



# **Addressing Gender Inequality to Promote Basic Human Rights and Development: A Global Perspective<sup>1</sup>**

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<sup>1</sup> This essay was carried out in the National Defense Institute/National Defense Course in May 2020.

## I – INTRODUCTION

Gender equality means that women and men have equal conditions for achieving their full human rights and for contributing to, and benefiting from, economic, social, cultural, and political development. Gender equality is, therefore, when society equally respects the similarities and differences between men and women and the roles they play. It is based on women and men being full partners in their homes, their communities, and society. This perspective, which is supported by many international conventions regarding this subject, recognizes the importance of difference and diversity between genders, given that each person must be free to fulfill himself/herself and to make the choices that he or she deems most appropriate. According to UNESCO (2014), “gender” is the social meaning of being a woman or a man, as well as the social characteristics (not biological differences) that are used to define a woman or a man. Gender is a different concept from “sex,” which refers to the biological differences between men and women<sup>2</sup>.

To promote this ideal, the active participation of society is essential, as is a significant commitment from different institutions, as true equality depends on excellent civic and cultural education. In fact, gender equality has come a long way and has already overcome significant barriers in some developed countries, especially regarding access to the health system (including reproductive health), including health education. Also, in terms of political, economic, and cultural participation, some societies have made substantial progress. However, there are important differences not only in terms of wages and pensions but also in terms of access to top public administration positions and top positions in private sector companies.

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<sup>2</sup> This study does not intend to approach other dimensions of gender equality namely the one’s present at the Yogyakarta Principles plus 10 (YP plus 10) referring to the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics.

Despite this evolution, according to the Human Development Report 2019, “Gender disparities remain among the most persistent forms of inequality across all countries. Given that these disadvantages affect half the world’s people, gender inequality is arguably one of the greatest barriers to human development. All too often, women and girls are discriminated against in health, in education, at home and in the labor market – with negative repercussions for their freedoms” (United Nations, 2019).

For this reason, it has been advocated, as a one-off measure, that there should exist positive differentiation policies – for example, regarding the holders of political offices, guaranteeing a percentage of seats for both sexes. Such a measure promotes gender equity (with a view to equality), as it is positive discrimination on the grounds of gender.

Also, in terms of how citizens combine their professional, family, and personal lives, there has been a significant generational evolution in many countries. Younger generations more naturally look towards an equitable distribution of family functions and tasks because women are gradually taking their place in the labor market. Thus, it is natural that younger families have the insight to promote balanced professional, familial, and personal lives. Here, innovative measures are also needed so that this balance does not decisively affect the birth rate, which is at historically low levels in many countries.

Yet, there is still a long way to go until full equality is achieved. Obviously, the imbalance that exists throughout the world, although with variable geometry, due also to a greater dedication of women to family and children, is a factor that allows ancestral inequalities to persist over the generations. Therefore, all measures that allow for the generation of intra-family balance are essential for the realization of these ideals. These balances also make it possible to combat the unacceptable phenomenon of gender-based violence that, unfortunately, is a scourge in many societies. In this sense, it is essential for global society, as well as the different sovereign states, to become aware of the importance of implementing effective measures that lead to gender equality, with education and culture at the core level for its implementation.

This is the main objective of this study – that is, to answer the question of whether it is necessary to increase international awareness of gender equality in the context of the global implementation of human rights and full human development, as well as, from a realistic perspective on the interrelationship between different peoples, to determine how it is possible to accelerate this evolution in a world that is constantly changing.

This study is divided into three sections. The first section addresses the evolution of human rights throughout the world. It is argued that gender equality is a direct and necessary consequence of a full implementation of human rights. The second section claims that gender equality is deeply related to justice in its material dimension. At a sovereign state level, as well as at a global level, equality and non-discrimination are at the root of any developed society and are pillars of any advanced democracy. Finally, the third section distils these concepts into a modern view of human development. It suggests, from a realistic perspective, practical tools to increase international awareness of human rights and gender equality.

## II – HUMAN RIGHTS AND GLOBALIZATION

Gender equality has had an interesting evolution over the last few decades – an evolution deeply connected to specific circumstances. From the outset, the enormous economic development evidenced on a global scale resulted in an increase in the levels of literacy and culture of various populations. Indeed, the gradual improvement in living conditions at the socioeconomic level was associated with a considerable decline in the global poverty rate from 37.1% to 9.6% between 1990 and 2015 (The World Bank, 2016). In addition, there has been a global awareness, although at very different rates and with a variable geometry, that all people must have equal dignity in society and its institutions. In other words, everyone should be able to enjoy the same range of basic and intrinsic human rights.

In fact, the importance of human rights, and the corresponding principle that underlies them, was a decisive milestone, although not entirely finished, for this evolution. After World War II, the international community realized that it was necessary to develop a bonding cement for humanity around the essential core of ontological human solidarity.

It was not just a matter of creating a new norm of international law, in which international human rights law is a strong expression. It was mainly a matter of appealing to the lowest common denominator of the entire human family to crystallize the set of irreducible and inalienable values of the human person. This is, from a Kantian perspective, a question of considering that the human being – understood as a rational, self-conscious being with abstract thinking, emotional intelligence, and moral agency – has a unique, indivisible value and that, therefore, there is a duty of (almost) absolute protection.

However, it might be asked: What will be the genesis of human dignity in a multicultural world where different ideological, political, and religious views condition the development of specific societies? Or, from a different perspective, what could be the common reference that allows for the harmonious development of different people?

The recognition of the intrinsic value of each person, due to his/her rational nature and unrepeatable individuality, crystallizes the notion of human dignity and recognizes the specific singularity of the human being (Nunes, 2015). However, this Kantian conception of human dignity has various consequences. Firstly, the human individual – as a unique and unrepeatable subject, as an individual being – cannot be “instrumentalized” or, in other words, treated as a means and not as the end. And what defines human individuality and uniqueness? Regardless of whether the Cartesian dualism between body and spirit (or between a physical reality and another metaphysical one) is accepted, the human being is especially valued in any society due to the existence of certain capacities that distinguish him or her from any other living being (existence real or potential, active or passive).

Distinct from legal personhood, moral personhood is a continuous process connected to the development of certain properties/capabilities considered the core of the human person. Despite the perceived relation between mind and body, progressiveness is the

genetic fingerprint of becoming a fully autonomous person. Indeed, consciousness and self-consciousness, preferences, thoughts, conscious desires, feelings, sense of time, rational thought, unification of desires over time, and rational deliberation define not only “the person” but also “a specific person.” In addition, the capacity to experience pleasure and pain, to remember one’s past actions and mental states, to envisage a future for oneself, to interact and communicate socially, to have long-term interests and to take moral considerations into account in moral choices – all are at the core of a person’s existential life.

Rational deliberation, intentionality, and moral agency are, then, the nuclear content of the spiritual dimension of the human being. According to Tristram Engelhardt, Jr., the “three characteristics of self-consciousness, rationality, and moral sense identify those entities capable of moral discourse. These characteristics give to those entities the rights and obligations of the morality of self-respect. The principle of autonomy and its elaboration in the morality of mutual respect applies only to autonomous beings. It concerns only persons. The morality of autonomy is the morality of persons” (Engelhardt Jr., 1996).

However, rationality, which enables the manifestation of specifically human characteristics, is not an absolutely necessary condition for insertion into the moral community. In fact, rationality is enough to identify a human personality but a human being can exist even without reason. The human being is the person’s material support. In its evolution, it is permanently deepening its capacity for self-recognition until the moment when it has self-awareness of this self-recognition. Here, the person begins to structure itself, through a process of memorization of the symbolic external culture and invention that ends only with dementia or death. The human being, having rationality and self-awareness, and being an integral part of our biological species, has its own dignity that prevents its use for any purpose other than the promotion of its personal fulfilment.

Although this ontological solidarity between all humankind is not consensual, most societies accept it, at least for the time being. Indeed, different arguments can find their roots in ethical and philosophical views of a non-anthropocentric nature. By decentralizing the “subject” of the human being to the animal (namely, sentient animals), to the

environment (in its various components), or even to biodiversity, some interests – and even some rights – have been attributed to non-human entities. Peter Singer, for example, considers that “discrimination based on species is based on immoral and indefensible prejudice” (Singer, 2015). For this author, sentient animals have intrinsic value because they are capable of feeling pleasure and of integrating it as a lived experience. Thus, discrimination based on species (speciesism) is profoundly unacceptable in a modern and truly plural society.

In any event, the universal ideal of human dignity is expressly stated in the Universal Declaration of Human Rights: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Following this perspective, the human being must be able to enjoy a wide range of rights due to the underlying condition of moral agency. The rationality and self-awareness of this rationality, abstract thinking, and the intentionality of human action characterize the person and make him or her a subject with basic and inalienable rights – and also a subject of respect. Indeed, respect for persons has become one of the most valuable principles of intersubjective relationships.

However, prior to World War II, the seed of human rights was already developing in some societies. It was a seed that would make this doctrine germinate as a historical landmark of human development. The Magna Carta of 1215, followed in the 18<sup>th</sup> century by the United States Bill of Rights and, in France, the Declaration of the Rights of Man and of the Citizen, were some of the precursors to this international moral, social, and political movement.

From the perspective of global ethics and citizenship, human rights thus represent an enormous civilizational evolution, given that the unique value of each person is recognized for the first time in human history – with two immediate consequences. On the one hand is the imperative of sovereign states to organize themselves for the effective enjoyment of these rights. On the other hand, is the need for international governance institutions to find effective solutions to their global implementation. Thus, the fundamental relevance of the Universal Declaration on Human Rights, approved by the United Nations in 1948, is

understood. Afterward came the European Convention on Human Rights (1981) and the Charter of Fundamental Rights of the European Union (2000), which became binding on the Member States of the European Union upon the signing of the Treaty of Lisbon in December 2009.

It is common to consider that human rights, although indivisible, are categorized according to the essential values that underlie them. The implementation of human rights has developed in stages, perhaps because each new generation of rights, as suggested by Karel Vasak (1977), assumes that the previous phase is already reached. The basis of this perspective is deeply grounded in the principles and values of the French Revolution: freedom, equality, and fraternity (or solidarity).

First-generation rights are related essentially to liberty and participation in political life. They are civil-political rights – namely, equality before the law, freedom of speech and association, freedom of professing a religion, rights to due process and to a fair trial, and voting rights. The right to life is also usually considered a first-generation right. A common characteristic of these rights is that they are negative ones in the sense that, in general, to be fulfilled, they do not require any active participation of society or the allocation of specific resources. It is necessary only to let the individual personality flow and develop to its full potential. Solid, stable, and just institutions, such as the judiciary, are needed so that every citizen fulfills these rights.

Indeed, the existence of fair-minded institutions is the essence of a modern society – that is, it is fundamental for the establishment of a social contract between citizens to guarantee order, social peace, and development (Hayek, 1973). It follows, then, that it is necessary to fulfill basic liberty needs, and correspondent rights, as a primary necessity of the human being. In the absence of institutions that ensure respect for this social contract, social upheavals tend to occur. Moreover, as Thomas Hobbes (1999) argued: “If we imagine a world with limited resources, where people all have the same ability to harm each other and if they practice exclusively acts in their own interest, then quickly we will have a state of calamity in which we live with great anxiety, violence and constant danger.”

From an institutional perspective, a free press is also an instrument of delivering to society the optimal conditions for their fulfillment.

Second-generation rights are fundamentally economic, social, and cultural ones. The right to healthcare access of appropriate quality and the right to education are good examples. Other examples are the rights to food, housing, social security, and even employment. However, for these rights to be delivered to all citizens, society must organize itself to provide for these rights. This means that they are positive rights (positive welfare rights in a sense), as there is an absolute need to allocate resources for those purposes. Most developed societies built complex welfare models to accomplish these goals. Education and healthcare systems financed by the taxpayer's contributions are good examples of a welfare model that effectively manages the delivery of these social goods. Indeed, redistribution is deemed necessary to provide for the required resources. The drama of many underdeveloped societies is a continued lack of resources (absolute or relative) that undermines the possibility of effectively delivering social goods, even with the assistance of the international community. Innovative solutions must be implemented so that economic, social, and cultural rights are universal ones (Nunes, 2020).

A common characteristic of first- and second-generation rights – that is, civil-political and socioeconomic rights – is that they present potential claims of individual persons against the state, though in negative and positive ways.

Distinctively third-generation rights present potential claims not of individual persons *per se* but of peoples and groups against the state. Indeed, third-generation rights are usually considered rights of solidarity among human peoples. They include the rights of future generations to a developed society and a sustainable environment, the protection of natural resources, and the promotion of peace and the self-determination of all peoples – that is, collective rights for the commonwealth of life. It means that there are some rights that can be fulfilled only on a supranational level and that, to accomplish those goals, the international community should promote global governance arrangements. And there is a growing awareness – namely, of young generations – regarding these rights because they

are related to the survival of humankind and to the possibility of future generations being able to achieve their full potential.

Recently, a fourth generation of human rights has been suggested. These rights are related to the digital transformation, 4.0 economy, and global connectiveness through the internet and social media, as well as to concerns about the advancement of biotechnology, genetic engineering, and the manipulation of the human genome. Although these fourth-generation rights are not connected specifically to any one of the traditional values of freedom, equality, and solidarity, they are, indeed, a complex mix of them. It is understandable that concerns about personal privacy, global justice, and the indiscriminate use of artificial intelligence are also considered important matters in the realm of human rights.

In summary, the human person enjoys basic human rights – namely, the right to life, the right to moral and physical integrity, the right to freedom, the right to freedom of thought, conscience, religion, opinion, and expression, the right to personal identity, the right to free development of personality, the right to privacy, the right to education, the right to an adequate standard of living, the right to work, the right to social security, and the right to healthcare access.

However, from a realistic perspective, there are many important challenges preventing the global implementation of human rights (Dunne, 1999). Overpopulation, climate change, migrations, recent geopolitical and geo-economic changes, nationalism, and global terror put into question the aspiration of the international community for a different world order based on the true self-respect of different peoples – a new order that depends on universal ethical principles as well as on transnational political arrangements. The United Nations' proclamation of the Universal Declaration of Human Rights on the 10<sup>th</sup> of December 1948 is an early example of this attempt to harmonize values on a global scale (United Nations, 1948).

Therefore, it might be asked: What kind of society should be built to effectively implement human rights? It seems reasonable to say that pluralistic, liberal democratic societies are

more prone to promote a human rights culture than are any other system (Majone, 1997). Indeed, at a sovereign state level, democracy seems to be the best way to fully implement human rights for a simple reason. This reason is that, in a democracy, politics is based on very straightforward principles, namely:

1. Responsiveness;
2. Empowerment;
3. Accountability.

Responsiveness means that public choice must be substantially syntonic with public preferences (Tullock et al, 2000). Assuming that voters choose rationally in accordance with their perceived needs, democracy through the popular vote is instantaneously responsive to those choices. It implies cultural development as well as a basic level of education of all citizens, which contributes to their empowerment. Indeed, empowered people are more critical and less tolerant of government failures. Empowerment also relates to giving citizens a voice to their expectations. The accountability of public officials and elected politicians – in a transparent and proactive way – is probably the best way to ensure that responsiveness to empowered citizens' choices is taken seriously (Nunes et al, 2011). Interpreting and integrating these principles, Robert Dahl suggests five criteria for a full, advanced democracy (Dahl, 1989):

1. Effective participation;
2. Voting equality at the decisive stage;
3. Enlightened understanding;
4. Control of the agenda;
5. Inclusiveness.

Moreover, in fully advanced and pluralistic democracies, credibility and legitimacy are necessary conditions for ethically and socially justified political action. Therefore, adequate means must be found so that political decisions will always have the necessary legitimacy. This implies respect for the will of the people, whether through adequate representation or

through direct means of democratic expression. In fact, in democracy, the source of legitimacy – substantive and not merely formal – can come from two different paths.

Firstly, the people will express themselves through voting in a clear and unequivocal framework of proposals that are supported in specific elections. This is the most widely used solution, as it reflects the will of the majority. However, it poses the inconvenience of relegating the views and perspectives of minorities to the background such that, under the rules of representative democracy, these minorities have more trouble making their voices heard. Another critique is that sometimes political democracy through representation is only about choosing the best of two (or more) alternatives, despite the fact that none of them is an adequate one from the individual voter perspective. Nevertheless, representation has the enormous advantage of allowing adequate governance in which elected representatives are mandated to execute a program previously validated by voters (Goodin, 1998). It is expected, though not always the case, that there will be enormous resemblance and even correspondence between the suffrage and the executed program (responsiveness).

However, the source of legitimacy can also come from forms of deliberative democracy (Bessette, 1980) namely, of rational democratic deliberation (an extreme form of empowerment). Authentic deliberation (a mix of majority rule and decision by consensus) is a source of legitimacy, as it is a direct decision-making process by citizens that is, a form of direct democracy. Another form is participatory democracy. This increased participation of citizens in collective endeavors is especially plausible in extreme situations in which the elected political power is not legitimate enough to decide and even intends to detach itself from accountability for a given decision (Arendt, 1995; Habermas, 1997). Regarding women's rights, a referendum on abortion is an alternative to a representation majority voting.

Yet one question remains. Even if we take for granted that democracy and widespread political participation are valuable and justified, it might be asked if, on a global basis, the virtues of democracy should be confined to a limited group of societies or if they should be generalized internationally (and even enforced by peaceful means). At a global level, there

seems to be no better alternative than democracy to accomplish peace, development, and the rule of law and human rights. This is the reason why many people around the world defend an increase in global governance arrangements and actively promote new democracies to solve transnational problems such as the sustainability of the planet for future generations.

The spreading of democracy and human rights might go even further. Andrew Beddow, for example, following Immanuel Kant's democratic peace theory, suggests that "just as men must overcome this anarchic condition of injustice by establishing a civil state, states must institute an international legal order in the form of a federation of states submitting to a common adjudicative authority. Only then, can coercion become regulated in the international sphere and represent the omnilateral will of the human race, just as the state represents the will of its people ... Only a democratic world order, in which each state's population internalizes the costs of its own behavior, can organize itself into a liberal world order in which states are regulated by law" (Beddow, 2017).

Indeed, Kantian perpetual peace rests on three main institutional evolutions (Caranti, 2016). Firstly, liberal democracies should all evolve to full democracies with active citizenship and social participation. Secondly, global governance arrangements should be promoted so that supranational institutions can be truly effective. (The United Nations and the International Criminal Court are good examples.) Thirdly, freedom of circulation – i.e., the right to visit – promotes the mobility of citizens and their families. The European Union project is, in fact, a practical interpretation of this view because some national (although limited) sovereignty is entrusted to supranational institutions in a "reverse subsidiary" way. As will be argued later, this model could be progressively upgraded at a global level.

The democratic regime is not only more virtuous in promoting the exercise of individual freedom and the fulfillment of human rights but also increases the civic participation of citizens in collective goals such as healthcare promotion. Indeed, innumerable global studies highlight the role of democracy in improving health (Institute for Health Metrics and Evaluation, 2019). That is, democracy, through popular representation and the satisfaction of the populations' basic needs, ends up meeting the desire of any human being to have

an increasingly satisfactory quality of life in terms of access to health, education, and other essential goods, such as protection in old age or maternity (Nunes, 2020).

Indeed, democratic institutions and processes, and particularly free and fair elections, appear to be the best way to ensure that all members of any given society enjoy human rights, namely, economic, social, and cultural ones. According to Thomas Bollyky et al., “Democratic rule, enforced by regular free and fair elections, appears to make an important contribution to adult health by increasing government spending on health and potentially reducing deaths from several non-communicable diseases (NCDs) and transport injuries. Conversely, autocracies that escape this general scrutiny, and do not have the same external pressures or support from global health donors to tackle NCDs and injuries, may have less incentive to finance their prevention and treatment, and seem to underperform as a result” (Bollyky et al, 2019).

So, democracy is a promoter of human rights (and vice versa). It also contributes decisively to human development – at least if citizens believe that freedom to choose and self-determination will be directed to protecting and enhancing basic rights (Nussbaum, 1998). Indeed, political and economic democracy must always contribute to:

1. Peace (even if it is necessary to take action in self-defense);
2. Human development (through capability extension);
3. Socioeconomic growth (namely, through the implementation of a comprehensive welfare state).

However, this universal trend is challenged for very different reasons. Ideologically, the overall superiority of democracy is overtly contested. Jason Brennan, for instance, argues that “democratic triumphalism” has failed to prove its intrinsic value. Moreover, as this argument goes, the efficacy of a democratic political system is still in doubt (Brennan, 2016). According to this view, a possible alternative to democracy would be “epistocracy” – that is, the rule of the knowledgeable. Of course, in advanced societies (as can be observed in the Human Development Index ranking) if everyone is entitled to education and personal development, in accordance with a modern welfare society, knowledge

would be a prerogative of all people and not that of a selected elite. Deductively, the rule of the knowledgeable would be the rule of all citizens (or at least of the majority).

However, the virtues of truly liberal democracies are also contested due to particular historical circumstances, leading to hybrid regimes such as illiberal democracies. In accordance with Fareed Zakaria, an illiberal democracy is a paradoxical governing system in which elections take place, but civil and political liberties are seriously compromised, and citizens are outsiders with regard to government power (Zakaria, 1997). A few democratic countries show some traits of illiberal democracies (in Europe and elsewhere) – traits that have recently emerged due to extreme circumstances such as terrorism, massive migration, and even a decline in economic growth. Noteworthy, illiberal democracies show a tendency towards increased sovereignty and isolationism, abandoning multilateral agendas in favor of bilateral agreements, and a nationalist's attitude, neglecting any vision – even a soft version – of a global political arrangement.

This is a matter of concern because the specter of authoritarian regimes might resurge in more or less explicit ways. It follows that political democracy must reinvent itself – namely, making representative democracy more responsive to citizens' interests, expanding direct democracy and therefore empowering people, and even introducing innovative forms of advocacy democracy and, hence, increasing and intensifying the accountability arrangements of public decision-makers (through the empowerment of associations, multi-stakeholder partnerships, and groups of citizens, leading to increased participation in the deliberative process).

It follows that complex social evolutions such as gender equality – evolutions that convey a profound moral shift in most societies – are deeply rooted in democracy and in the rise of human rights. In this vein, UNESCO claims that “gender equality is a human rights principle, a precondition for sustainable, people-centered development, and it is a goal in and of itself” (UNESCO, 2014).

So, human rights and human development seem to be intrinsically related. But is there actual proof of this relationship or is it only wishful thinking? Analyzing the human

development index (HDI) might shed some light on this question. The Nobel Laureate Amartya Sen suggests that “the human development index (HDI), which the Human Development Report has made into something of a flagship, has been rather successful in serving as an alternative measure of development, supplementing GNP. Based as it is on three distinct components – indicators of longevity, education and income per head – it is not exclusively focused on economic opulence (as GNP is)” (Sen, 2000).

Indeed, and being cautious about obtaining a correlation for these findings, a thorough analysis of the Human Development Report 2019 (United Nations, 2019) and of the global ranking of the human development index (**Table 1**) shows that of the 30 countries rated higher in the HDI, 28 are liberal, pluralistic democracies. Of the two exceptions, one is not a nation-state in a strict sense but, rather, a special administrative region of a sovereign state (Hong Kong Special Administrative Region of the People’s Republic of China), while the other, although a very significant economy, is indeed considered more of a city-state due to its reduced geographic dimension (Singapore).

However, boundaries should be pushed forward regarding gender equality. According to the Human Development Report 2019, “The world is not on track to achieve gender equality by 2030. Based on current trends, it would take 202 years to close the gender gap in economic opportunity” (United Nations, 2019). Also, according to the World Economic Forum, there is a 31.4% average gender gap that remains to be closed globally (World Economic Forum, 2019). It follows that despite an interesting evolution observed in some countries, there is still a long way to go. As will be seen later in this study, it is not enough to promote gender equality in specific social areas (for instance, in health or education) and it is essential to promote enhanced capabilities that profoundly alter power relations in society.

**Table 1**

**Ranking of Countries – Human Development Index 2019**

- 1- Norway
- 2- Switzerland

- 3- Ireland
- 4- Germany
- 5- Hong Kong, China
- 6- Australia
- 7- Iceland
- 8- Sweden
- 9- Singapore
- 10- Netherlands
- 11- Denmark
- 12- Finland
- 13- Canada
- 14- New Zealand
- 15- United Kingdom
- 16- United States
- 17- Belgium
- 18- Liechtenstein
- 19- Japan
- 20- Austria
- 21- Luxembourg
- 22- Israel
- 23- Korea (Republic of)
- 24- Slovenia
- 25- Spain
- 26- Czechia
- 27- France
- 28- Malta
- 29- Italy
- 30- Estonia

Indeed, it is the “open future” of all humankind, and not just of half of the human population, that is at stake. As will be defended in the next section, only an equal opportunity to develop enhanced capabilities in men and women alike will be at the core of a just and inclusive society.

### III – JUSTICE AND EQUAL OPPORTUNITIES

What is, then, the philosophical and ethical intersection between human rights, gender equality, and democratic rule? Indeed, gender equality is not only about human rights. It also refers to genuine and full democratic governance and to a sense of societal and global justice. So, gender equality goes deeper than the enjoyment of formal human rights. It is a matter of justice. Of course, a previous question is what justice refers to – namely, in a global village that accepts different perspectives on the common good (McLuhan and Powers, 1989). There are many competing views of justice embodied in different formal and material principles of justice.

The principle of formal equality of Aristotle – treating equals equally and unequals unequally in the exact measure of its similarity or dissimilarity – might be a good starting point of this rationale. Meaning that:

1. The subject's essential characteristics must be defined so that equality might be applied (for instance, being a full person and a bearer of basic rights);
2. In this context, equality means that justice is held to require that the treatment of different subjects reflects their fundamental moral equality.

To realign this trend, different material views of justice have been suggested (**Table 2**).

Noticeably, all these principles have a strong ethical justification, at least in some circumstances. Therefore, it is not easy to discard any of them or simply suggest that one of these principles is the superior one without arbitrariness. It follows that different accounts of justice, different coherent theories, and different conceptual arrangements have been proposed in human history to answer the questions of how a perfect society should be designed and of what a perfectly fair social arrangement would look like.

In this search for “the just society,” the interface between justice and human rights appeals, therefore, to a fair distribution of, and access to, social benefits and primary goods. Primary goods include income and wealth, the basic liberties, positions of responsibility, social bases of self-respect, and so on. In my opinion, the contractual view of John Rawls is particularly appealing because it is in accordance with the views to which many reasonable and fair people would subscribe (Rawls, 1971, 1993).

**Table 2**

**Material Principles of Justice**

*Radical Egalitarianism:* Identical distribution of social goods by all citizens. For example, universal access to basic education;

*Necessity:* Access to social goods according to individual needs, meaning equal consideration of the interests of each citizen. For example, access to hospital and pre-hospital medical emergencies;

*Effort:* Access to and the distribution of social assets would be in line with the effort made by each one. For example, remuneration by act in the case of private professional practice;

*Merit:* Access to scarce goods in society is provided according to individual merit. For example, access to the best universities;

*Social Contribution:* The individual’s contribution to society is considered decisive (from the economic, family, cultural, or other point of view);

*Competition and Market:* Access to and distribution of social and economic goods, in addition to access to key positions in society, are provided according to the rules of the market. For example, the charges of commercial insurances.

Solving the problem of a just distribution of resources and of fair access to the positions that society offers, Rawls defines a theoretical situation in which the impartial observer (reasonable citizen) is on an imaginary plane (a-historic and a-cultural), not knowing his financial, cultural, social, health, or illness position (under a veil of ignorance). In this situation (original position), any reasonable citizen would choose to distribute social goods and access to key positions in society so that, at the end of the decision-making process, the most disadvantaged people were protected (because the reasonable person might be in the worse-off position of society). John Rawls' two principles of justice were, thus, formulated in a hierarchical order:

1. a) Every citizen must have access to the most complete system of basic freedoms;  
b) Access to key positions in society must be carried out on a fair equality of opportunity basis (and not just on a basis of formal equal opportunities);

and, in the end,

2. The allocation of resources and the distribution of social goods should benefit the worse-off in society.

Although Rawls' account of justice represents a transcendental view of modern social arrangements, implying also transcendental institutionalism, it is probably the most influential perspective of justice of the 20<sup>th</sup> century. In fact, the principle of fair equality of opportunity has become one of the main instruments that determine social policies in the

developed world in every field of human endeavor, from education to health, or from the inclusion of social minorities to children's rights. And why? Because the goal of this view is not to accomplish a radical state of equality but, rather, to allow each person to accomplish his or her full potential, levered through the creation and development of adequate social and political institutions. Indeed, radical equality between human beings is contrary to human nature because we all search for our own identities and individuality. Even advanced equalitarians, such as Ronald Dworkin, would claim that although equality is the main virtue of a sovereign society, true equality means "equality in the value of the resources that each person commands, not in the success he or she achieves" (Dworkin, 2000).

So, the issue is not to become equals in accordance with a standardized set of parameters but, rather, to be in equal conditions to responsibly develop individual talents and capacities. It is about gathering the means and providing for the social and economic environment to self-realization (Sandel, 2009). The specific way in which each person chooses to self-actualize is within the scope of self-determination and is no longer a matter of justice. It is a matter of justice, however, to overcome the unfair circumstances of life determined by the social (familial and social environments) lottery and biological (genetic defects at birth or acquired developmental diseases) lottery, or to overcome unjust interventions of third parties that seriously limit one's expectations.

Certainly, libertarians such as Robert Nozick (1974) would contest equal opportunities, stating that life's misfortunes should not impose undue burdens on other citizens. In this vein, it would be challenged that freedom and the right to property are the overarching principles of justice because, in real life, all people are not under any veil of ignorance. Indeed, any person is cultural- and historical-dependent. According to libertarian thinking and its liberal counterpart (Hayek, 1973; Von Mises, 2007), any person does or does not own property and society should act only as a referee to settle disputes that may arise on a reparatory basis (reparatory justice). Equality of opportunities may be an accepted "formal" principle (not a material one) if and only if it is a direct choice of society, not an ideological or ethically imposed one. In this "society of the mutual consent," social choice is acceptable on a procedural basis and is contingent on the moral movement of any given

historical moment (Engelhardt 1996). So, in the libertarian tradition, fairness is contingently determined by social arrangements as a result of individual choices and preferences, and the law is instrumental to the enforcement of these procedural rights.

Also, utilitarianism would challenge equality of opportunities as “the” principle of justice. Indeed, for utilitarianists, maximization of the happiness and well-being of all humans equally (a divergence from other forms of consequentialism) is paramount. The principle of utility – considering the net result of the distribution – would, however, consider equal opportunity if the majority would be better off with this approach. On the other hand, if a society would be worse off with equal opportunities, utilitarianists would disregard this approach (Rachels, 2003). Nevertheless, utilitarian thinking is essential in the organizational patterns of every society because there are choices that must be made in accordance with the public good. For instance, when a given society opts for environmental protection, all people, both in the present and in the future, will benefit from this approach and utility is maximized.

Despite these different accounts of justice, the importance of fair access to key positions in society, as well as a just distribution of resources, have become increasingly accepted worldwide, at least in modern democracies. Indeed, being a full human person implies equal treatment before society, the law, and the social institutions (Parijs, 1991). Thus, the principle of non-discrimination becomes another fundamental driver of inter-social relationships and is an essential factor in the construction of any modern society. According to the UN’s Committee on Economic, Social and Cultural Rights, the principle of non-discrimination “seeks to guarantee that human rights are exercised without discrimination of any kind based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status such as disability, age, marital and family status, sexual orientation, and gender identity, health status, place of residence, economic and social situation” (Committee on Economic, Social and Cultural Rights, 2009). Non-discrimination is, therefore, the basic leveling of all human beings in terms of what is most valued in humankind. It is the core of being human, the starting point of the spiritual dimension of rationality that enables any person to develop a true

sustainable agency – and, therefore, the possibility of self-realization and even of self-fulfillment.

Moreover, fair equality of opportunities is not a static concept but, rather, is also a prospective one. Equality of opportunities is a progressive endeavor so that, instantaneously, the optimal array of opportunities and the best social arrangements are provided to anyone. As an infinite ideal, equal opportunity is closely related to the “right to an open future,” which is the basic ethical right of everyone to the future exercise of self-determination and self-realization, as well as to develop his or her full potential. As Joel Feinberg suggested, there are certain rights that should be “rights-in-trust,” or rights that must be protected in the present so that they may be fully realized later in life (Feinberg, 1980). For instance, if a girl has a lesser opportunity than a boy to have a good education, her right to an open future would be endangered (an “open future” meaning the possibility of realizing the entirety of her individual potential).

This right to an open future should be, in fact, a transversal one, enjoyed by everyone whatever sovereign state an individual person has the fortune, or misfortune, to live in. Another example of the progressiveness of equality of opportunities is digital inclusion. The older generations are not digital natives and have, therefore, understandable difficulties in dealing with high technology. A fair and inclusive society would implement appropriate measures to provide the necessary digital capacities to every citizen. As will be seen later in this section, this progressiveness also implies an enhancement of progressive capabilities.

From this point of view, gender equality presupposes the right to an open future because if society does not engage in interventions addressing strategic gender interests leading to structural changes (namely, regarding enhanced capabilities), true equality is only a distant utopia. Expansion of capabilities gives all people access to the same economic, social, and political opportunities.

It follows that it is of the utmost importance to determine which account of justice is more likely to promote human development. Amartya Sen says, “Development can be seen, it is

argued here, as a process of expanding the real freedoms that people enjoy. Focusing on human freedoms contrasts with narrower views of development, such as identifying development with the growth of the gross national product, or with the rise in personal incomes, or with industrialization, or with technological advance or with social modernization. The growth of GNP or individual incomes can, of course, be very important as a *means* of expanding the freedoms enjoyed by the members of the society. But freedoms depend also on other determinants, such as social and economic arrangements (for example, facilities for education and health care) as well as political and civil rights (for example, the liberty to participate in public discussion and scrutiny)” (Sen, 1999).

In any event, a developed society should implement a macro-socioeconomic model in which it seeks to achieve a consensus of the population around the principles of solidarity and subsidiarity required for the survival of this model. In other words, through socialization (sometimes only residual) of the means of production, income redistribution, equal opportunities in education, the protection of private property and entrepreneurial initiative, and the protection of social rights, development would be achieved simultaneously with sustainable economic growth and the promotion of a human rights culture – always assuming that the government is subsidiary in relation to more decentralized forms of governance. However, in political democracy, any model of governance must be legitimized by the social contract between citizens, between citizens and the government, and even between the present and next generations. In democracy, the social contract must be an association pact for the construction of a modern, plural, and developed society based on a platform of values agreed upon by the citizens.

This implies that political and economic freedom is always on the horizon in order to generate a level of collective well-being that translates into the harmonious growth of society. Social cohesion must, then, be a true collective goal. Synthetically, as Norman Daniels suggests, the target of egalitarian concerns may be (Daniels, 1996):

1. Equal opportunity for welfare;
2. Equal opportunity in the resources needed for pursuing personal ends; and
3. Positive freedom or capability of individuals to make choices.

However, all these accounts of a just society – although very appealing from a transcendental perspective – miss a fundamental aspect of modern life. They miss the fact that human endeavor is a global one and that a modern account of justice should apply not only to a specific society and its institutions but also to all humankind. So, justice should have, nowadays, a global dimension (Sen, 2009). Indeed, in the absence of an international (or even regional) integration of different sovereign states, a global view of justice must at least have the capacity to compare different modalities of development and competing views of justice. But how can global justice be effectively accomplished?

It seems obvious that if, at a sovereign state level, a need exists for strong social institutions to accomplish justice, it follows that the same pattern should be followed globally. However, as Thomas Nagel (1991) suggests, “It seems to me very difficult to resist Hobbes’s claim about the relation between justice and sovereignty ... and if Hobbes is right, the idea of global justice without a world government is a chimera.”

From a realistic perspective, Nagel is satisfied with searching for a minimal humanitarian morality and for a long-term strategy for radical change in institutional arrangements. In this way, radical diverse values might cohabit. However, again, who would determine what this minimal humanitarian morality would look like, based on what principles and enforced by what institutions? Nevertheless, Nagel’s idea of a chimera might be an appealing one if, by chimera, one means (although I doubt this was Nagel’s meaning) a world that is developing at different speeds but with the net result, over the years, of a growing development of the worse-off sovereign states (integration with variable geometry).

As an intellectual exercise, let us imagine that the integrative example of the European Union might be replicated worldwide with the ultimate goal of a global integration of all sovereign states. Indeed, if this pattern of development is working for 27 (after Brexit), why would it be so unrealistic to claim this evolution for the other sovereign countries? If the world were to be geopolitically arranged in a group of “unions of states,” global justice at different speeds and with different regional interpretations might be accomplished. Then a

legitimate “minimal humanitarian morality” would more easily be enforced because it would be fair and, moreover, legitimated by the different peoples. For instance, when the European Union enforced – with obvious fairness – the General Data Protection Regulation for the protection of natural persons with regard to the processing of personal data and the free movement of such data, the fundamental right to personal privacy<sup>3</sup> was protected in accordance with the basic values of the European tradition (European Union, 2016).

So, a “minimal humanitarian morality” would not be a coercively imposed view of happiness in accordance with a particular orthodoxy of human life but, instead, would be rooted in the fundamental values of that group of societies<sup>4</sup>. Another good example of this minimal humanitarian morality in the European Union is the right of any patient to access cross-border healthcare enforced by the European Parliament (2011). This means that when the public healthcare system of one country is not able to deliver quality care to a patient in need, that patient can go to the healthcare system of another member-state of the union. Another example is the European Green Deal, which is the commitment to tackle climate and environmental-related challenges in a definitive way until 2050 (European Commission, 2019), thus, ensuring a sustainable world for future generations (including the maintenance of biodiversity and access to drinking water).

The fundamental values enshrined in the Constitution of the United States of America are, in a sense, the “minimal humanitarian morality” of the peoples of all 50 states of the union. For instance, the First Amendment of the United States Bill of Rights (comprising the first 10 amendments to the Constitution) protects freedom of speech as a basic right of citizenship. It follows that consent and approval by the American people of an agreed

<sup>3</sup> Privacy in the European sense of informational privacy and not in the North American tradition of personal autonomy.

<sup>4</sup> At the European Union level, this minimal humanitarian morality led to the creation of new basic rights – namely, the “right to be forgotten” (Newman, 2015), a right that also prevails in the United States of America (Bode and Jones, 2017). The right to be forgotten is the right to delete/erase personal information when any of the following occur: the data are no longer required in the context of the purpose for which they were collected or processed, the data subject withdraws consent, the data subject opposes the processing and there are no legitimate grounds for denying this request, or the data were processed illegally.

humanitarian morality regarding this fundamental value of democracy and full citizenship are more likely to endure than the coercive imposition of any set of predefined values.

Whatever the potential global political arrangements in the foreseeable future, it seems imperative to design a global view of human development grounded in a consensual perspective of justice. Following Sen's account of justice, a global perspective of fairness would:

1. Promote human freedoms (Sen, 1999);
2. Enhance individual capabilities (Sen, 1989).

This perspective is a very interesting departure from Rawls' account of justice. Indeed, taking into consideration Rawls' first principle of justice (access to most extensive equal liberties for all), this view is morally acquainted with the promotion of a social development system that promotes human freedoms. For instance, if I have a) the right and b) the conditions to speak freely, the practical exercise of this right allows me to develop further by effectively using the right. The substantive difference would be that, for Rawls, freedom is a foundational principle of justice (one on which other principles would develop), while, for Sen, freedom is the overarching goal of social, economic, and political activity.

Sen goes even further, stating that "freedom is central to the process of development for two distinct reasons:

1. The *evaluative reason*: assessment of progress has to be done primarily in terms of whether the freedoms that people have are enhanced;
2. The *effectiveness reason*: achievement of development is thoroughly dependent on the free agency of people" (Sen, 1999).

So, full human development would require that basic unfreedoms be effectively outdated. No one is completely free in the absence of adequate housing, access to basic economic opportunities, access to education and healthcare, or access to basic political liberties.

Interestingly, Rawls' difference principle – that protects the least advantaged social group – combined with the fair equality of opportunity for everyone has, as its direct consequence (although not in an explicit way), the enhancement of individual freedoms of the better- and worse-off members of society.

It follows that an increased quality of human life implies a free and sustainable personal agency. However, access to basic liberties, and the exercise of freedom as an end in and of itself, is a necessary but not sufficient condition for a sustainable and full agency. A person's freedom to choose between different ways of living and of self-realization is also a basic goal (Sen, 1989). From a motivational perspective, free human agency is dependent on the satisfaction of basic needs (although in a progressive way) – namely, physiological, safety, belongingness and love, esteem, self-actualization, and self-transcendence needs (Maslow, 1943). Expanding individual capabilities to satisfy those needs, in the present and in the future, is, therefore, an essential driver of modern collective endeavors.

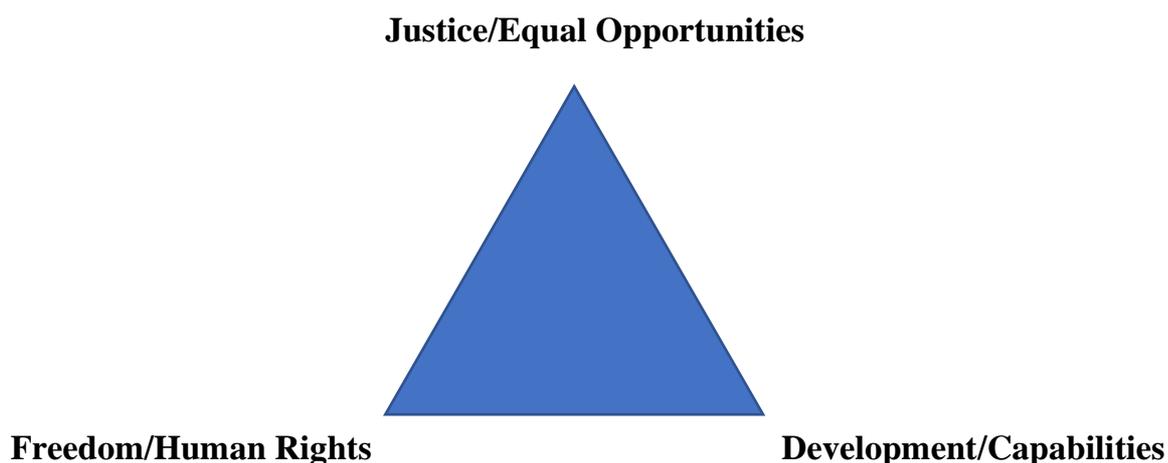
Capabilities are expressions of freedoms themselves. There is no freedom without a basic level of capability, as it allows any person to achieve various functioning combinations. Capability enhancement has different meanings. First, capabilities of development of human personality, for instance, access to education, to culture, or to a good health status are conditions for optimized human capabilities. However, it also means access to social, political, and economic positions in a fair equality of opportunities. Indeed, this condition is, *per se*, a condition for development.

Development as capability enhancement has an absolute dimension as well as a relative dimension. For instance, providing education and healthcare to everyone is a condition for human development. However, it is not enough. The relative deprivation that exists between women and men in most societies, after that basic level of development is accomplished, is extremely unfair. It is unfair because, from a certain moment on, men have access to positions that equally capable women don't and also because of the existing relative injustice. The feeling of injustice is, in itself, a psychological limitation to full development, decisively affecting the satisfaction of self-actualization and self-

transcendence needs. It follows that gender equality depends on capability enhancement and on the correction of some of the traditional, intrinsic imbalances in power. As will be seen in the next section, targeted measures directed at balancing equal opportunities between the genders is an essential step for true equality. Positive discrimination policies are, therefore, ethically justifiable if they are the only means to achieve a gender balance regarding all the positions that society has to offer – namely, but not only, regarding political and economic opportunities.

Synthetically, a virtuous triangle on the expansion of gender equality can be envisaged (**Figure 1**). All factors – justice and equal opportunities, freedom and human rights, human development and the expansion of capabilities – are key ones for the promotion of gender equality at the national and global levels.

**Figure 1 – Virtuous Triangle of Gender Equality**



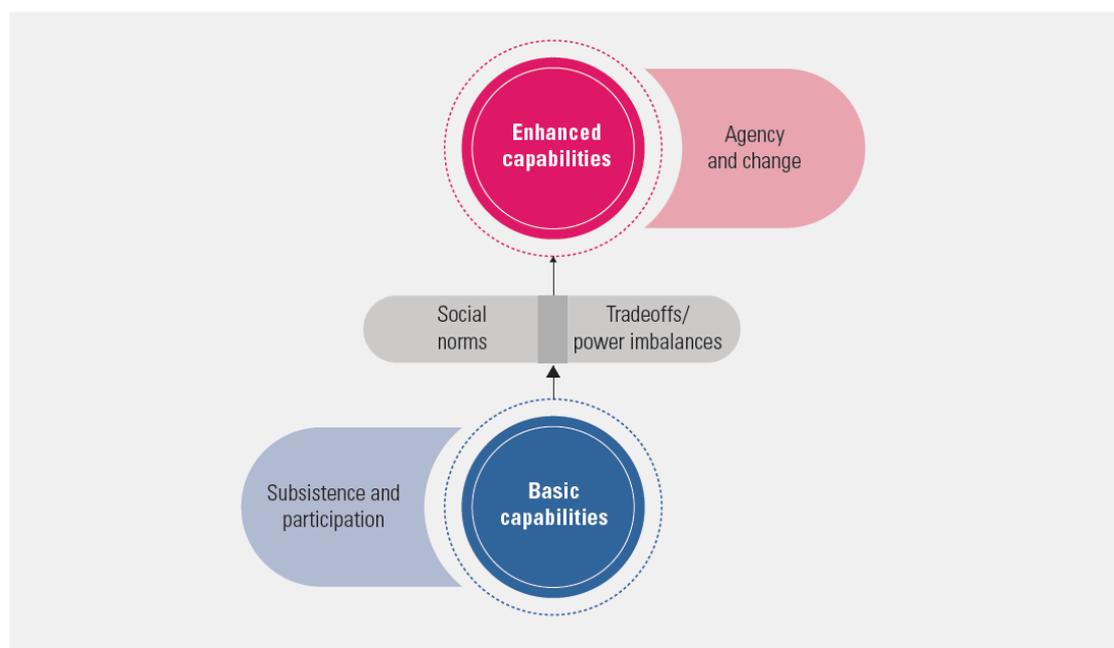
However, despite the positive evolution in gender equality over the years in most societies, there are two trends that must be acknowledged (United Nations, 2019):

1. “Gender inequalities are intense, widespread and behind the unequal distribution of human development progress across levels of socioeconomic development;
2. Gender inequality tends to be more intense in areas of greater individual empowerment and social power”.

In accordance with the United Nations’ (2019) view, “This implies that progress is easier for more basic capabilities and harder for more enhanced capabilities. The first trend indicates the urgency in addressing gender inequality to promote basic human rights and development. The second raises a red flag about future progress. Progress at the basics is necessary for gender equality, but it is not enough” (**Figure 2**).

**Figure 2**

**Remarkable progress in basic capabilities, much less in enhanced capabilities**



Source: Human Development Report Office.

From a developmental perspective, this distinction between “basic capabilities” and “enhanced capabilities” is paramount. Public policies at a national and supranational level should take into consideration all the necessary measures to reach a leveled playing field. This is the reason why some important conceptual and practical distinctions should be made, due to its theoretical relevance as well as its influence in public policies on gender equality.

In accordance with the UNESCO perspective (2014), the interface between gender and justice can, therefore, be synthesized as:

1. “*Gender equality*, meaning that women and men enjoy the same status and have equal opportunity to realize their full human rights and potential to contribute to national, political, economic, social, and cultural development and to benefit from the results;
2. *Gender equity*, meaning that targeted measures are often needed to compensate for historical and social disadvantages that prevent women and men from otherwise being equals. These measures (temporary special measures) such as affirmative action, may necessitate different treatment of women and men in order to ensure an equal outcome. Equity leads to equality;
3. *Gender parity* meaning, a numerical concept for representation and participation, necessary but not sufficient step on the road to gender equality”.

The next section will suggest an advancement of the global implementation of human rights and gender equality and the fundamental role of education and culture in this trajectory. It will also suggest the importance of international instruments of regulation as a tool for education on human rights.

## IV – GENDER EQUALITY FROM A HUMAN DEVELOPMENT APPROACH

During the 21<sup>st</sup> century, many international organizations – namely, within the United Nations System – have proclaimed general or specific principles regarding gender equality. For instance, number 3 of article 1 of the Charter of the United Nations states, “The Purposes of the United Nations are ... To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (United Nations, 1945). Indeed, it has been generally accepted worldwide that gender equality should be promoted in every country because there are many compelling reasons to do so. For instance, a recent study at the United States reported that women’s health is neglected in different areas such as abortion and prenatal care, clinical trials (that typically do not involve women) or physical violence (Lindeman, 2019).

Progressively, then, the global ethical standards and international law took into consideration not only this charter but also many other relevant instruments, namely, the:

1. Universal Declaration of Human Rights of 10 December 1948;
2. United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965;
3. United Nations International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
4. United Nations International Covenant on Civil and Political Rights of 16 December 1966;
5. UNESCO Declaration on Race and Racial Prejudice of 27 November 1978;
6. United Nations Convention on the Rights of the Child of 20 November 1989;
7. United Nations Convention on Biological Diversity of 5 June 1992;

8. Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly of the United Nations in 1993;
9. UNESCO Declaration on the Responsibilities of the Present Generations Towards Future Generations of 12 November 1997;
10. UNESCO Universal Declaration on the Human Genome and Human Rights of 11 November 1997;
11. European Parliament, the Council and the Commission Charter of Fundamental Rights of the European Union of 18 December 2000;
12. UNESCO Universal Declaration on Cultural Diversity of 2 November 2001;
13. UNESCO Universal Declaration on Bioethics and Human Rights of 19 October 2005;
14. European Parliament and Council Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast directive);
15. United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol of 13 December 2006.

In addition to this short list, other instruments adopted by the United Nations, or other relevant international organizations, are also intended to promote human rights in general, as well as gender equality in different settings and in diverse cultures, as a tool for full gender integration.

For instance, over the past few years, the United Nations has played a decisive role through the establishment of the Sustainable Development Goals, meaning that the present generation owes future generations a set of conditions that allows for full and progressive human development. An accurate analysis of the main drivers of this proposal shows an integrated view of human development: (1) no poverty; (2) zero hunger; (3) good health and well-being; (4) quality education and lifelong learning opportunities for all; (5) gender equality; (6) clean water and sanitation; (7) affordable and clean energy; (8) decent work and economic growth; (9) inclusive and sustainable industrialization, innovation, and infrastructure; (10) reduced inequalities between countries; (11) sustainable and smart

cities; (12) responsible consumption and production; (13) climate action; (14) life below water; (15) life on land, ecosystems, and biodiversity; (16) peace, justice, and strong institutions; and (17) partnerships for achieving the goals (United Nations, 2020).

Not surprisingly, goal 5 – on gender equality – is the assumption by the United Nations that the survival of humankind through the establishment of these Sustainable Development Goals means that women and men should be equally considered and respected. This claim for a better future for all encompasses, obviously, equality between women and men and is a laudable goal with a huge global impact. Indeed, the United Nations considers that the global challenges facing humanity are not independent of one another. The issues of poverty, climate change, environmental degradation, and peace and justice are at the same level as inequality. They are interdependent and deeply interconnected.

In addition to these “transversal” instruments (that are of fundamental importance because of the necessary integration at different levels of public policies), the international community has developed specific and dedicated instruments to promote and regulate global sexual and gender equality.

These instruments are the:

1. Convention on the Elimination of all Forms of Discrimination against Women (United Nations, 1979);
2. Declaration on the Elimination of Violence against Women (United Nations, 1993);
3. Beijing Declaration and Platform for Action (UN Women, 1995);
4. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Istanbul Convention (Council of Europe, 2011).

Evaluating and comparing each of these documents, considering its historical context and motivation, general and specific goals, and the material content, reveals common trends and directions.

From a historical perspective, the Convention on the Elimination of all Forms of Discrimination against Women was adopted in 1979 by the UN General Assembly, was ratified by 188 sovereign states, and is considered an international bill of rights for women. It focuses on discrimination against women and proposes an agenda for national action in this domain. In this convention, discrimination means “..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” (United Nations, 1979).

This convention is particularly important because it was the first international treaty on human rights that enshrined women’s reproductive rights, independently though connected to cultural traditions. Other important areas are the promotion of adequate measures against trafficking and other forms of exploitation of women. The ratifying states have committed themselves to undertaking an integrated group of actions at different levels under the umbrella of equality and nondiscrimination. As a precursor to gender equality, this convention was particularly relevant and is, even today, a fundamental tool on this issue.

On the other hand, the Declaration on the Elimination of Violence against Women and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) are especially concerned with violence in every aspect of personal, familial, and socioeconomic life.

The Istanbul Convention, for instance, regards gender violence as a human rights problem, such that states should be held accountable for their indifference, and legal action should be taken to avoid every form of physical or psychological violence, namely:

1. Domestic (physical, sexual, psychological, or economic violence)
2. Rape;

3. Sexual harassment;
4. Forced marriage;
5. Forced abortion;
6. Forced sterilization;
7. Crimes committed in the name of so-called “honor”;
8. Genital mutilation.

It follows that the legal system (national and international) should be upgraded so that the victims of violence have due access to legal protection and also so that the system responds to every danger situation accurately and in a timely manner (European Union Agency for Fundamental Rights, 2014).

Gender-sensitive policies should then be undertaken through awareness-raising campaigns and programs, as well as through the changing of educational policies and the abolishing of the social acceptance of any form of violence based on culture, tradition, religion, or “honor.” This convention also draws attention to the fact that during armed conflicts, gender-based violence is especially problematic and constitutes a severe human rights violation.

On the other hand, the Beijing Declaration and Platform for Action goes even further by establishing a group of goals and achievements to be met, as well as obstacles to be overcome. Interestingly the Beijing Declaration realizes the importance of education in human development: “There is an increased awareness that education is one of the most valuable means of achieving gender equality and the empowerment of women. Progress was achieved in women’s and girls’ education and training at all levels, especially where there were sufficient political commitment and resource allocation. Measures were taken in all regions to initiate alternative education and training systems to reach women and girls in indigenous communities and other disadvantaged and marginalized groups to encourage them to pursue all fields of study, in particular non-traditional fields of study, and to remove gender biases from education and training ... In some countries, efforts to eradicate illiteracy and strengthen literacy among women and girls and to increase their

access to all levels and types of education were constrained by the lack of resources” (UN Women, 1995).

All these international instruments seek to implement gender empowerment measures in different settings – from the most traditional ones, such as education and healthcare access, to areas in which, traditionally, women were excluded from participation, such as security, peacekeeping, or peace enhancement. These are areas in which traditional male bonding makes it even harder for women to fit in (Carreiras, 2002). On the other hand, parental policies, through the reformulation of parental financial support, and the promotion of a more balanced familial equation, due to the sharing of care between mothers and fathers, is a cultural shift that only education can aspire to achieve. Other issues are also very compelling from a gender-based perspective (Torres, 2018). Good examples include equal representation in the media (in traditional media as well as social media), the exposure of female workers to dangerous substances and their impact on health (including women’s reproductive health), and the physical demands of work and their impact on familiar responsibilities.

At the European Union level, a new generation of public policies and political strategies seems to be developing to fulfill a human rights agenda in every field of human endeavor. In the last decades, important measures have been taken to promote gender equality. For instance, the strategic engagement for gender equality focuses on the following five priority areas (European Commission, 2019b):

1. “Increasing female labor market participation and economic independence of women and men;
2. Reducing the gender pay, earnings and pension gaps and thus fighting poverty among women;
3. Promoting equality between women and men in decision-making;
4. Combating gender-based violence and protecting and supporting victims;
5. Promoting gender equality and women’s rights across the world”.

However, it seems that, due to the great uncertainty at different levels that humanity is facing in this specific moment, a new approach is needed in controversial areas. According to Ursula Von der Leyen, carbonic neutrality, artificial intelligence, and gender equality are some of the areas that deserve special attention from the European Commission. Regarding gender equality, and assuming that many of the basic issues have already been accomplished in most European Union states, the main driver will be how a new set of laws can influence the lifelong decision-making process of every single woman (career, marriage, family planning, etc.), including measures to overcome the huge gap in salaries (16%) and pensions (34.8%).

It seems, then, that in the European Union, major steps have been taken in terms of universal access to education and healthcare. So, the main concerns relate to economic freedom (including the reduction of the gaps in pay, earnings, and pensions) as well as freedom regarding more private matters such as intrafamilial relationships (gender-based violence), keeping in mind that sometimes more than one condition – for instance, being a woman and having a handicap – enables discrimination. So, special attention should be paid to detecting these cumulative multi discriminatory conditions.

Indeed, combating gender-based violence and protecting and supporting the victims of these outrageous attacks on personal integrity also represent a fundamental evolution in Europe. Thus, this political space is the one of the most fruitful on a global scale. That is why the European Commission states, “Violence against women takes many different forms ranging from intimate partner violence, sexual harassment and cyber harassment, to femicide, honor-related violence and female genital mutilation. One in three women aged 15 or over in the EU has experienced physical and/or sexual violence, around half of all women in the EU have experienced sexual harassment, and 1 in 10 women have faced cyber harassment. Combating violence against women is one of the Commission’s priorities, and it makes substantial efforts to eradicate such violence, through legislative and policy measures, financial support and awareness-raising” (European Union, 2019). From this perspective, gender equality shares some roots with ideological feminism and should not be considered a social movement of only women but also of all men who believe in these values (Pimentel and Melo, 2015).

However, despite all these efforts, in Europe and elsewhere, a question remains unanswered: Why do such gender inequalities – namely, in terms of the enhancement of the capabilities of girls and women – still exist if there is such a huge global consensus on those values? Why is it necessary to wait 202 years for full gender equality (at least economic equality) to be accomplished? As seen previously in this section, a large number of conventions, declarations, and strategic plans have been envisaged to promote human rights and gender equality. They represent the moral bridge between different cultures trying to reach a “minimum common denominator” for political action.

The answer may be that political action might be optimized through a strong effort directed at education. Most international instruments on gender equality emphasize the importance of education in the promotion of equal rights and nondiscrimination policies. However, at the beginning of this 21<sup>st</sup> century, education should be the focal point. The United Nations Educational, Scientific and Cultural Organization – UNESCO – could be the leader of this education-related transformation of human rights and gender equality. Indeed, the reason for an organization such as UNESCO to exist is to promote cooperation in education, sciences, and culture – and, thus, progress, development, and peace in the world.

The promotion of a new dynamic on gender equality might be an opportunity to increase different people’s levels of awareness on this subject. This new dynamic might also be endorsed by UNICEF (United Nations Children’s Fund) with regard to the gender rights of girls. Indeed, although it is claimed that gender equality is integrated into all areas of UNICEF’s work, a careful reading of UNICEF’s Annual Report 2018 shows, “In 2018, UNICEF began implementation of the Gender Action Plan, 2018-2021, which includes positive gender socialization as a new area of work aimed at changing discriminatory gender norms. In all of its work on gender, UNICEF focused on positive parenting, adolescent girls’ empowerment, communication strategies and evidence generation. In humanitarian situations, it supported large-scale disability-inclusive programs in Bangladesh, Nigeria and the Syrian Arab Republic” (UNICEF, 2019). However, a targeted intervention through education for human rights and gender equality does not seem to be a priority, at least for the time being.

In any area of human endeavor, if gender equality is a human rights principle, it follows that gender integration is the natural consequence of a modern educational strategy. Indeed, it is well-known that education in values has a positive effect on changing students' perceptions of, and attitudes towards, human rights (Nunes et al, 2015). It follows, then, that an oriented approach to education for gender equality seems to be an important goal for international organizations to pursue. Indeed, there is a difference between guaranteeing equality in access to all levels of education and promoting educational projects specifically on gender equality. This education on gender equality should also be offered in the mainstream of university education (Beleza, 2010). Indeed, "gender studies" should be at the core curriculum of human rights education and should be an integral part of an education for full citizenship.

Moreover, when global citizenship is developing steadily due to the digital era, the interconnectivity provided for social media and related cyber networks allows for the rapid dissemination of these values (European Union Agency for Fundamental Rights, 2018). The specter of artificial intelligence is another opportunity for a real and sustainable increase in literacy for gender equality (Independent High-Level Expert Group on Artificial Intelligence, 2019). Society should embrace these technological developments to promote a human rights culture.

In summary, an innovative global policy on human rights and gender equality might have different drivers:

1. Scope, Aims, and Principles:
  - a. A universal framework of principles and procedures to guide states in the formulation of their legislation, policies, or other instruments in the field of human rights and gender equality;
  - b. Human dignity and human rights, equality of opportunities with respect to social and economic goods;

- c. Personal autonomy and individual responsibility, and special measures for persons who are not capable of exercising autonomy;
  - d. Respect for human vulnerability and personal integrity. Special vulnerability should be protected, and the personal integrity of such individuals respected;
  - e. Privacy and confidentiality, namely, in the digital era and with the profusion of big data;
  - f. Equality, justice, and equity, meaning that equal opportunities to access fundamental social goods should be fully promoted;
  - g. Non-discrimination and non-stigmatization, preventing the violation of human dignity, human rights, and fundamental freedoms;
  - h. Respect for cultural diversity and familiar backgrounds insofar as such considerations are not to be invoked to infringe upon human dignity, human rights, and fundamental freedoms;
  - i. Unacceptance of any manifestation of gender violence;
  - j. Solidarity and cooperation among human beings and international cooperation in promoting global solidarity by challenging global structural injustices.
2. Application of the principles:
- a. Education and access to knowledge as a nuclear driver for personal development, self-fulfillment, and social integration. The best available tools should be used to increase knowledge on an equal opportunity basis and to guarantee that all genders have access to the same level of education. Promotion of a continuous life learning process towards capability development and enhancement;

- b. Health education including access to adequate education on family planning, contraception methods, reproductive technologies, and consent;
  - c. Equity in healthcare access towards the enjoyment of the highest attainable standard of health. Access to quality healthcare, access to reproductive healthcare, access to adequate nutrition and water, improvement of living conditions and the environment, elimination of the marginalization and exclusion of persons on the basis of any grounds, and the reduction of poverty and illiteracy;
  - d. Protection of all genders from sexual harassment, violence, mutilation, intimidation, retaliation, or other denials of their basic human rights;
  - e. Labor, social, and economic equality guaranteeing that women have access to the same job opportunities as men, as well as access to career progression. Salary levels the same for all genders. Job security ensured by allowing for interruptions in work for maternity leave, parental leave, and family-related responsibilities. The elimination and disclosing of unsafe working conditions, as well as the ensuring of the health, safety, and well-being of all women and men workers;
  - f. Political equality guaranteeing equitable access to political positions to all genders by influencing the form and function of institutions that deliver public services;
  - g. Judiciary equality guaranteeing equitable access to justice by negotiating equitable rules and processes for effective and sustainable changes.
3. Promotion of International Cooperation:
- a. Appropriate measures, whether of a legislative, administrative, or other nature, to give effect to these principles in accordance with the international human

rights law. Such measures should be supported by action in the spheres of education, training, and public information;

- b. Foster human rights and gender equality education and training at all levels, as well as encourage information and knowledge dissemination programs pertaining to these issues.

## V – CONCLUSION

Gender equality is an essential evolution of modern civilization according to which women and men should face equal conditions for achieving their full human rights and for contributing to, and benefiting from, economic, social, cultural, and political development. It is then a question of an equal enjoying of human rights – namely, the right to personal identity and the free development of personality. These are basic assumptions of the human person, of his or her moral agency, embodied in the indivisible human dignity and the interpersonal duty of respect for persons.

However, it is also a matter of justice, of equitable access to the positions and benefits that society has to offer on the basis of a fair equality of opportunity. It is not intended, desirable, or possible to achieve radical equality in all aspects of personal, social, or economic life. That is why gender equality is the equal valuing, by society, of the similarities and differences between men and women and the roles they play. It is also a precondition for full human development and for the enhancement of capabilities – and, therefore, to the full exercise of personal freedom in the varied dimensions of social life. Any political democracy should evolve in the coming decades to incorporate these values in every area of public policy.

Due to past and present gender inequalities, the international community has proposed and approved a sequence of political and regulatory instruments – namely, the Convention on the Elimination of all Forms of Discrimination against Women, the Declaration on the

Elimination of Violence Against Women adopted by the United Nations General Assembly on the 20<sup>th</sup> of December 1993, the Beijing Declaration and Platform for Action, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

All these conventions and declarations have fundamental symbolic importance due to the values proposed, the explicit goals suggested, and the key areas for action. Additionally, the organizations that approved and enforced them should be highly valued in the particular historical moment when they were built. Indeed, all those instruments represent huge steps along the path to a generalized culture of respect for human rights and to the promotion of full gender equality.

The importance of political action in implementing these goals is of utmost relevance. Nevertheless, it seems that a complementary approach might also be envisaged. In fact, a durable change – with a growing impact in future generations – will be accomplished if human rights and gender equality are primarily educational goals and cultural endeavors. Only by changing people’s minds during the formation of personality will it be possible to reach an enduring change in the acceptance of equality of opportunities for all and nondiscrimination. A human rights culture should, therefore, be an essential element in the building of any child’s character.

The law – even soft law – has a very powerful symbolic nature. In fact, regarding the implementation of human rights, this symbolic – even pedagogic – dimension of the national and international law is of utmost importance. For instance, it is very important that, at least transitorily, a gender-parity measure does exist regarding access to political offices. Assuring, by law, a 50% representation of men and women is a welcomed transitory measure with an immediate impact. However, if equality in terms of access to political offices were to be a subject of open discussion in elementary and secondary schools, the impact would probably be greater and more stable over generations. This is because, through education, cultural practices are sustainably changed.

Thus, it makes sense that the global institutions related primarily to education and culture should make an upgrade to the overall global policy on human rights and gender equality. Namely, UNESCO might implement a new dynamic regarding gender equality. In this way, UNESCO would even better fulfill its statutory obligations – namely, to build peace through international cooperation in education, sciences, and culture. The diffusion of this strategy throughout UNESCO’s worldwide network of elementary and secondary schools would be a powerful tool for ensuring that this policy regarding human rights education is efficient and effective.

Indeed, taking into consideration the notion that the promotion of a natural awareness of gender equality at all levels of education is a very efficient tool for promoting a prosperous future and sustainable human development, education on values and human rights should be a priority in global public policies.

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