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[Reviews]

Frontiers of Gender Equality: Transnational Legal Perspectives

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1. Introduction

Frontiers of Gender Equality: Transnational Legal Perspectives, edited by Rebecca Cook, is an excellent collection that succeeds in tackling a great challenge: helping the reader understand the complex international human rights framework that we have today, what has been accomplished by its developments, and what work still remains to be done. Surely, the latter is as extensive as the concept of human rights itself. Still, the contributions in this book effectively single out gender equality for a deeper analysis, applying different interpretations and uses of Kimberlé Crenshaw's intersectionality theory (CRENSHAW, 1989; 1991), and pushing the boundaries of what the international community understands as gender justice.

Structurally, the book is divided into three sections. Section one is more philosophical and digs deeper into what gender equality really means, presenting the reader with detailed interpretations that go "beyond formalistic approaches to discrimination" (COOK, 2018, p.2). The second part of the book looks back in order to look forward, exploring numerous human rights treaties and how they tackle gender equality, either successfully or unsuccessfully. The last section aims to present gender equality issues in more palpable ways, bringing domestic and regional decisions into the analysis alongside international texts. The editor was overtly inspired by feminist rewriting projects; especially that of the Woman's Court of Canada (REAUME, 2018).[1]

2. Section 1

Sophia Moreau's chapter, "Faces of Gender Equality," offers a threefold justification for the wrongness of gender discrimination, calling it a "status based" wrong. She argues for a pluralistic account of gender discrimination that evidences its three types of harms: (i) the marginalization of women and their subordination to men; (ii) the limitation of women's freedom to make their own life choices; and (iii) the denial of access to basic goods that they face – those goods that are necessary in order to render women equal members of society (MOREAU, 2023, pp. 19-28). Moreau directly connects her theory to

[1] For rewriting projects from other parts of the world, see Rewrites Projects from Around the World by Intersectional Rewrites. Available at https://intersectionalrewrites.org/rewrites-projects/. Last access on March 20, 2025.

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two other chapters in the first section: Sandra Fredman's four-dimensional approach to substantive equality applied to labor law and Shreya Atrey's chapter on what she calls a "prioritarian" account of gender equality through intersectionality (ATREY, 2023, p. 56), in which she directly engages with Crenshaw and boldly claims that gender equality is unattainable without priority over other human rights legislation. Moreau draws the connection by arguing that, while her work focuses on describing the current state of gender discrimination, Fredman's and Atrey's approaches focus on the future, and what can be done to correct it (MOREAU, 2023, pp. 35-37).

Daniel Del Gobbo's chapter, "Queer Rights Talk: The Rhetoric of Equality Rights for LGBTQ+ Peoples," offers a thoughtful and illuminating critique to rights-based advocacy regarding queer rights. His opening paragraph presents Aeyal Gross' concept of "gay governance"; that is, the developments in equality rights for LGBTQ+ groups in municipal, national, regional, and global levels, including international organizations and financial institutions, and the use of LGBTQ+ rights as a marker for advancement in the West (GROSS, 2017; 2019). This concept is then used to discuss, as well as critique, international law mechanisms, focusing on the most important instrument dedicated to Sexual Orientation and Gender Identity (SOGI) rights in international law: the Yogyakarta Principles.[2] The first challenge pointed out by Del Gobbo is the principles' main weakness; their classification as soft law. He then brings up Loveday Hodson's chapter, "Gender Equality Untethered? CEDAW's Contribution to Intersectionality," in which she argues that many states fail to officially recognize equality rights to LGBTQ+ groups because they focus on binary understandings of international law texts, such as the CEDAW (HODSON, 2023).[3] Here, I believe the author might have missed an opportunity to draw an additional connection; this time to Marta Rodriguez de Assis Machado and Mariana Mota Prado's chapter, "Institutional Dimensions of Gender Equality: The Maria da Penha Case," in which they show that, even when there is official recognition of substantive gender equality concerns by the law, gender violence against marginalized groups persists (MACHADO, MOTA; 2023).

[2] The Yogyakarta Principles were first adopted in 2007, and were supplemented in 2017. The document is not a Treaty and does not carry any enforcement procedures. The goal was not to create new rights, but to clarify SOGI rights already covered by International Law. They are available at: https://yogyakartaprinciples.org/.

[3] The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international treaty versing on gender equality and the end of discrimination against women. It was adopted by the United Nations in 1979. The text is available at: https://www.un.org/womenwatch/daw/cedaw/cedaw.htm.

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The main argument developed by Del Gobbo, though, is that what he calls "queer rights talk" – that is, the rhetorical framework for equality rights within the LGBTQ+ community, as exemplified in the Yogyakarta Principles – both promotes and prevents substantive equality for such individuals, as their abstract and superficial language can reinforce binary structures that serve to reinforce their position as "others" (Del Gobbo, 2023, p. 70). He contends that to include LGBTQ+ rights in the human rights realm often serve imperialistic goals, positioning the West as advanced at the expense of the homophobic, backward developing countries.[4] Finally, the author concludes by arguing that, as problematic as it may be, rights talk is still necessary, and LGBTQ+ groups are in such a vulnerable position that they do not have the luxury to abandon it (DEL GOBBO, 2023, p. 83). Rather, rights talk must be used strategically, with special attention to its weaknesses and a focus on intersectionality. Here, his argument is very similar to that put forward by Melissa Autumn White (2013), as rights being what we "cannot not want."

Section I concludes with two articles that bring up the difficulties of universalizing women's rights in light of cultural differences around the world. In "CEDAW Reservations and Contested Equality Claims," Siobhán Mullally argues that, even though the high number of states that have ratified the Convention and/or its Optional Protocol can be interpreted as a positive development, such universality has its price: more than half of the signatory countries have adopted reservations based on religious-cultural claims, thus limiting the scope of the Convention and the mandate of its committee (Mullally, 2023, p. 88).[5] As the author demonstrates, it is women and girls who end up carrying the burden of preserving their countries' customs and traditions that are the base for such reservations, caught in the middle of the complex balance between the preservation of cultural identity and evolution of gender equality.

Marieme S. Lo's chapter, "Gender Equality and the Sustainable Development Goals: Discursive Practices in Uncertain Times," focuses on Sustainable Development Goal 5 (SDG5), which has as its goal "to achieve gender equality and empower all women and

[4] I believe this line of argument might have to shift a bit with the rise of extreme right politicians in countries that used to be considered the paramount of tolerance, freedom and human rights, such as the United States.

[5] **The** Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women **was adopted by** resolution A/RES/54/4 at the fifty-fourth session of the General Assembly of the United Nations **on October 6, 1999, and came into force in December 22, 2000. Text available at:** https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-elimination-all-forms**.**

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girls."[6] In what brings us back to Shreya Atrey's "prioritarian" account of gender equality, the author argues that the SDG5 agenda "calls for a renewed impetus to prioritize gender equality and rights at this historic juncture, mired by a conjoined health and economic crisis" (S. Lo, 2023, P. 109). She then discusses challenges to the implementation of the Agenda, including the economic crisis caused by the COVID pandemic and its commitment to be "global in nature and universally applicable to all countries while taking into account different national realities, capacities, needs and levels of development and respecting national policies and priorities,"[7] which complements Mullally's chapter in a very interesting way.

3. Section II

Section II of the collection explores specific international and regional human rights treaties and their applications towards the pursuit of gender equality. The first three chapters, "Fifty Years On: The Curious Case of Intersectional Discrimination in the ICCPR," by Shreya Atrey, "Like Birds of a Feather? ICESCR and Women's Socioeconomic Equality," by Meghan Campbell, and "Gender Equality Untethered? CEDAW's Contribution to Intersectionality," by Loveday Hodson, focus on international treaties and their success – or lack thereof – in enabling the advancement of substantive gender equality in real life cases. The two following chapters, by Stéohanie Hennette Vaichez and Karin Lukas and Colm Ó Ciannéide, explore the European Court of Human Rights and the European Social Charter, respectively.

The real highlight of the section, in my opinion, are the following three articles, which shift the traditional focus from European Human treaties and organizations, shedding some light on regional human rights frameworks from different regions. In Chapter 12, "Transformative Gender Equality in the Inter-American System of Human Rights," Verónica Undurraga explores two areas that she believes have received contributions

[6] United Nations, "Transforming our World: The 2030 Agenda for Sustainable Development", UN Doc. A/RES/70/1 (2015), p. 20. Available at: https://sdgs.un.org/sites/default/files/publications/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf.

[7] UN Doc. A/RES/69/313 (2015), paragraph 10. Text available at: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_69_313.pdf.

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from the Inter-American system: economic, social, cultural and environmental rights (ESCER) and gender equality. Her main argument is that there is an overshadowed gendered dimension to poverty that could be better addressed by a "better integrated approach between gender equality jurisprudence and ESCER jurisprudence" (UNDURRAGA, 2023, p. 237). The essay includes a brief analysis of the Inter-American system of human rights, pointing out its differences vis-à-vis the well-known European system.

One of the main operational differences, she argues, is how due to regional details, such as lack of resources, courts end up adopting more direct, interventionist approaches, engaging directly with local judges and advocacy organizations (UNDURRAGA, 2023, p. 237). Using caselaw, such as *Maria da Penha Maia Fernandes v. Brazil*,[8] Undurraga explores how the Inter-American Court has adopted the principle of substantive equality in its decisions, mandating institutional reforms to address structural inequality. This example connects extremely well with Marta Rodriguez de Assis Machado and Mariana Mota Prado's chapter, "Institutional Dimensions of Gender Equality: The Maria da Penha Case" (MACHADO, MOTA; 2023). The authors show that the Court's decision, which found Brazil guilty for failing to actively prevent and protect women from domestic violence, was the basis for the Brazilian "Maria da Penha" Law. This piece of legislation not only criminalizes domestic violence against women, but sets up a national institutional task force to combat domestic violence. Using this and other examples, the chapter brilliantly highlights how, even if there is space for a deeper understanding of intersectionality, the Court has used substantive interpretations of gender justice and issued important decisions regarding structural inequality, serving as an example to the rest of the world.

Chapter 13, "African Gender Equalities," by Fareda Banda, starts with an introduction of Africa's fight for equality, divided by the author in three intertwined phases: (i) political liberation from colonialism; (ii) the struggle against gender-based discrimination, both legally and within societal stereotypes; and (iii) fighting gender discrimination in national allocation of resources (BANDA, 2023, p. 259). Further, in an introductory note, the author mentions challenges that come with grasping the use of the word "gender" as understood by Western societies in African backgrounds, since the term

[8] Maria da Penha v. Brazil, Case 12.051, Inter-Am. Comm. H.R., Report No. 54/01, OAE/Ser. L/V/II.111, doc. 20, rev., at 704 (Interamerican Comission on Human Rights [hereinafter IACmHRJ).

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does not always translate to local language. Its understanding often does not correspond to different African traditions as to the role of women and men in society. This is an important challenge that comes with the mainstreaming of women's rights that is often overlooked.

The author also provides a clear overview of the African human rights framework, which includes the African Charter on Human Rights and Peoples' Rights (the Banjul Charter),[9] the Protocol on the Rights of Women (known as the Maputo Protocol),[10] and the African Charter on the Rights and Welfare of the Child.[11] The author also mentions that CEDAW is an active part of the continent's human rights system, often cited by regional judges and ratified by all but two members of the African Union. Despite pointing out some gaps within the legal framework, such as the rights of lesbian women, Banda brings up the critique that the African system's innovations are not rendered enough significance globally (GATHII, 2021). For example, the Maputo Protocol's addition of economic violence as a type of gender violence was then copied by the Council of Europe on the Istanbul Convention.[12] As a parallel, this reminder that human rights advancements in the Global South are either ignored by or copied by Europe, with little to no credit, is also seen in Ligia Fabris' work on the developments of gender based political violence in South America (FABRIS, 2023).

The book's section on regional human rights frameworks ends with Chapter 14, "Advancing Gender Equality through the Arab Charter on Human Rights" by Mervat Rishmawi. Like the previous chapters, the author provides an overview of the Arab Charter on Human Rights,[13] adopted in 2004 by the League of Arab States (LAS),[14] an

[9] African Charter on Human and Peoples' Rights (Banjul Charter), June 27, 1981. AU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986. Available at: http://www.oas.org/en/sla/dil/docs/African_Charter_Human_Peoples_Rights.pdf.

[10] African Union: Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003). Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf.

[11] African Union: African Charter on Human and Peoples' Rights (1981). Available at: https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf.

[12] Council of Europe Convention on preventing and combating violence against women and domestic violence. Istanbul, 11.V.2011. Available at: https://rm.coe.int/168008482e.

[13] League of Arab States, Arab Charter on Human Rights, May 22, 2004, reprinted in International Human Rights Report 12 (2005): 893 (entered into force March 15, 2008). Unnofficial translation available at: https://www.ohchr.org/sites/default/files/Documents/Issues/IJudiciary/Arab-Charter-on-Human-Rights-2005.pdf.

[14] LAS was founded in 1945, and its memers are Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen.

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international and regional organization with twenty-two members. The Charter has been ratified by sixteen of LAS' member States, and is oversaw by the Arab Human Rights Committee (AHRC).[15]

The author explains the ways in which the system works differently when compared to the other regional systems explored in the book. For example, it makes direct references to religious-based legal systems. Further, the Arab Charter allows for domestic laws to inform its interpretation. Rishmawi brings up problems with the system when it comes to gender equality; for example, the Arab Charter limits women's abilities to pursue a divorce, and only addresses violence against women that happens in the context of the family (RISHMAWI, 2023, p. 288, 291). However, the author also shows some cautious optimism regarding the future, noting that "the AHRC and its secretariat have made some important contributions to advancing human rights for women in Arab countries" (RISHMAWI, 2023, p. 302); which is very welcome in a scenario as bleak as gender justice.

Section II of the book offers a great comparative study of human rights law, bringing attention to regional differences and strengths. However, even though it did incorporate caselaw from Asia, I believe the collection might be lacking a chapter on Asia's regional human rights system. While it is true that the continent does not present a unified system, it is home to some important instruments, such as the Human Rights Declaration,[16] the Declaration on the Elimination of Violence Against Women,[17] and the Declaration on Gender Equality and Family Development,[18] all adopted by the Association of Southeast Asian Nations (ASEAN).[19] The ASEAN also includes enforcement bodies – even though they are not independent, but directly controlled by the countries that are a part of it – including the Commission on the Promotion and Protection of the Rights of Women and Children.[20] It is comprised of 10 member states, and represents almost 700

[15] The Arab Human Rights Committee is a treaty body that was established by Article 45 of the Arab Charter on Human Rights.
[16] ASEAN Human Rights Declaration, November 19, 2012. Available at: https://asean.org/asean-human-rights-declaration/.
[17] Declaration on the Elimination of Violence Against Women in the ASEAN Region, October 12, 2012. Available at: https://asean.org/declaration-on-the-elimination-of-violence-against-women-in-the-asean-region/.
[18] ASEAN Declaration on Gender Equality and Family Development, September 5, 2023. Available at: https://asean.org/asean-declaration-on-gender-equality-and-family-development/.
[19] The Association of Southeast Asian Nations was established on 8 August 1967 in Bangkok, Thailand. Its member states are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam.
[20]

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million people. As Carole J. Petersen and Kate Atanasio note, that is a larger number than that composed by all 46 nations that are a part of the European system of human rights (PETERSEN & ANTASIO, 2024), which often gets the largest focus.

4. Section III

The last section of the book is a take on feminist rewriting projects – an analysis of real-life situations with substantive gender equality lenses, with the goal of pointing out how courts could have decided such cases in a way to better promote equality and justice. For example, maintaining the collection's overall focus on CEDAW, the chapter by Joanna N. Erdman and Mariana Prandini Assis engages in a feminist rewriting of CEDAW General Recommendation 24, focusing on gender equality and healthcare, and the chapter by Charles G. Ngwena and Rebecca J. Cook offers a rewriting of a 2014 decision by the Supreme Court of Zimbabwe on reproductive rights and justice. One of the most interesting chapters in the book, "Breathing Life into Equality: the Vishaka Case" by Naina Kapur, includes a mix of storytelling and factual report, written in first person from the point of view of both the plaintiff and the author herself, who acted as her lawyer. The personal elements included in the chapter, in my view, make it succeed at the collection's goal of connecting gender equality theory and the reality of women's lives.

Brazilian readers will highly benefit from the chapter by Marta Rodriguez de Assis Machado and Mariana Mota Prado, "Institutional Dimensions of Gender Equality: The Maria da Penha Case" (pp. 384-405), exploring the interconnections between the written law and the institutions that exist to put it in practice. The chapter explores the 2001 decision by the Inter-American Commission on Human Rights that found Brazil responsible for violating Article 7 of the Belém do Pará Convention on violence against women,[21] specifically for failing to protect Maria da Penha Maia Fernandes, a victim of domestic violence. The decision was the precursor to several measures, including the Maria da Penha law, the first of other gender violence laws, such as the *Feminicidio* law on gender-motivated violent crimes against women. The Maria da Penha law, besides recognizing and criminalizing domestic violence as a gender justice issue, also initiated a

[21] Organization of American States (OAS), Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ('Convention of Belem do Para')", June 9, 1994. Available at: https://www.cidh.org/basicos/portugues/m.belem.do.para.htm.

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series of institutional reforms aimed at better preventing domestic violence and protecting victims, such as public helplines and special police stations devoted to women. The authors explore the policies implemented at federal, state, and regional level, and show that, while the law was effective at first, helping reduce the numbers of domestic violence, it has not sustained its positive result over time (p. 390).

Further, the chapter provides an analysis of two constitutional challenges made against the law – that is, if the protection of only women violated the principle of equality, and if the law should require the victim's consent in order for the public power to prosecute the aggressor and proceed with a criminal trial – the Court's answer was "no" to both. While the Court's decision on the first matter is considered compatible with substantive equality, the authors deemed the victim's lack of control over the criminal process extremely problematic, potentially excluding certain groups of women from the protection of the law – for example, women that depend on their husbands financially and cannot afford to send them to jail lose the opportunity of police interference that could possibly keep their partners from becoming more aggressive (REAUME, 1996). This is an incredibly original discussion on both the enforcement and the role of institutions on the Maria da Penha Law, questioning the centrality of criminal law in gender justice and society's thirst for "vengeance" that often disempowers the victim, preventing them from making important decisions regarding their own lives. Additionally, the focus on institutions and their role in promoting equality, as opposed to something the law has to fight, is a very interesting point; especially since the majority of the chapters in this collection seem to focus on the letter of the law. It shows that institutions can fine-tune the enforcement process in ways that the law, because it is more general for the whole country, cannot.

Finally, Francisca Pou Giménez concludes the book with a few optimistic remarks, noting that gender equality law has certainly evolved over time and across countries, although making it is clear that we still have a long way to go regarding the law, the work of institutions, judges, international organizations, and societies at large. She also notes how the collection focused, and succeeded, in highlighting the importance of studying comparative gender equality law, and how it has the power to change our perceptions and broaden our knowledge on the subject.

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4. Conclusion

The overarching theme that can be observed across the collection is a criticism on CEDAW and its many limitations in providing effective substantive equality for both women and LGBTQ+ groups. Such criticism involves CEDAW's reliance on binary interpretations of biological sex, lack of an appropriate intersectional analysis in its text, and the possibility of ratification accompanied by reservations to some of its sections due to cultural reservations, hindering the full promotion of gender equality. While this focus on CEDAW is not new, the collection engages with it in an original way, exploring the many faces of comparative international law and comparing it with regional tools for gender equality. It also interacts extensively with the concept of intersectionality as coined by Crenshaw. Every chapter makes sure to explain how the issue at focus intersects with other layers of discrimination, in an effort to engage in a less exclusionary knowledge production in the field of human rights.

The book is also incredibly engaging. Instead of a mere collection of articles, there is real and tangible collaboration evident between the authors, making it clear that the writers worked together in order to transform the book into a conversation about international law, gender equality, and justice. In most chapters, express references are made to other authors that are part of the collection and their arguments, explaining how the ideas complement and respond to each other. As the reader, you feel included in this conversation, becoming an active participant instead of a passive reader.

Lastly, I believe it is important to note that this is a lengthy and very technical book, which will be better understood by academics or advanced students in the field of international law. It may lose some readers in the midst of acronyms; however, that might not be a worry that the authors have. As an "academic bubble" conversation, the goal of this collection seems to be to add value to those within it rather than to burst it. Readers who are not experts in international human rights law might find it a bit of a challenging read. That being said, it did not take anything away from the quality of this incredible collection. Anyone that puts in the effort to read it will be immensely rewarded by its engaging, informative and innovative content.

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