Available in: <http://www.ippf.org>.

106. Fr. N. Navarro, *Los Derechos reproductivos en un contexto de liberalismo globalizador*, cit. by M. Elósegui, *Diez temas de género...*, cit., pp. 143-145. Vine. Also LA Obiora, *Feminism, Globalization, and Culture: After Beijing*, *Indiana Journal of Global Legal Studies*", 355 (1997), pp. 388-393.

107. Cfr. *Further actions and initiatives to implement the Beijing Declaration and the Platform for Action*. Proposed outcome document submitted by the Chairperson of the Preparatory Committee for the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", New York, 2000 (UN Doc. E/CN.6/2000/PC/L.1, n. 29).

108. The Guardian, *Lesbian couple have deaf baby by choice*, 8 April 2002, Available in: <https://www.theguardian.com/world/2002/apr/08/davidteather>

109. JA Marina, *El Semanal*, 28 April 2002, p. 112.