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**"The International System for the protection of Human Rights: a gender perspective in  
New Zealand and Ecuador 2010 - 2020"**

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## TO

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alone.

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## **ABSTRACT**

The State, as part of the International Community, must comply with and guarantee Human Rights for all its citizens and / or foreigners residing in that country. However, within society there are different vulnerable groups such as indigenous groups, women, etc., and in turn minority groups such as the LGTBIQ + community. Such groups are helpless in terms of their rights. Human Rights how: human dignity, social security, or belonging to a safe environment, are rights that are constantly violated towards these groups. Thus, several international organizations, support groups, government organizations, non-governmental organizations, among others, have dedicated their work to reducing this social gap, so that such groups can freely enjoy their rights. Therefore, the purpose of this research is to analyze Human Rights from a gender perspective, in two cases: New Zealand and Ecuador. This research includes and evidences the reality of people belonging to these vulnerable groups and minorities. In addition, promoting inclusion, tolerance and respect towards such groups is the first step so that all people may freely enjoy their rights.



## RESUMEN

El Estado en calidad de sujeto perteneciente de la Comunidad Internacional, debe cumplir y garantizar los Derechos Humanos para todos sus ciudadanos y/o extranjeros que residan en tal país. Sin embargo, dentro de la sociedad existen diferentes grupos vulnerables como los grupos indígenas, mujeres, etc., y a su vez grupos minoritarios como la comunidad LGTBIQ+. Tales grupos están desamparados en materia de sus derechos. Derechos Humanos como: la dignidad humana, la seguridad social, o pertenecer a un ambiente seguro, son derechos que son constantemente quebrantados hacia estos grupos. Siendo así, varios organismos internacionales, grupos de apoyo, organizaciones gubernamentales, organizaciones no gubernamentales, entre otros., han dedicado su labor a disminuir esta brecha social, para que tales grupos puedan gozar libremente de sus derechos. Por lo tanto, el propósito de esta investigación es analizar los Derechos Humanos desde una perspectiva de género, en dos casos: Nueva Zelanda, y Ecuador. Esta investigación incluye y evidencia la realidad de las personas pertenecientes a estos grupos vulnerables y minorías. Además, fomentar la inclusión, tolerancia y respeto hacia tales grupos, es el primer paso para que todas las personas podamos gozar libremente nuestros derechos.

## CHAPTER I

### History, evolution and positivization of the concept of Gender.

The importance of mentioning the history of gender from a feminist perspective is vital. Since there is no predetermined order to chronologically expose the history of the genre. In turn, the term “gender” has been evolving since the 1970s, in which various feminist groups considered gender different from biology (Goldie, 2014, p.8). Together, biology does not define gender or gender identity, however, biology is directly interconnected to the term "sex"; while the term "gender" refers to a binary system of identification between man and woman; in the same way, "gender identity" is what opens a space for an identification of "others"; that is, people who feel identified in various ways. At the same time, the patriarchal, Eurocentric, feminist construction, among others, has influenced what is now gender. Likewise, there are several international norms or world conventions that fully support gender rights.

#### Section I

##### 1.1 Appearance and first findings of the term gender

The emergence of the term "gender" assumes a definition that is simple to understand—in a first approach—however, this term is much broader and more complex, since it has a historical trajectory with several factors that conceptualize and highlight its importance. In the first instance, in the 1970s feminists<sup>1</sup> treated the term “gender” completely independent of biology, as if the history of an almost universal force called patriarchy<sup>2</sup> had forced the division of humans into men and women, with all aspects of our cultures are the product of this obligatory separation (Goldie, 2014, p.8). Referring to a separation as a biological and gender separation

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<sup>1</sup> The term 'feminists' that refers to the 70s', refers to the feminist Wave, with reference to the fight for equal rights and the liberation of their sexual identities of that time. Key feminists of the time: Gloria Steinem, Susan Brownmiller and Kate Millett.

<sup>2</sup> Patriarchy refers to an artificial construction on a need that denies and represses the creative power of women, with an inequality bias (Fernández, 2013, p.47).

together. Likewise, John Money<sup>3</sup> -

Being a man who participated in the theory about gender — he did not create the term gender, but he asserts within his theory that it is based on the way of raising and not on the biology of a person, so that sexual preference can be determined of every human being.

Similarly, John Money was instrumental in establishing the clinic for transsexuals (Money, 2014, p.9). Equally important, he became an expert on issues of sexuality, having already commented - in the 1990s - on sexual liberation, homosexuality, sexuality, and love relationships between people with diverse sexual preferences. In addition, John in *The Theory Of Gender*, alluded to the fact that expressions are the basis for the sexuality of all human bodies, being a generalized idea that gender is a social construction, malleable from an early age. Along with one of his statements, which suggest that the word gender revolves around the importance of language and communication, in order to understand bodies and sexuality (Money, 2014, p. 10).

## 1.2 History of the gender

Gender must be seen from a historical totality, that is, not to start from a chronological order, but to understand the power relations and certain biological notions attributed in those times, to understand gender as it is today Gisela Block in *the History of Gender and Women*, she argues:

Since the mid-eighties, gender has been introduced as a fundamental category of social, cultural and historical reality, perception and study. One of the main reasons for the introduction of the term 'gender' in the broadest sense has been the insistence on the next question for women, women's history, and women's studies. It cannot be reduced solely to sex in the sense of sexuality, but must encompass all areas of society, including the structures of that society (Block, 1989, p. 5).

For the history of the genre, it must be considered that genre has been omitted in its entirety, that is, the term has not existed, since it has always been confused with biology (Block, 1989, p.6). In addition, all societies in the world have different behaviors, spaces and activities in terms of gender. And, the differentiations are not universal. Together, history has been shaped

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<sup>3</sup> The work of John Money (who was a sexologist and psychologist) is based on research on gender identity and sexual preferences, in turn, what is now known as the "gender role" and "gender identity".

by a Eurocentrism<sup>4</sup> generalized at the global level (Block, 1989, p. 6). And, current perceptions of the sexes and the terms used to describe them are largely a product of the history of culture, science, and gender relations themselves - since the 18th century (p.6).

As for this Eurocentric notion<sup>5</sup> that has shaped gender, certain physical differences have been used to legitimize pre-existing social relations and, in particular, power relations (Block, 1989, p.8). For example: historians agreed that motherhood went hand in hand with biology, and so for women to be able to free themselves and have the identity they needed, they needed to emancipate themselves from their own biology (Block, 1989, p.9). More clearly, the 200,000 women mandatorily sterilized in National Socialist Germany never experienced this elimination of their biological "emancipation", being victims of the power relations between the predominant Nazi male agents and their victims, which demonstrated that sexist biology and Racist was a perspective of social change, through intervention in the body and life — without counting deaths—, motherhood being attributed to gender relations, but not biological ones (Block, 1989, p.9).

In addition, the history of the genre presents notions and values projected into the past with this term, since they can be considered anachronistic (Block, 1989, p.9). That is, history is based on the relationships between men who have been the center of historical research in the political, military, economic and cultural spheres, and relationships between relatives and friends, but they have rarely been studied as intra-gender relationships<sup>6</sup>, that is, the political, economic, and cultural impact on women's relationships. How the relationships between housewives and servants, between mothers and daughters, between social workers and poor women, between missionary women and women from colonized peoples, among women in the professions and in politics (Block, 1989, p.11). Therefore, the story should also include relationships between women and women, men and men, and women and men - clearly differentiated by gender and not biology.

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<sup>4</sup> Eurocentrism is commonly recognized as the set of ideas and notions based on a social construction promoted by the West, which is rooted since colonialism.

<sup>5</sup> Especially in this context, it refers to what we know today by the term gender, however, this Eurocentric notion excludes women in its historical construction. For example: in Inca societies, women could dress and act in a manly way, in which their gender revolved around their preferences (Fayanas, 2017). However, this Inca notion was not considered in the construction of the term gender.

<sup>6</sup> Intragender in this context refers to a relationship of control and domination, but not physical, but more in a psychological relationship of blackmail that has been key to the history of gender, that is, a subtle power that has been perpetuated in the roles that correspond clearly to women.

## 1.1 Evolution of gender

The term "gender" has had an evolution since the appearance of the binary Western term between the very existence of being biologically categorized "male" or "female". In which it has been generalized that the feminine is associated with the-eliminar “woman”, and the masculine with the-eliminar “man” necessarily, being a universal cultural norm. However, gender has evolved outside the West within various cultures and countries, which have already had a history that recognizes them as another type of gender category, above binary categorization (Origin of Everything Channel, 2018, 0m35s).

For example: Before colonization, the Inca culture enjoyed a dual gender god, who assumed androgynous clothing and was represented by a third gender space. In the same way, the Sakalava culture of Magascar, were the men who were considered feminine in appearance, who were raised as girls, being a culture with the belief that these children had a supernatural protection that prevented their tribe from causing harm. Likewise, in Hawaii the Kanaka Malawi indigenous community, who could be aligned with either sex - in biological terms - but expressed a gender role that was in the middle of being male or female (Origin of Everything Channel, 2018, 8m48s).

On the other hand, at present this term has a negative perception in several countries, since it has been viewed in a harmful way. Thanks to the harmful existence of the evolution of a discourse around gender, and this discourse is the political discourse that can be used, that is, the discourse of people who sometimes do not understand what gender is, then they assume gender directly as an ideology of gender, and gender is not an ideology. And, that political discourse is to defend a very conservative, very heteronormative, and very orthodox social structure (P. Ruiz, personal communication, June 18, 2021). Therefore, this social structure has evolved significantly during some years, from a dogmatic-cultural approach.

## 1.2 Positivization of the concept of gender

Gender is a "category", not in the sense of a universal statement but, as the Greek origin of the word suggests, in the sense of public objection and accusation, of debate, protest, trial and judgment (Block, 1989, p.6). In addition, it must be understood that within the social sciences there is a tool that allows us to give ourselves a category to analyze, as well as the social relations, what happens between civil societies. Understand economic and political inequalities, and without a doubt of power, so that public policy problems can be solved (P. Ruiz, personal communication, June 18, 2021).

Within a general regulatory framework, we are faced with three pillars that must be considered (Salazar, 2013, p.9):

1. From a look at Legislative Law, women were never considered as citizens, therefore, they did not have access to rights that belonged to men from the beginning (p.9).
2. In Private Law, a "sexual contract" would be condemned, in which the woman needed the guardianship of a man, since she was considered a minor (p.9).
3. And, in Criminal Law, sanctions and crimes are linked - crimes against sexual freedom - by an order that links the dependence of women, and the autonomy of men (p.9).

The importance of these three pillars consolidates key oppositions such as "Production & Reproduction" —Production of a hegemonic order<sup>7</sup>, and the reproduction of power relations— "Independence & Dependence" —Economic freedom by men, and Economic subordination on the part of married women, or those with a family burden— "Work & Leisure" —The woman works, and in her free time she has to attend to household chores (Salazar, 2013, p.9).

Without recognizing that there has been a regulation that has favored men, the positivization of gender does not make sense. So, Gustavo Salazar in his research on Gender Equality as the Foundation and Limit of an Intercultural Democracy suggests the "recognition of differences" in the first place, in which it should be based on the basic principles of a democracy: pluralism, freedom and equality, that is, to recognize characteristics that make us unique, and not the mere prohibition of discrimination, that is, that there is a recognition of various points of view, and in turn make an interconnected communication, and to achieve this, the inclusion of those people who have had systematically exploited, oppressed and dominated lives can give their

perspective, being fully considered (Salazar, 2013, p. 43).

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<sup>7</sup> The Hegemonic Order refers to a dominance of one group over another, being supported by norms and ideas that are normally considered legitimizing, and the Power reproduction refers to these same ideas, whether of groups, social classes, or states that reproduce those norms and ideas

For the rest, gender equality - a concept that will be seen later - becomes a transversal principle on public policies, which should be a border in which the exercise of fundamental rights such as religious freedom, freedom of religion is never exceeded. which would belong to gender equality as an end, in which there is a new Social Pact, that is, equal measures, that is, from visions in the patriarchal construction of naming that it is considered “male or female” (Salazar, 2013 , p.43).

Together, regarding the respect of the right of the free development of the personality, the rights of others, that is, cultural rights, must necessarily be structured in the ethical-legal sphere. Which should be fully enjoyed and exercised. Therefore, such principles should be socialized and educated, for a peaceful coexistence. In which education assumes a key role so that the aforementioned as “intercultural competences” can be achieved, together with the participation of all. Especially, the principles of participation and diversity must be considered in an intercultural democracy within the cities of all the States of the International Community (Salazar, 2013, p.43).

## Section II

### **2.1 Terminology: sex, gender and gender identity.**

Since there are multiple definitions in which it cannot be explored, it cannot even be recognized to what extent gender determines the techniques and degrees of discipline that are exerted on the human body (King, 2004, p.3). This being the case, this concept runs through academic and intellectual circles, in which there is deep confusion; first, what is the term "sex" as a purely biological concept, and what is gender as a social construction. And, in a certain way, it damages the exercise of the rights of some people, due to a series of misunderstandings in relation to the scope of the notion of it. Therefore, in the field of Human Rights it is a transcendental concept, and that unfortunately is still not fully understood, even by the same people who work on Human Rights issues both from the state and from civil society gender (P. Albán, personal communication, July 2, 2021). And, as regards, a simple

way to start with a definition when determining gender is to conceive it as a generality of what is known today as “identity”.

### *2.1.1 Defining sex*

Currently, sex has been associated directly with a binary system that straight interlocks biology. Specially, it is considered that the biological characteristics that define men or women are interrelated by biological sex, particularly, biological sex concludes anatomical and genetic characteristics. Just as a good number of human beings are markedly intersex, being a binary standard, at the point that both types of external genitalia appear, or in turn the developed breasts occur in an individual with male genitalia, and so on. Thus, biological particularities in which several subjects or human beings preserve both, and normally it extends to a difference of categorization of humans necessarily as women and men, precisely because of their biological differences. (Esplen et. Jolly, 2006, p. 3).

### *2.1.2 Definition of gender*

Gender, on the other hand, is known as a set of socially constructed roles and relationships, personality traits, relative power<sup>8</sup>, behaviors, attitudes, values, and influence that society accuses the two sexes of a differential nature. Similarly, gender is relational, that is, it does not refer simply to women or men, but to the relationship between them. Thus, gender refers to the economic, social and cultural attributes and opportunities associated with being a man or a woman at a given moment (Esplen et. Jolly, 2006, p. 4). In addition, to address the issue of gender we must also analyze the indicators of violence, discrimination and inequality, which not only affect women, but also minorities (G. Eljuri, personal communication, June 17, 2021).

### *2.1.1 Definition of gender identity*

There are different levels of development on the debate of the idea of gender as a social construction, and of Rights based on gender in people, or in the self-identification of gender (P. Albán, personal communication, 02 July 2021). Well, there are other sexualities, which do not necessarily have to be recognized through the binary system, between the categorization if it is male or female, such as the existence of intersex, transgender, transsexual people and hijras<sup>9</sup> (Esplen et. Jolly, 2006, p. 2). Therefore, the United Nations Department, within the New Zealand statistics defines gender identity as follows:



Gender identity has been defined as the internal and deep feeling of a person of being a man or a woman or something else, or something in between. The gender identity of a person may or may not belong to their biological sex. Gender identity categories outside of the female / male binary have been used by Maori and other Pacific nations both in contemporary times and historically (Department of Economic and Social Affairs, 2015, p.9).

Therefore, a person's gender identity can change throughout their life and can be expressed in various ways. This includes external factors such as: name, dress, hairstyles, gestures, voice and other behaviors. Some people can express different gender identities in different situations. Gender identity cannot be used to predict a person's sexual orientation, and neither can a person's sex be predicted. Gender identities vary widely and all people fit into one of the categories defined (Department of Economic and Social Affairs, 2015, p.11).

## **2.2 Interrelationships and differences between the terms sex, gender and gender identity**

The interrelationships between these terms have been used synonymously — in cases where you are biologically born female, society assumes that your gender is being female — as a result that comes with roots. marked historical records. And not only in society, but on the part of the state, organization, personal, family, interpersonal relationships, etc. For example: Some years ago, when these topics were irrelevant, when an email was created, only two options were posed as a user, if you identify yourself as: "man or woman". While now, there is that option of "other", which is an important advance to start with the difference of certain terms (*See Table 1*).

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<sup>8</sup> Relative power refers to the amount of perceived power that a person or entity has in relation to another person or entity, that is, the relationship that gender has been acquiring between the relationships of women and men.

<sup>9</sup> Different people considered members of a third gender -usually located in the hindu- culture.

**Table 1. Differences between terms**

Characteristics	Sexual Orientation	Gender identity
<b>Groupings</b>	Grouped with the sexuality of the individuals, that is, the sexual practices of each individual.	Grouped with the identity of the individual. Referring to the characteristics that each individual use to define each one.
<b>Misconceptions</b>	Belief that sexual orientation is directly connected to gender.	Belief that there are only two genders, is that, it can be male or female.
<b>Examples:</b>	Lesbian, Gay, Bisexual, Asexual, Pansexual.	Transgender, or cisgender gender.
<b>Emotions</b>	can be either romantic, or sexual towards another person.	The feelings or emotions that each individual feel towards themselves, being a desire
		for understanding and expression about gender.
<b>Expressions</b>	Expressed through sexual desires or by their couples.	Expressed through decisions about their behavior in which there are still masculine and feminine terms.

**Source:** Difference between sexual orientation & gender identity by Luale Monze (2021).

**Prepared by:** Isabel Flores

### **Section III**

#### **3.1 Introduction of Gender in the International Community.**

##### *3.1.1 Gender in International Relations*

The definitions between male and female are intertwining through history —this is meant by the male-female dichotomies in the assignment of specific gender roles that exclude women from the public sphere— related to gender. Since relations are still based mainly on traditional separations between men and women, in particular the separate public and private spheres are taken separately; that is, women are largely excluded from state power and decision-making (Byron et Thorburn, 1998, p.1). The first appearances of gender were to associate gender problems with women's problems in foreign and international policy; the second exposes the gendered nature of dominant International Relations theory and practice - hereinafter referred to as IR. In which in both areas there is the absence of experiences of women in issues such as security and peace (Byron et Thorburn, 1998, p.212).

##### *3.1.2 Feminist International Relations*

In the international sphere, which has always focused on the perspective of the formation of International Relations through the Eurocentric perspective, and International Relations has never been mentioned from a gender perspective. Therefore, "Feminist International Relations", has been sought to question International Relations from a feminist or gender perspective, while analyzing gender and women's issues from a global perspective (Byron et Thorburn, 1998, p.212). Christine Sylvester in her book on Feminist International Relations explains this theory:

Feminist International Relations, attempts to show international relations through feminist eyes, in which each individual learns to wonder if something has in fact been

done that happens to through the inevitable, inherent, traditional or biological. However, behind women in international politics, there is an ambiguous identity that has not promoted their interest, on the other hand, if a woman associates her gender identity as mothers, they are immediately conceived as admirable human beings (Sylvester, 2002, p.32).

Therefore, in International Relations (hereinafter referred to as IR) —which has been traditionally associated and formed by the participation of men— in the spaces of the world are social relations that cross borders and overflow internationally, calling IR's as transversal and liminal *vis-a-vis* in philosophy, anthropology, literary and art theory, women's studies, cultural studies, postcolonial studies, history, psychoanalytic theory, and the like (Sylvester, 2002, p.12). Consequently, IRs look only at issues of state, war, and security, which differ widely from the androcentric assumptions<sup>10</sup> that shape these only three dominant IR themes. Much like Cynthia Enloe (1989, 1993), Fred Halliday (1991) defines three main areas: the gender-specific consequences of international processes; women as actors on the international scene; and the gender components of foreign policy issues (Byron et Thorburn, 1998, p.214). Other researchers such as: Rebecca Grant and Kathleen Newland (1991) and Sandra Whitworth (1994) suggest new areas of research, whose proposed themes include gender issues in migration and the international sexual division of labor; the impact on gender roles and relations of the *Gender and International Relations programs* of multilateral institutions; women and development; and women's rights as human rights (Byron et Thorburn, 1998, p.214).

### *3.1.1 Gender segregation in the International System*

From a gender perspective, issues of conflict and security have identified national security structures and analogous ways of thinking as the sources of much of the gender bias in International Relations theory (in hereinafter named IR. II), due to the initial separation of gender in the public and private spheres in the organization of the State and society, which, once again, have produced an exclusively masculine concept of citizenship. For example: men granted the military role of defenders of the State, thus acquiring a privileged and active status in national life.

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<sup>10</sup> Refers to the repeated practice of preferential man's opinion as a single, central and only truth.

On the other hand, women were invisible, who did not have access to the state machinery without participation in decision-making national. Internal concerns played a small role in shaping the "national interest" (Byron et Thorburn, 1998, p.214). Therefore, over time there has been the inclusion of women in decision-making in the policies of a State, in state participation, and in various sectors.

### **3.2 Main norms and declarations regarding gender.**

The United Nations High Commissioner for Human Rights (2021) indicates the recent convictions that support gender and the rights of women, and LGTBIQ + people in order to reconcile totalitarian equity in economic, social, cultural sectors, etc. Within civil society and for the globe with the following objectives: To

- totally suppress gender violence.
- Reform discriminatory laws and policies that allow gender-based injustice and bring them into line with universal human rights law.
- Fully ensure gender equality within the United Nations in the Human Rights Office.
- Protect and extend the civic space of feminist movements and women human rights defenders.
- Provide the equitable collaboration of women, men and people of diverse gender identities in life, political, social, economic, cultural and civil.
- Certify the joy of health, reproductive and sexual rights for all.

Additionally, there is the *UNICEF Action Plan for Gender Equality 2018-2021* being a decentralized organization, which promotes the incorporation of the gender perspective, as foreseen in the Beijing Platform for Action, as a bottom-up task and falling. And so, it delivers quality gender programming models on the ground through targeted and integrated initiatives. Being capable of triggering changes in institutional systems and processes. At the same time, top-down efforts that translate into a firm commitment to leadership, thereby remaining within resources, capacity development, and articulation of responsibilities. They are also important for orientation, coherence and legitimacy (UNICEF, 2017, p.6) (*See Table 2*).

**Table 2. UNICEF model in the development of gender in institutions**

Strategy	Objective	Function
<p><b>Gender analysis for the design and implementation of effective programs</b></p>	<p>Gender analysis of effectiveness that projects the nature and magnitude of gender inequality in the results for boys.</p>	<p>Use of a causal gender framework to integrate gender analysis into the analysis of the situation of the programs for the selected countries . Example: Eastern Europe: preference for a male child (neglect of treatment and health care services for daughters).</p>
<p><b>Capacity and Culture</b></p>	<p>Promote the development of stronger capacities of</p>	<p>Creation of ansystem accreditationin the field of</p>

	analysis, data collection, measurement and execution of programs in gender matters & create a cadre of specialists of high-level in it.	gender, with the establishment of standards on quality training.
<b>Generation and use of data and evidence on gender</b>	Determine which children remain disadvantaged, measures and aspects of it.	Disaggregate data by sex, but often combined with other data (for example, by age, disability, or poverty status).
<b>Alliances and coherence</b>	It is about getting international organizations together with the creation of alliances to generate gender equality.	Go hand in hand with the 5 goals of the 2030 Agenda.
<b>Resources</b>	Organize a team for gender issues. Along with the integrated budget of the organization.	Adapt in terms of Gender Equality and a comprehensive policy check in the Plan Action, within the UN.
<b>Accountability</b>	Measure the indicators of results and products of the Strategic Plan.	Monitoring of progress in the degree of excellence of the programs.

**Source:** UNICEF (2017).

**Prepared by:** Isabel Flores

Table 3 shows different International Treaties and International Conventions that make visible gender throughout history. Among them it can be observed the importance of the creation of these treaties, for example, The Convention of all forms of discrimination against women has reached the protection of millions of women worldwide. In the same way, several of these international treaties and conventions attempt to guarantee and protect through the will of the States, the well-being and coexistence among vulnerable groups or minorities.

**3.1 Main International Treaties with a Gender focus Table 3. Main international treaties.**

Year	Declarations or Conventions International	Function
1921	<b>International Convention for the Suppression of Trafficking in Women and Minors</b>	Combat trafficking in women and minors. Entry into force of the regulations necessary for the protection of women and minors.
1948	<b>Inter-American Convention on the Granting of Political Rights to Women.</b>	Balance both men and women in the exercise of political rights.
1958	<b>Convention on Discrimination (Occupation and Employment)</b>	Adoption of policies at the national level same opportunities and treatment for employment that states must adopt. At the same time, discrimination (political opinion, sex, religion, ethnicity) must be completely excluded.



1979	<b>The Convention on the Elimination of All Forms of Discrimination against Women.</b>	Creation of a plan with the principle of education, in which countries can grant and protect women's rights
1992	<b>United Nations Declaration on Minorities</b>	So that minority or ethnic groups can have a participation and a right to a public life

		(Religiously, socially, culturally and economically).
1994	<b>Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women. "BELÉM DO PARÁ"</b>	Protection and prevention of any type of violence against women.
1995	<b>The Beijing Platform for Action</b>	Progressive Plan to support and meet the needs of the rights of all girls, and women.
1995	<b>The World Program of Action for Young People</b>	It has global support in supporting national policies to support and improve the coexistence of young people.

2009	<b>Committee on Economic, Social and Cultural</b>	Rights Guarantee social, cultural and economic rights that bind and oblige the states parties to guarantee them.
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**Source:** UN Women; United Nations High Commissioner; Ministry of the Interior (SEGOB).

**Prepared by:** Isabel Flores

In essence, several International Treaties or Conventions are initiated which protect the rights of women, and guarantee several of them. And thus, both obliges States to comply with such cultural, economic, social, religious rights, etc. Above all, it is important to emphasize the institutionalization by UNICEF in the objectives to break various stereotypes that have been socially constructed. Similarly, education plays an important role to solidify the rights for women, children and people from vulnerable groups.

In short, gender has been introduced as a cultural, historical, perceptual, social category and historical construction, considering patriarchy as a divider of human beings. Also, the differentiation between terms such as sex, gender and gender identity differ. Similarly, the term sex cannot be reduced solely in the sense of sexuality, but must encompass all areas of society, including the structures of that society (Block, 1989, p. 5).

In addition, it has been seen that gender can be considered a category in the sense of public objection and accusation, of debate, protest, process and trial (Block, 1989, p.6). Thus, a tool allows us to give ourselves a category to analyze the social relations that happens between civil societies, through Power Relations, as predominant male agents. Moreover, the openness of gender in the International Community has given knowledge about problems that have been existing and exist today, such as women in foreign and international policy, areas with the absence of experiences of women in issues such as security and peace (Byron et Thorburn, 1998, p.212), among others. And, the importance of Feminist International Relations, which try to show the IR. II through feminist eyes, in which each individual learns to wonder if in fact something has been done that passes through the inevitable, inherent, traditional or biological.

## **CHAPTER II**

### **Human Rights: a view from Gender**

Human Rights have been present since the Universal Declaration of Human Rights (1948) —Although there has been a previous recognition of human rights (For example: The Declaration of Independence of the United States), or in turn the recognition of being ‘human’ rights (For example: The Declaration of the rights of man and of the citizen), they always had national effectiveness—. Being the Universal Declaration of Human Rights, which formally universalizes them. Therefore, it is essential to understand Human Rights in its entirety. Also, gender is directly intertwined to Human Rights In the same way, there is a contrast in historical events that are seen from the general history of the birth of Human Rights, to a gender vision in the history of them. This means that there are considerations in history that did not protect or support the rights of some human beings such as women and ethnic groups. What was illegal in the past is now legal —clear example: the right to vote— therefore, in terms of gender, specific and general rights arise to consider.

### **Section I**

#### **4.1 Brief historical overview of Human Rights**

The belief that everyone, by virtue of their humanity, has the right to certain rights is quite new. However, its roots are found in earlier traditions and documents of many cultures; it took the catalyst of World War II to push Human Rights onto the stage and into global consciousness. Throughout much of history, people acquired rights and responsibilities through their belonging to a group: a family, an indigenous nation, a religion, a class, a community or a state (Flowers, 1998, p. 1).

Documents affirming individual rights, such as the Magna Carta (1215), the Bill of Rights of England (1689), the Declaration of France on the Rights of Man and the Citizen (1789), and the Constitution and Bill of Rights of the US, are the forerunners of many of today’s documents

human rights. However, many of these documents, when originally translated into policy, excluded women, people of color, and members of certain social, religious, economic, and political groups. Oppressed peoples around the world have relied on the principles expressed in these documents to support revolutions that affirm the right to self-determination (Flowers, 1998, p.1).

In the same way, the idea of human rights emerged with more force after the Second World War, - precisely because of crimes *against humanity*.<sup>11</sup>- Subsequently, the governments undertook to establish the United Nations, with the main objective of reinforcing international peace and preventing conflicts. The core of these emerging human rights principles was captured in President Franklin Delano Roosevelt's 1941 State of the Union Address, when he spoke of a world founded based on four essential freedoms: freedom of speech and religion and freedom of religion. misery and fear (Flowers, 1998, p.2).

On December 10, 1948, the 56 members of the United Nations accepted and adopted the Universal Declaration of Human Rights. Being contemplated today as the International Magna Carta, and it extended the revolution in international law introduced by the United Nations Charter, that is, the way in which a government treats its own citizens is now a matter of legitimate foresight. universal, and not purely a matter of national matter. It affirms that all rights are interdependent and indivisible. The recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the basis of freedom, justice and peace in the world (Flowers, 1998, p.3).

## **4.2 General openness to Human Rights Human Rights**

### *4.2.1 Vision Human Rights*

The vision of Human Rights arises from the Universal Declaration of Human Rights, mentioned above. Peace, freedom and justice at the global level are part of an integral vision that tries to maintain peaceful relations between the human family. Therefore, inalienable and equal rights arise for every human being. The Human

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<sup>11</sup> Extreme torts such as war crimes, “crimes against peace” and “crimes against humanity.”

Rights within a regime of legal law, has the will to protect, guarantee and promote such rights towards each citizen. Likewise, it is considered that the peoples of the United Nations reaffirm in the Charter their faith in the fundamental rights of man, in the dignity and worth of the human person and in the equal rights of men and women — in which they also refer from the binary system, to a complete system that includes all people— and they have pronounced themselves to enhance the standard of living within a broader notion of freedom, and to be determined to initiate social progress (DerechoEcuador, 2005).

#### *4.2.2 Definition of Human Rights*

Human rights were defined by Donnelly (2013) as “the rights of man” —that is, a person has rights for the simple fact of being a human being, beyond only recognizing man. Gone in this context as masculine— as far as all people on earth are concerned, they compulsorily deserve rights regardless of their age, ethnicity, nationality, ideology, orientation, sex, gender and any other condition. Rights are usually legally enforceable in character and application. Human rights are faculties, freedoms and opportunities to which a person is entitled by the mere fact of being a human being (Nweke, 2020, p.1) Rights such as: the right to life and liberty, freedom of the slavery and torture, freedom of opinion and expression, the right to work and education, etc. In which everyone has the right to access these rights, without discrimination (Nweke, 2020, p.1).

#### *4.2.3 Human Rights Principles*

The Council of Europe defines two key values that revolve around human rights. HH: *human dignity* and *equality*. This is how the Council of Europe defines: “Human rights can be understood as the definition of the basic norms necessary for a dignified life; and its universality derives from the fact that all human beings are equal, without discrimination between them” (The Council of Europe, 2021). That is why human rights must be supported by all the cultures of the world, by all governments and by all major religions. It is almost universally recognized that state power cannot be unlimited or arbitrary; For this reason, it must be concentrated within its own jurisdiction, in which citizens can live together safely and enjoy obligations

minimum of human dignity (The Council of Europe, 2021). And within these values and principles are: *freedom*<sup>12</sup>, *non-discrimination*<sup>13</sup>, *tolerance*<sup>14</sup>, *justice*<sup>15</sup>, *respect for others and responsibility*<sup>16</sup>.

#### 4.2.4 Characteristics of human rights

- *Human rights are universal:* In other words, they have an application equally to all the people on the globe, without a time limit. That is, everyone has the right to enjoy their human rights without ethnic distinction, skin color, sex, sexual orientation, disability, language, religion, political or other opinion, national or social origin, birth or other condition (Council Europe, 2021).
- *Human rights are indivisible, interdependent and interrelated:* The different human rights are internally connected and cannot be considered in isolation from each other. The enjoyment of one right depends on the enjoyment of many other rights and no right is more important than another (Council of Europe, 2021).
- *Human rights are inalienable:* It means that they cannot be lost - from the birth of a person, they automatically acquire all their rights - they are linked to the very fact of human existence, they are inherent in all human beings. Only in particular facts such as if a person is found guilty of a crime, some of their rights are restricted (Council of Europe, 2021).

Table 4 shows in a first instance, the division in civil and political rights, and on the other hand, the economic, social and cultural rights that every human being has.

**Table 4. Division of the principal Universal Human Rights**

Human Group	Civil and Political Rights	Economic, Social and Cultural Rights
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<sup>12</sup> Since it is born of the human will, being an important part of human dignity. Being forced to do something against our will degrades the human spirit (Council of Europe, 2021).

<sup>13</sup> Equality in human dignity means that we should not judge people's rights and opportunities based on their characteristics (Council of Europe, 2021).

<sup>14</sup> Since intolerance indicates a lack of respect for difference; and equality does not mean uniformity (Council of Europe, 2021).

<sup>15</sup> People are equal in their humanity and therefore deserve fair treatment (Council of Europe, 2021). <sup>16</sup> Respect for the rights of others entails responsibility for one's own actions and the effort to fulfill the rights of each and every human being (Council of Europe, 2021).

1. To self-determination	1. To life	1. To choose to work freely, designated and approved to “earn a living”.
2. Sovereignty over natural resources.	2. Freedom from torture	2. To fair and favorable work.
3. To enjoy one's own culture.	3. Freedom from slavery.	3. To join unions and join them.
4. To practice one's religion.	4. Freedom from arrest.	4. Right to strike.
5. To speak the language of the inhabited nation.	5. Humane treatment throughout detention.	5. Social security.
	6. Freedom of residence and movement.	6. Assistance to the family, mothers and children.
	7. Prohibition of the exclusion of foreigners.	7. Adequate standard of living (including shelter, clothing, and food).
	8. Freedom of thought, conscience and religious belief.	8. At the highest possible level of physical and mental health.
	9. Freedom of expression.	9. To education towards fulfillment.
	10. To privacy.	10. Free and compulsory primary

		education.
	11. No imprisonment for debts.	11. Availability of other levels of education.
	12. Fair trial.	12. Participation in cultural life.

	13. To the legal personality.	13. Protection of moral and material rights and transmitters of culture.
	14. Equality before the law.	14. To enjoy the benefits of science.
	15. Freedom of assembly.	
	16. Freedom of association.	
	17. To assign marriage and establish a family.	
	18. All rights for girls / boys.	
	19. By practicing a religion.	
	20. Prohibition of military propaganda and hatred.	
	21. To occupy a position.	



	22. To vote in free elections.	
	23. To be elected to office.	
	24. Equal access to public services.	

**Source:** Stephen P. Marks. Harvard University (2016).

**Prepared by:** Isabel Flores

## Section II

### 5.1. History of Human Rights from a gender perspective.

In the context of human rights, women's rights take on a higher proportion. Male-dominated society often ignores women's rights, and therefore women remain a vulnerable sector of society (Prakash, 2005, p.1). Therefore, the recognition of women's rights was a gradual evolution in society. Women played an unimportant role in determining political, legal, and institutional structures in both the United States and Europe — countries from which the human rights debate was born in a certain way. Civil and political rights were defended beginning in the 20th century. XVIII in societies organized just by men, and predominantly, for men. At that time, human rights were conceived in a restricted way to mean, in general, the rights of man and the affirmation of his dignity and common humanity in front of a dominant state machinist (Prakash, 2005, p.757).

Subsequently, Mary Wollstonecroft emerged<sup>17</sup> within: "*A vindication of women's rights*" which touches on issues such as: the emancipation of women, and their assimilation into society in general. but it was inadequate and therefore unsuccessful. Wollstonecroft ideas formed the basis of the 19th and early 20th century crusade for the recognition of women's rights as human rights, between feminists and social reformers in Europe and North America

(Prakash, 2005, p.757). Likewise, women's rights were once neglected due to the indifferent attitude of society - which ignored the existence and importance of women's rights. As society progressed, things began to change and this brought I get positive developments for women (Prakash, 2005, p.757).

The Charter of the United Nations was the first instrument to fully recognize the equal rights of men and women, along with the Member States that adopted the objectives and principles, being the same - which end any implemented to maintain their equality through reforms at the legislative level. Women's rights are not specific rights, but universally recognized rights that all people have by virtue of their common humanity and regardless of their sex (Prakash, 2005, p.758). A particular aspect of human rights is the protection of the fundamental rights of women. At first the rights were extended only to man. Starting in the 18th century, there were liberal reformers and radical utopians who proposed the extension of these rights - initially for white men - to women, and thus the first movements for female emancipation were generated (Prakash, 2005, p.759). Additionally, it is important to highlight this division among the first natives to acquire rights, who were all white men; rear, white women; later black men and women, and finally indigenous.

The second wave in the middle of the 20th century became a women's liberation movement. Despite being a women's movement in search of their rights and privileges, there are innumerable cases in which women suffered discrimination together with the absolute denial of the same. Likewise, gender discrimination and gender-related violence were present. Women everywhere are faced with the harsh reality of life both at home and abroad (Prakash, 2005, p.759). Similarly, Satya Prakash Das mentions:

Ingrained structures and practices, such as castes, customary laws, family, religion, etc., continue to discriminate against women. The concept of human rights is never directly applied to situations of this category, but its frequent application is seen only in illegal imprisonment, detention, torture and deaths in custody.

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<sup>17</sup> Mary Wollstonecraft was the first philosopher in claiming the rights of women in terms of educational equality for both women and men - in which education was subordinated in favor of totalitarian men -

The implications of human rights reside in the right of human beings everywhere to a minimum standard of living and a dignified existence free from exploitation (Prakash, 2005, p.759).

In addition, within the legislation of India, in its Constitution there is a legal normative body such as: the Dowry Prohibition Act of 1961, amended in 1984 and 1986; Sati Prohibition Act, 1987; Indecent representation of the Women's Law, 1986; Medical Termination of Pregnancy Act of 1971; Maternity Benefits Act 1988; Equal Remuneration Act, 1987; etc. All of the above establish a delay in economic, social, health, etc., for women in India. Later, in order to guarantee gender equality and gender justice, in 1953 the Central Board of Social Welfare was established. The Department of Women's and Children's Welfare was created in 1983 under the Ministry of Human Resources Development. The National Commission for Women was created by virtue of a 1990 law of Parliament. That is, the creation of several normative and legal bodies in support of women clearly shows a disadvantage compared to a regulation in favor of men - since in India no normative body has been created in defense of man— (Prakash, 2005, p.760). Although, there are still certain gaps in which affirmative actions are required, such as the empowerment of women and addressing a lack of political consensus which is hampering several pending issues.

## **5.2 Human rights with a gender perspective.**

The principles that stand out within the international community, are directed again to the Universal Declaration of Human Rights, which within the second point, of the second article within the international, political or legal statute of the state that a person belongs within that territory points out that traditional discriminations must be conceptualized as conclusively overcome -in relation to discrimination against another gender- (Bobbio, 1991, p.48). Likewise, a state with full sovereignty or limited sovereignty that must exercise the principle of equality, being considered as the elimination of discrimination, has historical differences such as racial, sexual or natural discrimination (Bobbio, 1991, p.48).

One of the essential rights of the human family is the right to identity. This being the case, all human beings have that right, and part of that identity is that of gender; In other words, there is an identification of all, but not through labels of the other people towards each being. In reality, it should not be a definition that has been traditionally cataloged, but rather a mutual identification. So gender and Human Rights go hand in hand. Precisely out of respect

for that identity in which each human being manages to establish on his own. Furthermore, it is not a question of tolerance, it is a question of mutual respect for the identity of each human being, especially minorities (D. Rodas, personal communication, June 21, 2021).

On the other hand, within Civil Law, there is a category of what is conceived today as family<sup>18</sup>. The issue of family law breaks any traditional scheme. In other words, based on what the Civil Code provides - mother-woman; father-man; children— motivating a traditionalist construction, with accumulation of wealth (nuptial family) and in a certain way they can get divorced (Ávila, 2009, p.7). However, the family exceeds the contract, children and assets. Likewise, as Ramiro Ávila indicates:

On the one hand, civil law neglects the quality of family ties, which the feminist movement has managed to achieve, public concern through special laws that combat domestic violence; on the other, legal ties (kinship and spouses) do not coincide with affective ties (Ávila, 2009, p.7).

At the same time, if a woman is in a state of need, the other people within the traditional family system are not, but if a person within the family nucleus is in a state of need, normally the woman belonging to that family is the one in charge of caring for that person. Hence, the women in taking care turns into an unfair result. This refers to an example in the case of a family that may have a person who is dedicated to care for work in the house without being a relative, such as a domestic worker or the nanny - with a vocation usually women - if they would tolerate a domestic helper or babysitter, the automatic answer is no. In addition, Ramiro Ávila mentions three models of family regulation: patriarchal, individual responsibility and social responsibility, which require political will, new regulatory frameworks, or monitoring of the application, since this could increase inequalities and can Unplanned effects occur when inserting into a totally diverse legal culture (Ávila, 2009, p.7). Being a result sponsored by Civil Law, in the same way, socially constructed the care work directly towards women.

## Section III

### 6.1 Human Rights Regarding the Gender Approach in The International Community

In 2003, the international development cooperation community adopted a common vision of what the human rights approach applied to development cooperation means: "*United Nations Common Understanding of Human Rights in Development Cooperation* "Human Rights based on three axes:

1. According to the International Instruments related to. Human Rights. and especially the Universal Declaration of Human Rights. it is necessary to promote the exercise of human rights. HH of all policies, planning, and technical assistance (Institute of Catalonia, 2017, p.8).
2. The Universal Declaration of Human Rights. Together with universal instruments, they expose the norms and principles of human rights, and in turn, cooperation and classification for the stages of the programming event, and progress in all sectors (Instituto de Cataluña, 2017, p.8).
3. Cooperation for development contributes to the development of the capacities of duty bearers to fulfill their obligations and / or the capacity of rights holders to claim their rights (Instituto de Cataluña, 2017, p.8).

Within the base in the international legal framework, the full exercise of the rights of the people and citizens of each state must be executed and defended. This means a more essential transformation of the way to analyze a situation, identify existing problems, define strategies and actions, and implement and monitor them. Through this approach, it is perceived that all actors have a role as *holders of rights* - all human beings -, *holders of duties* - state institutions, the international community - or *holders of responsibilities*- the community, the family, NGOs, CBOs, etc.— Thus, reality is analyzed in terms of human rights, identifying who are the holders of the rights, what people and institutions have the obligation and responsibility to respect, protect and fulfill the rights (Institute of Catalonia, 2017, p.8).

Taking into account the above, the United Nations on Human Rights in Development Cooperation looks at reality in terms of inequalities, with a special focus on inequality that tolerates more than half of the world's population: women and girls - Considering that inequalities, which are in themselves human rights violations, are at the center of all development problems and, in turn, trigger the vulnerability of certain groups (Instituto de Cataluña, 2017, p.9). With the aim of an action by the United Nations in an attempt to correct discriminatory practices, particularly those of gender, and the unfair distribution of power - as dialogs that have been expressed since the Eurocentrism seen above - the resources, opportunities and capacities in the world, identifying and addressing the underlying and root causes along with rights that have not been fulfilled (Instituto de Cataluña, 2017, p.10).

In a gendered general view, it is vital to distinguish a *culturally sensitive approach*. In which, the Institute of Catalonia together with the World Development Cooperation refers to:

Cultural sensitivity requires an understanding and a commitment to local systems of meaning (worldview and underlying key values and ideas). In many situations, human rights language and concepts may initially be foreign, unfamiliar, feel foreign, Western, and therefore controversial. This is often the case when working for gender equality. Together they will find ways to translate the universal principles into the codes of the local context, and this goes, of course, beyond language: finding points of connection in values and ideas within a culture that can be the basis of the legitimacy of a culture. action (Institute of Catalonia, 2017, p.11).

In addition, within the International Community all the social, cultural or political problems of gender must be addressed by the economic factor. There is the issue that runs through everything and it is the economic issue, that is, how all these forms of discrimination finally land in the distribution of access to power and resources. To the material and symbolic resources of the society in which the resources that are linked to power are included — considering the economic dimension within

gender issues— (G. Eljuri, personal communication, June 17, 2021). Additionally, within the dynamics of the conflict, and the power relations, it is necessary to create changes in the social and economic power relations, at the local and international level of each state (Instituto de Cataluña, 2017, p.11). For example: the context and prevalence of power relations within a patriarchal society where different forms of violence prevail, particularly violence against women.

The International Community encourages the economic empowerment of women whose objective is, on the one hand, to prepare the social context and, on the other, to ensure mechanisms of support for women (Instituto de Cataluña, 2017, p.11), through:

- Awareness of men about gender roles
  - masculinities<sup>19</sup>- (Instituto de Cataluña, 2017, p.11).
- Planning of economic activities or other empowerment activities for women (Instituto de Cataluña, 2017, p.11).
- Work with key religious / community leaders on masculinities to develop alliances to combat ideas about unequal gender roles (Instituto de Cataluña, 2017, p.11).
- Provide legal assistance and psychosocial support to women —where there are no other organizations that do so— (Instituto de Cataluña, 2017, p.11).
- Coordination with other interventions: selection of contexts where our actions can be complemented with other critical actions or existing services (Instituto de Cataluña, 2017, p.11).

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<sup>19</sup>The consequence of variations in gender roles and imbalances that originate in traditional gender roles with respect to new relationships and more egalitarian conformations between women and men. "Becoming a man", like "becoming a woman", composes a course of social construction in which a series of traits, behaviors, and values, determined by society, are imputed to the male. These states, which interact with other elements such as sexuality, class, ethnicity or age, are shown in an extensive system of relationships in our culture that historically has tended to protect the preferential experience of power for the male individual (Télez et al. Verdú, 2011).

## 6.1 List of The Main International Human Rights Organizations with a Gender Perspective.

There are several organizations that defend and seek the same opportunities for all people. Above all for gender equity in this society. Therefore, highlighting these organizations within the international community allows us to know established bases that allow global connection to reduce gender gaps at the same time of the discrimination on the grounds of sex - (Prakash, 2005, p.758) (*See table 5*).

**Table 5. Main global organizations with a gender approach**

International Entities	Concept
<b>The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)</b>	United Nations agency for gender equality. Lighten progress meeting the needs of women around the globe.
<b>The Association for the Rights of Women in Development</b>	Works to achieve gender equality and the human rights of women around the world.
<b>Womankind Worldwide</b>	watches over women's rights, works in solidarity and equality with organizations and movements.
<b>Center for Reproductive Rights</b>	Execute the power of law to advance reproductive rights as fundamental human rights around the world.
<b>Plan International</b>	Humanitarian and human organization. Global Development HH that works to promote children's rights and girls' equality.



<b>Women for Women</b>	Support for the most remote and marginalized women in countries affected by war and conflict.
<b>Equality Now</b>	Employs legal defense to promote and protect the human rights of women and girls.
<b>The Organization of Women for the Environment and Development</b>	Protection and promotion for gender equality, human rights and the integrity of the environment.
<b>Men Engage Alliance</b>	Global alliance promoting rights human, gender equality, and social justice.

<b>The Global Fund for Women</b>	Launches campaigns for gender equality and the human rights of girls and women.
<b>Gender at Work</b>	International network that ensures an end to discrimination against women, and founds inclusive cultures.
<b>The International Center for Research on Women A</b>	global research institute guided by inclusion and shared prosperity, gender equality, and the principle of human dignity.
<b>The European Institute for Equality Gender</b>	Agency of the European Union dedicated exclusively to gender equality.
<b>Promundo</b>	prevents violence by involving men and boys in association with women, girls, and individuals of all gender identities, which ensures gender justice.
<b>Time's Up</b>	Seeks to guarantee fair, dignified and

	safe work for all women.
<b>The Resource Center for Gender Equality</b>	Promotion of gender equality for development in and through cooperatives.
<b>Amnesty International</b>	Campaigns for rights for Humans to be recognized internationally for everyone.
<b>Save the Children</b>	Recognizes that gender inequalities create significant barriers to sustainable development, that is why it promotes gender equality guided towards girls and boys and their development in all aspects of its work.

<b>The International Alliance of Women</b>	Seeks to promote human rights for women and girls worldwide.
<b>Human Rights Watch</b>	Produces detailed reports on human rights violations and abuses worldwide.
<b>The Abaad Center for Gender Equality encourages</b>	sustainable social and economic development, through the empowerment of women, equality and protection.
<b>The International Agency for the Development of Women</b>	Speaks about oppression in developing countries, directly related to poverty and creates positive change for communities, and women.

**Source:** Academic journal *Human Rights Careers* (2021).

**Prepared by:** Isabel Flores

## 6.1 Impact of human rights on gender worldwide

The division between transnational elites and local actors is based less on culture or tradition than on tensions between a transnational community that foresees a unified modernity and national and local actors. Intermediaries such as a Non-Governmental Organization and social movement activists play a fundamental role in the interpretation of the cultural world. At the same time, several transnational corporations around the globe take local stories and frame them in a national and international language of human rights (Engle, 2006, p.1955). Being a cultural confrontation worldwide through the discourse<sup>20</sup> of Human Rights and gender in global terms—for example, the culture of Guinea or Somalia that has repeated practices of genital mutilation or cutting<sup>21</sup>—.

On the other hand, there is a generalized assumption that problems such as violence against women are the responsibility of the State and that local culture is an excuse for not complicating it—this is in reference to the legal system of each state—. The division between transnational, national and local activists is compounded by the various ways in which culture is defined. There are several enigmas in applying human rights to local places based on two firsts. First, human rights law is committed to establishing universal standards using legal rationality, but this position prevents adapting those standards to the particularities of the local context - it is a perspective that attempts to explain local conditions that often seem irrelevant to global debates. Furthermore, ideas of human rights are more easily adopted if they are cherished in family terms, but are more transformative if they challenge existing assumptions about power and relationships (Engle, 2006, p. 1944).

Additionally, activists using human rights for local social movements face a paradox. Rights must be presented in local cultural terms to be persuasive, but must challenge existing power relations to be effective. This, to have a local impact, human rights ideas must be bordered in terms of local issues and images, but to receive funding, a broader audience and international legitimacy, they must be framed in terms of transnational rights principles - in order to stand out from problems that are normally classified hierarchically over those of gender— (Engle, 2006, p.1963).

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<sup>20</sup> Sally Engle refers to the liberal discourse on the part of Human Rights, in international cooperation and the fulfillment by the states in guaranteeing all the rights to their citizens. <sup>21</sup> Process performed on a woman or girl in which her genital organs are altered or injured without medical reasons that justify it. Practically, the external genitalia are removed.

In addition, to promote awareness of individual rights, institutions must implement rights effectively. However, if there is little awareness of rights, there will be less pressure on institutions to take rights seriously. The human rights system challenges the authority of states over their citizens while reinforcing the power of states. In some way, the emergence of the human rights system has weakened state sovereignty— again, universal rights that must be contemplated, respected and guaranteed by the states emerge (Engle, 2006, p.1961). However, being part of a fort such as the United Nations, several states signed and ratified their will so that certain principles are fulfilled, and thus be able to have peace between the state's parties.

Moreover, several states in the International System attend international conferences, for example: conferences or conventions that address global problems such as violence against women. There are also events that are important to the informational conference on violence against women. Events are important for information sharing and learning. Although the participation of non-governmental organizations in such events typically works as a network, they show a central concern of the participants for their own education and acquisition of skills (Engle, 2006, p.1963).

Furthermore, the events take place in an international setting, but is focused on providing knowledge from one local place to another. People who move between these environments provide transnational knowledge to local and national activists, being a benefit at a global level, since they contribute local knowledge to transnational activities. Likewise, they demonstrate a fundamental link in the positioning of Human Rights. And, in the case of the United Nations, the same organization creates opportunities for these exchanges by organizing events in which information flows take place with a positive impact for the International Community (Engle, 2006, p.1963).

In conclusion, within this chapter, the beginning of Human Rights is derived from two perspectives: the general vision that does not include relevant data on gender, but it is important to situate oneself and have knowledge about such rights, and the vision of them, from a gender perspective. In the same way, it was recapitulated that Human Rights are universal and have to be guaranteed by the state. In addition, the complete link of such rights and gender is direct, since the existence of: "equality"; "Freedom of thought, conscience and religious belief"; "Assistance to the family, mothers and children"; "Equality before the law"; "Right to marry and found a family", to name a few. Finally, human beings regardless of ethnicity or gender, must have a fair and equitable treatment among all and for all. At the same time, within the International Community, there are several governmental or non-governmental organizations that develop the fulfillment of rights.

### **CHAPTER III**

#### **Case Study: New Zealand**

New Zealand is a state considered in the International Community, as a great pioneer of Human Rights, and in gender issues. The proximity that it occupies in the international field for the fulfillment of Human Rights from a gender perspective, goes beyond a series of historical, cultural and legal events in the last 10 years. The events that characterize New Zealand are diverse, and to understand New Zealand's progress it is necessary to go through the monetary budget headed by the New Zealand state, which allocates its funds to gender issues. In the same way, New Zealand provides tools for vulnerable groups such as women to have access to third level of education, among other advances. New Zealand is characteristic for being the first country to grant the vote to women, however, it also analyzes certain social situations that cross gender issues such as rejection, wage gaps, among others.

#### **Section I**

##### **7.1 Approach to Human Rights through a gender perspective in New Zealand**

New Zealand has a close approach in the context of Human Rights, and the international regime of the same. Similarly, New Zealand has a long history of pioneering human rights. This country was the first country to grant voting rights to women before many other

countries. It also has different instruments at the international level on monetary human rights that are very detailed, with the New Zealand Human Rights Commission in charge of creating New Zealand money (J. Sardelic, personal communication, June 23, 2021).

On the other hand, there are certain instruments such as the report of the international committee on socio-cultural and economic rights that showed that women are the main affected by their socio-economic and cultural rights, for which they highlighted, for example, poverty, the gender gap or the domestic violence against women. So essentially New Zealand, on the one hand, has been a founder on women's rights when it comes to a connection to human rights, but on the other hand, there are still a number of shortcomings and gender differences (J. Sardelic, personal communication, June 23, 2021).

In addition, New Zealand has created gender-responsive budgeting, in which it provides a way to analyze public spending and fiscal policy to promote gender equality. All policies are designed taking into account the development of gender equality, and apply it to the budget process - they handle the notion of gender mainstreaming<sup>22</sup>-. In effect, in order to promote gender equality, the preparation of budgets with a gender perspective has been created, which has been determined as the evaluation of the budget fund through gender, granted both in the structure of income, expenses and budget process (Morrissey, 2018, p.2). New Zealand would greatly benefit from exploring the potential application of gender budgeting principles to increase spending transparency and inform policy debate. Initially by reviewing the literature and then testing by applying gender-responsive budget analysis to New Zealand's 2016 Tax Expenditure Statement (Morrissey, 2018, p.2).

As well as the implementation of a series of possible reasons, together with budgeting with a gender perspective as a way to fix externalities such as costs and benefits resulting from economic activities, ignoring the market. One of these externalities is the economic growth that occurs when the disadvantage of women is reduced. By profiling these externalities, actions can be taken to ensure that more positive externalities are generated (Morrissey, 2018, p.2). In the same way, the prospect of the women's scenario can be justified on the basis that it provides a fairer distribution of well-being and income, in case the economic development did not originate in the beginning, which would give rise to a society fairer. Another externality can be internalized by assigning property rights; countries that do not allow women to own property<sup>22</sup> Gender mainstreaming was established as a global strategy to

promote gender equality in the Platform for Action approved at the United Nations Fourth World Conference on Women, trying to ensure that gender equality is a primary objective in all areas of social and economic development (International Labor Organization, 2017). They diminish the incentive to invest productively in those assets and a gender budget would allow incorporating gender concerns (Morrissey, 2018, p.2).

#### *7.1.1 New Zealand in the gender budget.*

It is necessary to rescue budgetary externalities in terms of gender. The New Zealand government is governed by the *Public Finance Act 1989*, which provides the basic legislative framework within which the government can borrow money or spend public money. This framework establishes both the rights of Parliament to grant informed authority and scrutiny of government loans and activity, as well as the need for the Executive to have sufficient capacity to effectively and responsibly manage government affairs (New Treasury). Zealand, 2005, p.5). A key document for the New Zealand government is the: “Regulatory Impact Assessment” - instrument that summarizes an agency on the impact analysis related to the regulatory proposal - to advise ministers before decisions are made on regulatory changes. In which it includes primarily any impact on gender issues, Human Rights., And the obligations of the Treaty of Waitangi<sup>23</sup> (Morrissey, 2018, p.4).

#### *7.1.2 Participation of Internal Bodies in the government of New Zealand*

The New Zealand Treasury has been the government's main adviser on regulatory, economic, and financial policy. Since, it uses a framework of living standards in which it incorporates factors of a correct distribution of resources and dynamic considerations —based on capital: financial, social, human, physical, and natural. During the period 2002 to 2008, the gender analysis was required to be applied to the works presented to the Cabinet Committee for Social Equity of the central government. It was requested that be associated *a Declaration of Gender Implications with the Cabinet Document*. In which questions revolving around gender analysis were included in the Cabinet Office Circular for guidance. These questions had previously been asked by the Ministry of Women's Affairs (now called “Ministry for Women”) or in Maori: “Te Tirohanga Whanui”, the implementation of guidelines for gender analysis”(Morrissey, 2018, p .5).<sup>23</sup> Under the Treaty of Waitangi has the maintenance on the

association, participation and protection between the relationship of the Government and the Maori (Maori are the main aborigines of New Zealand).

However, the requirement for a Gender Implications Statement ceased in 2008 when the new incoming National government changed the Cabinet Committees, so that when the Social Equity Committee was dissolved, so was the use of that framework for analysis of genre. The committee that replaced it, the Social Policy Committee, had a gender implication heading in its Cabinet Document, but the Cabinet Manual at the time did not contain any guidance on what to include there. Rather, some of the other additional requirement areas, for example, disabilities, were listed in the Cabinet Manual. Later, the change of government at the end of 2017 (Morrissey, 2018, p.5).

## *7.2 Human Rights and gender in the last 10 years*

In 2009, thanks to the Prime Minister, Rt Hon John Key, the country's business organizations are working closely with the Ministry of Women, as the Prime Minister led the business case for women on boards. Women Increased on Private Sector Boards John Key considered protecting, supporting, and upholding the rights and special needs of indigenous women, by supporting the United Nations Declaration on the Rights of Indigenous Peoples. New Zealand also goes hand in hand with promoting women's rights internationally. Active participation in the United Nations Women's Front within the Commission on the Juridical and Social Condition, demonstrates the interest in supporting women's rights within the Human Rights Council. HH., The bilateral dialogues, and the Commission of the United Nations General Assembly, along with the creation of the recent gender-focused agency of the United Nations (CEDAW, 2010, p.8).

Women occupy a key economic, political and social role in New Zealand life, as the government has made steady progress in improving several articles of the Convention against Discrimination against Women - which will be addressed in Section II of this investigation. In addition, at the end of 2012, New Zealand has included the Committee's Concluding Observations during this period. The Canterbury earthquake has notoriously affected emotional, financial and physical issues, along with the global financial crisis that have



affected New Zealand. Despite these challenges that the New Zealand State went through, New Zealand did not undermine the social part of women, since it has carried out positive political and legislative reforms in an improvement and development of the day-to-day life of women (CEDAW , 2016, p.9).

In the period 2012-2016, the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as “CEDAW”) sets out New Zealand's commitment to a government that guarantees the opportunity of all women to achieve strength, and achieve an independent economic and social conquest. The Government prioritizes areas of strengthening reflected in the work for women in four areas: prioritizing women's skills and making the economy grow; encourage and develop women leaders; support more girls and women in training and education; and guarantee a life free of violence for women and girls. In addition, the maximization of contributions by women to their communities and families as an investment for the well-being and future prosperity of the country (CEDAW, 2016, p.10).

The 2015 National Human Rights Action Plan provides an interactive online tool, which creates actions taken in response by the Government to the Second Universal Periodic Review (hereinafter referred to as “UPR”) of the Human Rights Council in 2014. In 2013, the result showed an increase in the labor force participation rate in disabled women - around 15 and 64 years of age. The probabilities of participation in the workforce or of pursuing higher education for disabled women are low. In 2013, 46% of disabled women were below upper secondary education, or had no education. 18.8% had upper secondary education, and 14% had failed to obtain Level 4-6 of the National Certificate of Educational Achievement. While 11.8% had managed to obtain level 7 of the National Certificate -that is, a bachelor's or university degree- (CEDAW, 2016, p.10).

New Zealand built the *Action Plan on Disability for Women 2014-2018*, with the participation of representative bodies of disabled people and government agencies. Therefore, actions are created that prioritize and benefit disabled women in matters of: transformation of the system to primarily support people with disabilities; guarantee of personal safety; promotion of access in communities; and increased employment and economic opportunities. In addition, New Zealand's 2014-2018 Caregiver Strategy Action Plan - referring to home care - recognizes in writing that both the person they support along with the family caregiver have rights and needs, which sometimes they are not the same. The New Zealand Strategic Plan

defines its objective as: “The aim is to calculate the objective in order to balance the interests and rights of the family caregiver with the interests and rights of the person they support. Women constitute a significant proportion of caregivers” (CEDAW, 2016, p.10).

New Zealand has compiled research that presents figures and statistics on the issue of gender identities, with people identified as neither male nor female. Furthermore, evidence has been attached that shows a high incidence of mental anguish, harassment, discrimination and suicide among bisexual, transgender, intersex, lesbian, and / or other young women. The Ministry of Youth Development of New Zealand in 2014 carried out a study through several consultations together with the LGTBI + Q group, with the aim of trying to understand factors that affected this group (LGTBI + Q). The mission consisted in finding ways to address the problems faced by young people with a different social preference. In 2015 the New Zealand Ministry of Youth Development included:

- *Grant funding.* Following a fruitful round of grants that took place in 2014. The grants helped guarantee LGTBI + Q youth in support services (CEDAW, 2016, p.11).
- *Prevention of harassment.* The Ministry of Education (hereinafter referred to as MOE) has created online surveys to be aware of cases in which this problem occurs (CEDAW, 2016, p.11).
- *Details on the needs of LGTBI + Q youth.* within the field of health and development, for which a provision of funds has been created for the welfare of affected youth (CEDAW, 2016, p.11).

In 2013, New Zealand was the 13th country to legislate for marriage equality. New Zealand granted the opportunity to people with different sex, gender identity or sexual orientation "different" from the rest, - as a balance between the right to be free from discrimination and the right to freedom of religion - to conceive a marriage. In 2013, the Marriage Amendment Law defines that couples who have the same *sex*, from 2013 onwards, will be considered as “spouses”, by virtue of the Adoption Law of 1955. The result of the

marriage between persons of the same sex, resulted - supported by the 1955 law - in the adoption of a minor (CEDAW, 2016, p.12).

The New Zealand High Court in 2015 strengthened the Adoption Law so that unmarried same- *sex couples* can legally sponsor children. In addition, the Human Rights Review Tribunal in 2016 expressed the decision in question to the claim by the New Zealand

Adoption Action Company. The provisions of the 1955 Adoption Law are not compatible with the right not to be discriminated against, which was ratified within art. 19 of the New Zealand Rights Act 1990. Similarly, art. 4 of the Adoption Information Act of 1985 was not compatible with the right to freedom from discrimination signed and ratified by the New Zealand Bill of Rights Act of 1990 (CEDAW, 2016, p.12).

Similarly, in February 2018, during her first term, Jacinda Ardern became the Prime Minister of New Zealand to march in a gay pride parade. She joined a crowd of 25,000 in support of LGBTQ + people. According to the 2018 Nation General Social Survey, 3.5 percent of New Zealand adults identified as LGBTQ +, and once again, Ardern's cabinet goes beyond that figure, with a representation of 15 percent. Hon. Grant Robertson, the finance minister in Ardern's previous cabinet, is now deputy prime minister, the first openly gay man to hold the post (Inter-Parliamentary Union of New Zealand, 2021, p.1).

In 2014, New Zealand, through the Strategy for the Settlement and Integration of Migrants, supports migrant women within New Zealand, which is based on the integration and settlement of women with migrant status. In addition, such a Strategy addresses five outcomes together with internal agencies, which operate to meet the needs of migrant women. The axes they address are: education and training, English language, employment, well-being and health (CEDAW, 2016, p.12). Together, the New Zealand Immigration and Labor Inspectorate works towards the compliance and process of regulations that New Zealand must monitor, such as: violations of labor regulations, vacation rights, and the minimum wage. In 2015, the New Zealand Government ratified the Immigration Amendment Act of the same year, which exposes accountability by employers in case of exploitation of migrants (CEDAW, 2016, p.12).

## **Section II**

### **8.1 Compliance with human rights regarding gender at the State level.**

New Zealand submitted the report to the CEDAW Committee in 2006, showing progress on its part. Although four years is a fleeting time compared to making breakthroughs that normally take generations, New Zealand has nonetheless motivated this development. New Zealand passed the Human Rights Amendment Act in 2007 in relation to women in the armed

forces. The New Zealand Human Rights Amendment Act tries to reduce the gaps for women in employment opportunities, in relation to violent situations and combat within the armed forces - being an incentive to try to reconcile a labor force in the military field - ( CEDAW, 2010, p.8). In addition, there was a reform in 2007 to the Human Rights Law., Which motivates the participation of women in the front line of combat. In figures, it is summarized that in 2013 the New Zealand Defense Forces included 1 103 military women, and 1 2 52 civilian women. The representation is 15% of all the strength of the regular forces. Similarly, the number of uniformed women has increased from 12% in 2013 to 19% female participation in the 2014 -2015 period (CEDAW, 2016, p.12).

Within the judicial field, New Zealand has propagated several changes in it. Criminal justice is intended to protect and strengthen the rights of victims - in any situation that warrants legal protection. Rights that protect people at risk of domestic violence - in which the majority of victims are considered women - by the extension of powers and competence by a security order issued by the New Zealand police (CEDAW, 2010, p .8). Therefore, in 2009 the New Zealand government sponsored a sustained national campaign as a response to family violence. Therefore, thanks to the national campaign The Task Force for Action on Domestic Violence in New Zealand is created to provide leadership in the work force to handle situations of family violence. Together, the issue of sexual violence is being addressed by the Task Force for Action on Sexual Violence in New Zealand (CEDAW, 2010, p.8).

*8.1.1 The State as a creditor of gender rights in the last 10 years.*

As well as the legal framework of New Zealand, the country implements 16 articles within the Convention on the elimination of all forms of discrimination against women, through extensive fundamental pillars that the country performs legally, in order to reduce gender gaps, support women in sexual, economic and social spheres, among others. Similarly, New Zealand is considered a creditor of rights for vulnerable groups and on gender issues. CEDAW analyzes two periods: 2010 & 2016. (See Table 6).

**Table 6. Legal Framework on gender issues in New Zealand**

Article	Fundamental Pillars
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<p><b>Art.1:</b></p> <p><b>Limitation of discrimination against women.</b></p>	<ul style="list-style-type: none"> <li>● New Zealand law defines that there must be comprehensive protection in question against any form of discrimination (CEDAW, 2016).</li> </ul>
<p><b>Art. 2:</b></p> <p><b>Political measures to rule out discrimination.</b></p>	<ul style="list-style-type: none"> <li>● Plan of Action of the Human Rights Commission.</li> </ul>
<p><b>Art. 3:</b></p> <p><b>Advancement and advancement of women</b></p>	<ul style="list-style-type: none"> <li>● New Zealand Disability Strategy.</li> <li>● New Zealand Strategic Action Plan for Trustees 2014-2018.</li> <li>● Promotion of the rights of people with disabilities.</li> <li>● Promotion of the rights of gender and sexual minorities.</li> <li>● Equality in marriage.</li> <li>● Prevention of the exploitation of migrant women.</li> <li>● Promotion of the rights of refugee women.</li> <li>● Promotion of the rights of migrant women.</li> </ul>
<p><b>Art. 4:</b></p> <p><b>Unique temporary measures</b></p>	<ul style="list-style-type: none"> <li>● Prevent vertical and professional segregation, unconscious biases, and employment patterns.</li> </ul>

<p><b>Art. 5:</b></p> <p><b>Prejudices and stereotypes in relation to the role of each sex</b></p>	<ul style="list-style-type: none"> <li>● Maximize opportunities within the New Zealand Defense Military Forces</li> <li>● Within New Zealand police inclusion</li> <li>● Avoid professional segregation</li> </ul>
<p><b>Art. 6:</b></p> <p><b>Prostitution.</b></p>	<ul style="list-style-type: none"> <li>● Knowledge and performance of rights by New Zealand sex workers. The Collective of Prostitution Professionals in this country protects and reports on formal and legal actions in the event of exploitation of this group.</li> </ul>
<p><b>Art.7:</b></p> <p><b>Participation of women in public and private life.</b></p>	<ul style="list-style-type: none"> <li>● Representation in governments at the central and local level.</li> <li>● Within New Zealand local government</li> <li>● Representation in local and central governments.</li> <li>● Wide network of women civil servants in the Government.</li> <li>● Performance of the local government.</li> <li>● Extension within the boards of directors.</li> <li>● Within the private sector, there must be participation of women.</li> <li>● Extensive participation for the inclusion of women in judicial bodies.</li> <li>● Within the Administrative Councils, open the way for the occupation of women.</li> </ul>

<p><b>Art. 8:</b></p> <p><b>International Commission</b></p>	<ul style="list-style-type: none"> <li>● Goals in relation to the Sustainable Development goals.</li> <li>● Planning of programs in support of New Zealand women.</li> <li>● Creation of foreign policies and women's affairs.</li> <li>● Women as the central axis in the diplomatic service.</li> <li>● Women as the central axis in international organizations, events or conferences.</li> <li>● Women in the diplomatic service.</li> <li>● Women in international conferences and organizations.</li> </ul>
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<p><b>Art. 9:</b></p> <p><b>Nationality.</b></p>	<ul style="list-style-type: none"> <li>● Have rights to retain, change, modify, or acquire New Zealand citizenship.</li> </ul>
<p><b>Art.10:</b></p> <p><b>Education.</b></p>	<ul style="list-style-type: none"> <li>● Economic and social support for single-parent families.</li> <li>● Subsidies for female students.</li> <li>● Combat professional segregation in the preparation of trades.</li> <li>● A preschool education for everyone.</li> <li>● For the peoples of the Pacific, there will be educational initiatives.</li> <li>● Women will have high chances of completing and pursuing their tertiary education studies.</li> </ul>

	<ul style="list-style-type: none"> <li>● The topics of study vary according to the purpose of the genre.</li> </ul>
<p><b>Art.11:</b> <b>Office.</b></p>	<ul style="list-style-type: none"> <li>● Decrease in the trend of gender pay gaps.</li> <li>● Continuity and monitoring of equal work.</li> <li>● Within the Pacific towns, provide support services.</li> <li>● Equal pay for work performed equally of the same value (by men and women).</li> <li>● To optimize results in terms of employment, there will be a focus on private and public investment.</li> <li>● Enhance the female labor force in New Zealand.</li> <li>● Training forum for Road Transport.</li> <li>● Flexible work arrangements.</li> <li>● Increase in parental leave.</li> <li>● Promotion of women's skills and employment in New Zealand.</li> </ul>
<p><b>Art.12:</b></p>	<ul style="list-style-type: none"> <li>● Breastfeeding.</li> <li>● Expansion of maternity services.</li> <li>● Access to contraceptive methods, and sex education.</li> <li>● Decreased rates of deliveries and pregnancies.</li> </ul>



<p><b>Health and well-being</b></p>	<ul style="list-style-type: none"> <li>● Increase in abortion rates (sexual education, to try to reduce them).</li> <li>● Lactation in the mammary period.</li> </ul>
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	<ul style="list-style-type: none"> <li>● Improvements in the medical service to treat sexually transmitted infections.</li> <li>● Sexual health.</li> <li>● Mental health.</li> <li>● Location of cervical cancer.</li> <li>● Location of breast cancer.</li> <li>● Decrease in domestic, sexual, or homophobic violence.</li> </ul>
<p><b>Art.13:</b> <b>Social and economic benefits.</b></p>	<ul style="list-style-type: none"> <li>● Decrease in unpaid work.</li> <li>● Social and economic service to youth.</li> <li>● Investment by the Government for teenage parents, including their children.</li> <li>● Program: “Dressed for Success”.</li> <li>● Government Benefits for New Zealand Women.</li> </ul>
<p><b>Art.14:</b> <b>Rural women.</b></p>	<ul style="list-style-type: none"> <li>● Move to social, educational and health services.</li> <li>● Increased capacity of rural women.</li> </ul>

<p><b>Art.15:</b></p> <p><b>Equality before the law.</b></p>	<ul style="list-style-type: none"> <li>● Lead Agency: Government on Victims and Victim Services, for the purpose of reporting on family violence.</li> <li>● Try to make progress in the judicial and legal field in favor of vulnerable groups.</li> </ul>
<p><b>Art.16:</b></p> <p><b>Family life, and marriage.</b></p>	<ul style="list-style-type: none"> <li>● A pan-governmental approach<sup>24</sup> to sexual violence within the family.</li> <li>● Family diversity in New Zealand.</li> <li>● Detection of violence against women.</li> <li>● In the Ministry of Women's Affairs, jurisdiction over investigations related to prejudice against women.</li> <li>● The central government has given positive responses in the creation of programs related to sexual violence.</li> <li>● Various services for women victims of violence.</li> <li>● Various integrated services in case of <i>sensitive claims</i><sup>25</sup></li> </ul>

**Source:** Report submitted by New Zealand to the United Nations Commission. Data compiled by CEDAW in two periods: 2010 & 2016.

**Prepared by:** Isabel Flores

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<sup>24</sup> This term refers to an initiative, which takes advantage of and regulates the programs, resources and experience of numerous government agencies, in this case favoring gender.

<sup>25</sup> In relation to the existence of a sensitive claim, there may be different variants. For example: in case there is sexual harassment by a public official, or by executives in high positions, towards normally helpless women as migrants, there are these anonymous complaints to handle the situation in a prudent way. The analysis is that migrant women use this work, however, they cannot report directly, due to fear or threats.

New Zealand through these fundamental axes shows that, within its legislation, there is a responsibility to promote and protect women's rights. Derived and respected in the Convention on the Elimination of All Forms of Discrimination against women. Similarly, within New Zealand legislation it has the independent support of the judiciary, being components for accountability, in relation to the protection and recognition of human rights. HH., - especially vulnerable groups and collectives in New Zealand society - alongside democratic governance structures. New Zealand enshrines the principle of equality in its legislation (CEDAW, 2016, p.4).

In addition, the New Zealand government covers various fields both social, political, economic, diplomatic, health, educational, etc., which shows a commitment to try to guarantee the collaboration, intervention and participation of women in these divisions, and that they can function successfully in these activities. New Zealand also recognizes that there are areas that must remain vigilant and constantly working. Support girls and women to participate more in training and education, foster female leadership, protect women and girls from violence. It is also recognized that women's contributions are essential to themselves, their communities, families, prosperity and New Zealand investment (CEDAW, 2016, p.4).

#### *8.1.2 Compliance with gender rights in the current government.*

In the current government, which is led by Jacinda Arnerd - until the current period - who has held the post of Prime Minister since the period of 2017. The main achievements contemplated in terms of gender are:

1. *Paid leave for spontaneous abortions and stillbirths.* In New Zealand, it is important to reiterate that women's rights play a central role in government affairs. The New Zealand Parliament, in March 2021, ratified a bill in which women together with their partner are allowed a paid leave if a stillborn or spontaneous abortion occurs. Stillbirths are defined once the grade is reached after 20 weeks of gestation. Miscarriages, on the other hand, can be recognized by losing motherhood before 20 weeks gestation. These licenses are currently granted by New Zealand and India around the globe (Frazer, 2021).

2. *Women in Parliament.* Within the New Zealand Parliament, it can be illustrated that it has great diversity in the participation of women. New Zealand is ranked 5th worldwide, in terms of the composition of women and their representation of them. Women within the cabinet have grown up and have spoken out on the issue of women's rights in New Zealand. Being a country that prioritizes women within the legislation. Likewise, the parliament has facilitated a positive response in the management of the COVID-19 pandemic, due to its focus on vulnerable groups and among these: women. The New Zealand Parliament strongly supports women (Frazer, 2021).
  
3. *Equal wages.* New Zealand is firmly committed to women's rights issues. In 2018, the Equal Pay Amendment Act was passed by unanimous vote, ensuring regardless of gender, fair pay for labor service in New Zealand. The same happened in 1972, with the difference of centralization in a wage equity. The industries that during history have undermined women's wages, they will be compensated with different jobs, but that present the same value between both genders. In turn, the bill - in reference to the bill of the amendment - helps in a way that there is an opportunity for workers to expose wage complaints. Likewise, there are guidelines to compare different wages among workers, that is, an attempt is created to ensure, in the event that such a gender wage gap exists, it is justified and fair in parallel (Frazer, 2021).

In addition, Bernarda Ordoñez, Secretary of Human Rights in Ecuador for the Government of the Human Rights comments that she wants to implement the New Zealand model in the right of free acquisition of products for menstruation, as well as education on the same subject. Bernarda, referring to New Zealand as a country with a pioneer of gender rights (B. Ordoñez, personal communication, July 6, 2021). In the New Zealand program related to menstruation, it includes: annual classes on topics related to menstrual periods and nutrition, free menstrual products for those women who do not have access to them, and community centers (Clent, 2021).

### Section III

#### **9.1 Internal and external problems derived from the gender approach in New Zealand**

Global problems such as: machismo, homophobia, sexual violence, domestic violence, reproductive work, care work, among others, has also influenced New Zealand. Despite its achievements as a state, New Zealand has not conceived of solving these issues in their entirety. The figures in various sectors increase and decrease in parallel. On Human Rights and gender issues, the situation gradually becomes more complex. From 2018 to today there are some shortcomings. Regarding migrant workers, who were pushed aside in the Covid-19 pandemic. (J. Sardelic, personal communication, June 23, 2021) —there is a paradox with Jacinda's work during the Covid-19 pandemic, in which New Zealand was not necessarily negatively affected by the pandemic compared to other countries. However, Jacinda's handling of the total closure of borders, the Prime Minister violated a human right that designates the non-existence of borders. Therefore, many families of temporary migrant workers, who have been separated from the cases of covid-19, have not been able to enter the country (J. Sardelic, personal communication, June 23, 2021).

There is a body of research that offers a variety of explanations for the general state of persistent inequality of women within organizations. At a fundamental level, organizational structures are not gender neutral. Instead, assumptions about gender are deeply embedded in the structure of organizational logic. As such, gender hierarchies are not necessarily a product of conscious conspiracies against individual women, but rather are a consequence of the regular operation of standard operating procedures. For example, ostensibly neutral job evaluations are not neutral in the sense that skills found more frequently in job men receive more points than skills found in women's jobs. Status is awarded to jobs based on their perceived level of complexity and responsibility (Reilly, 2013, p.83)

Women typically tend to choose low-status and low-paying jobs. However, the fact that women often have to handle greater family responsibilities than their male colleagues undoubtedly choose — as is reproductive work or care work. While it is true, all people make decisions for complex reasons and all decisions can be understood fairly as personal. Similarly, it can be argued that discrimination is an important factor that contributes to women "choosing" a secondary status. People's job aspirations are determined by the expectations of those around them and by their experiences. Research suggests that discrimination contributes to reducing the size of women's dreams, reducing aspirations, and reducing human capital investments at work. It is questionable whether the same decisions would have been made if there was no discrimination (Reilly, 2013, p.84).

New Zealand universities have a moral and legal responsibility to address discrimination against women. However, the persistence of gender inequality suggests that the law and related policies are not working particularly well as a tool to address this inequality. In which Amanda Reilly mentions that:

Discrimination potentially affects all women in universities, but has an especially detrimental impact on women who are mothers. The so-called maternity penalty or the maternal wall is the strongest form of gender bias in the current work area. Studies suggest that mothers are less likely to be promoted, less likely to be hired, paid less, and are required to perform better and on time. standards than non-mothers. The presence of the maternal wall in the academic world has been well documented (Reilly, 2013, p.85).

### *9.1.1 Exclusion of minority groups*

Despite the fact that minority groups such as the LGTBI + Q group, women, and in turn indigenous women have a legal framework that protects these vulnerable groups, there is a problem of rejection towards such groups. Accentuating the reason for discrimination by the state of New Zealand and its citizens is real. For example, there were consecutive protests in 2019 in the city of Auckland against plans by a private company to build around 500 houses on *sacred land* for indigenous Maori. Even after the judge's ruling to evict those territories. Reason for the State to consider itself pluricultural, however, they ignored these communities. Similarly, there is the Maori translation scattered throughout New Zealand - from airports, municipalities, schools, etc. - bilingual signs - Maori language and English. Therefore, a symbolic representation of indigenous peoples is appreciated, however, the population that

does not belong to indigenous communities is totally unaware of the language (J. Sardelic, personal communication, June 23, 2021).

The LGTBI + Q community in relation to sexual orientation and gender identity has been accepted by citizens and the State. The problem arises within the debate on same-sex marriages, in which, within liberal democracies, several citizens and even private companies did not admit acceptance. The State has had to take urgent measures to include people with different sexual identities. Furthermore, the group with a transsexual trench, and transgender people, the debate becomes a more contentious issue. For example: the Olympian Laurel Hubbard<sup>26</sup> in which she used to be a man - by birth - and not a woman. However, she identifies herself as a woman, so it creates a great debate within New Zealanders about whether Laurel should participate in the Olympics. In particular, his representation for women, being before a *man*. The result of special sexual orientation and gender identity of minority groups unfortunately remain a target of attacks, especially attacks of violence (J. Sardelic, personal communication, June 23, 2021).

## **9.2 Gender gap in New Zealand**

New Zealand considers institutional culture to be an unwritten but important factor in determining women's access to public administration and senior positions within it. Institutional culture influences how gender sensitive policies are and how far they are implemented. Culture can vary widely depending on the national context, within the public administration, and even within ministries and departments, as well as at the subnational level. Institutional and organizational culture is also strongly influenced by leaders and by the same gender balance. The presence of more female leaders can support gradual changes in stereotypes and encourage younger women, fostering aspiration for such positions. In addition, more research and analysis are required both on the problems and obstacles to equal participation of women and decision-making in public administration (UNDP, 2015, p.36).

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<sup>26</sup> Laurel Hubbard is the first athlete of New Zealand nationality to openly declare that she has identified with the gender of transgender. Laurel has competed in the Olympic Games since 2015, since this year the Olympic Games allowed for greater inclusivity and diversity among athletes.

New Zealand in numbers, in the year 2019 occupies a higher position compared to the year 2018, despite the fact that its general gender gap has practically not changed. New Zealand has closed 79.9% of its overall gender gap so far, and since 2006 has achieved gender parity in educational attainment and health and survival. The country is also ranked 13th globally in terms of political empowerment (47.4% of this gap has been closed so far). With 41% women in parliament. New Zealand is among the countries where women are strongly represented in institutions. However, there were fewer women in ministerial positions (30.1%). In terms of economic participation and opportunities, New Zealand is ranked 27th overall in the world ranking, having closed 75.3% of this gap. And, the performance of women in the workforce is relatively high (76.4%) but lower than that of men (85.8%), which generates a gender gap of 11%. Women in positions of responsibility score below 40%, and salary and income gaps are around 29% and 49% (World Economic Forum, 2020, p.28).

The rise of women up the career ladder has risen dramatically, however, in 2015 senior positions now appear to be in decline. In New Zealand, the number of female publishers of metropolitan newspapers has been reduced by half, from six in 2006 to three in 2015. In the particular case of publishers, women cannot climb beyond the lower categories and even more obtain a position. editorial. Strong's (2011) research estimated that it took women 18 years to reach an editorial direction, but had an average of less than 3 years on the job. A self-perpetuating cycle, as women see fewer women ascending to higher positions and are more likely to leave journalism. Therefore, there are fewer women to apply for such promotions. Men become even more likely to promote other men both in top positions in the business and in jobs that serve as steps toward them (Barnes, 2015, p. 7).

Digital newsrooms had an expected scope in terms of structuring traditional print newsrooms. But they seem to be recreating many of the same gender imbalances from the old media. The legacy of old media, and new media in the Columbia Journalism Review found that women were more likely to be published digitally (33% compared to 20% in print), but the topics they covered were more likely to focus on soft content. For example, online comments written by women on sites like the Huffington Post were twice as likely to focus on the four F's: family, food, furniture and fashion - typical headlines headed by housework. On the other hand, only 14% of opinion articles by women in the traditional media referred to these issues. The report's editors attributed this to the new media silo trend, where writers are more likely to write for like-minded people (Barnes, 2015, p.7).



This is evident from data that exposes the fewest jobs in journalism and men still dominate the top part of the profession where decisions are made. Vertical and horizontal segregation has been identified as women being excluded in their movement due to a *glass bubble* in opposition to the glass ceiling - the glass ceiling is the invisible but impenetrable barrier that prevents women from moving to positions of decision making; A way to show women in New Zealand newsrooms in 2011- The glass bubble protects them from the obligation to continue working in a career that they find uncomfortable and unattractive. Therefore, female journalists are constantly leaving the industry for other careers, leaving very few female journalists behind to pursue an administrative career (Barnes, 2015, 14).

The closing of this chapter is based on the analysis of the last 10 years from the genre within New Zealand, it can be admitted that there has been progress. Women have had a greater participation in different fields, both economic, social, or cultural in this State. Similarly, the LGTBI + Q group has had acceptance and support from the State. Indigenous communities, such as the Maori, have political and civic participation. New Zealand has been shown to include all vulnerable groups in decision-making at the state level. However, there is still an inherent and present gender gap, on the part of New Zealand citizens and on the part of the State of New Zealand. Additionally, the acceptance of sexual orientation and identity has a wide degree of tolerance within this country, however, a certain problem still arises with the total acceptance by the citizens and institutions of New Zealand. Regarding the International Community, the figures presented by CEDAW, place New Zealand as a pioneer country of Human Rights in gender issues.

## CHAPTER IV

### Case study: Ecuador

The Republic of Ecuador has signed and ratified several international treaties, such as the Convention against All Forms of Discrimination Against Women (CEDAW), to commit itself in a state position to guarantee the rights of all its members. citizens. Therefore, within Human Rights, Ecuador in legal regulations considers gender as a main issue that must be addressed. However, in practical matters the figures and testimonies show otherwise. Social actors such as indigenous women, the LGTBIQ + group, or women in general are sectors in which there is a notable gender gap. Being this chapter destined to the analysis of the human rights from the gender during the last 10 years; rescue the current regulations that accompany and support the 2008 Constitution towards these groups; evidence on organizations and actors that help reduce the wage gap. In the same way, a comparison between New Zealand and Ecuador is illustrated along with several universal and common problems in parallel.

### Section I

#### 10.2 Approach to Human Rights through gender in Ecuador.

In Ecuador there are different gender perspectives within Human Rights. That in a Constitutional way, in the legal framework which outlines the main lines of the legal system, does not contain all the details of a regulation that establishes the basic fundamental rights of social organization and the most important categories. Since the Constitution can be considered as a *category of values* elevated to the highest gender rank (S. López, personal communication, June 22, 2021). Therefore, the 2008 Constitution helps in a certain way to position Ecuador's position regarding the legal fulfillment of universal rights. Another perspective that affects the gender issue is the social part in terms of acceptance, in which a culture totally differs thanks to the religious beliefs that exist in Ecuador.

In addition, within the Ecuadorian economy, the male sex has been seen as a factor of production, and was defended with the help of scientific-economic analysis, strengthening inequality between men and women. Which ended in a result of employment discrimination. On the one hand, the woman was recognized as a biological breeder and was in charge of taking care of the children. This ensured the future labor force for the system capitalist production in the future. On the other hand, man was the only one who generated production.

An example is that the woman is converted into a production cost so that the man can produce. However, thanks to the organization and the dissatisfaction of her situation in society, the woman began to be a social actress. World globalization played an important role in being heard (Garabiza et. Sánchez, 2018, p. 13).

Thus, the arises *feminist economy* which tries to rescue the lost space of women in the economy, politics and society. Consequently, women, in the roles of wife, mother, grandmother, friend, lover, worker, etc., - within a socially constructed order, established and rooted from the performance that women necessarily have to develop and dominate within a society - the woman, despite such established roles, becomes a very important piece for *Human Development*. However, there are still flaws in the Ecuadorian system, due to the support of old concepts and androcentric structures<sup>27</sup> (Garabiza et. Sánchez, 2018, p. 7).

Therefore, from a gender perspective in the economic sphere, women are seen from reproduction, care and teaching at home. Despite the advances in the introduction of women in social and legal obligations and rights —which are in constant evolution and development—. Therefore, the Budget of the Ecuadorian State was born in Ecuador with an anti-androcentric vision, which seeks to distribute resources towards social sectors of basic impact for the subsistence of all Ecuadorians, but with greater emphasis on women. This requires state policies and is not limited to government policies. Likewise, there is a positive reception towards women when it comes to entrepreneurship. And private finance is a means of resource allocation, although not free, but as a tool for economic independence (Garabiza et. Sánchez, 2018, p. 13).

#### *10.1.1 General Budget of the State*

Within the General Budget of the Ecuadorian State (hereinafter called “PGE”), within the field of public finances, the gender approach is relatively new. Since within the Orientation Clarifiers they *Spending* are: gender, disabilities, interculturality, human mobility [...] (PGE, 2019, p. 60). —Recognizes the difficulty in

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<sup>27</sup> Androcentric structures according to the Special Commission for Gender Equity (2012) is the organization of political, economic, and socio-cultural structures based on placing man as an example and the center of everything; in which structures are granted whether social, cultural, economic, etc., from a male perspective. Leaving aside the visibility of the experience, contribution and knowledge of women.

access to social benefits among women, the disabled, or people of different ethnicities. The PGE accentuates the gap between the content of the policies and the resources allocated for their implementation. That is why it is necessary for public funds to be used more equitably from a gender perspective (Garabiza et. Sánchez, 2018, p. 7). The PGE are government commitments on gender matters, and it relates the policies of the ministries with their respective budgets (Garabiza et. Sánchez, 2018, p. 7).

Rafael Correa<sup>28</sup> in 2016 assured within the World Economic Forum that the application of policies in his government helped reduce inequality between women and men. Additionally, he affirmed that Ecuador in that period (2014-2016) Ecuador ranked 2nd at the regional level in terms of gender equality (Garabiza et. Sánchez, 2018, p. 7). And, within the constitutional framework (2008), Art. 70 supports the creation of policies that support the gender issue.

The State will formulate and implement policies to achieve equality between women and men, through the specialized mechanism in accordance with the law, will incorporate the gender approach in plans and programs, and will provide technical assistance for its mandatory application in the sector. public (Constitution of Ecuador, 2008, p.31).

In addition, Article 292 of the Ecuadorian Constitution makes reference to the fact that the State Budget is the instrument for the management and determination of the expenditures and income of the public sector [...]. Together with Art. 294, within the annual budget proforma and the four-year programming, the Executive Function will be in charge of preparing them. And right there, the National Assembly "will control that it adjusts to the Constitution, the Law and the National Development Plan" (Garabiza et. Sánchez, 2018, p. 7). As ordered by the Constitution, fiscal policy as an instrument of the The budget stands out clearly in terms of accumulation levels in each year. A second aspect that can be pointed out, the budgeting calculation that is done at the beginning is very common, which is much lower compared to what was earned at the end of the year. This is<sup>28</sup> Rafael Correa held the position of President of the Republic of Ecuador in the period 2007 - 2017, in his party "Alianza País", supporting the movement of "Socialism of the XXI century." It is important to highlight that within the last Constitution of Ecuador (2008), Rafael promoted the rights of minority groups such as the LGTBI group (in those years LTGTBI + Q was not included), women and children, among others. Out of the state budget, it is a different logic than that of the private budget

(Garabiza et. Sánchez, 2018, p. 7).

Furthermore, the femininity index reflects the sex composition of the population. This structure is the consequence of the demographic dynamics of a population. After birth, the analogy between the number of men and women (understood as an index of femininity or the index of masculinity) varies due to different patterns of migration of sexes and mortality (Garabiza et. Sánchez, 2018, p. 8). In 2010, this index reached 101.8%. The distribution by sex as head of household in 2010 reached 2.7 and 1.0 million, for men and women (Population and Housing Census, 2010). The identification of the head of the household is important to establish kinship in relation to the rest of the household. This allows knowing the structure of households and characterizing them according to social indicators, as well as for the design of targeted public policies. In which the existence of poverty gap between men and women, measured by consumption, is still greater in relation to the structural one (Garabiza et. Sánchez, 2018, p. 8).

#### *10.1.2 Regulatory framework of Ecuador regarding gender.*

From the regulatory sphere, Ecuador has been one of the countries in the world that has ratified the main instruments to eradicate violence against women in all its forms. In reference to: CEDAW, The Belem Do Pará Convention, together with the Optional Protocols of each of the Human Rights instruments; Ecuador also has the certificate with the jurisdiction of the Inter-American Court of Human Rights. Likewise, Ecuador also has the Organic Law to eradicate and prevent all forms of violence. Being a broad normative field in which Ecuador positively frames women (B. Ordoñez, personal communication, July 6, 2021).

On the other hand, Bernarda Ordoñez comments that what is written is different from what is practiced on a day-to-day basis. For example, in 2011 the National Institute of Statistics and Censuses (hereinafter referred to as "INEC") in Ecuador conducted a survey of family relationships to measure the degree of incidence of violence; In 2019, 8 years later, the INEC carried out the same survey, and the data that showed the

indicators for both periods are the same, that is, 6 out of 10 women in Ecuador have experienced some type of violence. And, in the case of sexual violence both in 2011 and 2019, Ecuador exceeded the national average with a figure of 7 out of 10 women have suffered sexual violence. Another data that illustrates the INEC that occurred in 2019, the work of caring for women represents 20% of the GDP of the Ecuadorian population (B. Ordoñez, personal communication, July 6, 2021).

### **10.3 Human Rights and gender in the last 10 years**

In the independent analysis of each human being, in the right that each person deserves, and it is analyzed from a gender perspective during the last 10 years, women in Ecuador are not accessing to the same extent the exercise of rights compared to men. Indicators such as the *Global Index* indicate alarming factors such as: politics, women's political participation, women's economic development, etc. Furthermore, indicators such as the INEC indicate that unemployment perpetuates more among women, that is, 7 out of 10 women have a job in unfitting conditions. Together with, the unemployment rate for young women aged 25 to 35 is higher than for young men. In the last 10 years, it can be seen that everyday life is a point of reinforcement between the state and society in the sphere: public, private, community, and the family (B. Ordoñez, personal communication, July 6, 2021).

The CEDAW announced that in terms of women's rights, Ecuador has come a long way in different areas. In which a collective construction stands out; in which it involves non-governmental organizations, women's organizations, personal changes made at home, mothers and fathers who have taught their children non-discriminatory attitudes. In turn, the Ecuadorian State has made a relevant political effort so that the law, policy, plans and programs are applied equally to all (CEDAW, 2015 p.1). In 2008, the Assembly of Ecuador approved the Constitution of Ecuador whose principle is harmony with nature and coexistence in diversity to achieve the plan *Good Living* —Sumak Kawsay<sup>29</sup>—.

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<sup>29</sup> Sumak Kawsay is a neologism of the Quechua language that tries to identify good living and harmonious coexistence with nature. In other words, living in a community, in which different forms of solidarity and respect for nature materialize. Thanks to this neologism, the community emerges as a The Constitution of 2008 extends the recognition of human rights at a general level; and specifically in favor of women, adding material and formal equality in the matter of discrimination (CEDAW, 2015, p.1).

In 2012 human rights were more present in Ecuador. Ecuador has founded a conceptual framework to strengthen the protection and promotion of women's human rights, being the State's obligations to comply. Thus, rights to non-discrimination and respect to equality, the Constitution of Ecuador enshrines both principles. Such principles identify all human beings as equal, and in the same way, in the enjoyment of the same opportunities, duties and rights. Along with the fact that no one can be discriminated against, among others, either on the grounds of gender, sex or identity. Based on these principles, Ecuador prioritizes care for women who want to face various types of exclusion and discrimination. Therefore, Ecuador has included within the legal framework, legal actions and policies related to closing these gaps that negatively affect women. The indicators of access to education, decent employment, access to housing, health, political participation and others, show the direction that the country has taken towards substantive equality <sup>30</sup> (CEDAW, 2015, p.3).

The National Development Program for the *Plan for Good Living* included policies and tactics according to access and equitable participation between men and women. In addition, it had as a transversal mechanism the fulfillment of human rights and the search for equality, especially in equal opportunities without discrimination on the basis of sex and gender. Similarly, discriminatory behavior has legal repercussions within Ecuador. In 2014 the Comprehensive Organic Criminal Code (hereinafter referred to as COIP) came into force, which typifies and states that discrimination based on sex, gender and sexual orientation will be penalized. Similarly, the COIP establishes that hateful acts based on sex, gender and / or sexual orientation and penalizes the person who commits them (CEDAW, 2015, p.2). Likewise, a notorious advancement by Ecuador in the last 10 years was the approval of the Law of National Councils for Equality in 2014. Being a supporter component of the monitoring and formulation of laws, public policies, and others. mechanisms for the socioeconomic and political system based on reciprocity, solidarity, equality and self-management, which promotes the active participation and well-being of all its members (Hidalgo et al., 2014, p. 29-73). <sup>30</sup> In matters of Law, within the equality of law, substantive equality manifests the full exercise of universal rights, and the ability to make them effective on a day-to-day basis. Same as the advancement of women, in which gender has been able to have a broader institutional structure thanks to the Council for Gender Equality (CEDAW, 2015, p.2).

Transversally, the National Assembly of Ecuador admitted measures aimed at the legal protection of the rights of women in equality with men. The approval of 80 laws, of which 43 contain provisions to carry out the principle of rights and equality enshrined in CEDAW, such as: The law of parity in political participation between men and women; Labor legislation for the punishment of sexual harassment; law to demand sanctions against media or journalists who express androcentric and sexist messages; law on insurance and pensions for women engaged in unpaid domestic work; etc. The COIP registration, again, protects women from sexual, psychological and physical violence within the family —However, the numbers of domestic violence with repercussions on women, during the Covid-19 pandemic, increased markedly. In support of the provisions, it is suggested to visit the collaboration of Montero, Bolívar, Aguirre, and Moreno in their title "Intrafamily Violence in the framework of the health emergency due to Covid-19": <http://cienciamerica.uti.edu.ec/openjournal/index.php/uti/article/view/316/551>-. The COIP gave rise to a transcendent institutional change that implies the transformation of the Family Police Stations adjacent to the Police, into specialized Violence Judicial Chambers that are part of the judicial system (CEDAW, 2015, p.3).

The importance of the COIP goes beyond the prohibition in 2014 of the right to abortion. Mainly in two articles: Article 49 of the COIP establishes a prison time between one to three years in case someone performs an abortion on a woman, and from six months to two years for a pregnant woman who aborts or allows another to cause her the interruption of pregnancy - it is a valid measure to stop underground abortions, however, this measure included professionals, among them doctors; and art. 150, which specifies the two situations in which abortion was not punishable, and how the unconstitutionality claim is based on the issue in relation to rape cases founded by women's organizations in Ecuador (Benarroch, 2021). Being in the year 2021 the Constitutional Court of Ecuador declared unconstitutional the penalty in the event of an abortion due to rape. Therefore, abortion can be practiced in Ecuador for two reasons: Voluntary interruption of pregnancy in case of rape of all pregnant women (Benarroch, 2021).



In Journalism for development, endorsed by the award *Lorenzo Natali* from the European Commission (2019), they report that in 2019 the law of equal marriage was approved in Ecuador, by the Constitutional Court of Ecuador. At first, the Ecuadorian Constitution established in jurisprudence to the establishment of a single marriage between a woman and a man. However, in 2019 judges declared their recognition of equal marriage through the establishment of constitutional reforms through the National Assembly. The figures as exposed by Christian Paula, legal advisor to the PacktaFoundation<sup>31</sup>, show that there is a high rate of same-sex couples seeking to marry in Ecuador. However, the 2008 Constitution defines marriage in general as the union between a man and a woman (Constitution of Ecuador, 2008). Therefore, for Ecuador to be equal in terms of human rights without prejudice to any person, it was in 2015, in which the Ecuadorian state recognized the de facto union of same-sex couples through a reform in the civil code (Journalism for development, 2019).

#### *10.2.1 Comparison between Ecuador and New Zealand in the field of gender rights.*

Within the analytical framework, New Zealand according to Frazer (2021) exposes the emancipation of a woman in the event of an abortion. Moreover, abortion in New Zealand was decriminalized in 2020, in the broad sense within the health framework. A woman no longer has to be evaluated by a doctor to determine her physical or mental well-being before 20 weeks of pregnancy to consider an abortion - regardless of her condition. In 2020 in New Zealand, pregnant women must be up to 20 weeks pregnant to have an abortion. If more time has elapsed, two doctors must expressly consent to the procedure (BBC, 2020). On the other hand, Ecuador only limits the decriminalization of abortion in cases of rape. As a universal right of women, access to comprehensive reproductive health services, including abortion, is naturalized in international standards on human rights that guarantee the right to life,

<sup>31</sup> Non-profit organization, made up of activists who work for the human rights of LGBTI people in Ecuador. Its purpose is to defend and promote the human rights of the LGBTI population in Ecuador, through the sponsorship of cases and advocacy (Fundación Packta, 2021).

health, privacy and not to be discriminated against (Center for Reproductive Rights, 2020, p.1).

Regarding equal marriage, two key scenarios within this research work need to be considered: on the one hand, New Zealand, the country that approved in 2013 the constitutional amendment that allowed equal weddings, being one of the first countries to legalize same-sex marriage (BBC, 2013). Moreover, as it was possible to analyze in the previous chapter, there is the option that a homoparental couple can adopt a child—a right that Ecuadorian citizens with different sexual preferences cannot enjoy—in New Zealand; And, for its part, Ecuador, within the regulatory framework in 2019, the union of homoparental couples is conceived in the legal-constitutional framework. At present, the two countries fulfill the main human rights on different scales, including respect and peaceful coexistence of individual freedoms. However, Ecuador still has to work on some limits so that as a State it can guarantee full human rights in relation to gender, among them is homoparental adoption.

## **Section II**

### **11. 1 Compliance with human rights regarding gender at the State level.**

Ecuador presents a solid legal framework in relation to the provision of the application, validity and vindication of women's rights; supported by two main pillars: The Ecuadorian Constitution, which specifically relies on the issue of gender equality within its chapters 1 and 2; and, as a second pillar, the binding international instruments ratified by the Ecuadorian State, which are: Convention on the Elimination of All Forms of Discrimination against Women —

its acronym CEDAW—; The Beijing Platform for Action - its acronym BPA -; Security Council Resolution 1325 and its six additional resolutions on women, peace and security (ONU Mujeres, 2016). Similarly, at the State level, in *section I* the importance of a legal commitment by the State in the creation of the COIP at the gender level is highlighted.

The State of Ecuador has created the Comprehensive Organic Law for the Prevention and Eradication of Gender Violence Against Women (hereinafter called:

LOIPEVM), as a sole purpose of preventing and eradicating gender violence. Furthermore, the LOIPEVM in article 6, literal “a”, defines gender as:

A binary, patriarchal and heteronormative social and cultural construction<sup>32</sup> that is based on the biological difference of the sexes and has determined what is masculine and feminine within a specific society, culture and time. As a category of analysis, it allows us to recognize the differences that society has established for men and women and the value that has been given to them; allows the recognition of the causes and consequences of this differentiated and unequal assessment that produces and sustains the subordination relationship of women compared to men (LOIPEVM, 2018, p.2).

The National Coalition of Women in Ecuador in 2020 presents its report to CEDAW, in which it underlines the non-existence of a Gender Identity Law, to date. However, the Ecuadorian state registers and recognizes the presence of gender identification previously, since in 2016 the Organic Law on Identity Management and Civil Data was approved and ratified, in order to guarantee the right to identity. of people, regulate, and regulate the registration and management of acts and events related to the civil status of people together with their own identification. Likewise, in art. 94 of the Organic Law on Identity Management and Civil Data, refers to the possibility of changing data, from the word “sex” to “gender”, directed in the case of transsexual people who wish to carry out a self-identification process (National Coalition of Women in Ecuador, 2020, p.19).

In 2014, the Republic of Ecuador based on trying to reduce the existing wage gap within the binary system. Ecuador created the *National Agenda for Women and Gender Equality 2014-2017* - its main objective was the vindication of rights holders, together with public interventions to overcome inequality gaps. Moreover, it has an impact on the transformation of discriminatory social relations towards a State in which real or substantive equality is guaranteed, with the maximum aim of building equal relations between women and men, as well as

<sup>32</sup> It is a binary social and cultural construction, patriarchal and heteronormative that is based on the biological difference of the sexes and has determined what is masculine and feminine within a specific society, culture and time. As a category of analysis, it allows us to recognize the differences that society has established for men and women and the value that has been given to them; allows the recognition of the causes and consequences of this differentiated

and unequal valuation that produces and sustains the subordination relationship of women compared to men (Bochar.et.al, 2014).

The recognition and respect of gender diversities— which was directed by the National Council for Gender Equality, being a mechanism of promotion by the state in search of a plan for gender mainstreaming and inclusion, being the State itself, which should guarantee the full scope for men and women (Cañar.et, al. 2021, p.52).

Ecuador and New Zealand have a different legal framework regarding gender. Similarly, both countries have been sharing certain problems such as gender violence, salary gap, and other. However, Ecuador has been presenting data provided by CEDAW in which the legal part mostly supports problems that do not exist in New Zealand, or there are, but not to the extent that exists in Ecuador. (*See Table 7*).

**Table 7. Legal Framework on gender issues in Ecuador**

<b>CEDAW Articles</b>	<b>Compliance edges.</b>
<p><b>Article 5.</b></p> <p><b>Change in sociocultural patterns</b></p>	<ul style="list-style-type: none"> <li>• National Plan for the Eradication of Gender Violence against Women, Girls, Boys and Adolescents.</li> <li>• Establishment of the Diploma "Gender, Justice and Human Rights".</li> <li>• The Organic Law of Education Intercultural Bilingual promotes equality between men and women.</li> </ul>

<p><b>Article 8.</b></p> <p><b>International Representation</b></p>	<ul style="list-style-type: none"> <li>• Integration of 70 people as Third and Third secretaries, with 50% women by the Ministry of Foreign Affairs and Human Mobility.</li> <li>• Incorporation of a representation of peoples and nationals of Ecuador to the foreign service.</li> <li>• Participation of 226 women, which exceeds 40% of female participation in the Service Diplomatic.</li> </ul>
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<p><b>Article 9.</b></p> <p><b>Right to Nationality</b></p>	<ul style="list-style-type: none"> <li>• The 2008 Constitution states in its art. 6: "Ecuadorian nationality is the legal political bond of the people with the State, without prejudice to their belonging to any of the indigenous nationalities that coexist in plurinational Ecuador" (Constitution of Ecuador, 2008).</li> </ul>
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<p style="text-align: center;"><b>Article 10. Education</b></p>	<ul style="list-style-type: none"> <li>• Universalization of basic education from 5 to 14 years of age, achieving 96% of the coverage.</li> <li>• Existence of the Organic Law of Bilingual Intercultural Education.</li> <li>• Reduction of the illiteracy rate from 9% in 2001 to 3.54% in 2014 benefiting mainly women by the Ministry of Education.</li> <li>• Promotion of the education of indigenous women by the Ministry of Education.</li> </ul>
<p style="text-align: center;"><b>Article 11. Labor</b></p>	<ul style="list-style-type: none"> <li>• The Organic Law of Public Service</li> <li>• Maintenance of women over 15 years of age affiliated to the IESS - social insurance - at 43%.</li> <li>• In 2011 the Ecuadorian Institute of Social Security</li> </ul>

	<p>first granted a widow pension to a woman.</p>
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<p><b>Article 13.</b></p> <p><b>Economic and social life</b></p>	<ul style="list-style-type: none"> <li>• Human Development Bonus, which is a recognition of 50 dollars a month for mothers for their unpaid productive work.</li> <li>• Generation of employment thanks to the Human Development Credit Program, incorporating women in sustainable microenterprise productive processes.</li> <li>• Execution of two programs: Llankari Warmi<sup>33</sup>, and Kawsay<sup>34</sup> by the Fund for the development of nationalities and indigenous people of Ecuador.</li> </ul>
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**Source:** Country-level report of Ecuador in 2015

**Prepared by:** Isabel Flores

*11.1.1 Comparative analysis of the legal framework between New Zealand and Ecuador.*

In chapter III, a total of sixteen articles were observed in the fulfillment of rights in relation to gender by New Zealand towards its citizens, foreigners, or people who live in this country. New Zealand has a broader coverage in relation to what the CEDAW suggests within the fulfillment of various human rights by the State. New Zealand opened the way to various aspects such as the workplace—including a greater participation of women in the army—; in cultural matters - homoparental adoption -; in social issues. —

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<sup>33</sup> Llankari Warmi are words in the Quechua language whose meaning and purpose of the program are “women without violence”.

<sup>34</sup> The Mushuk Kawsay women's association seeks to conserve the environment, even more so, in the indigenous communities of Ecuador.

Furthermore, the exploitation of migrant women—; in sexual matters - improvement in the medical service to treat sexually transmitted infections -; in the economic sphere —Reduction of unpaid work—; on the issue of domestic violence —Detection of violence against women—, among others. On the other hand, Ecuador presents social, economic and legislative advances that support the rights of minority and / or vulnerable groups, however, it is important to mention that, unlike New Zealand, in terms of quantity of articles, New Zealand exceeds the regulatory framework in defense of vulnerable and minority groups.

### *11.1.2 Compliance with gender rights in the current government.*

Recently, Guillermo Lasso, the new president of the Republic of Ecuador, appointed Bernarda Ordoñez as the Secretary of Human Rights of Ecuador through the National Assembly - mentioned above. It is important to review the gender projections of the current government, since in New Zealand, as could be analyzed, Jacinda held the position of Prime Minister in 2017, while Guillermo Lasso held the position of President in 2021. Thus, Bernarda Ordoñez comments in reference to New Zealand, precisely in the section on menstrual justice - which New Zealand was a pioneer - he will try to replicate this model, being a very close projection in favor of gender (B. Ordoñez, personal communication, July 6 2021). Likewise, Bernarda mentions the competence she has to benefit and help vulnerable groups such as LGTBI + Q, indigenous communities, and / or minorities.

The Human Rights Secretariat is the state portfolio of the executive that is in charge of articulating public policies on the promotion of Human Rights, the eradication of violence against women, the strengthening of peoples and nationalities. In the current government, the Secretariat assumed the competence to work on the eradication of discrimination against the LGTBIQ + population. Hand in hand, with the Secretariat of Management for the Development of Peoples and Nationalities that seeks to strengthen the plurinational state that Ecuador recognizes. Therefore, in the current government, the articulation of the efforts of all state institutions will be directed, for example, in the case of eradication of violence through the Organic Law to eradicate violence through various organizations, the Secretariat of Human Rights intends to organize, articulate, and promote actions that allow all State functions to work to reduce inequality gaps (B. Ordoñez, personal communication, July 6, 2021).



In the field of sports, the Secretariat is working on incentives and support in which more girls and women practice certain sports that have traditionally been assumed by men, for example: athletics, shooting; soccer—as well as inclusion in sports for children, young people who consider having a different gender outside the binary system—. Similarly, with the Ministry of Housing, work should be done so that there is access to adequate housing for women; with the Ministry of Transportation and Public Works, take care of the bus routes, for example, that they circulate in places where there is lighting so that women are not exposed to crimes against their sexual integrity in public spaces. Also, reduce sexual harassment in the public transportation system; with the Ministry of Education, work on educational networks so that, from early childhood, boys and girls are educated under equal conditions, without the existence of stereotypes. Provide an efficient system for reporting sexual abuse, among others (B. Ordoñez, personal communication, July 6, 2021).

In the field of Human Rights, the Secretariat for Human Rights of Ecuador reports to the Universal System of the United Nations, together with a follow-up of the sentence, derived from the Inter-American Court of Human Rights. In addition, the current Human Rights Secretariat is in the process of creating the first policy to eradicate forms of discrimination and violence in the LGTBIQ + community, along with 3 aspects: the first, the health axis that people are not discriminated against because of their appearance, or sexual orientation; second, criminal justice, since there is a large record of deaths and attacks against the LGTBIQ + —that sometimes the corresponding jurisdiction does not investigate the reason for the appropriate criminal type — one of them being hate crimes; finally, work, the place where a large percentage of discrimination occurs, especially towards transsexual people (B. Ordoñez, personal communication, July 6, 2021).

Moreover, the Secretariat for Human Rights tries to seek International Cooperation; Bernarda comments that on June 11th a senior United Nations official — Anita Bhatia — appeared in Ecuador to strengthen three objectives: the economic empowerment of women, financial innovation, and zero femicide; through a piloting of so-called centers, violet centers. In terms of empowering women, since Bernarda affirms that an empowered woman, it is easier to break circles that perpetuate violence, economic independence, end abuse problems, control harassment, empower women in the

event of sexual violations that they may raise. his voice, withal, that Huaorani women - who normally belong to an intangible zone<sup>35</sup> are forgotten and segregated indigenous communities - the Secretariat for Human Rights granted the Covid-19 vaccination to these indigenous communities (B. Ordoñez, personal communication, July 6th, 2021).

### Section III

#### 11.2 Internal and external problems derived from the gender approach in Ecuador

There are racial problems, or racial discrimination, which are very complex phenomena that are evident throughout the social structure. Its diagnosis implies a global look at ideological manifestations, feelings and values of prejudice racial, practices of domination, power, oppression and political and socioeconomic exclusion by social actors (García et. Anton, 2009, p.9). Racism and racial discrimination generate strong identity conflicts and prevent the realization of interculturality as a national project. But above all, it becomes an obstacle to the gratification of human rights by historically discriminated sectors such as indigenous people and Afro-descendants (García et. Anton, 2009, p.9). Being racism and discrimination acts of violation of human rights, both of individuals and of cultural groups. For this reason, the fight against these phenomena has become a fundamental axis of the Charter of Human Rights (García et. Anton, 2009, p.9).

One of the most flagrant violations is related to freedom of movement and the free use of public space. Organizations have denounced by evidencing police officers, traffic officers, etc. —in general, the social structure in which Ecuador maintains itself, in <sup>35</sup> Intangible zones in Ecuador are spaces considered as cultural and biological protected areas, in which extractive activities cannot exist within them, that is, not only at the national level, but also internationally. Considering intangible areas due to their sentimental value, in this case the indigenous communities that are settled there.

Especially the society of Ecuador, within different experiences—, they determine *a racial profile*. Thanks to this advanced and predetermined construction of a person, direct suspicious attitudes arise about young Afro-Ecuadorian women. Conjointly, they are considered clear objectives for there to be incarceration prior to there being any type of crime. In terms of economic, cultural, and social rights, statistics establish the way in which the

Ecuadorian State does not comply with the guarantee of such rights in nationalities, Afro-Ecuadorians, and indigenous peoples (García et. Anton, 2009, p.9).

Furthermore, such groups as indigenous peoples, Afro-Ecuadorians, and / or nationalities<sup>36</sup>, demand respect from the media towards their cultural identity. Broadcasts through television programs, manifestations and the phenotype of such people being ridiculed or stereotyped - a clear example that follows a patriarchal and historical pattern in Ecuadorian culture and society that has predominated to this day, the question asked by Andrés Carrión in a sports interview on August 15th, 2021, with the Olympic gold medalist, *Neisi Dajomes*, if she knows how to cook or wash dishes. That is, domestic tasks that have been related mainly to care work have been directly related to the performance of women, being an object of their own stereotype. Likewise, the cultural industries of the State, and school textbooks do not reveal the performance of Afro-Ecuadorians who have played a fundamental role in the founding of the nation and the Ecuadorian State. Either: cultural and national identity, African contributions to independence, and the establishment of State institutions are not recognized (García et. Anton, 2009, p.11).

#### *11.2.1 Clusiveness of minority groups.*

Within Ecuador, as a country, there must be cultural freedom for Afro-Ecuadorians and indigenous nationalities and peoples to demonstrate their cultural identity. Such freedom is violated when there is no recognition of different values, culture, and societies. The institutions or lifestyles of cultural groups must be respected, without any person suffering from discrimination due to their<sup>36</sup> Nationalities in Ecuador, refers to Ecuadorian nationality, being a legal-political link between Ecuadorian citizens and the State of Ecuador, without prejudice to the fact that the people belong to an indigenous nationality that lives in the cultural identity (García et. Anton, 2009, p.11).

Furthermore, there is a process of construction of interculturality which is necessary to be able to prosper in the midst of antagonism and coexistence relations; and political factors, the interests of the current government, attitudes and leadership (Tibán, 2009, p. 39). Although, discourse - the issue of transmission and power that discourse affects society, and explained in Chapter I - plays an important role in understanding the segregation of these minority groups, the way of intertwining left-wing political activists with the indigenous movement, it has had a negative result and impact on society and the State, distorting the definition of *interculturality* (Tibán, 2009, p. 40).

Another problem to consider is the poverty that indigenous peoples have, which arises at first from the historical loss of indigenous peoples over the control of their territories and the consequent claims for autonomy and self-determination (Cimadamore, et.al, 2006, p. 13). As a historical consequence, the indigenous population is the one who suffers the most from time poverty with 1 in 4 individuals living in poverty with a marked difference that also resembles the gaps in monetary poverty (Patiño, 2017, p. 24). Additionally, in 2012, Ecuadorian indigenous women within their community were the ones who dedicated the most hours a week to work, both domestic and paid, unlike men of any ethnic group (Patiño, 2017, p. 21). Furthermore, Carolina Patiño in the *Analysis of Time Poverty with a Gender Approach*, published by the INEC indicates that:

In the case of individually overcoming poverty, an indigenous woman should limit herself to a time of 7 hours a week. This figure should be considered as an important point when talking about the quality of life of indigenous women. Poverty among rural women is also high. On average, a rural woman dedicates 2 more hours to domestic work than a woman in urban areas, while an urban woman dedicates 6 more hours to paid work (Patiño, 2017, p. 25).

There are particular cases that support the coexistence of different problems regarding the LGTBI + Q group. Among them, in 2009 the case of Mayra, a 15-year-old transsexual woman, who was banned from entering an educational center due to her condition. In 2009, a legal representative of a child with a sexual preference other than the binary system was notified by various educational centers in Ecuador - including the school, academy, etc. - that they limit the sexual preference of their child. In 2013, a student expressed his sexual orientation towards teachers and classmates, however, harassment and bullying penetrated the life of this student. Furthermore, an HIV test was unethically requested by a teacher.

Particular cases are mentioned to show a clear existence of problems towards minority groups such as LGTBIQ + (Alba et.al, 2013, p. 64).

### *11.2.2 Universality of a common problem between Ecuador and New Zealand.*

The racial-ethnic phenomenon that segregates minorities and vulnerable groups is notorious both in the South American continent, the Ecuador analysis, and in the Oceania Continent, the New Zealand analysis, respectively. It should be remembered that Julija Sardelic, mentioned that despite the fact that there is support from New Zealand towards women or the LGTBI + Q group, there are still cases of homophobia, harassment, or non-acceptance of sexual identities, different cultural identities in the sense of belonging within an assignment between birth and gender - this refers to the western binary system provided in Chapter I, which suggests being born a woman and having a sexual preference for a man and / or vice versa. Similar events happen in the Republic of Ecuador. In addition, indigenous communities have historically been isolated.

In New Zealand, one example was the demonstrations and protests by indigenous communities over the settlement of machinery by a private company, which the government did not ban. For its part, Ecuador, which has a higher degree of poverty and has a greater impact on indigenous nationalities. However, it is important to mention again the advance by New Zealand in considering a cultural identity that exists, being the Maori. New Zealand includes Maori as an official language in its texts, there are various translations of the language scattered throughout New Zealand. Moreover, it must be remembered that New Zealand has included a high percentage of participation by members representing their communities. However, Ecuador still has disputes that it must handle hand in hand with the nationalities.

### *11.2.3 Impact of indigenous women in Ecuador.*

Indigenous women face several challenges. On the one hand, the conviction towards men that the demands they request do not go against the struggles of their people; on the other hand, such demands meet the needs of indigenous women

—among them various customs such as their subordination— (Mantel, 2014, p.7). Mónica Chuji<sup>37</sup> indicates an overview of the Ecuadorian state. Since, it highlights the patriarchal

model of domination towards indigenous communities, and the importance of the issue of education on human rights and community practices. However, such trainings are sponsored only with Non-Governmental Organizations, but not by the State of Ecuador (Mantel, 2014, p.8). The trainings implemented in various indigenous communities opened different spaces in Ecuador. The creation of the development of community assemblies decides the guidelines to be followed by the community. The indigenous assembly known as the *Zamaskijat*, is an open assembly that has the active participation of young people, the elderly, men and women (Mantel, 2014, p.9).

The perspective of indigenous women preserves a real impact on Ecuadorian society. Since, it is necessary to try to understand a non-western perspective that the indigenous communities preserve. For indigenous women, the representation of the moon is important, since it symbolizes the cycle of fertility that has a close bond with mother earth - Pachamama - and women. Thanks to various testimonies of indigenous women, you can learn about their thoughts and beliefs. (Mantel, 2014, p. 14). In the event that the physical or emotional state of a woman finds herself, indigenous women conceive a thought of disease, therefore, this disease is transmitted to mother earth, making the woman infertile, thus reducing production that the earth offers. Within the indigenous community, *Abya Yala* women are the ones who establish knowledge from their communities and the way of understanding their place from a feminine perspective that includes protagonist, presence and voice at a global level (Mantel, 2014, p. 14).

## **11.2 Gender gap in Ecuador**

According to the World Economic Forum, in 2018 Ecuador was ranked

48th among the countries with the highest parity between women and men impositions. Mónica Chuji is an indigenous woman of Kichwa nationality, who is recognized for the struggle for rights of indigenous peoples. In her professional career, Mónica stood out for being elected vice president of the Confederation of Indigenous Nationalities of the Ecuadorian Amazon. Personally, I had the opportunity to work with her and witness her ability, experience, and professionalism on gender, human rights, and nationalities.

parliamentarians and government. In 2019, Ecuador ranked 41st, being the lowest position in the last 10 years, with an average of 72.9% equality between both sexes (Bazán, 2020). The

leadership of women in the labor market continues to be a factor that presents barriers to be achieved due to the fact that employers consider gender as a link towards the analysis of competences and capacities. Employers set aside and do not consider productivity and the high impact that women produce on company performance, within spaces that demand creativity. For example, within the tourism sector, the great assumption - being a serious stereotype - those women promote empathy and cooperation to interact with people (Cañar, et. Al, 2021, p. 50).

Furthermore, the gender gap exposed during this research work is evident. Cañar states that in 2017 the United Nations expressed its concern about the existing gender gap in Ecuador, for which it expressed its concern, and the need to create programs or plans to reduce the gender gap. In turn, Paola Cañar, Patricia Uriguen, and Flor Vega in their investigation called *Discrimination and wage inequality. Exploration of gender gaps in Ecuador* reiterate that:

The United Nations is planning the creation of technological advances for Ecuador, as well as academic innovation to include women and people from the LGBTI community in the context of professionalizing them in the least conventional, to provide greater opportunities. The plans for gender equality propose measures such as strengthening and improving regulatory bodies to guarantee fair wages for women and close the gender gap (Cañar, et. Al, 2021, p. 52).

In numbers, in 2019 Ecuador, 65.3% of the total population was of working age, being part of the economically active population, and of these, 96.2% are employed; but the disparity regarding employment by gender varies in 96.7% for men and 95.4% for women, with 1.3% being the statistical difference; however, full employment in the country is 44.8% for men and 30.6% for women (Cañar, et. al, 2021, p. 52). Similarly, according to the *sex* of the person in 2019, unemployed women fluctuated between 4.6 percentage points and 3.3 percentage points compared to men. During the same year, the average labor income of men was 345.5 dollars per month while a woman received 292.7 dollars for her work, due to the fact that men worked approximately 40 hours a week, while women only reached 34 hours —Because of reproductive work<sup>38</sup>- (Cañar, et. Al, 2021, p. 52).

In 2007, men received an average salary of USD 99, 3 more than women, presenting a wage gap by gender of 28.31%. For the year 2019, the salary gap decreased to 15.28%, in which there was a salary difference of USD 52.80. Thanks to the legislature and all the measures

applied, the problem has progressively diminished, however, it still exists. Additionally, a fluctuating indicator in the 2007-2019 period is the gender pay gap. In 2009, the score on the wage discrimination rate was 22.41 percentage points, however, statistics show that for the consecutive period there was a revealing difference of 3.4% below the previous year and in the following year it increased by a reference average of the two percentage points. In the period between 2014 and 2019, the problem had its highest point in 2014, appearing at 23 percentage points, but due to the application of the measures suggested by the government and other organizations, the gap has decreased by 7.72 percentage points, which represents a reduction in the wage gap of 33.56% (Cañar, et. al, 2021, p. 54).

In conclusion, this was based on the analysis of the 2008 Constitution, which supports as a basis for new opportunities in favor of vulnerable or minority groups. The Constitution of the Republic of Ecuador supports and guarantees various human rights on gender issues towards vulnerable and minority groups. In addition, the existence of a gender gap in social, cultural, or financial aspects was demonstrated. At first, historical constructions placed men as the only means of production, separating Ecuadorian women from domestic tasks, and thus creating the feminist economy, in favor of rescuing space so that women can also be a means of production within society<sup>38</sup> It is the work that allows human reproduction commonly known as activities of care, hygiene, food, etc. For example: In a particular case, my mother cooks, washes the clothes, dries the clothes, helps my nephew with chores, etc. So, he can't work the same number of hours as my dad.

Also, it should be remembered that the issue of public finances and the General State Budget, in which the gender approach was introduced in Ecuador; such as the creation of the Organic Law to eradicate and prevent all forms of violence. Similarly, the Comprehensive Organic Penal Code that supports women in various situations. Ecuador through the creation of various provisions or laws is a positive Ecuador, with a view to changes that comply with human rights. Along with the CEDAW report, among several achievements that Ecuador highlighted in the face of CEDAW was the collective construction, which includes women's organizations, and governmental and non-governmental organizations, for the participation of minorities and nationalities to reach and enjoy their rights.

Together with the existence of several ratified binding international instruments such as: The



Convention on the Elimination of All Forms of Discrimination; The Beijing Platform for Action; or The Security Council Resolution 1325. This chapter also analyzed the current government, which promises to defend and fill in empty rights over indigenous communities, women, and the LGTBIQ + group. Finally, the importance of female empowerment and interculturality through national and international support, inclusion and the way of acting on the part of the Ecuadorian State and society. Daily problems experienced by members of the LGTBIQ + group, and the analysis of common problems such as the gender gap that exists in New Zealand and Ecuador.

## **Conclusions**

Based on the research study on Human Rights of gender in New Zealand and Ecuador 2010 - 2020, last reflections are outlined. Along with different considerations that have been developed throughout this work. Like the existence, brooding, and limitations that have appeared, and in turn have been indispensable for the results. Some results were expected, and others, fortuitous.

To begin with, based on chapter I, several currents appear within the genre that led the meaning beyond a Western concept. In turn, it explains main differences between gender, sex, and gender identity. Sex being a connotation of differentiation in a binary system like what biology conceives to end if it is male or female; gender, is a term that has started from a western binary vision of identifying oneself as a man or a woman, regardless of their biology; while gender identity arises from the perception that a human being conceives by himself, reiterating that he cannot necessarily belong to the binary system as a man and a woman, but rather to identify himself as another.

The term gender was indispensable for the succeeding constitution of the investigation. In the first instance, the history of gender constitutes a historical trajectory, which has prevailed since 1970, in which several feminist groups were the ones who gave way to the direct separation between gender in biology. Furthermore, feminists show that gender is largely a social construction on the part of patriarchy, which necessarily forces human beings to separate themselves from each other in essence and culture. Therefore, power relations arise that have normally been dominated mostly by men. The importance of power relations as a holistic for the study of the history and studies of women. Without the permission to reduce such relationships to an individualism like sexuality itself, but considering the historical omission of gender in its totality.

Gender has been confused interchangeable with sex. In addition, the influence of power relations includes gender relations due to the fact that it was based on man as the center of studies on military, economic, social, cultural issues, etc. Consequently, history has taught the participation of women in political decisions or in life in public-private sectors has been not mentioned or in turn it has been not part of the history. After the non-recognition of gender, the evolution of the term was born from a western binary system that associates women with femininity and men with masculinity, cataloging it as universal. In the same way, gender seen from other cultures that recognize it beyond western binary categories.

Moreover, within the current international relations, feminist international relations were analyzed, considered at the time an indispensable instrument for gender, since it places individuals to look beyond the traditional power relations that have been participatory in favor of gender. man, but from public policies created and instructed for and by women. Within the international framework, measures that support and attempt to integrate gender in the international system are also analyzed. Beyond the analysis of various governmental and non-governmental organizations that support gender in the international community, such as UNICEF development model. Similarly, summarizing the existence of several international treaties that promote and defend gender such as: The Beijing Platform for Action, Committee on Economic, Social and Cultural Rights; Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women, among others.

In a second case, in Chapter II, the main objective was to enter Human Rights hand in hand with gender. And so it was, how universal Human Rights were recognized and analyzed. In which a review of human rights was identified how history raises their emergence. That is, it is a relative issue from which point of view is a starting point necessary. Since, in the historical, Human Rights arises as it was in the French Revolution and the creation for the Labor party on the Declaration of the Rights of Man and Citizen, in which a large part of the revolution was also constituted by women. Therefore, it is essential to present a different starting point, from a feminist perspective that supports the birth of human rights from gender.

Remember that the vision of Human Rights in its entirety is the search for peace, justice and freedom at a global level. At the same time, the member states of the United Nations Charter have the obligation to promote and guarantee individual rights towards citizens, with the fundamental principles of human dignity and equality before all and for all; along with characteristics such as universality, indivisibility,

interdependence and interrelation, with inalienability. When analyzing the history of human rights from gender, it was possible to perceive the role of women's performance in determining political, legal and institutional structures at the global level. Being Mary Wollstonecraft the creator of emancipating the rights of women how they were associated with society at a general level. As a starting point of its own, leaving aside the revolutions that excluded women, or the demands on the part of women that were invalidated at that time. The rights seen from gender can be started with the creation of the United Nations Charter, an instrument that recognized complete equality between women and men.

In addition, the conception of the constitution of a family is important to differentiate, how it is recognized as a human right of freedom for the choice of union. However, it is important to rescue the structure of the family not from a traditionalist perspective in order to accumulate wealth, but from the perspective of a family that goes beyond the contract, children and goods acquired in a marriage. In turn, human rights in the international community are essential for there to be a certain order among the states parties, the recognition, will and ratification of the member states of the International System provide, support and guarantee human rights. In turn, the formation of various governmental or non-governmental organizations that promote the development and importance of gender such as: UN Women, The Abaad Center for Gender Equality, the International Agency for the Development of Women, among others.

In a third example, the mention and generality in gender perspective, and later Human Rights, allow starting with the analysis of New Zealand and Ecuador respectively. Chapter III analyzes New Zealand, its policies, system, economy, etc., which notably supports the genre. New Zealand ranks as a pioneer in complying with Human Rights, and in turn was the first country to grant the right to vote for women internationally. In addition to the existence of various instruments such as the report of the international committee on socio-cultural and economic rights that showed that women are the main affected by their socio-economic and cultural rights in New Zealand. Additionally, it complies with budgeting with a gender perspective with ease in the budgeting process directed especially for gender.

Human rights interrelated with gender must be remembered since 2009 to the different business organizations of the country that collaborate with the Ministry of Women together with the Maori nationalities of New Zealand, and in 2012 New Zealand has included Final Observations of the Committee during this period. In turn, New Zealand's compliance with CEDAW was demonstrated, reflected in economic areas, leadership, support in training and education. In addition, New Zealand built the Action Plan on Disability for Women 2014-2018 helped to strengthen several areas of New Zealand such as promoting access in communities, increasing job opportunities, among others.

In the explicit fulfillment of rights, New Zealand New Zealand approved in 2007 the Human Rights Amendment Law, in relation to women within the armed forces, together with several laws to reduce existing gender gaps. Furthermore, the New Zealand legal framework goes hand in hand with the articles exposed in CEDAW, including its legislation, the action plan of the human rights commission, the New Zealand strategy on the issue of disabled women, etc. Conjointly, since 2017 New Zealand complies with the Paid Leave for spontaneous abortions and stillbirths; the increase of women in Parliament, and within public functions; and equal pay.

On the other hand, despite New Zealand's attempts to build policies, regulations and programs that try to include vulnerable groups. New Zealand has a universal problem such as homophobia, domestic violence, reproductive work, care work, migration, etc. the persistence of gender inequality suggests that the law and related policies are not working particularly well as a tool to address this inequality. Or the exclusion of minority groups such as the Maori, who, despite having a whole body of legislation in favor, there are problems such as separating them and not considering them in government decisions. And, even though same-sex marriage and homoparental adoption are legal in New Zealand, there is still an acceptance problem among New Zealand citizens. In addition, of percentages analyzed on the existing gender gap in this country.

On the other hand, within the last chapter of this research, a case study of Ecuador. Although it is true, the period covers the last 10 years, there are several situations that deserve to be analyzed from before. Since, next to these previous investigations it is seen in a superficial way, a complete analysis can be placed. Among them the 2008 Constitution of the Republic of Ecuador. In the first instance, and in turn, highlight differences or similarities between New Zealand and Ecuador. In relation to the 2008 Constitution, it locates and helps in a certain way to situate Ecuador's position regarding the legal fulfillment of universal rights.

Ecuador within the Ecuadorian economy highlights an essential point to mention, and that is that the male sex was seen as a factor of production, and was defended with the help of scientific-economic analysis, strengthening inequality between men and women. Conjointly, that society, together with the Ecuadorian culture, always preserved the traditional particularity, always placing men as the main axis of production, and relating women directly to domestic tasks. Therefore, the emergence of the feminist economy is precisely the one that tries to rescue the lost space of women in the economy, politics and society within Ecuador. Ecuador, like New Zealand, has its own general budget of the State, unlike the fact that there is no department of its own related only to gender. However, this entity (PGE) recognizes the difficulty of access to social benefits that women, people with disabilities, or different nationalities have.

At the international level, Ecuador has ratified CEDAW, along with the creation of the Organic Law to eradicate and prevent all forms of violence, among others. Within the CEDAW Ecuador has complied with some articles that it exposes the same as: National Plan for the Eradication of Gender Violence against Women, Girls, Boys and Adolescents; Incorporation of a representation of peoples and nationals of Ecuador to the foreign service; Universalization of basic education for ages 5 to 14, achieving 96% coverage; among other. Ecuador presents alarming figures for different years, which show no progress, such as the index of girls with access to education, the index of domestic violence, the index of discrimination and exclusion towards minorities, among others.

Like New Zealand, Ecuador presents negative figures in relation to the fulfillment of gender rights, but in greater volume than New Zealand. One of the most blatant violations is related to freedom of movement and the free use of public space, in relation to couples with a different sexual orientation than the binary one, which within a traditionalist state often occurs cases of rejection by the society how many times by the state, how could it be analyzed. Similarly, the participation of indigenous women in public office is scarce, likewise, access to education for different nationalities is below average, and the general poverty factor within the country is severe. Similarly, the gender gap that exists in Ecuador and New Zealand is latent, but on a different scale.

Finally, I refer to a final conclusion, in the sense that, although I could use the argument that there is a woman in charge as Prime Minister in New Zealand, being at the same time, one of the few to hold office worldwide In reference to Jacinda Arnerd, or referring to the current Secretary of Human Rights of Ecuador, Bernarda Ordoñez, on the basis of the contacts that I had with her so far, is generating successful work in the fulfillment of rights in Ecuador. It would be falling into a categorization, and classifying people by their gender, ethnicity or social condition. I firmly believe that in all fields, be it family, professional, educational, etc., in the end, we are all human beings, a human family, —without complicating the term “family” from a western or eastern point of view. In this research, I discovered the gender gap that exists in current times, and at the same time, it was possible to analyze how it has always become more acute. However, I firmly believe that when we all see the "*other*" as a human being, regardless of gender, sex, ethnicity, nationality, or sexual preference that is when we can move towards just fairness

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## Appendix A

### Interview # 1

Bernarda Ordoñez, Secretary of Human Rights in Ecuador (interviewed on July 6, 2021).

**Isabel:** Good afternoon, today we have the honor of interviewing the Secretary of Human Rights for the Government of the Meeting: Bernarda Ordoñez. It is on July 6, 2021. It is exactly 17 hours and 28 minutes late. And, they will be three super brief questions respecting Bernarda's time. Then let's get started. Bernarda, could you just give a brief introduction to How has the gender issue been handled in Ecuador in the field of Human Rights?

**Bernarda:** Yes, thank you very much Isabel for the space, well, first I introduce myself, first of all, my name is Bernarda Ordóñez Moscoso, I am a lawyer by profession, I have dedicated myself for more than 10 years to work precisely on gender issues and women and girls; my lines of research have been Human Rights, the rights of girls, and women, especially in the field of sexual and reproductive rights. In response to your question about gender and what impact it has had on the Ecuadorian state, well there are several analyzes. The first, from the regulatory sphere, Ecuador has been one of the countries in the world that has ratified the main instruments to eradicate violence against women in all its forms, I am referring to the CEDAU, I am referring to the Belem Do Convention Pará, to the Optional Protocols of each of the Human Rights instruments; Ecuador also has the certificate with the competence of the Inter-American Court of Human Rights, we also have an Organic Law to eradicate and prevent all forms of violence, so in the regulatory sphere I could tell you that we are very well; Hence, going from paper to practice, or from paper to everyday life if we have a large enough historical debt, just to give you some facts as a background, right? Ecuador in 2011 conducted a survey of family relationships to measure violence by the INEC; In 2019, 10 years later this survey was repeated and the data that these indicators produced are the same, 6 out of 10 women in Ecuador have experienced some type of violence, in the case of sexual violence last time, this Once we exceed the national average, 7 out of 10 women, this may have another indicator, which is the same as the INEC of March 13, 2019 (if memory serves me correctly) in which it said that, for example

, care work of women it represents 20% of GDP; If we analyze each of the rights that we have as people, and analyze with a gender perspective, we can realize that women are not accessing our rights to the same extent to exercise our rights as men, and for that you can use different indicators, whether they are international, such as the Global Index, for example, which measures four factors that are the most worrying: it is politics; The political participation of women; and the economic development of women, these are two indicators in which Ecuador is very bad, and you can also see national data, for example 7 out of 10 women do not have an adequate job, and the unemployment rate of young women from 25 to 35 years compared to that of men is double. So these brief data that I present to you tell us that everyday life is really where we have to unite, both the state, society in the field: public, private, community, and the family, we have to unite these efforts to reduce this second pandemic; which is first, violence against women, and second, the inequality that exists between women and men, and that is because we limit ourselves to this duality of woman and man because you know that there are other types of considerations, right? **Isabel:** Excellent Bernarda, thank you very much. The second question is precisely the reputation of this vulnerable group, from your knowledge, do you consider that vulnerable groups such as women, indigenous groups, and minority groups such as the LGTBI group have been broken in Ecuador by both the State, as on the part of society?

**Bernarda:** Well from my professional experience, both when I was part of organizations in civil society, as a public official, the data makes you realize that in Ecuador there are deep processes of discrimination against indigenous communities, against the LGTBIQ + population, against women, that there has been a permanent lack of articulation in the efforts to precisely change this reality. In the field of indicators, for example, with respect to the LGTBIQ + population, the only time that a study was carried out, so to speak, a very small methodology was used, so to speak called a snowball, and that had the scope for more or less about 2,500 people, it was in 2013 to measure the type of discrimination in which the LGTBIQ + population is living, in the field of nationalities of indigenous peoples and communities, evidently also in recent years there has been a lack of articulation; Although it is true Ecuador has, for example, instances such as the National Council for the equality of peoples and nationalities, in different instances throughout



the history of the Republic of Ecuador there have been, for example, secretariats and undersecretaries. What has not truly existed is a public policy for the strengthening and development of indigenous peoples, and that I speak to you from a very personal perspective, and this criterion may not be shared by different organizations or communities, and in the field of women, because in the first question I told you in greater depth what it is that we are experiencing as women.

**Isabel:** Excellent Bernarda, thank you very much and finally, maybe, could you tell us a little about the current work that you are doing precisely with regard to reducing salary gaps between men and women, reconciling gender equity, and that there is more inclusion precisely by mentioning rights humans, within minority groups understand this as LGTBI, racial groups; indigenous groups, groups of women, girls, boys within Ecuador.

**Bernarda:** Yes, the Secretariat for Human Rights is the state portfolio of the executive that is precisely in charge of articulating public policies on the promotion of Human Rights, the eradication of violence against women, the strengthening of peoples and nationalities, and we also this first month of management, we also assume the competence to work on the eradication of discrimination against the LGTBIQ + population. Here I open a brief parenthesis (How, because it should be your knowledge, was a new management secretariat for the development of peoples and nationalities created? What is my responsibility as the Secretary of Human Rights?) First, articulate the efforts of all state institutions, for example, in the case of eradication of violence, we have the Organic Law to eradicate violence, and in A section tells you about the National System for filing violence, which is made up of 22 institutions, my job is precisely to organize, articulate, and promote actions that allow all functions of the State to work to reduce inequality gaps, being concrete and being practical, for example in the field of sports, I have to encourage more girls and women to practice certain sports which has traditionally been assumed by men, for example: athletics, shooting; Thus, for example in the area with the Ministry of Housing, working so that there is access to adequate housing for women; With the Ministry of Transportation and Public Works, work so that the bus route, for example, passes through places where there is lighting so that women are not exposed to crimes against their integrity.

sexual in public spaces, to work in reducing sexual harassment in the public transportation system; with the Ministry of Education, for example, to work on educational networks so that from early childhood, boys and girls are educated in equal conditions, so that there are no stereotypes that children can do certain things, and Girls can do others, work on the protocols so that an efficient system for reporting sexual abuse can be had, in the educational field with the justice axis we work everything; Attention when crimes already occur, for example, assaults, violations, domestic violence with the Justice axis, we work so that there is no feedback that the judicial processes are quick and expeditious. All this the Law tells you, and all this is already written, but this is what I told you to do, then this is what this portfolio of state and good in the field of Human Rights does, we report to the Universal system of the United Nations, and we follow up on the sentence, on the sentences that are derived from the Inter-American Court of Human Rights, for example Ecuador has also ratified the jurisdiction of the International Criminal Court, then in the event that it is reached to give a case in an instance that are in The Hague, also the Human Rights Secretariat has to do the whole procedure; We also make material reparations for the victims of Human Rights violations that come with a judgment of the Inter-American Court of Human Rights, and within the scope of the new jurisdiction that we assume, we will create the first policy to eradicate forms of discrimination and violence against the LGTBIQ + community, and we are working on 3 aspects: the first is the health axis; that when people arrive at the Ministry of Health, they do not lack, or do not know how to discriminate against them because of their appearance, or because of their sexual orientation; The same in the field of justice, for example, there have been many attacks and deaths of members of the LGTBIQ + community, which sometimes are not investigated by the appropriate criminal type, what is it, hate crimes, for example, and we are also going to work on the work environment because there where more discrimination they have also lived, especially people, trans people, that in brief traits is what we do in the Human Rights Secretariat as you know, we assumed functions on May 24, and we are already a little more than a month and in this period what we have done was: first contact with International Cooperation; On June 11, a senior United Nations official, Anita Bhatia, came here to Ecuador so that we can work on three things: the economic empowerment of women, financial innovation, and zero femicide, through a pilot of some centers that We are calling them: Violet Centers.

Why is it important to talk about the economic empowerment of women? because it is one of the ways to break the circles that perpetuate violence; At the level of peoples and nationalities, on July 1 we vaccinated the Huaorani population, which were 126 people who are located in Bamenó, within the intangible zone. Why is this important? Because Bamenque goes, it is located within this zone, which I tell you is called the intangible zone, which covers an area of approximately 2000 square hectares between Orellana and Pastaza, there are the Tagaeri and Taromenani peoples, then the Huaorani together with these peoples share this territory; That is, they hunt, fish, plant, so how the Huaorani go out more to the city can they get the covid in the city, they return to the jungle and the Tagaeri are infected, then how the Tagaeris are peoples not contacted with it, really right? The obligation of the state is to respect that way of life, so to prevent something bad from happening, we vaccinate the Huaorani community, and within our bonding tasks, we are chairing the technical subcommittee of the mixed justice commission, which is a space where There was the entire axis of Justice, I mean the State Attorney General's Office, the National Court of Justice, the Judicial Council, and the Public Defender, there is also the MIESS and the Human Rights Secretariat, so this is a instance, where are the highest authorities as you can see, and there what we work is to improve the protocols of care, action, and referral, in case of violence against women and we are permanently coordinating actions so that the system and the State responds in a better way to cases of violence against women. That is what I can tell you briefly, which is what we do at the Secretariat for Human Rights. It is a relatively new instance, it is barely two years old, before it was the Ministry of Justice that was divided into two; the Undersecretariat of Human Rights, and the service for people deprived of liberty, and adolescents in conflict with criminal law, so we have a little more than 2 years, we are a new body, we have a presence in three, we have zonal coordination, in 3 provinces, and from there we have 4 technical offices, and our competence is the national level

**Isabel:** Excellent Bernarda, thank you very much I always follow you everywhere  
[Bernarda interrupts and says oh thank you very much]

**Isabel:** Yes, and you really are a An example for all of us, you are admirable and more than anything you have that charisma with everyone.

**Bernarda:** Oh thank you very much, what is your thesis topic?

**Isabel:** It is precisely, the International System of Gender Rights, a gender perspective in Ecuador and New Zealand, and how would you imagine New Zealand...

**Bernarda:** Aaaa already! We are also working on public policy for menstrual justice that New Zealand pioneered, and we are precisely working and articulating on that, and I don't know if it can be of much use to you, but if you look in the UDA digital repository you will go to find my thesis and in my graduate thesis I analyze the Universal System and the regional System in terms of what has to do with women's rights, in which are the main sentences of international organizations

**Isabel:** *Buenísimo* Berni, I'm just going to download it as soon as I finish this interview [Between laughs, Bernarda points out that it is chapter 2 especially]

**Isabel:** Berni, I think we are done, I thank you infinitely and your contribution will be extremely enriching to my research that I am developing. ? So without more to say, I wish you to move on, and to fulfill the rights of all people (when does one already recognize the privileges one has, it is easier to see no?)

**Bernarda:** Thank you very much Isabel, and anything, I accounts and if I can contribute something else, then at your orders

**Isabel:** Thank you very much my Berni, right now if I say goodbye.

**Bernarda:** Thank you, bye, hope you find very well.

## Appendix B

### Interview #2

**Isabel:** Okay let's start so today is the 23rd on June 2021 it's the five here in Ecuador and 10:00 a.m. in New Zealand. So today we are with a very special guest her name is Julia Sardelic she is from the Victoria University of Wellington so nao mai[it means welcome in maori]

**Julija:** Hello very nice to meet you I'm to talk to you Isabel just to make it clear my new me my name is Julia Sardelic I'm on my lecture in political science in Wellington at the Victoria University of Wellington where among other things I teach human rights in respect into international relations an international global regime.

**Isabel:** Excellent. Thank you so much so let's begin let's start with the first question and it is. What is the approach of Human Rights thought a gender perspective in New Zealand?

**Julija:** So one thing that I could say is that New Zealand takes human rights and International regime of human rights very seriously It has a long-standing history of like being the pioneer of Human Rights New Zealand what mainly the first country who gave voting rights women before many other countries it has very detailed monetary different International instruments of Human Rights so the monetary is done by of New Zealand Human Rights Commission I need how special sections of woman human rights I would say like amount one hand yes New Zealand has been a Pioneer in many aspects especially the one that I highlight in women's rights However on the other hand if you look at certain instruments for example there was a report a few years ago by the international committee on social-cultural and economic rights which showed that women are really wonderful when it comes to violations of their socio-economic and cultural right so they highlighted for example of poverty the gender gap which is more like okay I'm going to go ride to do violence against women And domestic situations so basically like we can see both sides in New Zealand one hand really a pioneer woman's rights when it comes to like a connection to Human Rights but on the other hand there are still a number of shortcomings.

**Isabel:** Excellent Julija that was really helpful with the information provided. We're going to are 2nd question [Isabel make a pause asking Julija if it is fine with the total of five questions and Julija answered she is okay with that]. What would you think are the main achievements at the state level in fulfilling all the elements of Human Rights?

**Julija:** Umm you mean in New Zealand in respect of Human Rights in New Zealand I mean we talked, is very interesting that we talked about more violations rather than achievements I

think if we think about the achievements I meant we can see like quite a robust monitoring of human rights violations and also like serious attempt by the institution in New Zealand like the Human Rights Commission to actually monitor what is happening so it is not just something that I would not just like something that is on paper but is really being with her and they are genuine attempt to like improve the situation of Human Rights and in many respects that is being done and like basically what is also I think very very promising to see is that everything for example of with the universal periodic review has an action plan and he's being monitor with like a like a realistic and achievable goals so that is one thing that I can say it's really really good to a New Zealand there are I mean the thing is that like most cases I think that we would say that human rights as humans like we have a human but also like a mixed results especially when it's from sample comes to indigenous rights and there is a lot to be done in New Zealand but I wouldn't say that indigenous rights are where they would should be.

**Isabel:** Perfect, you mentioned indigenous people and that leads us to the third question. So it is does the natives or the indigenous people are considered a vulnerable group there in New Zealand?

**Julija:** So I would say that indigenous rights It is taking its human rights when they're just people are taken very seriously they haven't been for a very long time it was only with the like human rights movements in the changes from the 70s on when actually the rights we could just people have been starting to think they can like a little bit more seriously but only when like people started protesting think that New Zealand is not abiding by the by the Treaty of Waitangi that is signed by indigenous people in 1840. But yes there have been certain achievements after Treaty Tribunal and so on. However we can still see like really unfortunate like a violations of human rights from a sample of Maori who are indigenous people in New Zealand be disproportionately represented in the penitentiary system in prison so basically would see the trend to wear for example somebody who is a colonial settlers would not be sent to prison for the same crime to somebody who is indigenous for the same reason would be sent to prison and stuff we will see like many cases like this would see like poverty among the many people who are Maori and so on and also a under representation in like key Public institutions and same with University we will see like very significant gender gap Listen to indigenous people as well as the one so all this it seems to be like that there's always like somehow like there is a discussion about this but in many cases I do not see like this challenge yes it's been addressed appropriately so.

**Isabel:** Awesome, so now I'm going to talk about the minority group for example LGBTBI. How does the state and society there see it? So, there are tolerable towards this, there is and inclusion. How does it works?

**Julija:** You mean like if there is indigenous people how what's the representation in a way how they are perceived by the majority but like by the settle colonials. So I mean do different representations and like in one hand there is a packet of colonials maoris and on the other hand there is a large group of people who are some who are the indigenous rights. However there is a lot and this cannot be it has to be emphasized that there is a lot of like misunderstanding and also I would say some what of a blindness towards the fact that maori are very much discriminated by the state and other people so basically they're certain things are just any taken for granted the was a debate for example of violating welisim and as soon as this debate came about was like for example if we have bilingual signs that means there will be most traffic accidents and so on which of course in other countries is proved that that's really not the case is juts something to see that there's still some (uum) reservation and in one hand you will see a lot of this symbolic representation of the indigenous people so basically during due greeting cure where it is the indigenous greeting, the maori greeting but But on the other hand when it comes with a really serious structure I'm that much lower so for example okay we will see people greeting on my already greeting saying goodbye and so on but if you awesome okay if someday are you ever going to be fluent in atero Mauri [Julija mentioned a mouri accent which I cannot comprehended] which is the Indigenous language official language in New Zealand most people are never taking the steps.

**Isabel:** thank you so much What about this group of sexual preference I mean for example the gay, lesbians, all this group. How does the state and the society see this group?

**Julija:** Okay so I'm going to talk about lgbtq plus so think about a man has sexual orientation and gender identity it seems to me but that's my personal opinion that like when it comes to sexual orientations that it has been quite well accepted for example to have to be married to a quality is so there was no I like it was like a very contentious debate at that shouldn't be the case so much less in the many othe liberal democracy, so when it comes to this like it was quite (I wouldn't say an smoothe procese) but it was straightforward to understanding that yes this is the kind of equality we need and like I like a lot of like places are really working very hard to include people like regardless of their sexual identity on the other hand there's much more of sexual orientation what i wanted to say but there is a lot more debate about gender identity So the group with a transsexual trench and so on are transgender people the debate is much more contentious And I will give you an example Olympic player I can't remember her name

but she basically changed her so she used to be male and not female, and there is a big debate whether she is and not where she can be in olympics and representing women when she was previously male and I would say both of the group's both of those special sexual orientation and gender identity are still up, unfortunately, a target of attacks violence attacks but especially I would say those are the debates more on the gender identity rather than the basis of sexual orientation.

**Isabel:** Thanks, Julija. Also, I want to know your opinion about Jacinda Harned. What do you think of her? Do you think her job is doing good? Tell me all about her, please.

**Julija:** Prime minister of New Zealand I think in general she's a very competent leader in my view is quite important that we have representation of a young woman horse shows that which competence you can like very successfully like challenges that ship to this. For example, built a white supremacist terrorist attack in Christchurch I would say Say I also on the other hand like the covid-19 crisis pandemic basic we have been mostly living normal lives here the borders have been closed then like geniously commitment to like to prove indigenous rights in many respects However I would say also that they are still I alive I don't know if I'm sure to talk about Jacinda but April government we have right now I think there's still some shortcomings especially when comes to attempt the temporary migrant workers at one of the main sportswear I think there's a need of improvement because many families of temporary migrant workers have been separated the covid-19 cases and they have been separated moreover that two years and can come together which is in one hand ok but part of the plan to fight COVID but on the other hand it is problematic from the human rights perspective and its just that to need a clarification so it is that I just wanted to be fair in a way that I do Absolutely respect towards our leader she's very very competent and very brave I still do think that she is still one of the best leaders of the world however there are still things that need to be improved.

**Isabel:** Excellent Julija so now this is the last question I need small related to your own experience. So, Are you happy living in New Zealand? Do you think you have all the rights there? Do you have to achieve mostly in terms of rights? And also an experience that If want to relate here you are more than welcome.

**Julija:** Yes I will I will try to so before I can answer this question I have to like actually explain a little bit about my old position so I am currently on New Zealand president I'm not a citizen of years before I become a red precedent resident the dent of New Zealand I have been on a temporary work visa to add that my partner my husband is a New Zealand citizen and I highlight 'cause it is much more Like the experiences that we have I think that and respect when it comes especially to civil and political rights New Zealand can be considered as a pioneer I



think that there's many things can be improved when it comes to social and economic rights and still needs to be improved what is great about New Zealand as soon as become a resident did you have equal rights to vote which is amazing so they're very very few countries that either what countries in the world that have this if you can vote on all levels for vote in Parliament even if you're not a citizen Sample me as a resident I can vote into the Parliament that I can vote for prime ministers and a broad range of political rights. However on the other hand what it has become very (how do I say?) contentious in New Zealand Are the rides temporary migrants especially the one who was called on pandemic so as long as I was in the temporary migrants visa I had to really a much narrower scope of rights rather for example new zealanders for work visas thte do not have the right to sample buy a house in New Zealand then their children have to pay international fees are much higher even though they live actually in New Zealand so I have to pay a much higher international fees in some cases return temporary Visa if you do not have the full access to health care so the Healthcare System if its your visa shorter than two years then basically you need to cover your own Health expenses Isn't this longer than 2 years then that it is covered half the public access to Public Funding over the Healthcare System and basically what has been proven during the covid-19 pandemic like I said I'm a lucky one because I'm having it temporary migrants I can see people who has still temporary visas are Really I really I think human rights are violated because for example even do they have jobs and so on if they leave New Zealand now It wouldn't be able to return so it's basically the citizens residents who can return so which in one hand is a Covid response But on the other hand you have a big number of people who have been like separated from their families and so long because of this fules and it' has been really problematic Effective of New Zealand economic and so on specially in the health system a lot of shortages a lot of people who came first as like For example Medical Healthcare professionals and now they're stuck in limbo I think you'll be leaving because they do not have the right to protection so I would say in general my rights are protected but on the other hand I have to also say that special temporary migrant workers have much less protection and maybe I should add that New Zealand is not a temporary signatory of New Zealand Convention

**Isabel:** Awesome Julija and one thing that I forget to ask which is really quickly, like for example in New Zealand the women and men are paid equally?

**Julija:** No, no There is a very gender gap so there is a country and also like the New Zealand High Commission show that there is a gender pay gap I'm gender pay gap you would like to see that woman are pay less for the same job for the men are like I said this is not something that is officially written in law but it is in the practice.

**Isabel:** Wow Julija it's very surprising because here in Ecuador we think like ok "we are the worst country" because now we don't have rights, there is a lot of domestic violence, and so on. But New Zealand seems to be the paradise of rights but as you mentioned...

**Julija:** Yeah yeah I know this, there is an image of New Zealand that on one hand does shows reality but on the other hand, I lived in a lot of countries so I basically is something that I could mentioned as well I live in the UK, I live in Italy, I come from **Yugoslavia** and being in Slovenia, I live in Hungry and living this list as a migrant in many different countries. In some aspects, New Zealand has ist beautiful nature and so on but policy rights for example Healthcare system it has some shortages that is breaking so there are not specialists of feed hungry people and so on and I just want to be fair, so yes in one hand there has been a lot of liberal democracies that this would have and a lot of positive things of Human Rights but on the other hand is still has a shortcomings. The question of comparing is that why I am just in the Human Rights Measurement and you search because you will see there ore details comparism where New Zealand is lacking in some areas because they also compare different groups and there is also a quantitative measure that they use so I really strongly suggest that you take a look there and you check it out because it will show you where it has shortcomings and also depends on the position you are in if you are a citizen and your rights will be mostly protected but the question is whenever you are the marginalized minority and so on when you will see really difficult things happening among.

**Isabel:** Thank you Julija, very much. I'm going to stop recording so we can talk.

**Julija:** Ok

## Appendix C

### Interview # 3

Pablo Ruiz, director of the Law School at UIDE Loja (interviewed on June 18, 2021).

**Isabel:** Right. Good morning, we met with Dr. Pablo Ruiz, it is a session on June 18, it is 8:30, starting Pablito I would like. How related are you to the term gender?

**Pablo:** Let's see, I first related to the term gender when I was doing my second master's degree in Holland, then I had contact with the first feminist groups of my friends who were there (eee) I approached some feminist circles of reflection and I started to learn, because I think that in the end this is a bit of logic, right? When you do not know something, you approach to know where it is going. So as a result of that, I got into literature a lot, I started to read Judith Butler a little, who came from a background that I had understood from this, I had read a lot of Foucault; biopolitics; and beyond, but then I started messing with Judith Butler to understand; And now as director of the law school it is one of the functions that we work a lot in the Human Rights part, at least in training.

**Isabel:** Excellent Pablito (eem) so here it takes us to the second question: what is it , how relevant do you consider gender now within Human Rights?

**Pablo:** Let's see [short pause] I would have two views: the first is that there is a discourse around gender that I think is harmful and this discourse is a political discourse that can be used, I mean the political discourse of people who Sometimes they don't understand what gender is, so one of the issues is that, for example, when at least feminist groups or feminazis who tell them that there is an ideology of gender, and gender is not an ideology, but there is a political discourse around the genre it tries to defend. I would tell you, I think that the bottom of the bottom of this political position that in the end ends up being a political position of a political discourse is to defend a very conservative, very heteronormative (eee), and very orthodox social structure, okay? so that's a perception. The second, I believe that the important thing about gender is to understand that within the social sciences it is a tool that allows us to give ourselves a category to analyze, plus the social relations, what happens between civil societies. Understand economic, political, and undoubtedly power inequalities. What for? so that we have public policy problems when we attack the major problems that cities have; the provinces of the country,

we can understand this as one more variable, and thus understand it as one more variable, we can also propose solutions that are comprehensive considering this variable. Example: the question of gender.

**Isabel:** Just Pablo, you mention the term "discourse" that I think has been spreading, how it would affect (eem), let's say, How has this discourse spread in Human Rights?

**Pablo:** It affects a lot. Okay, the first thing I'm going to drop may be an unpopular middle position; but the other day I read something interesting on Harari in Homo sapiens I think it's Harari's first book, and he says religion; the money; everything and even Human Rights are imaginary orders. What does it imply that they are imaginary orders? It implies that the human being has said that this is our ethical stature, these are our values, these are our principles, and here we are going to defend them, right? And well, that's why he defends life and that's why we defend freedom, and that's why we defend causes, equity and beyond and of course, that has different cultural connotations that we inherit and beyond, but in the end it ends up being something that the human being validates it according to the time he creates it, and it becomes a very very very political and very forceful discourse and the same happens with the other side (eee). What happens in a discourse and this is what Foucault told us: in a discourse you will always have the discourse and the counter discourse. The discourse at this time ends up being human rights that also includes the gender variable to defend precisely what should be mentioned, and the counter discourse will always understand even though it is misinterpreted with this logic of what gender is an ideology, gender is a movement that tries to do harm, etcetera, and you end up in a much more conservative position; So these two positions are always going to confront each other forcefully, and of course it is dangerous because in the end they offer citizens or civil society that do not understand either the position here or the position here. Two positions as the only two options that there are also puts it in something called the "fallacy of polarity" that is: where else do I take one, am I in the other and if I do not take the other but I take this one here, I am against the other then for me the only solution on time, a speech that can be very dangerous that can be very forceful when we do not understand something is literally knowing ourselves ignorant, and begin to understand where these variables go, what is behind each one to be able to make decisions.

**Isabel:** Excellent Pablo, you just mention these two opposing positions that, well, it is practically from Foucault's doctrine, a little inclined, it

gives us the first doctrine which supports human rights, and the discourse that is very well known to all, right? really in your knowledge in your experience a little more superficially. Do you consider that human rights have been important, let's say they have marked a milestone within Ecuador?

**Pablo:** Without a doubt, no, without a doubt, I was simply saying it because it is also interesting to understand this question that I find interesting to see from a social constructivist point of view of the imaginary order, it is something that we have all agreed that is behind, right? and of course the first, the human rights of the first, second, third generation, all the social conquests that are made, that have been born from the streets, others that have not been born from the streets but, that have been born from social mobility, from the persistence, of the demand, allows us to be talking here today, that is, it allows women to have more rights, it allows children to have more rights, it allows us not to be classified the people, the economy, then they are fundamental They are fundamental, the only thing that I think I mean is important is to know where Human Rights also allow us to build new social pacts; and sometimes those human rights but that is also a much more epistemological criticism and it is up to where these human rights end up being very westernized and as far as it is allowed to know the diversities that it has until, towards each of the countries they are a pretext of Human Rights, I am not saying that it is wrong or that it is good, but I think there is a very, very ambiguous point that I still cannot achieve, I cannot understand how to discern. I'll give you an example: the same thing happens to me when they talk about sustainable development and the sustainable development goals, they tell me these are the goals and we have to talk about political violence, etc. and I say yes of course, but I say yes as a man white, economically privileged, with my studies, and everything, then if I have the ability (I want this to be understood) and the privilege, and I say we have to talk about violence and if I leave here behind schedule, and that also happens to me because It is a common problem, if I go here behind schedule, there is still no water here, so I have to speak recently about the right to water, then before the right to life, so I do not say that it is not important, I say that there are structural issues that they are still there, and sometimes they give me this feeling that for sneaking into fashion and sometimes fashion or for sneaking into that utopia of sustainable development that has a lot of westernized vision; We forget to understand that our needs are much more specific, I am not saying that it is wrong, I am saying that sometimes we want to take a few leaps that do not allow us to walk our own processes; And the same thing happens sometimes with

Human Rights, I believe that they are fundamental, but I believe that we must also understand the structures that we have, and the rights, even though they are guaranteed in the Constitution, are still lacking. conquer.

**Isabel:** Just Pablo, you touched on an essential issue, and basically it is this of the social structures that exist in Ecuador and as the Constitution itself mentions us (if I am not mistaken) it is a country with multicultural quotes and well, now let's go a little minority group; In which there are vulnerable groups in which you mentioned, the indigenous woman cannot be compared to a white woman. So here comes the problem, it is precisely a question that is a bit obvious, but

do you consider that the rights of minority and vulnerable groups are violated in Ecuador? And if so, which sectors should be served as far as possible?

**Pablo:** Yes of course. It is not so obvious, eye I like it, sometimes the question. Well, we are not a society that we look for many answers. Einstein said something super interesting: he said that finding the answer is 1% of the entire intelligence process, learning to ask the right question takes you 99%. So I don't think it's such an obvious question, because sometimes we judge from privileges, so that's what I was telling you, your position and mine, that is, women are not all the same, even though they are black, white, mixed race, cholas , indigenous, or they simply do not want to identify, well of course a question is a very specific issue, privileged people who have had formal education, the problem is not in the privilege because there are many times that we are born with privileges, the problem is in not recognizing that You have a privilege that that would allow you or that gives you more tools so that other people can advance, and you eliminate these questions a bit, then with respect to the issues of priority attention groups, we still live in a society that questions; too generalist, too, precisely because of the development models that we have, so we regulate for the generality, we propose public policy for the generality, but we do not see these specific cases. Of course, a woman who is indigenous has many more problems; and a woman who is indigenous and with low income. In other words, you have the perfect formula for not being able to have someone who has social mobility, which is not the same as a white woman who has a high income; and both could be the object of political violence but without a doubt the studies are going to tell you that by sociology, by anthropology, even women; the first one I just mentioned, which is even more affected. So that's where the gender variable comes in, it goes into these variables

where you have to do a super interdisciplinary analysis to really understand what we are attacking and of course, the solution to that is to start using quota policy, or policies affirmative action measures, or we may at some point as a society acquire some balance sheet.

**Isabel:** Just Pablo. Now I would like to talk a little about the other counterpart that I am answering, what is New Zealand, I would like to know if you have any knowledge of how this country is managed on gender issues; human rights, I would like to know that.

**Pablo:** No, I haven't seen it, I don't know if I say yes. I have the impression, and I may be wrong right now, but it is one of the countries that has a prime minister, I do not know and I think I will get there, and I may be wrong because I loved that data, but I do not know how they handle them. So there I would lie to you if I said yes.

**Isabel:** No, no, Pablo is fine. I just wanted to make a small review because in this in this social construction it is good New Zealand they put the minister of foreign relations was a Maori; She was an indigenous woman, I thought it was great, and also in the minority group they highlighted the defender of Human Rights in New Zealand, I don't remember the name but he was a homosexual doctor and he is openly declared. So there they have much more tolerance, so looking at this topic, I would like to know this term tolerance. How far can you go? o How has it been built? because also as we know it can be a layer; Well, I am tolerant, but I do not allow you that men and men marry. So I would like to touch on that topic a little bit.

**Pablo:** Let's see. There is much to cut there (eee) I do not know, I start with the latest tolerance, there is something that I recommend and that if you are going to read it you will like a lot that Popel wrote in the last century called: "The paradox tolerance", then we are all tolerant but we cannot be tolerant with intolerance. He poses this in his paradox so it's super interesting as a starting point; that's the first thing. The second, I believe that in order to build tolerance you have two paths: a symbolic path, and a substantive path. The symbolic path implies that you ask these types of questions, I am not saying that it is not substantive, nor do I say that one is exclusive, and that the other ... only that the two could either go separate, or they could go hand in hand. ; but I want to explain both: The symbolic would be precisely what you just narrated, that is, the defender of Human Rights is going to be a homosexual doctor, that is, there you are

categorizing, that is, it has to be a man but this man is going to being a homosexual, what is symbolic is what you are selling back here, which is breaking with a heteronormativity; what is normal; That is to say, a man who has a classic family, dad, mom, sons, girls, white house, dog, right? So, you are saying: break the family concept model, that is something symbolic. It may not necessarily have something substantive, I give an example: I may not know, I do not know how it is, I am only saying that the doctor may be super conservative, even though he is homosexual, and that he does not work for nothing for nothing for his groups, then that it would be symbolic. And substantive would be that we do a much more profound work, a work with more political culture that allows us to build that tolerance, so I think the two paths are important. Precisely the symbolic allows you to begin to visualize other types of things that you normally did not have in your head, such as the prime minister; how for example: defender of Human Rights, what do you say. And the substantive is a job [this is short-term (*referring to the symbolic*)] and the noun is a much longer-term job, this is already starting to talk about social rules, solidarity, it is starting to talk even school tights; to start talking about values, to start talking about diversity criteria, to start talking about normalization. It is to start talking about social structures, that is to talk about family issues that ends up being much deeper. So if the two were hand in hand, I think it would be excellent; and if not, if they are separated, I think that one has its advantages and disadvantages, but in the end the ideal would be for both to be considered, right?

**Isabel:** Excellent. So I really think that this talk has been super enriching because normally one always has the Western vision. So it's always good to deconstruct yourself a little bit, and now let's go, I'm going to play a bit with that class that you gave us in Disruptive Women, and we're just talking about revolutions. In order to achieve the rights, then, I would like you to perhaps mention what measures would this Revolution be good for or if there are some types of alternatives then so that these rights that we mentioned above are made visible?

**Pablo:** Let's see. I think that the new Revolution if I also ask myself what I would call it; I don't like the topic "Revolution" very much. I am changing it now, I think, for "evolution" because sometimes a Revolution implies a sudden change, and a sudden change does not allow me to see or that there is a process and that there is no process implies that it may not be able to recognize the errors of what you are changing;



If you do not recognize the mistakes of what you are changing, you may make them again. So I like the term evolution much more because evolution allows you to take something much more disaggregated, that is, if yesterday you scrubbed it, it has what you scrubbed and you assume what you scrubbed, you correct what you scrubbed, and it continues to propose a better version, right? However, whether it is revolution or evolution, whatever you want to call it, I think it must be a critical thinking revolution, and that evolution of critical thinking I think that we broaden our minds to understand all the variables that are involved in the new conquests of rights., that we do not get married. I always tell my students not to marry a single position or as a single theory or as a single explanatory variable; be lovers of all theories, of all the explanatory variables, because this allows you to always say me, to see the forest and not see the tree and that allows that by having so many variables, you can begin to have all that information and begin to connect these points and having a new knowledge that allows us to have a critical position in the face of the new conquests that lead us to welcome us, today we are like new generations this would be the first, and I believe that we must do three things: the first is to organize ourselves, we must organize ourselves between men and women; only between men; only among women, as you want, but you have to learn to organize ourselves, which I think is one of the most difficult things. The social organization. Then we have to train ourselves, that is, we have to prepare ourselves, we have to know that we cannot have praxis if we do not have theory; a lot of practice without theory is sometimes kicking around, and a lot of theory, on the other hand without praxis it is infertile ground; and the third thing is to decide what to do, then there is to decide on the position of public policy from all spaces. So I think that in the end these two challenges and these revolutions would have to go through much bigger revolutions, an evolution that starts from critical thinking with these three stages: organization, training, and decision.

**Isabel:** Excellent (eem). Now the last question is a little more personal and experience, we would like to know perhaps you What has been a milestone that has marked in your personal and professional career? Well, maybe I don't know how, for example: in Human Rights, maybe a dispute that you have had, or that has been marked? Or, perhaps of someone with a student that you have said or some memory that you have had and would like to share precisely related to this Human Rights the issue of gender, but a topic a little deeper?

**Pablo:** Let's see, I don't think I can tell you something big [Enter a joking tone] and be able to tell you when I was giving a speech, and at

that moment I understood gender and Human Rights ... rather I believe Look, I can't talk to the property. I have a lot of friends who are feminists and handle this issue that is 23 in volleyball, because they give the bat and the first bativollery point, but the fact of being in contact with many of them allows me to understand little things that I have been doing I did not know, so I do not have a giant experience, but rather in my case I never say that I am a feminist, I say that I am a macho in deconstruction, because I would love to be a feminist at some point, not because I don't want to, but rather I have a lot of things to work on, if it is not an inheritance, I was already born that way; It is not an excuse, but rather it is part of my process. I come from a normal house where: Dad is the one who provides; Mom also provides; But it is a structure that continues to be patriarchal, in the end the woman continues to serve the man and the whole thing then is part of my structure, so I say that I am always a deconstruction macho, and hopefully I can become a feminist. So for me these personal issues have been rather like small issues in which I have been gradually identifying, or these conquests of mine against myself, against my own cultural heritage. I give you an example I did not wash the dishes until I understood that; hey because I can't wash dishes; is that it is something very very normal, that is, I am not disabled and it is not because I do not have both hands, why does he have to do it only to my mother? Why can't I do it? These are issues that I have come to realize when I was *peladito*, and before I had them normalized, so it is these little facts where I begin how I would tell you to understand that there is a social structure that washes your head, what does the man say to you? up here, and the woman is down here. The same had also happened to my girlfriend; no, I have had a lot [he says it in a laughing tone] that sounds terrible, I had a lot of girlfriends; they are going to say, I have had some girlfriends; that have not been so to speak challenging right? Normally I have been a very person. What will the word be? With a very marked personality, right? So it has always been like my partner and my girlfriends have bonded with me; and my last girlfriend who is already my fiancée, on the other hand, it was the opposite, so that's what fascinated me about her, she was very marked where she told me, for example, I'm going with my friends; And for me it was something super new, it was I'm going with my friends and I said Oh my God! It didn't happen to me in the past, so it's these little questions that I liked a lot, because it allows me to challenge the things that I have believed, and now I no longer believe, that is why I tell you: I am a macho in construction why is it a cultural heritage.

**Isabel:** Super interesting Pablo, and I am proud of his new fiancée [laughing]  
[Pablo and Isabel laugh]

**Isabel:** Well, rather thank you very much, it has been a talk, a very  
enriching conversation and well, right now I'm going to stop the recording.

## Appendix 4

### Interview #4

Juan Pablo Albán, Director of the Human Rights department at Universidad San Francisco de Quito (interviewed on July 2, 2021).

**Isabel:** Ready, good morning. We are with the magister Juan Pablo Albán, it is July 2, 2021; it's 9 in the morning with 2 minutes. Let us begin. First of all, Juan Pablo, how closely related are you to the term gender?

**Juan Pablo:** Well because of my work on human rights that I have been doing since 98, I have had to carry out many activities that have to do with discussions around social construction; what is gender, discussions that have to do with discrimination based on gender, discussions that have to do with the denial of rights based on sexual orientation and gender identity, so I am familiar with the term gender quite a bit my work and academic activity.

**Isabel:** Excellent Juan Pablo, so this brings us to the second question; and this is, how relevant do you consider the term gender, gender identity, and everything mentioned by yourself now within Human Rights?

**Juan Pablo:** Well, I think it is an essential and little understood concept. Unfortunately, in academic and intellectual circles there is deep confusion; first, what is sex as a biological concept, and what is gender as a social construction, this leads to a series of misunderstandings regarding the scope of the notion, and how ignoring it ends up damaging the exercise of the rights of certain groups of people. persons. So, I think that in the field of Human Rights it is a transcendental concept, and that unfortunately it is still not fully understood, even by the same people who work on Human Rights issues both from the state and from civil society.

**Isabel:** Just Juan Pablo, and now we are going to talk a little about Ecuador, and then we are going to enter the international system, but in Ecuador, I would like to know according to your opinion, what has been historical in the last 10 years that has marked Human Rights in favor of gender?

**Juan Pablo:** Well, I would believe that it is the ruling of the constitutional court, which recognizes equal marriage if we think about the last 10 years; If we go back in time to the end of the nineties, a fundamental step was taken which was the decriminalization of homosexuality as a crime, and we think about it instead from the point of view of gender-based violence, particularly violence

against women, I think we still have long way to go, and yet we have not yet identified a milestone. What we can in certain cases in fact, is identify setbacks, then surely if we think about the last 10 years; We would necessarily have to refer to the sentence to the 2 court rulings that address the Constitution of equal marriage.

**Isabel:** Excellent. Regarding minority and vulnerable groups, understand this as minority groups; It could be especially because it is a very broad group, the LGTBI group, and vulnerable groups such as women, and also in social reason, as indigenous women. Do you consider that these groups are broken in Ecuador? and if your answer is yes. What are the main sectors in which they should be served as far as possible?

**Juan Pablo:** Ecuador is a country that discriminates, it is a country that discriminates because of nationality, it is a country that discriminates because of sexual orientation, it is a country that discriminates because of gender identity, it is a country that discriminates because of sex, it is a country that discriminates due to age, is a country that discriminates because of economic condition, is a country that discriminates. So obviously there are the groups that you have just alluded to that have historically been relegated, and are still subject to discrimination in all the examples that you just mentioned, or the groups that you just referred to in addition, what we see is discrimination on various levels; In other words, it could be said that intersectional discrimination is because these people are discriminated against, because they choose to be women, and to be indigenous, or people with a diverse sexual orientation are discriminated against because of their diverse sexual orientation, but also because of their social condition or Due to its economic condition, so I think that in Ecuador we still have a lot of work to do, I think that now there is a good opportunity, now when the government that has barely served a month is in charge of the Human Rights Secretariat, there is a person Bernarda Ordóñez is particularly sensitive to these terms to make the issue of affirmative action or positive discrimination measures more visible on the priorities agenda of state institutions to eradicate these historical processes of intersectional discrimination, but there is still much to do, and that has to do with how society sees these groups, the problem is fine. from anti-rights discourse comes the problem of the devaluation of rights in themselves if? The idea of Human Rights has been losing because it has been losing strength because on many occasions we do find ourselves involved in discussions as minimal that are useless and that has ended up weakening the Human movement,

Rights which has a high level of fragmentation, so I think I who have a long way to go in the process of eradicating discrimination, there is always the different one, the other that can be excluded without rights, sometimes from the Venezuelan because they are on the streets, and we think that we will to take the job and we are afraid; other times the Afro-Ecuadorian because we have a series of stupid preconceptions, because we have around how dirty, what is lazy, what is lazy, what is useless, and other times they are also people with a diverse gender identity to what is considered in quotation marks "The others", so I think that in Ecuador this problem is very serious, and that unfortunately every time it is mentioned, the reaction of a good part of the population is "the progress are already there", again speaking of this, and of course, "The gender ideology that they want to impose on us to degenerate children" and there is actually disfigured what is in the background that are processes of very strong historical discrimination

**Isabel:** Perfect Juan Pablo, precisely you spoke of the whole society (eee) Beyond the State, and obviously it has more impact on society, doesn't it? for all the historical social construction that has been taking place. I wanted to consult you. What do you think is the sector that should be worked precisely so that the new generations learn more than tolerance, to include all these groups?

**Juan Pablo:** I believe that an education in diversity is very important, in how the human species is one, and what enriches us are precisely our differences. Different cultures that we have, different appearances that we have, different preferences; That is precisely what enriches us as a human species, so this diversity, we have to learn to enjoy it, to recognize it, to accept it, but also to enjoy it, we must stop being afraid of the different, I think that requires work from the levels more elementary, from a formal education; to accept us all as equals. So I think that for generations like mine, or those that precede mine, it is a bit late to understand these needs to recognize ourselves as equals, to be empathetic, and put ourselves in the shoes of the other, to think how they are going to feel In the face of certain attitudes of ours, what are attitudes that discriminate, but the younger generations and particularly children, adolescents, I see that they have an openness more than a much more generous vision of what the human species is, and why it is important to recognize ourselves as diverse; but second, I believe that they can be educated to accept this diversity, and recognize ourselves as equals. So, what you are pointing out I think is transcendental. We have to go from this vision of simple tolerance, you are different, but I

am going to accept it, to something beyond tolerance, which is the effective recognition of equality, and I think that we are still quite far from that, we have still advanced more or less on the subject of tolerance, because I still think that we are quite intolerant, but I definitely don't think that we are even close to accepting the idea of equality, and of diversity in a context of equality.

**Isabel:** Excellent Juan Pablo, Well this is a slightly complex question, and it also depends on the perspective of each person, but it is in terms of the discourse that supposedly has been given on Human Rights as a Western issue, so my question is How do you consider that this statement if all Human Rights have been reflected in the international system? yes that is correct, if it is not correct if it is, that they use this discourse perhaps to reach more people, if they are misrepresented, and so on.

**Juan Pablo:** I believe that at this point, in human rights theory it is very clear that universality is an aspiration, it is an aspiration of Human Rights but there is no true investment. Let's see, maybe there is a universality in terms of the principles that sustain those rights; the idea of human dignity, for example, what human dignity means, but there are no common views on the content of rights itself, and this has been the case at least from the international point of view and an institutional normative framework of protection when the universal declaration was being developed within the United Nations. Jacques Maritain, who was one of the philosophers who supported the work of the Human Rights Commission; member of the Human Rights commission, at this moment in an interview he said: “we can agree on what the rights are; as long as nobody asks us why ”and that is what is evident, precisely a concept of background and principles, in agreement on what comes from a lack of agreement on content, then what for me is freedom of expression, for others it is aberrant, which for me is freedom of religion and conscience, because for another it is aberrant, then I believe that today from the modern theory of Human Rights, to understand that universality is aspirational and that this universality can only be realized in a context contextual flexibility. What I mean by this is that for rights to really be recognized in all cultures and in all traditions, we must have certain flexible parameters to understand; for example, because from the point of view of Islamic culture and religion, women should cover their heads? [Juan Pablo makes gestures for a better interpretation, and this is inferred from when

each of us questions ourselves, when we believe that something is illogical] And that at the time of being shocking, because it seems an imposition that would seem a macho manifestation; from a cultural point of view, it can be an expression of religious conviction, so I think we have [Interference due to bad connection] to recover [signal returns]. Indeed, rights are universal, and that we accept this conceptual flexibility looking at the context, we have fullness, some flexibility when discussing rights and there we will find common content, the minimum common content of their rights, I think that we are already in that work some years. Unfortunately, there is a lot of radicalizations, also in the field of Human Rights, that is why I was talking about the division of Human Rights movements, each one wants to say that they are rights and the rest cannot have an opinion, and that is not right, with that what we first have to do is return to the essential debate that Hannah Arendt planted on the origins of totalitarianism, what is the most important of rights? is to have rights. Be the owner of rights. And that implies accepting that the person is a member of the community, that is, not excluding him because of a particular condition that he has, so I think that especially in our country, those egotistical and philosophical discussions on universality, on contextual flexibility; are the important discussions at this time, beyond the content itself, then little by little we can move on to the content. **Isabel:** Just Juan Pablo, thank you very much for your intervention, and well a little more moving away from one continent to another, I would like to know now, how closely related are you to the term gender in New Zealand?

**Juan Pablo:** I must frankly tell you that on this issue I am not related to the visions of the New Zealand society; That general information, let's say about visions on the gender question around the world, yes; and specifically in New Zealand no.

**Isabel:** Excellent Juan Pablo, as you mentioned these general visions that you have in terms of gender, could you tell us a little about this on the globe?

**Juan Pablo:** I think that there, I would say that there is a much richer debate, but secondly there is a much more open vision in European societies around the idea of gender as a social construction, I think that at the Latin American level this has a lot to do with the moral traditions that we handle in Latin America, and the theory of countries also with religious theory, very marked, very strong, we have closed ourselves a little to these other understandings, about what gender is and about its relevance in the discourse



citizen for the purposes of recognizing people who do not identify themselves as we do, they identify in a different way and I think that in Europe it is a debate that is much more advanced, and then started much earlier. I also see that there are societies; I see that they have a vision, much more if you want retrograde than Latin American societies, we do not need to distinguish ourselves, for example in the Caribbean countries a group and that is part of the American continent on the region, they have a very restrictive vision around the Gender term in most of the countries of the English-speaking Caribbean, homosexuality is still a crime even more so if we transfer this analysis to African societies, in African societies it still remains a very taboo subject; the mere discussion of gender issues. So, I think there are different levels of development, that is to say, in general impression, there are different levels of development on the debate around the idea of gender as a social construction, and the Rights based on gender of people or gender self-identification. In certain places on the planet that has not reached the same level in other places on the planet, and I would say that we as Ecuador are in an intermediate point, which regions like the English-speaking Caribbean or Africa are still at a very elementary, very basic level, and other regions. Europe in particular is at a much more advanced level of discussion, much more advanced, for me it is difficult to pigeonhole, for example, the United States. The United States is part of the first world; Ordinarily one tends to link it with European society, and yet it is an excessively conservative country, with very retrograde positions, precisely around this type of issue then the land of freedoms is not necessarily the land of the recognition of equality; on the contrary, and being the United States neighbors to Canada in which if we could put it in the same with the group of European countries, and it also costs me a bit to locate Asian society this surely has to do with the level of secrecy in what these types of discussions have in the countries of the Asian world; they are probably beginning to have a greater openness, I don't know if they could still be in a middle level of the discussion as Latin American societies already are, but it is indisputable that they are advancing. So, if we had to take a benchmark, if you want the trending topics, what are the most relevant and most recent topics on gender issues, we have to look at Europe, and as always what Latin Americans do is imitate, then it is a fashion issue, it is a relevant issue, and novelty leads us to have to discuss it, now but not necessarily because we look at social reality and understand what the needs of groups are

discriminated, in our, in our region then this It is a very interesting topic. I think it helped a lot to broaden the views on this type of discussion; I know him a lot, because we worked together at the CHR for years ago and he is an extraordinary human being, I believe that his vision of the diversity of cultures and understandings of human rights from the exhibitions he had. He has worked in Denmark, he has worked in Costa Rica where he originated, he has worked in the United States, and it has led to a very open agenda, so he raises the relevant issues in the countries that he tries to generate a political agenda, and that helped a lot. open discussions on the gender issue I think he has done a very valuable job, very valuable.

**Isabel:** Well, and this is a question as the last question, worth the redundancy, I would perhaps like to know, well it is a little more personal, that you tell me about an experience that you have had; something that has been passionate about human rights, and perhaps if you wanted to share with us in this space

**Juan Pablo:** Well, me, my connection with Human Rights is an accident, I was totally feathered to address the criminal litigation. I was in my last year of studies at the Pontifical Catholic University of Ecuador, and a friend appeared one day and told me: hey, there is a chance to go to Washington, but you have to win a contest and I really wanted to travel. Human Rights issues, we had bad teachers, public international law, we did not have Human Rights classes, just generations after mine were able to benefit from that, but we wanted to. We prepare my teammate; that he is a recognized expert in international arbitration, one of the most important partners of the most important legal firm in the country, that is, the Human Rights did not affect him much; and I came back from this week in Washington convinced that this is what I wanted to do for the rest of my life; And here I am 23 years later doing it, I am still very convinced of what I want, and what you do and surely in other areas of law I would have done better from an economic point of view especially, because the recognition I think I have had the Fortunately, my voice is heard, I have had the honor of defending notable people due to the level of abuse, abuse, that they have suffered, and that has given me public visibility, but economically Human Rights do not pay as they do. other legal fields, but I think it is more a matter of vocation. I

know that this idea is already quite hackneyed but somehow Human Rights are of some kind of religion, it is something of which one has to be very convinced, and if you are not convinced you should not do it. And unfortunately, in the new generations of Defenders there are many people who only defend their own, precisely what we were talking about a moment ago with you, this about equality. Recognizing ourselves as different, but understanding ourselves the same. It is something that has not been silent and many Defenders are very active defenders in our society above all and I believe that this also devalues the idea of Human Rights because rights belong to everyone, they do not have ideology, they do not have colors, some believe that it is a conquest of the left; and no, it is not a conquest of the left. At the Human Rights convention while the Universal Declaration was being made, there was Eleanor Roosevelt from the most recalcitrantly conservative vision of what rights could be, and there was René Bassin who was a recalcitrant communist as well, and I think that is what we have to understand. So I would like from my experience, and that is why he taught, and I continue teaching because of that because I could not give them, but what I want is to know more people if you look at it from this religious group of those pages that send you iquitos to what They knock on the door, and that they speak to you and that if you know God, and whatever the Human Rights class is for me a bit, that's what you have 20 sitting in front of you, and if you manage to convince one or two you did a lot, because there is someone who is going to wield the same weapons in reason and law behind you when you can no longer continue, someone else is going to do it, and that also seeing him as a student become my colleagues many times exceed what I have been able to do, and it is very nice. So, I really enjoy what I do

**Isabel:** Thank you very much Juan Pablo for sharing your experience. And by the way, then, for all this talk that has been super and enriching, and will surely be a very valuable contribution to my research.

**Juan Pablo:** I'm glad Isabel

**Isabel:** I think we have concluded now, and again thank you very much

**Juan Pablo:** You're welcome

**Isabel:** A good day

**Juan Pablo:** With pleasure, a good day.

## Appendix 5

### Interview # 5

Gabriela Eljuri, Professor at the University of Azuay, and active member of the Network of Politics and Human Rights of the University of Azuay (interviewed on June 17, 2021).

**Isabel:** Then, now. Good afternoon, it is a session with Gabriela Eljuri on June 17, 2021, it is 1:10 p.m. What has she had and how is she passionate about Human Rights?

**Gabriela:** Well, I am an anthropologist by profession, I studied Anthropology and I did my master's degree in cultural studies and my doctorate in society and culture, so my training is not really in line of Human Rights, it is a rather new topic for me because I have joined the Network of Politics and Human Rights of the University of Azuay, but above all in the spirit of learning more about this topic that I consider important but on which I admit I do not have enough knowledge, no? So, I am not an expert on Human Rights as some of its professors are, in my field it is rather anthropology and issues of diversity and interculturality

**Isabel:** Sure, but precisely Gaby on this issue of interculturality perhaps out there, Could we talk a bit about what gender is and maybe this problem of reproductive work or that?

**Gabriela:** Yes, of course, finally Human Rights go through the issue of equality, right? With equal rights (eee) (and) therefore the gender issue is crucial because in the world the indicators of violence, discrimination, and inequality, are they valid for gender? They do not only affect women, also minorities, but it undoubtedly affects women enormously, so to speak, I think that talking about equality and talking about rights undoubtedly leads us to touch on the issue of gender, doesn't it? Because it is there not exclusively other areas such as ethnicity for example (eee) that are also crossed by this disparity in rights, but, but it is an important issue for women, for gender issues considering also that access to rights and that the enjoyment of rights is not crossed only by gender.

[Interruption due to incoming call - pause the interview]

**Gabriela:** [Resuming the interview] Then I told you that you cannot think about Human Rights if you do not also think about the issue of inequalities and inequalities and one of those inequalities is gender, although it must also be said that those who suffer some type of inequality, generally those inequalities are, they have multiple dimensions or are multi-tiered, right? So, there are women who continue to be victims of discrimination in forms of gender violence, but they also continue to be victims of aporophobia, racism, poverty, so rights are also like layers that are interrelated

**Isabel:** Just Gaby, you play a super important topic that he said, he made mention of minority groups as well, so obviously vulnerable groups can also talk a little about indigenous groups or minority groups such as the LGTBI group and all those because in the end we live in a country a little bit (eee) not so tolerant and although it is true these rights are protected by various International Conventions as it has not been, let's say, reflected! Well, in Ecuador. So Gaby could maybe tell us a little bit about ethnicity, these issues that you mentioned earlier.

**Gabriela:** There are several things there, for example the issue of ethnicity responds to some structures ... Let's start from the facts that we talk about Ecuador that I have no qualms about saying that Ecuador and that societies like ours are highly patriarchal, sexist, classist and racist and therefore this responds to historical structures, that is, the issue of ethnicity despite what has been advanced in matters of Rights, in the right of Indigenous Peoples and Communities, the same recognition of the country as multicultural, multiethnic and multinational right? It is an advance that has just been reflected in the last two Constitutions of the country, in 98 and in 2008. If we think of all the Constitutions that the state has had, we think that until 98 Ecuador was not recognized as a diverse country. Chile is not yet recognized as a diverse country and that is one of the stakes in the New Chilean Constitution, right? So we are a country with a colonial heritage that is latent until today, so collinearity is there, it is there in the relationships we have, it is there in the discrimination experienced by indigenous peoples, the historical marginalization, the poverty rates, in the access to resources because they were finally stripped of all resources and the right to territory has not been fully respected, the right to water to fundamental issues in the survival of indigenous peoples, so there these layers appear, right? Because we could say that on gender issues (eee), for example, in legislation in favor of

women, a lot of progress has been made, but there are things still pending, the issue of abortion is pending, for example, a lot of progress has also been made to eradicate violence on paper, that is, at the level of legislation, but I do not think that significant progress has been made at the social level, and that is where the violence finally occurs. And we think of other minorities, the LGTBI communities, there in legislation it remains whole and socially also because they are completely discriminated groups, that is, we can say something with women there is legislation, not all of the legislation that we require, there are important pending issues, But there are enough laws to somehow protect us from violence, however in reality we are not protected as what fear is, I always say that fear disguised as a precaution accompanies us women on a daily basis. I'm calling my daughter right now, and she stayed in the mall and it wasn't that she stayed on the street, right? So, it is not that, with women in some way we could say that there is legislation, there is still pending legislation, but there is enough national and international instrument that protects us. But what about the LGTBI communities? What about the struggle that marriage equality has been? What about the possibility of being able to adopt and have children? And that goes through rights, that is, those communities are still deprived of rights, what happens when these conditions are superimposed? What happens when you are a woman and you are also an indigenous woman? What happens when you are a woman and in turn a black woman? (eee) the Afro community was invisible until very recently, and it continues to be invisible, right? Because right or wrong, the indigenous issue has been on the table. The entire struggle of the indigenous movement since the 30s, which had its peak in the 80s, but the struggle of the Afro movement is very recent, not the struggle, but the recognition of the Afro people. Then, the rights are also staggered, the access to the rights due to these historical conditions, which go through gender inequality; ethnic inequity; racism and patriarchal structures that are latent right? That they are so latent that they make us advance in some areas of the legislation, we do not advance in daily life, that is, discrimination is still there, violence is still there, inequality is still there, let's think about the indexes, I do not have this moment the data at hand, but you are going to get it; the feminization of poverty; the female face of poverty, as the highest indicators of poverty are in female-headed households of single mothers, single mothers, of single women, what about the recognition of women's reproductive work? To care work, what is the work that women have been associated with and that is not just the salary, right? In other words, the woman who works at home

does not have an economic recognition, but she also does not have social security, she does not have a license for other securities that are important for a decent life, right? And those are topics that we are all set to work on.

**Isabel:** Absolutely

**Gabriela:** What about indigenous women in cities, right? In the squares, in the markets with discrimination as high as the one in our cities, in such public spaces, in the streets in the squares; Like the imaginary of the city, the postcard for the tourist continues to be vetoed from informal women to peasant women who arrive with their products.

**Isabel:** Absolutely Gaby, there are innumerable rights that have been violated and as you yourself mention, this escalation that is not visible (eee) and well, that Gaby leads us to the question, well now a little bit within Ecuador and in the International System en: To what extent do you think Human Rights have had an impact on the International System?

**Gabriela:** I think they have been important, you can question many things about human rights, where they were born in the national context but they are important That is, the communities, groups, social movements know that they can appeal, although not always successfully, but they know that the same discourse of Human Rights is important in social demands; that is to say; One can question many things, for example, one questions the western origin of Human Rights, one can question, and well, who decides what Human Rights are? those of us who believe in issues such as equality; human dignity, although we can debate what is this about human dignity, the right to life, the right to social freedom, that is, of those who think about freedom in eradicating all forms of discrimination, all forms of slavery, all forms of violence, it is the best existing instrument, that is, there could be others, could there be no? but there are none. So what we have of what exists is the most powerful instrument, I would believe, who can turn to those who do not have access to power, that is, finally, who are those who do not have and do not respect Human Rights, it is usually the states who they are in power right? So Human Rights if it is an effective tool, even discursively for the communities; for historically marginalized groups; for social movements

**Isabel:** Gaby, just [Gabriela interrupts].

**Gabriela:** And there is still a need for the Human Rights approaches to be internalized in the people at whatever level it is at the social level, that is to say that Ecuador has signed that Ecuador is part of the international treaties regarding human rights and that our Constitution does so. He reiterates and that it is there and that it is important. How as a society we internalize Human Rights, that is the pending task because we can sign all the instruments in the world and in practice as a society, we internalize these things and the gender issue is very clear, right?

**Isabel:** Yes Gaby, excellent. Really this issue of states. Well, rather blame the States itself, as it would rather come from the society itself, but now, on the issue of the States. Do you consider compliance in Ecuador as a State in any way and well, I think you answered me previously, but let's talk about guaranteeing all Human Rights? That would be the question

**Gabriela:** I do not believe that the state is doing enough since there are many pending things and when I speak of the State I do not speak of a private government, I do not speak of the state as such, that is, there are still pending issues so the state must work in Ecuador on the subject of Human Rights; In other words, let's think about the issue of women's freedoms, including freedom over their own body, that is an issue in which Ecuador has made little progress and that I doubt that I made progress in the next few years because there is a whole social trend that The same issue of abortion does not agree with these issues, what about the issues of Freedom, well, apparently we live in a state of freedom but there are still social protest movements that take to the streets, what about the repression of the social movements although I am sure that many of my colleagues from the university should not agree with this but we have seen conditions of denial. In the Correa government there was almost no How to go out to protest, but in the Moreno government it is also not to say at what rate of violence by the police these demonstrations ended and not all the demonstrations of the protesters were violent, there are issues such as a wave to Latin American level of this moment that from ideological positions has given a way of condemning a social position and for me social protest is an indispensable scenario for freedom that is, and as long as governments do not guarantee what happens with the fact of that we are all equal before the law and well we are really all equal if homosexual couples could adopt children for example that is why we are not equal before the law then we could go analyzing each of the Human Rights for example the issue of bone security we are equally



safe men women on the street because we are not and those are issues that we have to work on socially but also from the state, that is to say, where a few years ago and returning to the gender issue, the issue of the gender approach in education was debated on two occasions, many social groups opposed and finally did not give way to the law and the law was not given way under the endorsement of these social groups who said that we educate our children. I'm not so sure it should be that way. I educate my daughter but I don't know how the neighbor's son educates her; the son of the schoolmate; the son of the colleague from the university; and I would demand from education, especially in public education, a state that is capable of making visible that there is a public health problem which is violence and discrimination and that therefore the gender approach should be introduced in education that does not affect the rights of anyone as it was believed not then what happens with equality in the salary issue in the issue of access to resources there are still large sectors of the population that we do not know in terms of inequality what happens with the distribution of wealth then equality that I think is a central and fundamental issue in Human Rights is not fully guaranteed since we are all equal before the law apparently I repeat the clearest example is homosexual couples cannot cannot cannot adopt a child we are not equal before the law and there is an ethnic and gender distinction and in this case an ethnic distinction not then we could speak the same in the face of discrimination programs in Ecuador nation, what I have seen in recent years focus on the belief that there is a need to talk about discrimination in Esmeraldas, no, there is no need to talk about discrimination in Esmeraldas because it is not the blacks who discriminate against themselves. It is not true, we must talk about discrimination in schools in colleges in universities to cite some examples but we could say many others I believe that progress has been made but I believe that there is still a lot to work on, however the existence of this international instrument and I believe which is fundamental and I think it is an endorsement for the citizens, right?

**Isabel:** Excellent Gaby yes as you mention. There are many pending issues for example in this equal marriage, if we are good in the same sector, I think you live in Cuenca then in Cuenca if that issue is touched on, well at the table it is an issue that is not accepted at all So I do believe that we must start from here and also that the state should guarantee it, but hey, it's a fight.

[Gabriela interrupts] And adds: What about the fairness of justice, for example? And this is another issue, I am not a lawyer, but I think that this is an issue that you should consider with your professors who are lawyers. To what extent is impartiality respected in Ecuador for those fair trials and no political persecution? In other words, up to what point in Ecuador are we equal before the law, that is, is our courts really independent, the legal power in the country is really independent of the political power? for example, and these are fundamental contradictions that Human Rights go through, as well as the equality that we have in front of the justice systems

**Isabel:** Exactly. So far you have helped me a lot as well as I have been fed a lot of information, well the next question would be that if you consider that although it was spoken in the same way, it must be done, do you consider that the rights of minority and vulnerable groups are violated in Ecuador? You mentioned that yes, but hey, let's solve this question

**Gabriela:** I constantly believe that they are violated: at the legal level, at the institutional level, and especially at the social level, because finally society is where all these issues then on the legal plane. I am not an expert on these issues, but I can give you some contacts of people who are more knowledgeable, but the simple example that we put because one, look at the whole problem that was so that homosexual couples can get married to have children they cannot in our legislation our legislation continues to defend a family stereotype. Which is the male female family, but not all families are like that then. Legally there is much to do in the institutional part, one could say what happens in the institutions with which I do not have a data, but it would be interesting to know what is the participation of the people of homosexual citizens in public institutions. For example, we could know something about women, because there is the quota system, we could still talk about people with special abilities, but what about people of other sexual orientations? And in a gender situation and at a social level? In other words, if we women have a difficult time. In our society, LGTBI communities are even more difficult, which go through these own gender conclusions that we have from this male-female dichotomy to which we imagine the world in the West, right? So, when people do not fit into either of their two spaces, how do they suffer in societies from children who do not meet the stereotype of this gender at school to adults who do not? And this is obvious, let's see when there are these

marches for the family or the Pro-family or those of "my children were educated by me." I always asked myself what is behind that and what is behind that is a denial of the right that the other has, that is, from the fear that I have that the presence of the different threatens the generic or sexual integrity of my children the other must be put in a barrier then we say yes I am tolerant but that is far away tolerance is not a is no no achieved no achieved that is to say that they are well but far away and build integrated intercultural and diverse societies through recognizing us as diverse and equal, that is, diverse in options, that is, diverse in gender options, religious ideological teapot, but equal in rights, and society does not recognize this equality, that is, every time you want to talk about a gender approach in education, every time you want to talk of equal marriage every time you want to talk about abortion, which is more complex, but every time you want to talk about equal marriage There are wide sectors of the population that react and jump, usually led by the church, but what the authorities do? Finally, the authorities do not dare to take this issue and there it is very clear there is a matter of rights that the defense of my right deals with the one that the other would have to live the same as me, that is to say I have the right as a heterosexual person to have children to adopt but the other that It is different, not then, in the case of sexual minorities, the gender issue, there is a discrimination that is legal, institutional and social, even more marked than against women

**Isabel:** excellent. You just mentioned the issue of the church, what is the church, leads us to this question, we only have two left and we would end up (eee). Does it exist, according to your criteria, non-governmental or independent governmental bodies that have included in this patriarchal social construction, which do you think? Has it been the most influential body and then the one that has marked the most, let's say, in society?

**Gabriela:** I mean, I think they are above all institutions, right? So of these institutions again they have different layers in the case of Latin America there is the church but there is another institution that is the family, and there is another institution that is the school, understand school for: University, college, and school, for me those are three fundamental institutions; they mark your life and the way of being in the world of the Latin American school; family; and church in Latin America school; family; and the church are entirely patriarchal, that is to say, this structure that the church has is absolutely patriarchal. You do not have a priestess in the Catholic Church; It does not have a papisa who has been recognized,

but that is also reproduced in the family, our families are patriarchal and are reproduced in schools and colleges, where is that discourse since they built, not for that I believe and has defended how much I have been able to the gender approach in education because changing the church is very difficult; since the church has some historical structures that change in very long periods of time change the church or the family. When all society has internalized these forms of discrimination it is very difficult, so in my case then personally my bet is on education and in education the gender approach will be accepted if we could have a shorter hope, that is to say, it is very difficult to change older people but, not impossible, but if it is possible to change to future generations the children who will now be the fathers of tomorrow and the mothers of tomorrow because in these social forms women are not only educated by men, we can be profoundly machistas and the women of which we raise male chauvinists children too, right? So, for my family, church and school are these three great institutions that define the imaginary. And you are of structures that maintain our society there you can say that the interest to the family subjects. I'm not sure if you speak, but the family and the school do read to Foucault how this school institution, this family institution, even the hospital institution, are forms of domination and forms of oppression, right? And the church in Ecuador is very clear about the secular state in the Constitution, we always say that with Eloy Alfaro the State became secular, but if you read in the country's constitutions in all the constitutions, they mention God after the constitution of the State laic; A few days ago, we looked at the act of inauguration of the president not because it is a matter of the current president but because that is the institutional protocol. Every time a president swears to defend the people, he is also honoring God, right? And there is a part where you will have seen what the president says that I swear to the Constitution that I will enforce the law, the Constitution blah blah, otherwise God let society judge me you are saying and well the power that the Catholic Church has is very important, and We cannot deny that a large part of Latin American society is Catholic and therefore it is not an unimportant institution, but we have not managed to separate the Catholic Church from the state and the secular state from the whole, in more than one moment it becomes a narrative rather than a narrative. that a reality

**Isabel:** excellent Gaby. Completely agree with what you mention in this topic that you mentioned above there are people a bit of inclusion not true. So, although it is true, we start well with women and men superimposed

within public and private institutions, etc. But in the homosexuality part there is not much so I wanted to tell you a little because I do it with New Zealand because I just don't remember the name I remember exactly but the Human Rights delegate in New Zealand is homosexual, he is openly open, and well, completely I I like to compare it to the New Zealand system which is an amazing system. This leads us to the following question: and is that yes, maybe it is related to the gender issue in New Zealand?

**Gabriela:** I do not know anything about New Zealand, there he takes me down because I have no idea I would lie to him about the reality of New Zealand they left me homework [laughing].

**Isabel:** It is not exactly everyone who does not relate to New Zealand because it is very far away and many people do not know, let's say, of this great country and well the prime minister which is Jacinda Arnerd and who takes it forward, so yes, I do I am very passionate about this topic and my Gaby. As the last question, this is actually a bit more personal and a bit related to the first question. Could you tell us about any work experience that you are passionate about on the subject of Human Rights that you have had to work on and say I am going to do this work or I have to study this I have to study the other or something in specific that you have been very passionate about?

**Gabriela:** For me. Well it is not that I am an expert on human rights as if they are some of your teachers. I linked myself to the network rather with the aim of learning but I believe that there are three fundamental issues, but because they are also particular interests of ideology life perspective for me, one is crucial and is related to gender, that is, there is no How to think about Human Rights if one does not think about gender issues the other for me has to do with the issue with the ethnic issue and with ethnicity I am not referring only to indigenous movements, what does it mean in our country to be more or less brown more or less coffee; being a peasant in the city; So the issue of ethnicity is there and for me it is also a fundamental issue that of the distribution of wealth, that is, because they are also related who are the groups that are historically deprived of that of resources, but also for me to talk about Human Rights is putting on the table and talking about democracy on the table the issue of wealth distribution, that is, I don't think you can think about these other issues without the economic dimension and without access to resources, and sometimes we forget of that when we speak of Human Rights. Sometimes it is not easier to talk about the equality of men and women; of the eradication of racism; of the eradication of

violence, but there is an issue that runs through everything and that is the economic issue, that is, how all these forms of discrimination finally land in the distribution of access to power and resources to the material and symbolic resources of society in the that include the resources that are linked to power

**Isabel:** Excellent Gaby. Rather, I thank you very much, you have seriously been an extremely valuable person.

[Gabriela interrupts and adds: thanks to you]

**Isabel:** [Continues] and rather thank you very much Gaby, I'm going to stop the recording right now.

**Gabriela:** Thank you, yes.

## Appendix 6

### Interview # 6

Diana Lee, Professor at the University of Azuay, and active member of the Network of Politics and Human Rights of the University of Azuay (interviewed on June 21, 2021).

**Isabel:** (Well I think we can make way there) (alone) [...]. Now yes, very good afternoon we are with Dr. Diana Lee (Excuse me); It is 4:09 in the afternoon, it is June 21, 2021 and we are going to give way to the interview with the first question. Dear Diana, how related is it to the term gender?

**Diana:** Good afternoon [choppy] let me connect the cable to the modem because I think it is cut, with that I connect, and it seems better to me. Is there a little better?

**Isabel:** Yes, perfect

**Diana:** Yes, well I think that the term gender today is a term that is well known or that is widely used, right? not necessarily known no, but it is widely used worldwide, it is a topic that is current in fact, and it seems to me that I do have a certain familiarity with the term, and with what that implies around what gender means, because Although before we thought of men and women, today it is known that there is a much broader classification to make it clearer to you what gender itself is.

**Isabel:** Excellent Diana, I would just like to know, perhaps, how is gender related in terms of Human Rights = a little bit to delve into Human Rights.

**Diana:** Well, I think gender is a question of identity, yes? Nowadays, well I think that people, one of the fundamental rights of human beings is the right to identity, so we all have that right and part of our identity is our gender, yes? that is, how do we identify ourselves, not just how we are labeled, let's say so; or how we are traditionally defined but how we identify ourselves, then I believe that gender and Human Rights go very hand in hand because this identity of each human being must be respected precisely; It is not a question of tolerance that is very different from respect, yes? So I think that this is extremely important and I think that the issue of gender and Human Rights is definitely totally linked.

**Isabel:** Excellent Diana, now according to your criteria, what has been the historical milestone that marked the defense of Human Rights in Ecuador for you according to your personal opinion?

**Diana:** For me (eee) good Human Rights, I believe that our Magna Carta I am not a lawyer; However, I have ever reviewed it, I think that from the beginning it has been tried to keep us in accordance with international laws and Human Rights within this that is framed all that are international laws, treaties, decrees, and so on. I think that our last constitution in letters and because suddenly that is not necessarily put into practice, I think it is wonderful, that is, it is really written very well, it has a lot of emphasis on what is the right of human beings of people and in this I believe that I also have to emphasize are the rights of people regardless of whether they are men, women and also the right of children, and adolescents, in the same way not then I think it includes everything. It seems to me that within our country there has been a constant struggle, just as I believe that we have not been on the sidelines of what has happened in the world but I do think from what I have knowledge, democracies are the ones that begin to do respect Human Rights yes? We lived through dictatorships in the 70s in which it was that when we finished and returned to democracy again then those attempts to reform our constitutions, I think have been an important step; and the last Constitution for me in terms of how it is written is very good. Excellent. Now that it is put into practice is something else.

[little laughter between the two]

**Isabel:** Exactly then, one is the written part and as you well mention in practice, and well a little while entering the international system, how do you consider the impact that Human Rights have had on the international system? To what extent do you consider it important or relevant to emphasize this?

**Diana:** I think that the presence of international organizations is necessary, yes? So, we have, I think, the UN for example. Untrue? that it is a reference body for what is law without these international organizations, it may be written in different places in different countries but another thing is that there is a body that supervises and that sees, that I observed that these are complied with, and that they lead to Cape is not it? So, I think that if it is important at the international level to have different



organizations. And in fact, precisely the same historical events have promoted the formation of these different organisms not true = to watch, to take care of, to observe; call attention to the States, a bit also to put the light, so that the world knows what is happening in different places, and so that we are not undaunted by what happens if? So, I think that the presence of international organizations is very important and they not only emphasize what care must be taken for people's rights, but also for this to be fulfilled. And at least they make a call for attention, there are also non-governmental organizations such as Amnesty International, which are organizations that have a reputation, a respectability precisely because they have had a history of ensuring compliance with and respect for Human Rights.

**Isabel:** Excellent Diana, precisely the importance is worth emphasizing that of the international non-governmental organizations; governmental of the State; But of course, they are organizations that are supportive and are completely necessary, right? In particular, now in the state of Ecuador. Do you believe that the Ecuadorian state has guaranteed all human rights in practice?

**Diana:** No. Unfortunately I think not, and I don't want to focus on governments because we could again fall into this in the last 10 years; In the last 14 years, I think that throughout the history of Ecuador human rights have not been respected in different governments, some have tried to do it more or better than others, but this has not been achieved because we have to think that Human Rights are of all people for the simple condition of being human beings, that is, regardless of any creed, religion, political position, economic situation; Social; racial, they have the right to it, simply because they are human beings so sometimes it causes a bit of controversy because one thinks and says people deprived of liberty, we are respecting their rights as human beings their minimum rights of: dignity of beings humans yes? or not, then we see that no. It is actually very difficult but many other people; there are people who say good but where are the human rights of citizens? And where are the rights? and they are thieves, murderers, rapists, so where are the human rights of the citizenry? In other words, it is difficult to understand that Human Rights are human rights of people by the simple condition of being human beings, in whatever position they are in, then that must be respected, so we see for example in this case that it is not they respect their human rights. Right to; We have the right to quality health, to housing decent, right? We do not have all the people who live in Ecuador; They do not have the right to quality education for example, that is, they do not have access, for example: they have the right but they do not have access, then that right is not fulfilled, yes? Due to socioeconomic conditions, due to different political conditions, then we

all have the right to receive health, right? However, the State is not able to provide excess health to all people on equal terms, right? Children's rights, for example, the right to receive an education, to receive care and protection. We have seen so many times that there are family problems and food problems, and we don't want there to be those things; these struggles that mothers need to feed their children, and it is not fulfilled because a child is supposed to live with dignity and sometimes the alimony, he receives is not even \$ 1 a day. Who lives on \$ 1 a day? So, there are a lot of circumstances that unfortunately do not allow those human rights to be fulfilled 100%, however they are there because that is a goal that we want to achieve, right? it is a utopia. Utopia is looking towards the horizon, and when one reaches the horizon, there is a further horizon, right? then, however, if those goals that seem unattainable did not exist, we would not fight for a better world.

**Isabel:** Perfect Diana, you have touched on very necessary issues such as the issue of access to education, health, and all rights should be guaranteed to each citizen and independently, because of this: "The typical one. That this one is not, because it is criminal and they do not deserve the same rights, then we enter into a whole controversy, right? " But that does not detract from the rights for that criminal, for that person or anything, since we are all human beings. And thanks to you who touched on this topic, it brings us the next question that you already mentioned but maybe you could rescue it a little bit. Do you consider that the rights of minority and vulnerable groups in their entirety in Ecuador?

**Diana:** Not so in its totality, but yes in a large part, I think they are largely broken. I believe that there is a very great struggle of minority groups and if we talk about minority groups it is also very broad, no? What are the minority groups? if we talk about, for example, people due to their social condition, right? they belong to a minority, suddenly people who have a different sexual orientation, they belong to a minority right? LGTBI groups, right? So, their rights are obviously violated. They are definitely violated. I would not believe and I would not like to believe that they are completely violated, but I do believe that in a large part, and Well I think that many of this is first due to a lack of education at a general level, yes?

Because citizens also have the obligation to educate ourselves, especially people who are already at a higher education level, we have the obligation to learn a little more, to be able to understand why we all do not understand what happens, for example with LGTBI groups and

then We are under the obligation to educate ourselves, to learn a little, and to try to understand this new reality that is evident, because suddenly it does not exist now, right? because it could have always existed if? but is there evidence today then if the rights of minorities are violated? and I think that they are violated.

**Isabel:** Excellent Diana, we talked a little about the State, which does not guarantee rights, but I would like to emphasize here a little on the social part. In all of society. How do you think we could practically generate tolerance in Ecuadorian society?

**Diana:** Well I believe again that the base is in education, yes? From the earliest years you see that a 2, 3-year-old child does not have any prejudice against anything, if his prejudices come first from home, then if a child, for example, is in contact with other children and within this group as children we have children of different races we have children with disabilities; the child does not feel that prejudice; Suddenly at first it seems strange, especially when we talk about disability, right? Suddenly it seems strange, but I think sometimes that comes from home, right? I am going to comment on a personal experience that I had many years ago. I had a preschool and on Valentine's Day it occurred to us that the children should share with a group of children who had mental deficits (but deep yes?) For this we worked three months before with stories or stories, obviously with parents first, because that was the hardest point, right? the children, the parents. We worked with the parents, and we told them that it was obviously not an obligation, right? We couldn't force all the children to go; those who wanted, and the truth was we had a not very large number, a small number of children, we did with the oldest ones who were those of pre-kindergarten, at this time of 4 years, and we were even inside these children carrying toys and The idea was to share with them, and play with them and tell them stories, and that our children play with them, I commented that the children's reaction was incredible; In other words, it was as if absolutely nothing had happened, they were other children, they asked something, they told me why he does not speak and since we already had all this previous work, I knew something, right? So I think that education is the base of everything, that is, I believe that education is the base of everything and with the grown-ups with the adults it is with whom it is most difficult to make a

change, with the young children, they and they begin to see diversity as something natural and normal; for example and respect for the other I think that we could think of having a better society. And as adults, as I said before, well, schools, colleges, should work on this issue, but as adults we have the obligation to educate ourselves and understand a little more, it is already complicated for many people and to change their mentality, yes? but I think that if I look back to when I was a teenager to when it is today, I do think there is a change because when I was a teenager there was this ... Oh, sorry I can use this word, Ay es mar \* \* n yes? or I did I did it was the insult for example in this or it was about belittling a person who had a way of being a little more feminine, for example if it was a man, or if it was a woman and it was more masculine for example Even today, I think I think and I want to think that young people today are badly accustomed to seeing diverse people in this sense in their social environment. Yes, I think that we still need people with disabilities, we still need to be part of our society that is integrated, and that there is really an integration, so I repeat, for me the basis of everything is education, from an education that we learn to recognize diversity; And I don't like the word tolerate very much, but rather to know, to understand, to understand, and to include diversity, because no person is the same as the other.

**Isabel:** Thank you very much for sharing this experience, which is super good and enriching, and also, this term, change from tolerance to inclusion, right? He just won me over with the question, because I was going to ask him, What is your experience that has motivated you? And I think this was the pure description. Thank you. But hey, as a last question what is a bit necessary and we are talking about a state a bit remote, yes. Are you perhaps related to the gender issue in New Zealand?

**Diana:** Not at all, I have worked a little less today and sometimes the activities do not allow us, I was a member, well I am a member of Amnesty International a little less active today, but in my A time when there was no internet or emails, nowadays everything is signed by email and sent, which seems a little more impersonal to me; or what we did Amnesty International focused on three things basically: on defending prisoners of conscience who were imprisoned for their way of thinking without having used violence. Yes? So for example, I remember writing letters to the South African government for the release of Nelson Mandela; Another thing that was being fought for was humane and fair treatment for all persons deprived of liberty; and no to torture, that

is zero torture, and the last one that Amnisía Internacional is and very very firm in that is no to the death penalty; So those three things were the ones that we wrote letters then, we collected signatures, this is a bit of the work that I have done internationally. I have not worked in New Zealand. I do not know much I do not know about this gender issue.

**Isabel:** Yes doctor, thank you very much, the last question was a bit necessary because the people interviewed precisely in that far away state there is not much knowledge, but I rely on my degree work, because it is an exemplary country and it is not because of fall into the categorization of is the prime minister who is Jacinta, furthermore I was a little studying its bases and everything, and it is a very good example to follow New Zealand so that question is necessary to understand.

**Diana:** What I can tell you that I know about New Zealand is the educational system, for example, especially at the preschool level if it is a little of what I know because I was also researching this, which is something that I am going to in my doctoral thesis, and There is a very beautiful work that they do called, it is a project that is worked together in Canada, it seems to me New Zealand and I am not right if South Africa is also called the: “pedagogy of common worlds”. So it is a pedagogy based precisely on learning respecting the child's environment and seeking for the child to develop critical thinking; if instead of giving a pill teaching, let's say, or this has to be done; This is how the cord is tied, this is how this is done; This is how the other is done, it is a totally different learning based on real experiences, and looking for the child to develop their critical thinking and respecting the worldviews of each of the sites. Then suddenly, in reality, New Zealand is an exemplary country in many things.

**Isabel:** Yes, doctor, I think we have already concluded the interview. First again, thank you for your time, although it is true it was not that long, but they were extremely good answers, enriching, it is worth emphasizing nothing more than thanking you and that your contribution was super important for my work. That would be all doctor. **Diana:** Thanks to you, I really hope that some of the answers have been useful, and well, keep going. I wish you much success. **Isabel:** Thank you very much Dra, have a nice day. **Diana:** Thank you, good afternoon. Bye.

## Appendix 7

### Interview# 7

Sebastián López, Professor at the Universidad del Azuay (interviewed on June 22, 2021).

**Isabel:** Very good afternoon, it is 5:00 in the afternoon, we are in the session with Dr. Sebastián López, it is on June 22, 2021. We begin. What is the constitutional legalistic perspective that you think the Ecuadorian State has on Human Rights?

**Sebastián:** Well, first you have to refine the question, I would say Isabel, because speaking from a legalistic and constitutional perspective is how to put two things in the same bag, I will go on to address the issue. When we say a constitutional perspective, we are focused mainly on the Constitution of the Republic, how is the fundamental norm that guides social organization? When we are talking about a legal level we are talking about an infra-constitutional level, that is, under the Constitution; first thing. Second thing, the constitutional state of rights and Justice, which is the Constitutional model Defined by the Ecuadorian Constituent Assembly, has oriented a series of rights categories from a rights perspective and within them has given special attention and protection to some groups that are called groups. priority care as a constitutionally protected category, yes? In the constitution of the year 98 vulnerable groups were called, today priority attention groups are called and the Ecuadorian Constituent grants a specialized treatment regarding this category of rights to people of free mobility; adolescent boys' girls; a pregnant woman; people in a double vulnerability condition; etcetera. Has older adults; and other categories, which are considered in such a way that Ecuadorian constitutionalism has provided greater specialization and attention in a constitutional manner to groups of special violation, yes. [Short pause] Sebastián adds: Then a little while only to close, certainly there is an infra-constitutional regulation that is developed at the state level, yes? But the main attention and priority is effectively given by this attention from the Constitution and then if we say that this transpires or becomes effective in a transversal way to the entire internal legal system.

**Isabel:** Excellent. Thank you very much for the correction doctor, precisely I had knowledge of international studies that we have to the Constitution; then treaties

international; then Organic Laws; and all the essential pyramid, but in terms of Human Rights, from what I understood (eee) international treaties were on the same footing as the Constitution, so this question leads me to what do you think there should be any constitutional reform that watches over the rights of minority groups such as what is this equal marriage or homoparental adoption and obviously considering what I mentioned above?

**Sebastián:** And this is also a fairly legal question, let's say. First of all, you are correct when you say that international instruments have the same constitutional hierarchy; that is important; in Ecuadorian constitutionalism, and depends on each legal system; ours, international instruments have a constitutional rank and legal systems where they have an infra-constitutional rank, for example, but supra-legal if? In our case, international human rights instruments have the same constitutional status. Your question is, is a reform necessary to provide special attention? No. This does not necessarily involve a matter of reform at the constitutional level. First, you have to be clear that the Constitution lays out the main lines of the legal system, it does not contain all the details, let's say the Constitution establishes the basic fundamental rights of social organization. and the most important categories is a category of values, let's say raised to the maximum rank, that's what the constitution is, yes? Social pact on an equal footing with a category of Importance values. Now, is a constitutional reform necessary to serve those groups? No. Rather, what would be expected is that the legislator develops this content of constitutional rights through infra-constitutional regulations or secondary regulations. Now in our model it is not only the legislator who has to develop public powers through laws through public policies, the content of these rights of priority attention groups is enough as an example to consider, for example that jurisprudence has also served To support the development of these rights, you have mentioned it, equal marriage is not a conquest through constitutional reform, it is a conquest of Rights through jurisprudence A step forward in the development of jurisprudence the rights are developed progressively Through the norms of the legislation through the public policies of the public powers, and through jurisprudence. Attending that everything deserves a constitutional reform is not the center of the matter, the important thing is to attend to a lot it would be enough

for us to deal with the rights that are already there, and with that we will have fulfilled the task.

**Isabel:** Excellent doctor, just for a clarification, for example these vulnerable groups that one considers or rather that society considers how indigenous groups; Like the minority groups of the LGTBI and all those groups, are they considered priority groups?

**Sebastian:** Right. my recommendation is that you check article 57 of the Constitution, well I'm not sure if it is 57 or good. The category is priority attention groups who are (I hope my memory does not fail me) older adults, girls, boys, adolescents, pregnant women, people with free mobility, users and consumers, (imagine, they are within this group deprived of the freedom), and something else escapes me. When you speak of the indigenous as a priority care group, this must be addressed, it is not that it is a priority care group, what they are are historically discriminated groups; Now let's put this in context, can there be a priority care group that has historically been discriminated against? Yes, pregnant women for example. But when we are talking about ethnic minorities, religious minorities, identity minorities, we are talking about historically discriminated groups that do not necessarily obey the categorization of priority attention groups. What are those that I have told you, for example sexual minorities are historically discriminated groups, but they are not considered as priority groups in the strict sense. To be well understood, it does not mean that historically discriminated groups do not require priority attention, in fact they do; less was lacking, but within the category of rights of priority attention groups it is not the correct thing to place them, but rather as historically discriminated groups that have not had access to the rights whose rights have been unsatisfied, etcetera, etcetera.

**Isabel:** So, precisely Doctor Sebastián in this in these historically discriminated groups, as you mention in the Constitution it is at a global level. What would be the regulations or should a specific regulation be created to regulate the rights and ensure this group or?

[Sebastian interrupts and responds]

**Sebastian:** Right. Let's see, I think that it does not go through legal or constitutional reform issues, yes? to differentiate the legal from the constitutional; and yes it is true; and yes it is true; Well, it is true, it would be enough for us to pay attention, and effectively develop the rights that we already have constitutionally, that would be



enough, and it is that if we pay attention to the rights how it is, that would be enough. I don't think it goes through a reform issue; Insert this group, and this will be addressed, it seems to me that the context of rights and it is true that the context of Rights at the constitutional level is given in a favorable way to pay attention. Rather, this happens by translating the constitutional reading at the level of jurisprudential legislative development and specific public policies. I mean to have a good reading of the constitution, nothing more.

**Isabel:** Excellent doctor, this is a slightly more general question, it is more at your discretion, but to what extent do you consider, now, the state has supported and guaranteed human rights in the last 10 years?

**Sebastián:** I think that you also have to refine this question, but yes, I would answer you and I would say that the constitutional text is favorable; the constitutional text is presented as a favorable design for rights, but I think the same has not happened. One thing is the formal constitution, that is, as a text, and another thing is the material constitution in practice. I do not believe that in practice the rights have been realized, or that the Constitution, well, I do not think it has had an echo, and yes and it is also true that it would be enough for us to also schedule a comprehensive material reading of the Constitution to translate that, but I don't think we've had. Now and why does this happen? because I believe that the design, despite the fact that it is favorable in terms of rights at the constitutional level, I am talking about it has a part that returns with a bias of mistrust, let's say the public power (eee) does not understand well, this happens, let's see I don't know how to explain it .

The Constitution has two parts; a dogmatic part, and an organic part, not the organic part; The institutional part serves to the extent that it makes all rights effective, I think the institutional part has been owed to us. Let's say if we were going; Yes, it is also true, that it would be enough for these rights to have a good reading for this to be translated into ordinary legislation in public policies and jurisprudence, which allows these rights to be amplified. Now now I think that lately, traditionally, I think our justice has been very conservative; And it is true again that in the last couple of years, the Constitutional Court has taken a small turn: the decriminalization of abortion, rights of pregnant women in unfavorable conditions regarding the workplace, equal marriage; Human rights of private persons with respect to liberty; Structural sentences in relation. Executives who have used the states of exception, yes, and that give them

a limit, I think that happens through having independent courts that strengthen the constitutionalism of rights and promote the attention of these priority attention groups. How? education. constitutional culture, culture of Rights, training, and naturally appropriating rights, this is a basic condition; appropriate rights, but I believe that institutionally we are in debt, we are in debt, I believe that the formal conditions are in place, but materially we are in debt.

**Isabel:** Excellent doctor. A question arose for me Precisely on this issue of institutionalization Well I understand, well I don't know much about law but in this sense, if you want to form a public policy, will it go through a State body, but in case of that international organizations intervene; For example, without touching on the issue of sovereignty, but if they wanted to create or be practically a public policy, it would later be institutionalized for the benefit of precisely some rights of women, for example: education, could this be possible, would the state allow it Or is it only the state that creates public policies?

**Sebastian:** I don't understand. The question is very abstract. Specifically, two capsules.  
That?

**Isabel: I mean** if international organizations can affect in any way in making a public policy in Ecuador

**Sebastián:** No. Having Human Rights are conceptual frameworks and what they do and create an incidence within domestic politics. Example: the Inter-American Court Honduras dictates a sentence, I don't know; versus a case from Honduras a case from Peru and that is part of what is called the international Corpus Juris. What does that mean? The body of international law, now this jurisprudence is applicable internally. Of course, it guides, guides the application of Rights, now naturally who is responsible for generating public policy is not the International System, it is the democratic representative bodies, being the Parliament, the Executive; public administrations; but it is logical and desirable that these parliaments, the executive, and the public administrations have these standards up to date to develop public policy. Example said in concrete words: tomorrow we want to enact the law against violence against women, well the Inter-American Court has said a lot in relation to violence against women, violence against children, and international jurisprudence, and all those they are inputs that provide a well-designed public policy.

**Isabel:** Excellent doctor, thank you very much. Well as the last question, this is completely your personal opinion because with your knowledge, I do not know if it will also be well raised but hey come on- What do you think about this issue that are the revolutions which if I am not badly breaking the Are legitimate order in Ecuador necessary or not to try to obtain the rights that the Ecuadorian state does not guarantee?

**Sebastián:** Well, I also recommend adjusting the question because when we say revolutions and whether or not revolutions are necessary, I would ask what kind of revolutions? In what context? And which ones are you referring to? First thing. Second thing, I know a little what you are aiming at. I will answer you in the following way: Human Rights are not funny concessions from the public powers, Human Rights obey a history of struggle and vindication. What do I mean? that they are fragments of sovereignty that the social sectors tear from power. More clearly, equal marriage, and abortion in many is due to social pressure, and to social demand, and to the generation of social protest rights, the record of Rights is not a record of rivers of honey; the record of rights is a record of popular struggle and demand. This is how the history of rights has been. First-generation rights represented a moment, a class, second-generation rights represented another moment; another class, those of third; another moment, another class, and thus the rights are consulted, we are going that this goes for more goes for more, but what is step by step.

**Isabel:** Doctor, I practically don't think you had the precise questions because we are from two different fields, but honestly, you have helped me a lot. A little with your knowledge has redirected me for me a little to investigate more thoroughly and guide me as each thing that you had mentioned.

**Sebastian:** Sure.

**Isabel:** I'm going to stop recording right now.