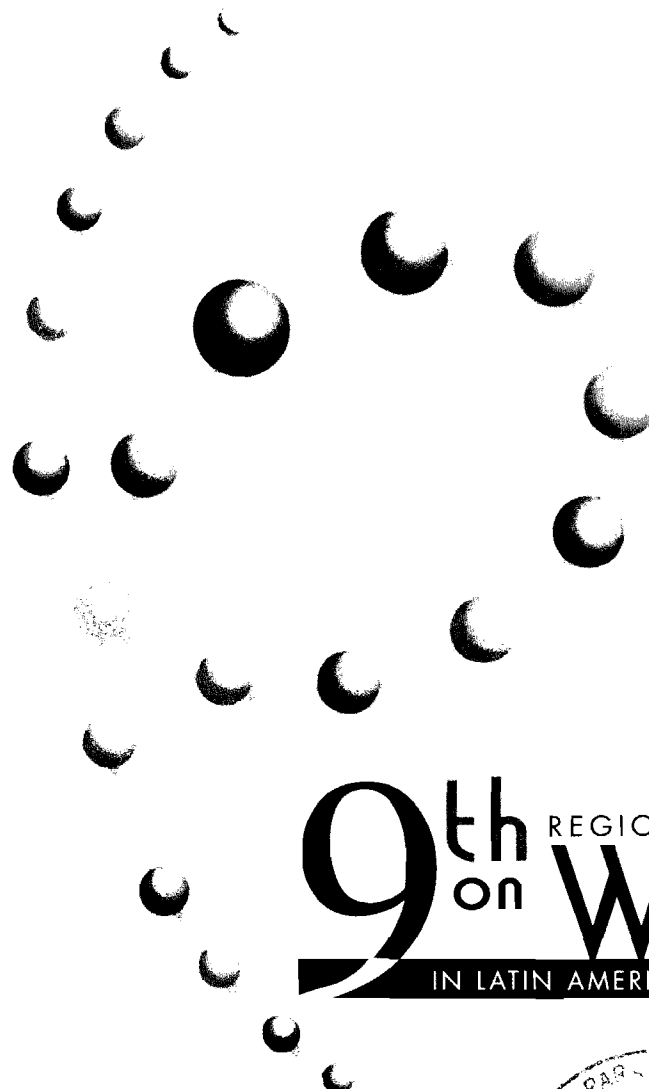


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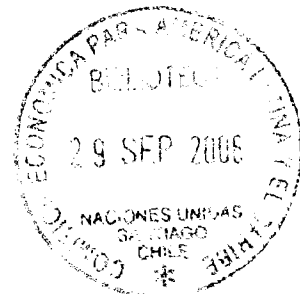
in Latin America and the Caribbean



# 9<sup>th</sup> on Women

REGIONAL CONFERENCE

IN LATIN AMERICA AND THE CARIBBEAN



UNITED NATIONS

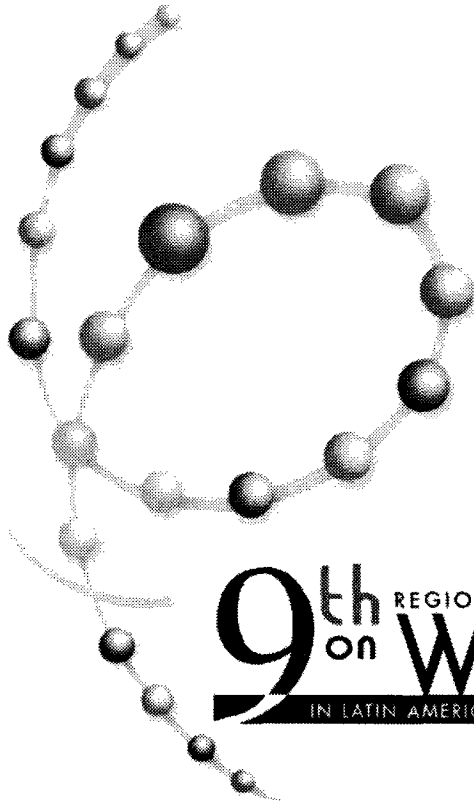
ECLAC

Mexico City, Mexico, 10 - 12 June 2004



# ROADS TOWARDS GENDER EQUITY

in Latin America and the Caribbean



9<sup>th</sup> REGIONAL CONFERENCE  
on Women  
IN LATIN AMERICA AND THE CARIBBEAN



UNITED NATIONS

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## CONTENTS

	<i>Page</i>
FOREWORD .....	1
INTRODUCTION .....	5
I. GENERAL OVERVIEW: FROM BEIJING TO THE MILLENNIUM SUMMIT .....	7
A. ROADS TO EQUALITY .....	7
B. THE MAJOR UNITED NATIONS CONFERENCES AS GENDER EQUITY MILESTONES .....	8
C. OVERLAPPING INEQUALITIES .....	10
D. ACHIEVEMENTS AND CHALLENGES .....	11
II. POVERTY, ECONOMIC AUTONOMY AND GENDER EQUITY .....	17
A. POVERTY AND GENDER INEQUALITY .....	17
1. Economic growth and poverty in the first decade of the twenty-first century .....	17
2. Poverty as viewed from the gender perspective .....	19
3. Education of women as a means of overcoming poverty .....	29
4. Work and employment in relation to poverty .....	34
5. Access to productive resources .....	46
B. POLICIES AND PROGRAMMES TO COMBAT POVERTY .....	52
1. Programmes targeting poverty .....	54
2. Virtuous circles .....	57
III. EMPOWERMENT, POLITICAL PARTICIPATION AND INSTITUTION-BUILDING ....	63
A. INSTITUTION-BUILDING .....	64
1. Institution-building in the area of reproductive health .....	66
2. Policies against domestic violence .....	66
3. Regulation of labour .....	70
B. WOMEN'S EMPOWERMENT AND POLITICAL PARTICIPATION .....	72
C. EMPOWERMENT AND NATIONAL MACHINERIES FOR THE ADVANCEMENT OF WOMEN .....	75
IV. THE PILLARS OF A STRATEGY .....	79
A. TOWARDS A REFORM AGENDA .....	80
B. RESEARCH AGENDA .....	82
BIBLIOGRAPHY .....	85

Annex 1	Laws and policies on sexual and reproductive rights in Latin America and the Caribbean.....	93
Annex 2	National legislation on domestic and sexual violence in Latin America and the Caribbean.....	94
Annex 3	Legal provisions on combining paid employment with domestic work in Latin America.....	96

## FOREWORD

The 1990s were a time of considerable progress in terms of women's ability to exercise their rights in multiple areas of development. This progress was made possible, above all, by the efforts of millions of women in the region and throughout the world, who have made their demands, voices and actions felt in virtually every facet of society.

The Fourth World Conference on Women, held in Beijing in 1995, was undoubtedly a milestone for the gender equity agenda. In the region, the participants in the eighth session of the Regional Conference on Women in Latin America and the Caribbean, held in Lima, Peru, in 2000, built upon the agreements and approaches adopted at the Beijing Conference by setting out guidelines for protecting women's rights, eliminating barriers to their participation in decision-making processes and increasing their access to economic and productive resources by means of proactive policies.

ECLAC has been following the development of the gender equity agenda since it was first formulated more than two decades ago. The Commission demonstrated the extent of its involvement in this area by establishing the subsidiary organ known as the Regional Conference on Women in Latin America and the Caribbean, which has become the region's leading intergovernmental forum on gender policies.

This is the context in which the ninth session of the Regional Conference on Women in Latin America and the Caribbean will take place. The session will provide an excellent opportunity to fully acknowledge the contributions women have made in various spheres of development and to highlight the constructiveness, creativity and respect for diversity with which they have forged ahead, in the face of policy deficiencies and resource shortages, in implementing an agenda of tremendous importance for the advancement of the region's countries.

Women have formed partnerships both within and outside the State apparatus at the national and international levels. They have made the United Nations the multilateral forum that has done the most to legitimize their demands and to promote active gender equity policies. In 2005 the United Nations will hold a series of meetings to review the progress made towards the targets established at international forums. The participants in the ninth session of the Regional Conference will prepare the region's contribution to this assessment, which will be submitted to the Commission on the Status of Women for consideration at its March 2005 session.

The present document gives an overview of achievements and challenges in relation to poverty and gender equity, and also describes the progress and setbacks seen in terms of institutions and political participation. In addition, it offers the member countries a set of strategic proposals for advancing further in the implementation of reform and research programmes that will enable them to attain, by the end of this decade, full equality between men and women and the elimination of all forms of gender discrimination.

One of the region's most impressive gender equity achievements is in the area of education. In the 1990s full equity was reached in terms of access to primary education, as disparities between girls' and boys' net enrolment rates were eliminated. In secondary and tertiary education, meanwhile, women's enrolment has exceeded that of men. It should be borne in mind, however, that these successes have not necessarily improved women's position in the labour market or narrowed the wage gap. The present document analyses the links between equity in the world of work and women's economic autonomy.

Household surveys in Latin America show that women's economic participation increased significantly in the 1990s, although it is still low among poor women. Another important point is that women still have higher unemployment rates than men, regardless of their level of education. As for pay levels, women's average labour income is lower than men's and the gap is especially pronounced in the case of the most highly qualified women.

On the subject of poverty, the Commission's most recent estimates reveal that in 2003 there were some 227 million poor people in the region, of whom 102 million lived in extreme poverty. These figures represent 44.4% and 20% of the region's total population, respectively. The document presents evidence that women are clearly overrepresented in the poor population and that they have primary responsibility for the care of children, the sick and the elderly and, in general, for all activities related to social reproduction. Analysing poverty from a gender perspective involves the adoption of a multidimensional approach that sheds light on the reasons why certain groups of people are more likely than others to be poor and on the factors that come into play in this process. The document looks at the social and economic relationships that result in situations such as women's unequal access to, use and control of productive resources, as a factor that makes it even harder for women to enter the labour market and earn income. The discussion identifies inequalities within families and households, as well as in the labour market, and analyses their impact on women's economic autonomy. Lastly, the document introduces two dimensions of poverty that have traditionally received little attention: inequalities in decision-making and access to power.

The unequal distribution of power and the various obstacles to women's active participation in decision-making processes at the household, community and societal levels are another basic factor that limits women's ability to exercise their rights and citizenship and is directly related to women's lack of social protection and security. The document looks at how women's vulnerability is reproduced and at how it is worsened, in the case of older women, by the income inequalities accumulated in the course of their lives and by the failure to include women in social security systems on an equitable basis.

Two phenomena that have remained statistically invisible in the region are violence against women, both in the home and in society, and the sexual division of labour, or the assignment of household chores to women, with the result that women are overloaded with work whose value is not socially or economically recognized.

With respect to political participation and institution-building, available data show that significant strides have been made. More women now participate in public life, particularly in the three branches of government, thanks mainly to the implementation of quota systems. Not enough information is available on women's involvement at the subnational level or in the private sector, both of which play an important role in economic and social development.

In terms of institutions, the situation varies considerably from one country to another, but nearly all of them have adopted legal frameworks and constitutional reforms to expressly uphold the principle of gender equity, combat violence and eliminate all forms of discrimination. The establishment of entities to deal with women's issues at the highest level of the executive branch has resulted in collaboration and linkage between different sectors and stakeholders, both in the public sector and in civil society. The gender institutions set up to defend women's rights in the legislative and judicial spheres form an institutional network for the implementation of proactive policies to address issues such as violence and discrimination and for the fulfilment of the commitments undertaken in the framework of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.



Nonetheless, the countries still need to consolidate national machineries for the advancement of women in order to redress problems such as the lack of institutional continuity, resource shortages and the gap between policy-making and assistance-oriented mandates.

The proposals which this document presents for the Regional Conference's consideration focus on employment and poverty reduction as the cornerstones of a future strategy. The document stresses that women need full access to democratic institutions and positions of real power. It also suggests a number of areas in which studies should be done to improve statistical information on the critical linkages between gender and migration, employment, social security and health.

As we gather for this ninth session of the Conference, it is apparent once again that every triumph brings with it new challenges that require us to renew the political will and increase the resources we devote to the goal of making gender equity one of the pillars of the region's development. We call on Governments to speed up initiatives to achieve equality between women and men and to make these efforts a priority item on the public agenda.

José Luis Machinea  
Executive Secretary  
ECLAC



## INTRODUCTION

The last two decades have witnessed far-reaching changes wrought by the influx of women into the public sphere. The results of these events include shifts in the labour market, educational achievements, significant decreases in fertility rates and a resulting modification in relationships within the family and major —though still insufficient— progress in terms of women's participation in decision-making. Nevertheless, most men still do not share in household work or in the array of unpaid care-giving activities entailed by membership in a community and society, and the outcome is that women still bear most of the burden of domestic work. Reconciling the public and private spheres poses challenges in terms of values and behaviours, and public policies are therefore required to promote the redistribution of family responsibilities between men and women. On another front, new institutions have been created as part of complex processes of State reform. Legislative changes have given rise to opportunities and challenges, particularly in terms of the genuine and integral exercise of women's human rights. New knowledge and a wide range of policy experiences demonstrate that gender equality has positive effects on development. In this regard, two areas are extremely important both for the region and for the achievement of gender equality: overcoming poverty and empowering the citizenry within a democratic context.

Roads towards gender equity is the central document being presented by ECLAC at the ninth session of the Regional Conference on Women in Latin America and the Caribbean. It will also serve as the region's contribution to the forty-ninth session of the Commission on the Status of Women, to be held in March 2005. This study examines and assesses fulfilment of the commitments enshrined in the Platform for Action of the Fourth World Conference on Women (Beijing, 1995) and in the Regional Programme of Action for the Women of Latin America and the Caribbean, whose period of implementation was extended beyond 2001 by the Lima Consensus as adopted at the eighth session of the Regional Conference on Women in Latin America and the Caribbean (Lima, 2000) forth. The study reflects extensive consultations with representatives of the member countries, which participated in three subregional preparatory meetings and two virtual forums.<sup>1</sup>

In evaluating the events of the past decade, the study takes note of the broad agreement existing among the region's Governments as to the relevance and full validity of the international commitments related to the advancement of women that were adopted at world summits held during the 1990s, which culminated in the Millennium Development Goals.<sup>2</sup> These commitments continue to serve as the international roadmap for achieving equality. As a result, this review of progress and challenges has been viewed as a collective learning process involving the identification and dissemination of best practices, together with a consideration of the main obstacles encountered and the tools and knowledge needed to improve policy. Gender mainstreaming in policy-making is still seen as being the most appropriate

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<sup>1</sup> See the reports of the subregional preparatory meetings for Central America and Mexico (ECLAC, 2004b), the Caribbean (ECLAC/CDCC, 2004b) and South America (ECLAC, 2004c) and the virtual forums with directors of gender machineries in Central and South America ([www.eclac.cl/mujer](http://www.eclac.cl/mujer)). The virtual forum for the Caribbean was held after the present document went to print.

<sup>2</sup> The meetings referred to are the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the World Conference on Human Rights (Vienna, 1993), the International Conference on Population and Development (Cairo, 1994) and the World Summit for Social Development (Copenhagen, 1995). The Millennium Development Goals were agreed upon at the Millennium Summit, which was an integral part of the fifty-fifth session of the General Assembly of the United Nations, also known as the Millennium Assembly (New York, 2000).

strategy, even though new challenges are being posed by technological development, problems in the world economy and uncertainty about the future of democracy.

A preliminary version of this document was submitted at the thirty-fifth meeting of the Presiding Officers of the Regional Conference (Havana, Cuba, 28 and 29 April 2003).<sup>3</sup> At that meeting, member countries recommended that the ninth session of the Regional Conference should focus on two thematic areas: “poverty, economy and gender equity” and “empowerment, institution-building and gender equity” (ECLAC, 2003c).

The first chapter of the document provides an overview of the progress made towards gender equity in the region. The second chapter analyses the links between poverty and the economic autonomy of women. Particular emphasis is devoted to the division of productive and reproductive work and the implications this has in terms of access to opportunities. The third chapter examines the progress made in the spheres of institution-building and political participation. Special mention is made of the contributions made by the gender-based approach to policy-making and implementation as they relate to the achievement of equality and the modernization of the State. The final chapter focuses on the lessons that have been learned and, on this basis, and while recognizing that there is no single model that will serve the needs of all, looks at the factors which, under certain conditions, may promote the achievement of objectives and which should therefore be part of any strategy. By way of conclusion, it is pointed out that, to some extent, the dialogue between gender policies and policies for economic, social and political development still have more to do with art than science.

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<sup>3</sup> This first draft was entitled “Preliminary analysis of the implementation of the regional commitments undertaken at the eighth session of the Regional Conference on Women in Latin America and the Caribbean and at the Fourth World Conference on Women”.

## **I. GENERAL OVERVIEW: FROM BEIJING TO THE MILLENNIUM SUMMIT**

### **A. ROADS TO EQUALITY**

Against the backdrop of globalization in the financial, economic, environmental, political, social and cultural spheres, the past two decades have been characterized by the influx of women into public life. Women's increased participation in the labour market, significantly lower fertility rates, educational achievements (and changed relations within the family as a result) and considerable, albeit insufficient, involvement in decision-making processes are the gains that are transforming the circumstances in which true equality between men and women is being built. More generally, these trends are part of the modernization and modernity processes that are changing social relations through conflicts, disputes and consensuses that occur at different times. Given these changes, this paper puts forward arguments in favour of redistributing wealth, power and time: redistributing wealth to combat poverty, redistributing power to give male and female citizens equal capacity for action (agency) and redistributing time to attack the root of the inequalities that are reproduced within the family.

Economic participation rates among women of all ages have continued to rise sharply in the region, reaching nearly 50%. What is striking is that the rate is growing faster among poor women, although their level of participation remains lower overall. However, the more women seek to enter the workforce, the faster female unemployment rises. On average, women outperform men in terms of educational achievements, average schooling in the economically active population is higher among women in most of the region's countries and trends in illiteracy rates among young people show that the historical gaps between men and women are narrowing. Since women's educational progress is not yet reflected in wages or income opportunities, which continue to be unequal, some countries are witnessing situations of "equality by impoverishment" and equality as a result of the increased precariousness of men's employment, rather than equality through the enhancement of women's status.

Changes in the focus of the region's economies and their social repercussions do not seem to have had much effect on demographic transition processes in the region. Life expectancy at birth has continued to rise and in 2000 was estimated at 68 years for men and 73 for women. Fertility continues to fall and is estimated at 2.58 children per woman, although some countries still have total fertility rates (TFR) of more than 3.5 children per woman (ECLAC, 2004f).

Lastly, women's political participation has increased considerably in recent years, although most countries still have very few women in political posts, including those at the local level.

Despite these achievements, men do not participate in household work or in the range of unpaid caregiving activities required by the community and society, meaning that women still bear most of the burden of domestic work.

Public policies to combat gender inequalities have been developed to different degrees in different sectors, and cross-cutting institutions have been created to formulate and coordinate policy at the highest levels of government. Decentralization efforts remain scant, and many mechanisms having a constructive mandate for the advancement of women are still threatened by the sectorization or thematization of gender equity. Tensions continue to exist between the increased hierarchy of institutions and the lack of decentralization. Emphasis has been placed on legislative reforms and their impact on social policies, particularly poverty reduction and training policies. There have been notable efforts to

improve political representation, but there are still few policies in areas such as reconciling work and family life, access to higher education, and science and technology.

An assessment in 2000 found that the results achieved were uneven.<sup>4</sup> On the one hand, clear progress had been made in enshrining equality in constitutional terms, eliminating direct forms of discrimination, adapting legal frameworks and creating innovative legislation on issues such as electoral quotas, domestic violence and, to a lesser extent, reproductive rights. There was evidence of greater participation in the labour force, educational achievements and the creation of institutional mechanisms for enhancing gender equality at the national, provincial and local sectoral levels. The widespread adoption of national equality plans was hailed as a positive step. But, on the other hand, it was apparent that “progress is being limited by the symptoms of retrenchment and stagnation being seen in the region and that the extent to which the rights of women are advanced is an unequivocal indicator of progress in the consolidation of democracy and respect for human rights in the various countries” (ECLAC, 2000a, p. 7).

## **B. THE MAJOR UNITED NATIONS CONFERENCES AS GENDER EQUITY MILESTONES**

As noted earlier, the 1990s were a key period in the realization of women’s human rights. The Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001 (Mar del Plata, 1994) is the region’s main programmematic expression of the gender agenda, and it has continued to guide gender equity efforts in the region beyond 2001, pursuant to a decision taken at the eighth session of the Regional Conference on Women in Latin America and the Caribbean (Lima, 2000).<sup>5</sup> At the global level, the adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women and the successive consensuses reached at United Nations world conferences<sup>6</sup> helped to link the women’s rights agenda with the issues of environment, human rights and social development. The notion that all rights form an indivisible whole has led to the inclusion of the demands of the women’s social movement in global agendas and has transformed the approach taken by world conferences. This became even clearer at the International Conference on Population and Development (Cairo, 1994), where the rights-based approach displaced once and for all the demographic approaches that had prevailed in the past, representing a landmark in the integration of the gender perspective into international consensuses. The Fourth World Conference on Women (Beijing, 1995) was the culmination of this process, as it set the stage for major strides through the implementation of the Platform for Action, which encourages policy formulation and the establishment of gender institutions at the national level. Later, the new wave of world conferences, such as the International Conference on Financing for Development (Monterrey, 2002) and the World Summit on the Information Society (Geneva, 2003), showed less evidence of a feminist perspective. However, the influence of the gender equity agenda was more palpable at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001), the Second World Assembly on Ageing (Madrid, 2002) and the World Summit on Sustainable Development (Johannesburg, 2002). An overview of the summits shows that the ones that took a rights-

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<sup>4</sup> See the report of the eighth session of the Regional Conference on Women in Latin America and the Caribbean (Lima, Peru, 8-10 February 2000) and the documents presented at that session.

<sup>5</sup> See the Lima Consensus (ECLAC, 2004a).

<sup>6</sup> Principally the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the World Conference on Human Rights (Vienna, 1993), the International Conference on Population and Development (Cairo, 1994) and the World Summit for Social Development (Copenhagen, 1995).

based approach were more likely to incorporate gender equity. By contrast, events focusing on economic issues and where the business community was strongly represented, such as the ones on financing for development and the information society, paid little attention to gender approaches.

While no significant headway has been made in incorporating the gender perspective into the economic and technological spheres, efforts in this direction are part of a broader effort to address new areas in recent years. Women's organizations have carried out important work in this regard in response to the summits held since 2000. In terms of results, however, these initiatives have not come close to achieving the level of integration reached at the summits on social issues. The conceptual dismantling of the theoretical assumptions underlying the dominant economic theory, and the widespread notion that technology has no sex, are raising new methodological challenges for the analyses and strategies of the women's movement. Lastly, the Millennium Summit was the one recent event that did reaffirm the importance of women's empowerment and autonomy, as well as the need to link gender equality to poverty reduction efforts.<sup>7</sup> As decided by the Latin American and Caribbean Governments, these issues will be taken up at the ninth session of the Regional Conference on Women.

The efforts of the region's women's movements to put gender equity policies on the public agenda have been successful, yet the results achieved almost 10 years after the Beijing Conference are insufficient in terms of institutional development and available resources.<sup>8</sup> Actions and resources for implementing the agendas adopted have not been commensurate with the proven benefits of gender equality for reducing poverty and maternal and child mortality. The downturn in most of the region's economies (ECLAC, 2003a), frequent institutional crises, persistently high poverty and inequality indicators and the scourge of AIDS, which is threatening countries' development, have not created the best conditions for achieving gender equality, which has been eroded by mounting economic difficulties, "soft" institutions for gender issues,<sup>9</sup> the absence of policies for harmonizing family life and work and the strengthening of forces opposed to the values of equality and respect for human rights in various cultural and institutional contexts. These threats to the consolidation of gender equity policies were one of the main areas of concern cited at the Fourth Caribbean Ministerial Conference on Women.<sup>10</sup> The participants in that event highlighted the growing importance being attached to the debate on school drop-out rates among boys and their relationship to women's entry into public life, which makes this issue a threat to the development of the subregion's still-incipient gender equity policies.

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<sup>7</sup> See the message of the United Nations Secretary-General on International Women's Day (8 March 2003), available at <http://www.un.org/events/women/iwd/2003/sgmessage.html>.

<sup>8</sup> See ECLAC (2004b, 2004c and ECLAC/CDCC, 2004b) for the reports of the three subregional meetings held in preparation for the ninth session of the Regional Conference on Women in Latin America and the Caribbean: Tegucigalpa, Honduras (5 and 6 February 2004); Kingstown, Saint Vincent and the Grenadines (11-13 February 2004); and Brasilia (23 and 24 March 2004). These reports are also available at <http://www.eclac.cl/mujer>. See also Simms (2004) for a study on the situation of national machineries in the Caribbean, prepared by the Executive Director of the Jamaican Bureau of Women's Affairs.

<sup>9</sup> Existing gender institutions are considered "soft" because they do not have enforcement mechanisms for punishing discrimination and non-compliance with agreements and rules, and their budgets and technical resources are modest in comparison to those of other policy-setting government bodies, particularly in the economic or financial sphere. Even though gender machineries have a legal mandate to formulate policies, in fact their scope of action is limited to persuasion, the active defence of principles and consensus-building, and their agenda is not fully integrated into the decision-making process.

<sup>10</sup> See ECLAC/CDCC, 2004b.

### C. OVERLAPPING INEQUALITIES

It is interesting to note that the benefits of gender equality have not been distributed equitably. This is partly because it is mainly women who have paid the price for their entry into public life by developing a variety of strategies to optimize their use of time in the absence of policies to encourage men to share responsibility for household chores. Yet it is also due to the fact that when gender inequalities are combined with other forms of social, racial and ethnic discrimination, they create conditions of extreme vulnerability for many of the region's rural, black and indigenous women. A telling example of this is the overrepresentation of indigenous and black women in domestic service, which is the most precarious and worst-paid labour sector. Domestic service acts as a buffer for gender inequalities, and the insecure working conditions it offers facilitate the reproduction of traditional roles within the family. Although the available data are still statistically invisible, they show that in almost every case, black or indigenous women in Latin America (compared to men in the same ethnic or racial group) are at a disadvantage, since they represent the majority of people who are illiterate or have no income. They also have a shorter life expectancy; in particular, among working women, indigenous women have the shortest average lifespan.<sup>11</sup>

No less significant is the persistence of acute inequalities in the demographic indicators pertaining to different social and ethnic groups within countries. For instance, estimates prepared in 1999 for the first five years of the decade showed that Bolivian women who were uneducated, with an average TFR of 6.5 children per woman, had almost four more children per woman than Bolivian women with secondary or higher education (2.7). These gaps were also found in countries at a more advanced stage of demographic transition, such as Brazil, where, on average, women with fewer than four years of schooling bore twice as many children as those with at least eight years (ECLAC, 1999). Five years later, fertility data based on the latest census information from five countries shows that the average number of children borne by indigenous women is much higher than the average in other groups, with white, non-indigenous women bearing the lowest average number of children in all the countries considered.<sup>12</sup>

As far as age is concerned, young women have the highest unemployment rates, while older women are characterized by a lack of protection that represents the accumulation of all the different kinds of discrimination they have suffered throughout their lifetime.

The proportion of women increases in older age groups, owing to mortality differences between the sexes that result in longer life expectancy for women. However, mere longevity is less important than quality of life. According to census information, between a quarter and a third of women between the ages of 60 and 64 do not have a spouse or partner (Villa and Rivadeneira, 1999). This, combined with the fact that they often have a history of unpaid work and lack of access to social security, illustrates the serious plight of this group of women in most of the countries. Even when older women have a spouse or partner who helps to generate monetary income, the women are usually the ones who provide caregiving services that the family cannot afford to buy on the market. The unmet emotional needs and mental health

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<sup>11</sup> These data are part of a set of indicators, disaggregated by ethnic or racial group, on population and fertility, education and labour. They were constructed on the basis of census information from the 2000 census round in five countries: Bolivia, Brazil, Ecuador, Guatemala and Panama. As a means of categorizing the population by ethnic group, the respondents' self-identification was preferred over their mother tongue, in cases where a country's census included questions on both of these points. This information is available on the ECLAC Women and Development Unit web site (<http://www.eclac.cl/mujer/proyectos/perfiles/default.htm>).

<sup>12</sup> See chapter II, figure 11.



risks prevalent in this population group are the end result of a lifetime spent in a society in which the combination of different types of discrimination tends to undermine emotional security. Older women's status also suffers from the fact that their labour-market participation has been low earlier in their lives, which limits their opportunities to save for old age or receive a pension.

#### **D. ACHIEVEMENTS AND CHALLENGES**

In the light of the Regional Programme of Action for the Women of Latin America and the Caribbean, the Beijing Platform for Action and the Millennium Development Goals, Latin America and the Caribbean can be said to have taken some major steps towards gender equity.

All the countries have made changes to their legal frameworks, be it by amending their constitutions; signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, its Optional Protocol and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém do Pará,<sup>13</sup> promulgating laws on violence and affirmative action; or eliminating direct forms of discrimination found in family, civil and criminal law. The region's legal framework for dealing with discrimination is better than it was a decade ago, although it still contains vestiges of legal traditions that run counter to equality, especially with regard to social security and employment reform and some health-care reforms.

There are also new issues that are waiting to be put on the legislative agenda, especially those related to sexual violence, trafficking in women and the adoption, in those countries that have not yet done so, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Unlike the Convention itself, which has been signed by all the States members of ECLAC, as of February 2004 the Optional Protocol had been ratified by only 12 Latin American countries. None of the non-Spanish-speaking Caribbean States have signed the Protocol.

Other major challenges include institution-building and the eradication of prejudices and stereotypes that hinder the enforcement of the laws adopted. The way in which violence against women is actually addressed in practice is a clear example of existing constraints, and may be taken as a complementary indicator of the extent to which certain features of the relevant laws and rules, in combination with the weakness of national machineries, perpetuate impunity and prevent women from enjoying their newly recognized rights (Rioseco, 2004).

All the countries have machineries for the advancement of women. Eight of these have ministerial status, while most of the others have reached high levels in the hierarchy. The countries have created a large number of institutions with a gender-based mandate, such as ombudsmen's offices, and have strengthened legislative commissions, cross-sectoral committees, sectoral programmes (mainly in the areas of health and education), job training programmes with a gender perspective and many police and civilian institutions with a mandate to deal with domestic violence. The challenges this involves are varied. The main one is overcoming the fragility of institutions in many countries, which is worst in the case of machineries for women's advancement, since they not only lack sufficient budgetary, human and technical resources to formulate and implement policies, but also find that their very existence is called into question (Guzmán, 2003). As was pointed out at the subregional meetings held in preparation for the

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<sup>13</sup> All the Latin American and Caribbean countries ratified or acceded to the Convention between 1994 and 2002, with the exception of Jamaica, which also has yet to sign the Convention.

ninth session of the Regional Conference on Women in Latin America and the Caribbean (ECLAC, 2004b, 2004c and ECLAC/CDCC, 2004b), all too often these machineries are beset by initiatives seeking to eliminate the institutional framework for gender represented by women's offices and advocating their incorporation into other institutions that often take an assistance-based approach. Sub-standard health services, poorly functioning civil registries, problems in implementing procedural reforms and conditions restricting access to the financial system are some of the most striking examples of the gap between rules and their implementation. In addition, an ECLAC study has shown that, in countries that held democratic elections in 2003, a debate opened up as to whether machineries for the advancement of women should be retained, merged with other institutions or abolished. Thus, weak institutions and management problems are hindering the implementation of the rules adopted.

Since poverty reduction is a priority in the region, the employment dimension and the effects of the lack of employment on people's capacity to generate income cannot be ignored. From the gender perspective, women's ability to generate their own income is both a precondition for the achievement of equality and autonomy and an anchor for preventing the gender gap within the poor population from widening still further. In 2002 about half the region's women over the age of 15 (compared to only about 20% of men) had no income of their own. Women in the region seek employment because they need it to improve their household income, but also because it strengthens their economic autonomy, their bargaining power within the family and the exercise of their rights as citizens. In this regard, several countries have expressed concern about female labour migration and have identified it as a top priority in the region. Public policies have provided some solutions in terms of regulating the labour market and increasing social spending, but few have sought to address women's specific demands for equal-opportunity access to the labour market through measures for reconciling private life with public life or for eliminating the stereotypes that persist in different institutional spheres. Measures of the first type primarily concern child care, and those of the second type encompass all kinds of affirmative-action measures to remove discrimination, including tax benefits.<sup>14</sup>

Educational achievement is a major goal which the Latin American and Caribbean region has attained only partially, meaning that the gains made must be extended throughout the region and the issue must be kept on the agenda. In the case of women, however, this achievement must be contrasted with the persistence of discrimination in the workplace and in family life. Such discrimination accounts for the fact that, despite the existence of an increasingly educated female labour force, women still have higher rates of unemployment and earn less income than men. What is more, those groups of women who gain access to highly skilled jobs experience pay gaps that can only be attributed to discrimination. All the countries still need to improve the quality of education (through measures that include policies to reduce drop-out and repetition rates), eliminate occupational and professional segmentation and increase access to higher education, new technologies, science and research. Furthermore, it must be borne in mind that regional averages conceal the fact that many women are illiterate and many girls drop out of school because of teenage pregnancy, while a considerable proportion of indigenous, Of African descent-descendent and rural girls and women are excluded from the educational system.

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<sup>14</sup> One example of policies aimed at reconciling private and public life is the "círculos infantiles" (day-care centres) initiative implemented by Cuba since 1991 in priority sectors of the economy for working mothers with children between the ages of 1 and 5 (Rico and Marco, 2004). Affirmative-action measures are gradually starting to appear, such as Brazil's programmes to support new entrants into the labour market, which explicitly favours women by setting a quota for their participation (Bandeira, 2004), and Chile's programmes to generate employment for women (PGEMU), which provides for a subsidy of 40% of the minimum wage for up to four months, plus a one-off contribution for the training of newly hired female employees (Rico and Marco, 2004).

Figures on maternal mortality are undoubtedly the best indicator of the inequality prevailing in the region. The persistence of this scourge in a significant number of countries makes it imperative to consider, as part of the regional agenda, the recognition of reproductive rights and, particularly, the impact of these rights on women's autonomy. This debate should be approached in a holistic and inclusive way, given men's shared responsibility for high fertility rates, teenage pregnancies and the spread of sexually transmitted diseases, including AIDS.<sup>15</sup>

In recent years women's political participation has increased at a substantial rate, although the average is still below 30% in almost all the countries of the region. The exceptions are Cuba (36%), Costa Rica (35%) and Argentina (31%). For 33 countries of the region, women's participation as members of the legislature averages about 15%. The biggest gains lie in the considerable development of institutional experiences, policies and instruments for mainstreaming the gender perspective and promoting the engagement of civil society, which continues to be, in the case of public policies on gender, the main engine of change and guarantor that changes will last over time. One of the clearest examples of this is the widespread adoption of policies to combat domestic violence.

The process of legislating on violence against women, and the challenges in this respect, are typical of the route followed by gender policies: visibility through the efforts of the women's movement, conceptual and methodological development, construction of arguments, shift from the social to the political agenda, reform of legal frameworks, institution-building, espousal of the cause by public opinion and implementation of strategies for action and change. These are lengthy historical processes which upset institutional routines and cultural values and patterns, but which nevertheless become ensconced in the system as a consequence of the deliberate action of the women's social movement in combining the forces of modernity and political will. As they become embedded in the institutional structure, these processes throw up new challenges and debates that cannot be considered closed, but must continually be revisited, as the region's experience shows. One recent study (Rioseco, 2004) shows that the debate surrounding legislation is far from over and is being fuelled by critical assessments of institutional practices and of effective compliance with laws. High levels of impunity, poor inter-agency coordination, weak relations between the State and society and cultural practices that tend to shift blame to the victims are some of the factors that hamper the institutionalization of standards and the spread of the few programmes regarded as truly innovative.

The developments seen in gender equity over the last 10 years appear to discredit some of the simplistic arguments cited to explain inequalities between men and women. Careful study of these suppositions may yield useful lessons for institution-building in the region.

One long-standing argument is that inequality between men and women stems from economic underdevelopment in the countries. The theory was that once development problems were solved, equity would naturally follow. This goes hand in hand with a more recent theory claiming that market liberalization would automatically lead to stability, growth and poverty reduction. Both theories are based on the premise that economic development determines the course of social development. While there is evidence of a strong correlation between openness, social spending and social security systems in some of the developed countries, the trend has been quite the opposite in Latin America, where reforms aimed at opening up the economies have been accompanied by a weakening of social security systems and reforms to increase labour flexibility have left employment less protected and more precarious (Grynspar, 2003).

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<sup>15</sup> At the subregional meeting for the Caribbean (Kingstown, Saint Vincent and the Grenadines, 12 and 13 February 2004) held in preparation for the forthcoming session of the Regional Conference, Governments formulated a series of recommendations on this subject (see ECLAC/CDCC, 2004b).

Many of the region's women have entered this unprotected market and have directly helped to increase the prosperity of globalized production chains, without seeing any appreciable change in terms of gender equity.

Another one-sided argument suggests that women's disadvantages in society are rooted in a lack of education and training. Historically, women have always fought for the right to education, especially since education is the main means of social mobility and access to formal citizenship. Although women have made major strides in this regard and women's education has been amply shown to have a positive impact on the reduction of poverty and maternal and child mortality and on women's access to the worlds of work and politics, these achievements have not been echoed in equality of monetary income (ECLAC, 2003e). In 2002 women's labour-market income was equivalent to 68% of the income of men with the same level of education. Thus, average educational achievement, even though it has improved among women, does not yield the same returns for women as it does for men; that is, it does not translate into income parity for the same number of years invested in education. This trend is most evident among working women with more years of schooling, although that particular gap has been narrowing slowly.

A third argument is based on the persistence of outdated legal systems. The countries of the region have undertaken many legal and institutional reforms to modernize their institutions, but many of those reforms have disregarded the gender dimension, as shown by studies on pension, labour and health-care reforms.<sup>16</sup> In addition, even countries which have reformed their judicial procedures and changed discriminatory penal codes still have weak and unstable institutions for combating domestic violence, and continue to exhibit high levels of impunity. Also, a number of countries have signed free trade agreements and numerous international conventions, yet have not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. These are just a few conspicuous examples of the asynchronous manner in which progress towards gender equity has taken place. The equation of economic development with social equality and, ultimately, gender equality is questionable, since many less developed countries recognize rights that are non-existent in other, more economically developed ones. This highlights not only the multidimensional nature of inequality, but also the importance of adopting proactive policies, including policies to overcome the cultural barriers, stereotypes and prejudices that breed discrimination.

In view of these considerations, it is vital for analyses and policies to take into account the various factors behind gender inequality, one of which is the link between the economic, political and social dimensions. However, the link that defines inequality is the one between the two basic spheres of existence: public and private life. From this standpoint, one of the most convincing explanations for the persistence of labour-market, social and political inequalities is that the changes that have taken place have not reached as far as the family sphere, so that women are paying for their autonomy in their private lives, with no help from public policy. Women are no longer confined exclusively to the domestic sphere, but they have not been relieved of responsibility for it. In other words, all the countries have instituted formal equality, under which women's rights as citizens are recognized and they are able to enter public life on a basis of equal opportunity. However, if discrimination is not punished and equality is not encouraged in terms of the family, caregiving tasks and time distribution, women cannot enjoy full citizenship.

The past decade has seen considerable progress in the development of an institutional framework for the formulation and implementation of gender equity policies. All the countries have acted on the

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<sup>16</sup> See the studies by Arenas de Mesa and Gana Cornejo (2001), Birgin and Pautassi (2001), ECLAC (2003b), Daeren (2001), Giménez (2003), Pautassi (2002), Pautassi, Faur and Gherardi (2004) and Pollack (2002).

assumption that the long-sought goal of gender equality can only be attained through a wide array of efforts and that they must therefore undertake an innovative institution-building process, achieve social and political consensus, eliminate both de jure and de facto discrimination, show tremendous political will and make sustained efforts to secure resources in the areas that are most critical for overcoming discrimination, such as economic policy and the strengthening of democracy. Public policies to promote gender equity face the challenge of eliminating the assistance-based, short-term approaches that predominated in the past and replacing them with collective equality-building processes aimed at the systemic integration of gender equity. Mechanisms for the advancement of women in the region have therefore recognized that efforts to enhance governance should give priority to changing economic policy and deepening democracy.

In this regard, it may be said that the many different situations prevailing in the region are ripe for change as a result of the social transformations that have taken place and the work of women's movements, which have carved out areas of equality alongside the discriminatory family, social and institutional practices of old. The most successful experiences with gender policies offer lessons for policies in other areas. These policies have taken a people-centred, holistic and decentralized approach, emphasized dialogue with civil society, used the practice of building reasonable consensus, given the media a strategic role to play in promoting their objectives and adopted a socially and institutionally cross-cutting structure. All these features represent a new way of policy-making that fosters good governance. The establishment of minimum and maximum quotas for women and men in lists of candidates for elected and appointed office has been the region's main mechanism for promoting women's political participation. All but six<sup>17</sup> of the Latin American countries have quota systems for legislative office. Argentina became the first country in the world to impose such measures on political parties when it enacted a quota law in the early 1990s.

These measures are compulsory (i.e., they are mandatory and carry penalties for non-compliance) and temporary, since they are only intended to remain in force until the barriers to women's equal representation in political life have been removed. Experience has shown that quotas can be very effective if they are well regulated and well suited to the electoral system, but become useless if these factors are not taken into account.

Costa Rica's Real Equality Act includes a different type of measure to promote women's political participation: a percentage of the electoral subsidy given to political parties must be used to provide political training for their women members.

In view of the region's heterogeneity and equity-adverse conditions, the net outcome of the past decade's efforts has been positive for the women of Latin America and the Caribbean. The revolution of equality between men and women (Bobbio, 1991) is the result of a combination of structural, economic, social, cultural and political factors in which the organized action of the women's movement has been acknowledged as the leading agent of change.

For most of the twentieth century, the nature of citizenship was incomplete in the sense that many of the individual rights conceded to women were conferred upon them in their capacity as wives, mothers or daughters. In recent decades, however, a change has been occurring in the way that collective and individual human rights are conceived, giving women the possibility and the capacity to exercise rights

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<sup>17</sup> The exceptions are Chile, Colombia, Honduras, Nicaragua, Uruguay and Venezuela. However, Honduras adopted a minimum quota of 30% in the Equal Opportunity for Women Act, Colombia set quotas for senior appointments and Venezuela enacted a law on the subject that was subsequently declared unconstitutional.

for themselves. They have made full use of the opportunities provided by taking up positions of power, implementing coordination plans with social movements and disseminating strategies to influence public policies. A change of direction has not yet come about in the region's public policies, however, and the critical areas of concern identified in the past still remain: economic and political life continue to be dominated by men.

A new opportunity has arisen to mainstream the gender perspective in international consensus: the agreements adopted at the Millennium Summit (New York, 2000), whose main accomplishment was the establishment of targets that were unanimously accepted by Governments and that have become the international community's road map towards poverty eradication. The Millennium Development Goals adopted by the United Nations General Assembly not only establish targets and indicators, but also include the autonomy and empowerment of women in two ways: as a specific goal on the global agenda and as a prerequisite for the achievement of the other goals. From the point of view of the Latin American and Caribbean countries, the Millennium Development Goals largely reflect the priorities of government agendas. The targets and indicators are the centre of an important debate, however, to which women's organizations are making a contribution.

Ten years after the Fourth World Conference on Women, Latin America and the Caribbean now has a pro-equality institutional structure as a basis for further action. Because of their role in setting standards—usually in consultation with civil society—, national offices for women have become the backbone of this structure. Although the impact of their work is still insufficient, given their shortage of resources and the gender neutrality of the region's economic and financial agenda, they are nevertheless in a better position, at the dawn of the new century, to meet the aims of the gender equity agenda.

In short, even though progress is not a linear process and the region's economic and institutional context is threatening to roll back gender equity gains, it is apparent that Latin American and Caribbean women have a greater capacity for action, generated by their increased autonomy, access to employment and education and by the stockpiling of experiences and resources on which they can draw to implement public policies on gender. Since the impact of these processes varies from one country and group of women to another, it is apparent that persisting structures of social discrimination are preventing all women from enjoying the benefits of development on an equal basis. One of the main challenges is, undoubtedly, the harmonization of public and private life, which is affected by the priority attached to meeting the challenges of economic globalization and changes in the labour market and by the imperative to focus first on the groups of women that suffer most from inequality.

These achievements and obstacles represent the point of departure for the new century, in which efforts must focus on closing the gender gaps that persist in the very spheres where progress has been made. Moreover, the momentum acquired by women's demands for recognition and equality in the distribution of resources and power has enabled a multitude of movements to flourish, such as movements of indigenous and of African descent women, and has enabled the women's movement to make progress in coordinating its agenda with the social agenda in the context of globalization.

## II. POVERTY, ECONOMIC AUTONOMY AND GENDER EQUITY

### A. POVERTY AND GENDER INEQUALITY

To understand the phenomenon of poverty and its persistence in the region one must analyze the associations between poverty and inequity in employment, with particular attention to the issue of women's economic autonomy and empowerment. This chapter is based on the view that although poverty may be defined concisely as a critical lack of income, it is a multidimensional phenomenon, and thus, an analysis of it must include an examination of other power relationships—in the case of women, focusing particularly on those associated with unpaid work, reproductive rights, violence against women and individuals' use of time. Therefore, in addition to income-measuring methodology developed by ECLAC to quantify poverty in the countries of the region, a multidimensional view of gender is used here in describing poverty. Similarly, a variety of socially relevant variables are incorporated in addressing issues concerning policies to overcome poverty.

#### 1. Economic growth and poverty in the first decade of the twenty-first century

The year 2004 has begun with signs of economic recovery, but at a level insufficient, thus far, to reverse the stagnation of the last few years. The region's improved economic performance is associated with that of the international economy, in which the recovery of the United States and Japan and increased activity in China are major features. In 2004, for the first time since 1997, no Latin American economy is facing projections of negative growth (ECLAC, 2003a).

Argentina's economy was revitalized in 2003, with growth of 7.3%, following a contraction of 10.8% in 2002. Chile, Costa Rica, Colombia and Peru registered growth rates in excess of 3%, but Brazil's expansion was only barely positive (0.1%), and Mexico's was only 1.2%. The Venezuelan economy contracted 9.5%, following a comparable decline in 2002. In the rest of the countries, there was little economic strength, and figures were on the order of 2%.

Meanwhile, changing income distribution over the decade, with a widening gap between rich and poor, reconfirms that the region's economies have a tendency to intensify the concentration of wealth.

According to the Millennium Declaration, the world's countries are slated to reduce their 1990 levels of extreme poverty by one half by 2015. To achieve this objective, economies must grow more rapidly, allowing the resources of the poorest to increase. According to the most recent estimates for Latin America, published in *Social Panorama of Latin America, 2002-2003* (ECLAC, 2003e), reaching the first millennium goal will require the region's per capita GDP to grow at an annual rate of 2.6% until 2015, assuming that income distribution remains constant.

At the aggregate level, the growth rate may increase to the required level; looking closer, however, we see a difficulty for those countries with the greatest indigence rates (over 30%), which must increase their per capita GDP at the rate of 3.6% annually to achieve the goal. This is in contrast to the situation of countries with intermediate levels of indigence (greater than 11% but less than 30%), which need annual growth of 2.8% per capita, and to those that have the least extreme poverty (under 11%), for which annual growth of 0.5% will be sufficient.

As ECLAC has indicated for some time, the effect of economic growth on poverty reduction could be magnified significantly with an improvement in income distribution. For example, with a 5% reduction in the Gini index (roughly 0.025 points in the indicator), the region's per capita GDP would need to grow at an annual rate of only 1.9%, 0.7% less than needed if there is no change of income distribution. For countries with higher rates of indigence, the economic growth per capita required falls to 2.9% under the improved distribution scenario.

Viewing the issue from another perspective, *Social Panorama of Latin America, 2002-2003* (ECLAC, 2003e) suggests that a reduction in the Gini index of the sort illustrated in the preceding paragraph would reduce the time needed to cut extreme poverty in half within two to five years. Growth with redistribution would allow countries such as Mexico, Uruguay and Brazil to reach the goal in under three years, while none could do this before 2005 without improvements in distribution. Costa Rica, Ecuador, Guatemala, Panama and El Salvador would reach the goal in 2009 —again, a less feasible scenario without the distributive change mentioned above.

During the 1990s and in the early part of the first decade of the twenty-first century, the process of overcoming poverty in Latin America proceeded unevenly. In fact, it was stagnant in the last five years, since the poverty and indigence rates have remained practically constant since 1997, and the number of individuals living in poverty has increased in both urban and rural areas. In 2003, 227 million (44.4%) of the region's inhabitants lived in poverty, and 102 million of these (20% of the total population) were indigent (ECLAC, 2003e).

The adjusted femininity index of poverty in Latin America (ECLAC, 2003e)<sup>18</sup> was above 100 in both urban and rural areas, showing that there are more females than males in poor households. This phenomenon is most intense in the 20- to 59-year-old age bracket, where an index value in excess of 100 persists throughout the decade in almost all of the countries, and in both urban and rural areas.

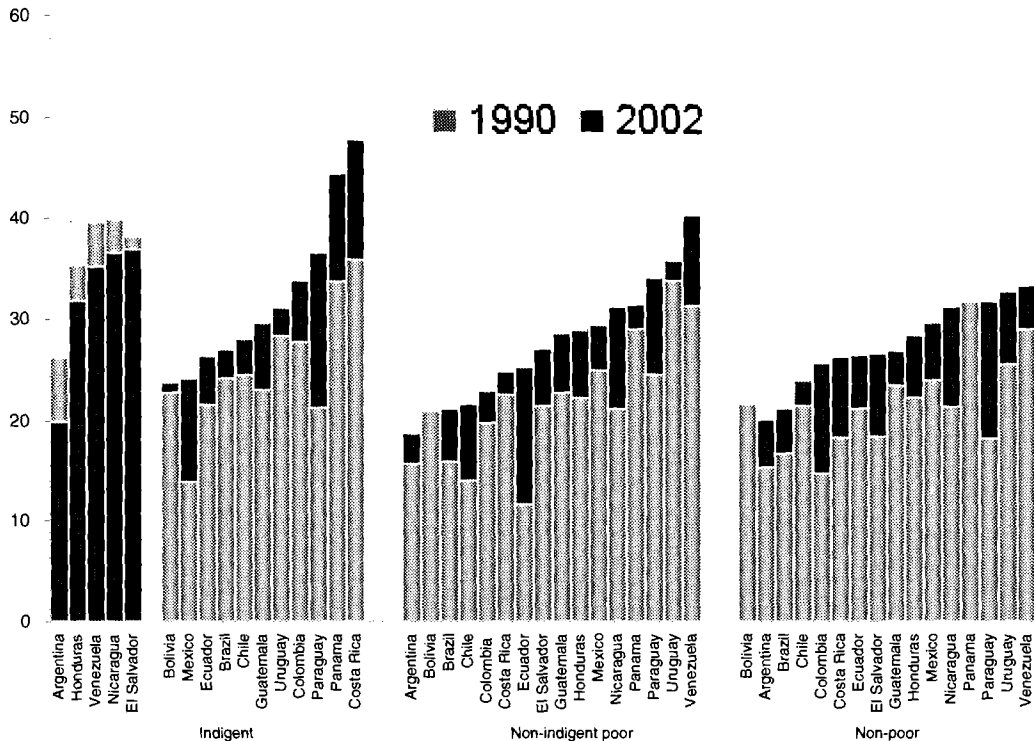
Meanwhile, though the percentage of households headed by women has increased in almost all of the countries and in the poor segments of the population, the percentage of indigent households headed by women continues to be higher than in the case of the poor and not-poor (see figure II.1). Women not living with a spouse (legal or informal) are more frequently heads of household, and are often their households' principal or sole recipients of income. This creates an especially critical situation in the poorest households, since the income received by women heads of household is significantly less than that of their male counterparts. The poverty of these women is further intensified by their simultaneous responsibilities for productive and reproductive work, especially in single-parent homes with children, where qualitative studies have amply documented the repercussions on women's physical and emotional welfare (ECLAC, 2004d).

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<sup>18</sup> The femininity index is the relation between the number of women and the number of men. This figure shows that in most countries there are more women; this is attributable to the fact that women have longer life expectancy. To control for this population factor, the poverty-adjusted femininity index is calculated. This is arrived at by dividing the ratio of women to men in poor households by that of all households; thus, the resulting value shows the relation between the female and male populations.



Figure II.1  
**LATIN AMERICA (16 COUNTRIES): PERCENTAGE OF HOUSEHOLDS HEADED BY WOMEN, URBAN AREAS, CIRCA 1990 AND 2002**



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

## 2. Poverty as viewed from the gender perspective

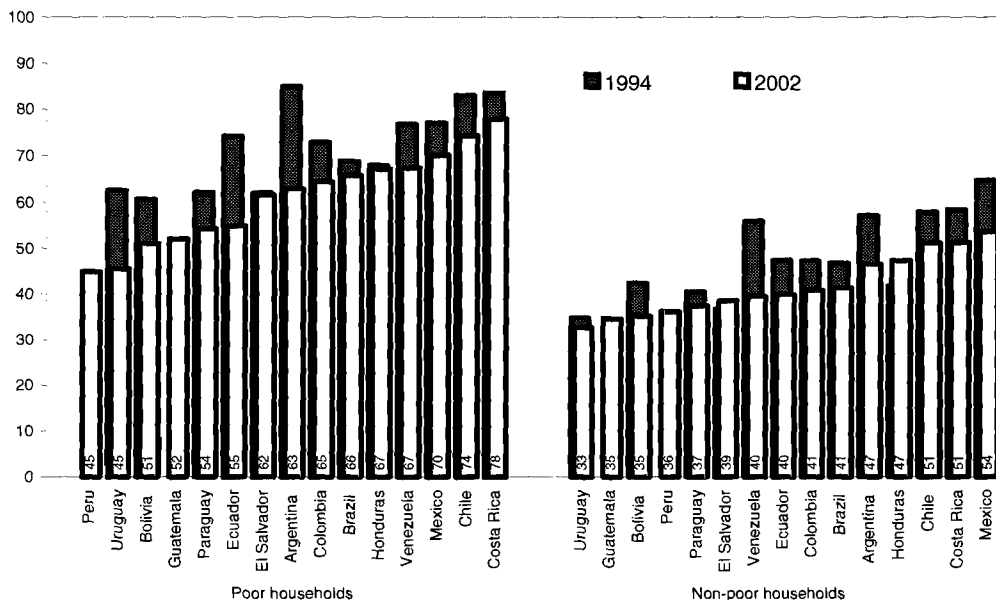
ECLAC has defined poverty as a lack of economic resources, or as an absence of living conditions considered basic by the society. At the same time, ECLAC has reaffirmed the importance of employing categories such as social exclusion, and the importance of having the wherewithal to understand poverty as a phenomenon with multiple dimensions and causes (ECLAC, 2000b). It has been suggested that poverty should be defined as “the result of a social and economic process —with cultural and political components— in which persons and households are deprived of essential assets and opportunities as a result of different causes and processes, both individual and collective in nature, giving it a multidimensional character.” (ECLAC, 2003d). Thus, in addition to material deprivation, poverty includes subjective and relational dimensions that go beyond the issue of physical subsistence.

Analyzing poverty from the gender perspective makes it possible to connect it with other forms of domination (e.g., ethnic and racial) that structure social relations, and to understand it as a result of power relationships that affect access to, and control of, goods and services, as well as other material and symbolic resources.

In terms of the dynamics of poverty, the gender focus emphasizes that poverty is a process involving power relationships, not a symptom, thus avoiding a static view —“a snapshot of poverty”— that construes existing social relationships as “natural”, and freezes them. Such static views make it impossible to understand processes and potentials that have preceded the current situation, or to understand poverty in its historical, macro-social and micro-social dimensions in the home (Feijoó, 2003).

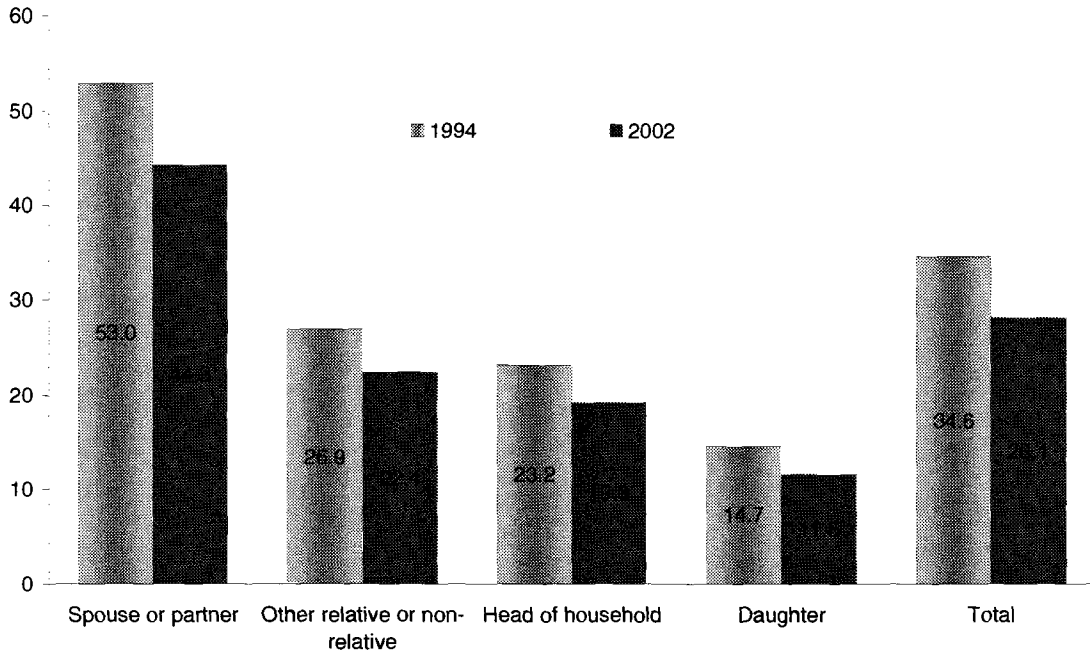
In this conception, women’s economic, physical and reproductive autonomy, as well as the value placed on their unpaid work and the time that it takes, acquire a strategic importance. Economic autonomy —i.e., an income of one’s own, both in poor and non-poor households, in urban and in rural areas— is a central factor in overcoming poverty (ECLAC, 2003e). Unequal opportunity for women to gain access to paid work limits their ability to attain economic autonomy. This is the case with individuals who, even if they do not live in poor households, do not have individual income of their own by which they can satisfy their needs autonomously, and it is the case for an elevated proportion of wives living in poor and other households (see figure II.2), whose high rates of domestic activity place them in a position of dependency in relation to the head of the household (see figure II.3).

Figure II.2  
**LATIN AMERICA (15 COUNTRIES): PERCENTAGE OF WOMEN WITH A SPOUSE OR PARTNER WHO HAVE NO INCOME OF THEIR OWN, POOR AND NON-POOR HOUSEHOLDS, URBAN AREAS, CIRCA 1994 AND 2002**  
*(Percentages)*



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

Figure II.3  
**LATIN AMERICA (SIMPLE AVERAGE, 12 COUNTRIES): DOMESTIC ACTIVITY RATE<sup>a</sup>  
 AMONG FEMALES AGED 15 AND OVER, BY RELATIONSHIP TO HEAD OF  
 HOUSEHOLD, URBAN AREAS, CIRCA 1994 AND 2002**

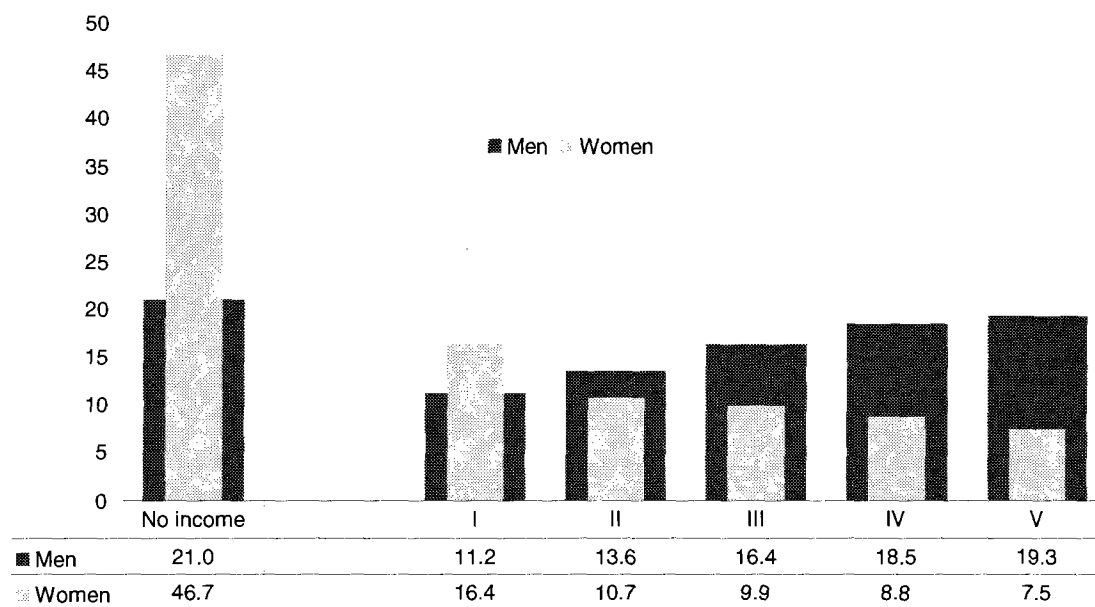


**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

<sup>a</sup> Percentage of the female population whose principal activity consists of household chores.

This idea is supported by observing the distribution of men's and women's individual income. The majority of women are concentrated in the lower quintiles, while men predominate in the upper quintiles. Thus, there are more women not only as a percentage of individuals without income, but also as a percentage of those receiving the least income (see figure II.4).

Figure II.4  
**LATIN AMERICA (SIMPLE AVERAGE, 14 COUNTRIES):<sup>a</sup> POPULATION AGED 15 AND OVER, BY  
 INDIVIDUAL INCOME QUINTILE, URBAN AREAS, CIRCA 1999**  
*(Percentages of the total of each sex)*



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

<sup>a</sup> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, Paraguay, Uruguay and Venezuela (national total).

Women's dependency, or lack of autonomy, within the household, though not synonymous with income poverty, affects their economic self-sufficiency and decision-making capacity. Their vulnerability in the case of widowhood, termination of a marriage or breakup of the family is also aggravated. Obviously, policy is needed that can produce better distribution of wealth, assets, job opportunities and time.

Development and, more specifically, economic policy and its effects on poverty, have recently become the focus of study in a gender perspective context. In this framework, it becomes clear that biological differences between the sexes do not, per se, explain phenomena such as the over-representation of women between 20 and 59 years of age —i.e., reproductive age— among the poor (ECLAC, 2003e). Nor does it explain why women have primary responsibility for the care of children, the sick and the elderly, along with the activities of social reproduction in general. It is women's predominant place in the reproductive sphere that operates as a first form of economic, political and social exclusion, restricts their sphere of job opportunities and participation in public life, and limits the development and use of their capacities, as well as placing conditions on the results of their activities (Espino, 2003).

The unequal sexual division of labour, in addition to placing a work overload on women, taking time from training and recreation, limiting their ability to enter the labour market, and limiting their access to more diverse jobs and sufficient income, also limits their ability to participate in social and political activity.

The conceptual debate on poverty is important in that, as *Social Panorama of Latin America, 2002-2003* (ECLAC 2003e) shows, the definition of poverty determines the indicators used to measure it —“what is not conceptualized is not measured”—<sup>19</sup> and the type of policies required to overcome it. Nevertheless, it is important that debate regarding the concept of poverty not be limited by the data and sources available. The conceptual discussion must go beyond the current potential for measurement.

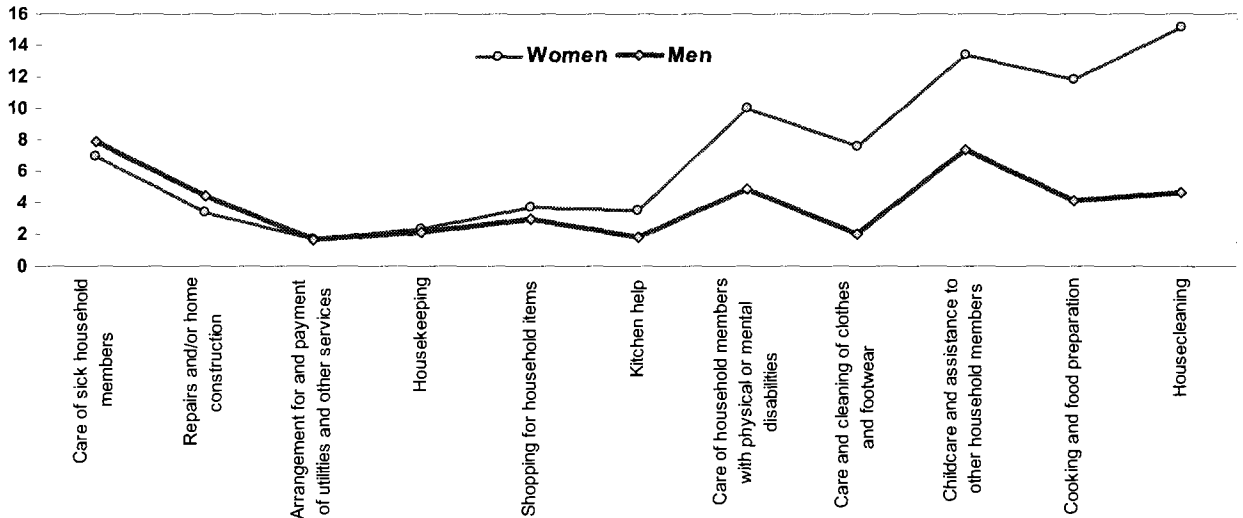
The fact that monetary value is not placed on unpaid domestic work, and that methods for measuring household poverty do not incorporate an attribution of income in this category in households where one person is entirely dedicated to domestic work and care, limits the ability of traditional measures of poverty to capture gender inequalities (Milosavljevic, 2003). The limitation is all the greater, given that unpaid domestic work may represent a major difference, in terms of household income, especially if one considers that male-headed households are more likely to enjoy the advantages of free domestic work by the spouse, thus avoiding expenditures otherwise associated with maintaining a household. Women heads of household, on the other hand, must assume the costs of domestic work themselves, which often means increasing the time spent in unpaid work, as well as paying for hired help. As we have mentioned, this reduces the chance to increase participation in the labour market and public life, not to mention the effects it has on physical and mental health. This disparity points up dimensions of poverty that are not always taken into consideration. Moreover, identifying the specific differences between men’s and women’s use of time and spending patterns is relevant to an analysis of poverty and the different ways in which individuals experience it.

In connection with the distribution of time, there are studies confirming that women invest more time than do men in unpaid activities. This means that they have longer work days, which is harmful to their health and nutrition. The 1998 Nicaraguan household survey incorporated a module to measure the daily distribution of time among different activities for men and women. It shows (ECLAC, 2003e) that though women spent fewer hours in paid work than men, they spent more hours in domestic work. A comparison between the two showed that women’s work days were longer than men’s. Meanwhile, men were found to have more time than women for recreation and other activities. The results of the National Survey on the Use of Time conducted by Mexico’s National Institute of Statistics, Geography and Informatics (INEGI) in 2002 showed a similar trend. In 8 of the 11 activities about which information was solicited, women spent more hours per week than men (see figure II.5).

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<sup>19</sup> See Feijoo (2003).

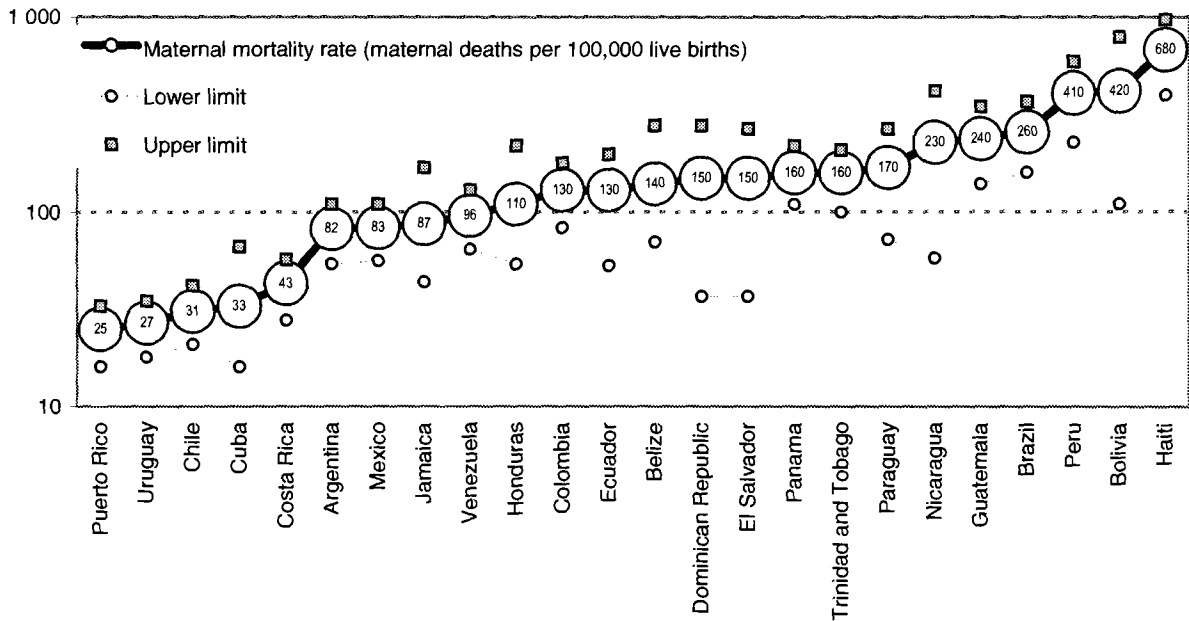
Figure II.5  
**MEXICO (2002): AVERAGE NUMBER OF HOURS PER WEEK SPENT ON HOUSEWORK BY HOUSEHOLD MEMBERS AGED 12 AND OVER, BY ACTIVITY AND SEX**



Source: National Institute of Statistics, Geography and Information (INEGI), *Encuesta nacional sobre el uso del tiempo* (ENUT).

Another relevant factor for studying poverty from the gender perspective is to establish the indispensable factors that link poverty and physical autonomy with the exercise of reproductive rights. Corporal autonomy for women implies adequate sexual and reproductive health conditions, which reduce maternal mortality and undesired fertility rates, as well as enabling women to contribute to the health of the family. These goals must be considered as related to the fight on poverty. In Latin America in the 1990s, the probability of death in connection with pregnancy and birth for a woman, over the course of a lifetime, was 1 in 130. This is 14 times the average in developed countries, and is, alone, proof of the fact that women suffer social inequities and are disadvantaged (ECLAC, 1999). According to estimates for 2000, three of the region's countries (Haiti, Bolivia and Peru) have more than 200 maternal deaths per 100,000 births, while for another nine countries, the figure ranges between 100 and 200 (see figure II.6). Maternal morbidity/mortality is associated with severe hemorrhaging and infection due to unsafe abortions, which are responsible for one fifth of deaths, eclampsia and other causes (Gómez, 1997).

Figure II.6  
**MATERNAL MORTALITY ESTIMATES (2000) DEVELOPED BY THE WORLD HEALTH ORGANIZATION (WHO), UNITED NATIONS CHILDREN'S FUND (UNICEF) AND UNITED NATIONS POPULATION FUND (UNFPA)**



Source: United Nations Children's Fund (UNICEF), *Maternal Mortality in 2000 - Estimates Developed by WHO, UNICEF and UNFPA* [online], October 2003 (<http://www.childinfo.org/>).

Adding to this inequality is the dramatic impact of AIDS, the gravity and specificity of which is beginning to create public concern (Pargass, 2004). The risk for women is associated, among other factors, with their frequent lack of control over their sexual lives, their lack of knowledge about the sexual practices of their sexual partners, and their lack of ability to negotiate the use of condoms (see table II.1). The national incidence of HIV is at least 1% in 12 of the Caribbean Basin countries, where heterosexual transmission predominates, often in connection with sexual commerce. The most recent national estimates show that the prevalence of HIV among pregnant women is 2% or more in six of the countries: Bahamas, Belize, Dominican Republic, Guyana, Haiti and Trinidad and Tobago (UNAIDS/WHO, 2003).

Table II.1  
**WOMEN'S CAPACITY TO NEGOTIATE SEX WITHOUT RISK FROM THEIR HUSBANDS<sup>a</sup>**

Educational level	Peru		Haiti	
	Women	Women	Men	Men
Total	90	88	95	
Without education	61	83	93	
Primary	80	88	94	
Secondary or above	96	94	97	

Source: Peru Demographic and Family Health Survey 2000, Haiti Demographic and Health Survey 2000.

<sup>a</sup> Percentage of those surveyed who believe that if the husband has a sexually transmitted disease (STD), the wife may refuse to have sex with him, or propose use of a condom.

A thorough understanding of poverty must include an analysis of violence as a factor that erodes personal autonomy, the exercise of citizenship, and social capital (social autonomy), the latter as a result of the isolation to which women are subjected. This is consistent with the definition of poverty as the lack of minimum survival conditions. A number of studies show that there is a close relation between poverty and violence. On one hand, poverty is a risk factor that makes the appearance of physical violence in the home more probable. In addition, violence produces more poverty, since it holds back economic development for a number of reasons: (i) dealing with the effects of both social and domestic violence requires spending on the part of police, judicial and social services systems; and (ii) in the case of women, those who suffer domestic violence are less productive at work, which leads to a direct loss to national production (IDB, 1997).

#### Box II.1

#### THE IMPACT OF DOMESTIC VIOLENCE IN NICARAGUA

A 1997 Inter-American Development Bank (IDB) study on the socioeconomic impact of domestic violence against women in Nicaragua shows that such violence reduced the income of the women involved by US\$ 29.5 million, or 1.6% of the 1996 GDP. The costs of violence include the fact that, in the case of women who suffer frequent violence, the use of health services is twice that of women not subject to such violence.

Another finding of note is that women who are the object of severe physical violence earn only 57% of what other women earn. Moreover, 41% of women who do not have paid work are victims of severe physical violence, while the figure for women who work outside the home and receive income is only 10%.

Source: Inter-American Development Bank (IDB), *The socioeconomic impact of violence*, Washington, D.C. (1997).



Table II.2  
**LATIN AMERICA AND THE CARIBBEAN: MOST RECENT SURVEYS TO MEASURE  
 VIOLENCE AGAINST WOMEN**

Country	Sponsoring or executing institutions	Geographic coverage and size of sample	Population studied (age)	Results
<b>Bolivia, 1997/1998</b>	Pan-American Health Organization/ World Health Organization (PAHO/WHO), Ministry of Health and Social Security, Vice-Ministry of Gender and Family, Government of the Netherlands.	Three municipalities (289)	All women (20 years of age +)	21% of the women report being victims of psychological violence, 17.9% of non-life-threatening physical violence and 13.9% of life-threatening violence.
<b>Chile, 2001</b>	National Women's Service (SERNAM)/ Center for Public Policy Analysis, University of Chile	Metropolitan Region and Ninth Region (2.721)	Women who have or have had a partner (15 to 49 years of age)	In the Santiago Metropolitan Region, 50.3% of women have experienced some violence in the context of a couple relationship. Of these, 34.1% have suffered physical violence, sexual violence or both, and 16.3% psychological violence.
<b>Colombia, 1995 (DHS)</b>	Colombian Association for the Welfare of the Family	National (6.097)	Women currently married/ or in a free relationship (15 to 49 years of age)	19% of women have been the object of physical aggression by their partner at some time in their life.
<b>Costa Rica, 1994</b>	...	San José metropolitan area (1.312)	...	75% suffer psychological violence, 10% physical violence.
<b>Guatemala, 1990</b>	United Nations Children's Fund (UNICEF)/ Pan-American Health Organization (PAHO)	Sacatepequez (1.000)	...	49% have suffered violence, 47% by their partner.
<b>Haiti, 1996</b>	United Nations Children's Fund (UNICEF), Haitian Center for Research and Action for Women's Advancement	National (1.705)	...	70% have suffered domestic violence, in 36% of the cases from their partner.
<b>Mexico, 1999</b>	National Institute of Statistics, Geography and Informatics (INEGI)	Mexico City metropolitan area (...)	Men and women in households (...)	Information is not provided specifically on women, but emotional abuse is the most frequent type of violence (99.2% of households), followed by intimidation (16.4%), physical violence (11.2%) and sexual abuse (1.1%).
<b>Nicaragua, 1998 (DHS)</b>	National Institute of Statistics and Census (INEC)/ Ministry of Health (MINSa)	National (8.507)	Women who have at some time been married or in a free relationship (15 to 49 years of age)	27.6% have suffered physical violence, 10.2% sexual violence and 28.7% physical and sexual violence, either in the last year or previously.

Country	Sponsoring or executing institutions	Geographic coverage and size of sample	Population studied (age)	Results
<b>Paraguay, 1995/1996 (DHS)</b>	Paraguayan Center for Population Studies, Centers for Disease Control and Prevention, United States Agency for International Development (USAID)	National, excepting the Chaco region (5.940)	Women who have at some time been married or in a free relationship (15 to 49 years of age)	31.1% have been verbally insulted, and 9.5% report having suffered physical violence.
<b>Peru, 2000 (DHS)</b>	National Institute of Statistics and Informatics (INEI)	National (12.933)	Women who have at some time been married or in a free relationship (15 to 49 years of age)	41% of women who were at some time in a couple relationship have been physically attacked by their spouse or partner. 34% have been the object of psychological control, 48% have experienced demeaning situations (shouts and insults) and 25% threats.
<b>Uruguay, 1997</b>	Inter-American Development Bank (IDB), Sybilla Consultants	Montevideo and Canelones (545)	Women who have at some time been married or in a free relationship (22 to 55 years of age)	...

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), "Violencia contra la mujer en relación de pareja: América Latina y el Caribe. Una propuesta para medir su magnitud y evolución", *Mujer y desarrollo series*, No. 40 (LC/L.1744-P), Santiago, Chile. United Nations publication, Sales No. S.02.II.G.56.

The use of qualitative methods that reflect subjective perceptions and the consideration of subjects' own definitions of poverty are playing an increasing role in the debate on poverty. These approaches, combined with quantitative methods, would provide more complete measurements of the phenomenon, making it possible to pinpoint additional causes, as well as solutions better adapted to the particularities of different segments of society.

Box II.2  
**VOICES OF THE POOR IN MEXICO**

According to the survey “What the poor say”, conducted by the Secretariat of Social Development in Mexico in 2003, the majority of the poor relate poverty to lack of immediate sources of satisfying their needs, and define welfare as food security, access to health services, coverage of basic needs and access to minimum services. In addition, great importance is placed on possessing individual assets. 93% of those surveyed prefer to own their house, even if it lacks some basic services, rather than renting a house that does have all the basic services.

At the same time, the above-mentioned deficiencies, in terms of basic needs, are seen as more serious in the case of women. 44.6% of respondents believe that poor women experience greater problems than poor men. This is attributed, among other things, to their responsibility for child care (35.3%), their opportunities as compared with men's (20.7%), sexual discrimination (14.4%) and machismo (13.4%).

As regards the conditions needed to move beyond poverty, the prevalent opinion is that more jobs and better salaries are needed (48%). In second place is the demand for more and better governmental support (22%), cited more often in rural areas. Asked about the obstacles specifically facing women (not men) in attempting to move beyond poverty, the factors cited include lack of jobs for women (29.5%), discrimination due to pregnancy or children (27.4%) and lack of education (20.4%).

As regards policies to combat poverty, those most valued involve direct transfers (monetary, food and health support). There is also a clear preference for targeted support, as opposed to universal support, and 60% of poor respondents state that benefits should be provided based on need, or that more disadvantaged groups should be given priority. 67.5% of respondents say that it is government that should determine which groups to target for aid.

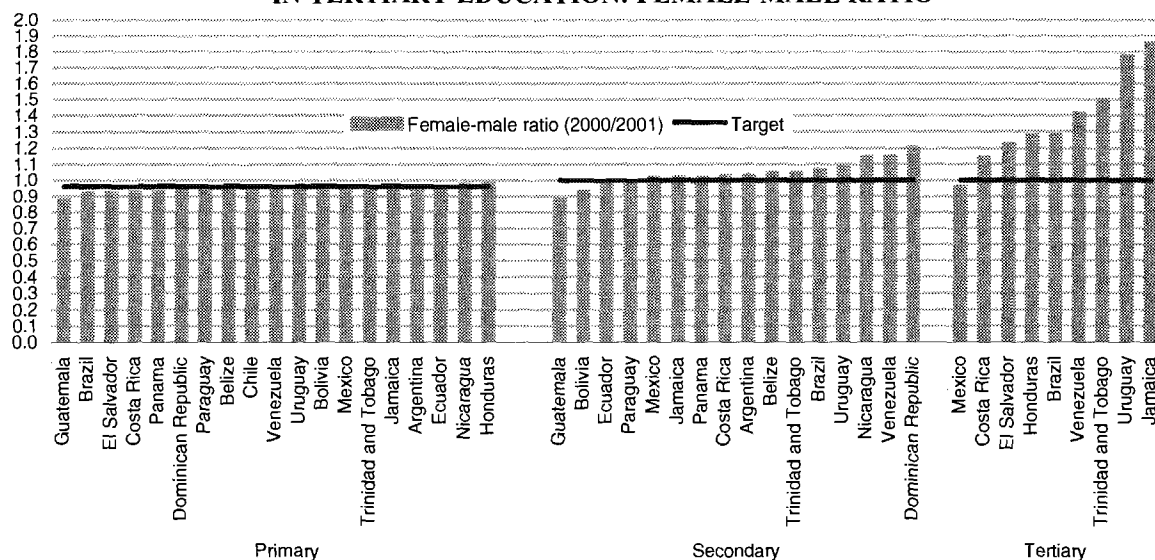
**Source:** “What the poor say”, a survey conducted by the Secretariat of Social Development, August 2003, Secretariat of Social Development of Mexico, working document.

### 3. Education of women as a means of overcoming poverty

In the 1990s, two advances in women's education were consolidated. There was an increase in the average number of years of schooling among women, and greater numbers of women were in school. This is a major achievement in terms of equity, and is present at practically all levels of the educational system. Figures for primary education now show no net differences between the number of boys and girls in school, while the number of women at the secondary and tertiary levels in most of the countries for which information is available is now greater than the number of men (see figure II.7). This trend is clearly reflected in the fact that economically active women in Latin America today have average levels of schooling greater than economically active men (see figure II.8). However, this has occurred in a context of a profound gap between the educational system and the needs of the labour market, a phenomenon whose negative effects redound principally to women. The fact that educational achievement does not translate into better labour market insertion, a reduction in the wage gap—which is most notable in the case of women with tertiary education (ECLAC, 2003e)—or greater decision-making equality points up problems in the quality of education and reflects the fact that education has only slight impact on redistributing family responsibilities and eliminating the values and prejudices that lead to discrimination. For instance, school dropout and grade repetition among girls are explained primarily by early family responsibilities (placed on girls, but not on boys), while boys mostly drop out in order to join the paid labour market, or simply leave school (UNESCO, 2004).

Figure II.7

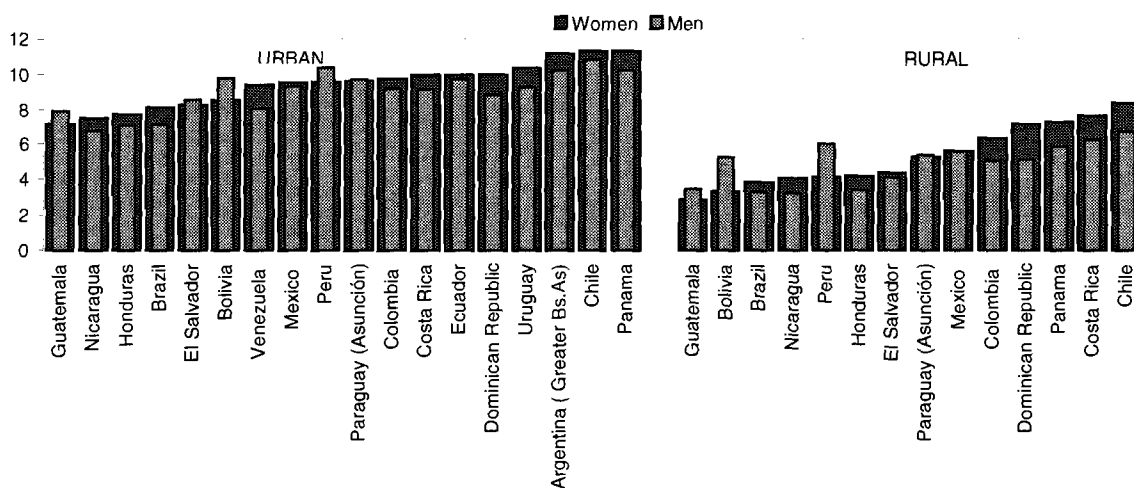
### NET ENROLMENT IN PRIMARY AND SECONDARY EDUCATION AND GROSS ENROLMENT IN TERTIARY EDUCATION: FEMALE-MALE RATIO



Source: United Nations Educational, Scientific and Cultural Organization (UNESCO), Institute for Statistics [online] (<http://www.uis.unesco.org>).

Figure II.8

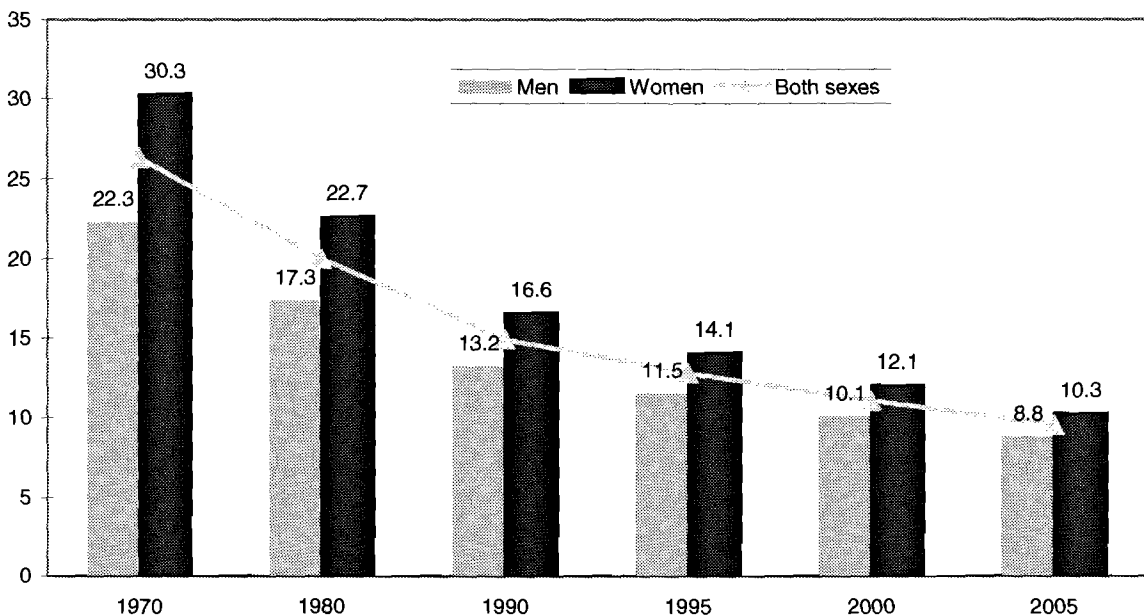
### LATIN AMERICA (18 COUNTRIES): AVERAGE SCHOOLING OF THE ECONOMICALLY ACTIVE POPULATION AGED 15 AND OVER, BY SEX, URBAN AND RURAL AREAS, CIRCA 2002



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

The change in illiteracy rates is also a positive sign, since the gaps that historically put women at a disadvantage have been narrowing (see figure II.9). Still, figures based on national or regional averages obscure particular situations faced by those segments of the female population that are affected by other systems of discrimination, such as those affecting indigenous women or women of African descent. The last census information for five Latin American countries shows that these groups, in all cases, have higher illiteracy rates for women than for men, and that these women have higher illiteracy rates than “white” or non-indigenous women. This relates to intra-generational gaps, which are becoming increasingly visible (see figure II.10).

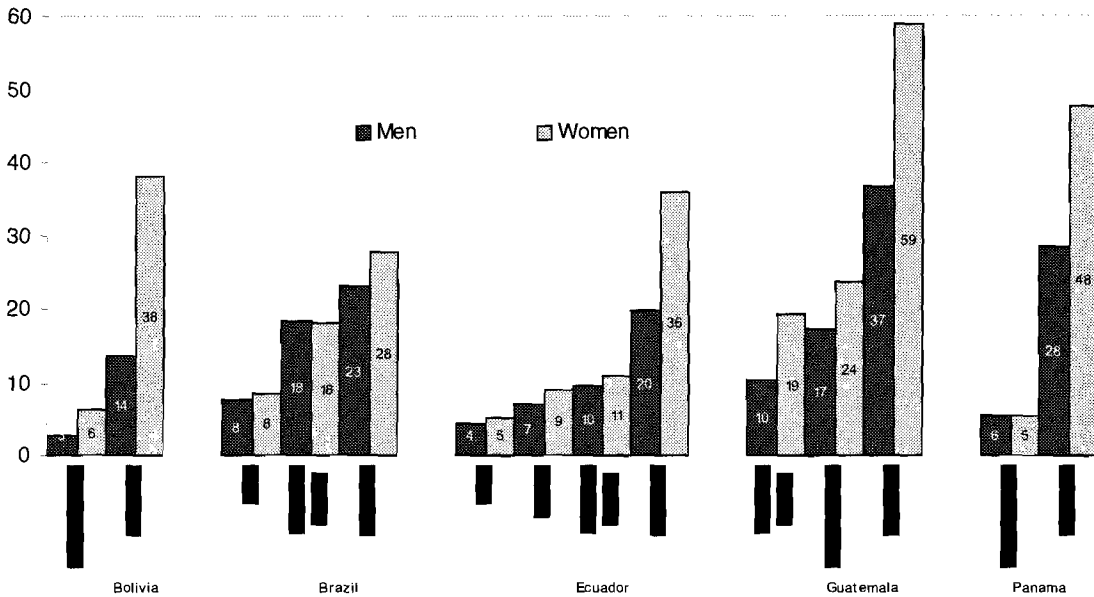
Figure II.9  
LATIN AMERICA AND THE CARIBBEAN: ILLITERACY IN THE POPULATION  
AGED 15 AND OVER



Source: United Nations Educational, Scientific and Cultural Organization (UNESCO), Institute for Statistics [online] (<http://www.uis.unesco.org>).

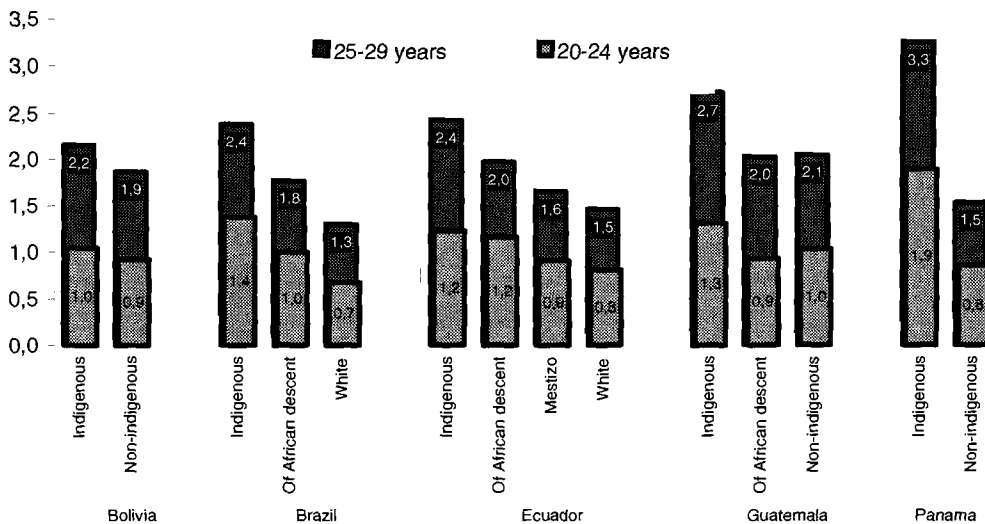
Another example of the intra-generational gap, also related to educational differences, via the known effects that these have on women’s fertility rates, is the average number of children that women have as a function of the ethnic group to which they belong (see figure II.11).

Figure II.10  
**LATIN AMERICA (5 COUNTRIES): ILLITERACY IN THE POPULATION AGED 15 AND OVER, BY ETHNIC OR RACIAL BACKGROUND, CIRCA 2001**



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of population censuses in Bolivia (2001), Brazil (2000), Ecuador (2001), Guatemala (2002) and Panama (2000).

Figure II.11  
**LATIN AMERICA (5 COUNTRIES): AVERAGE NUMBER OF CHILDREN (AVERAGE PARITY), BY MOTHER'S AGE AND ETHNIC BACKGROUND**



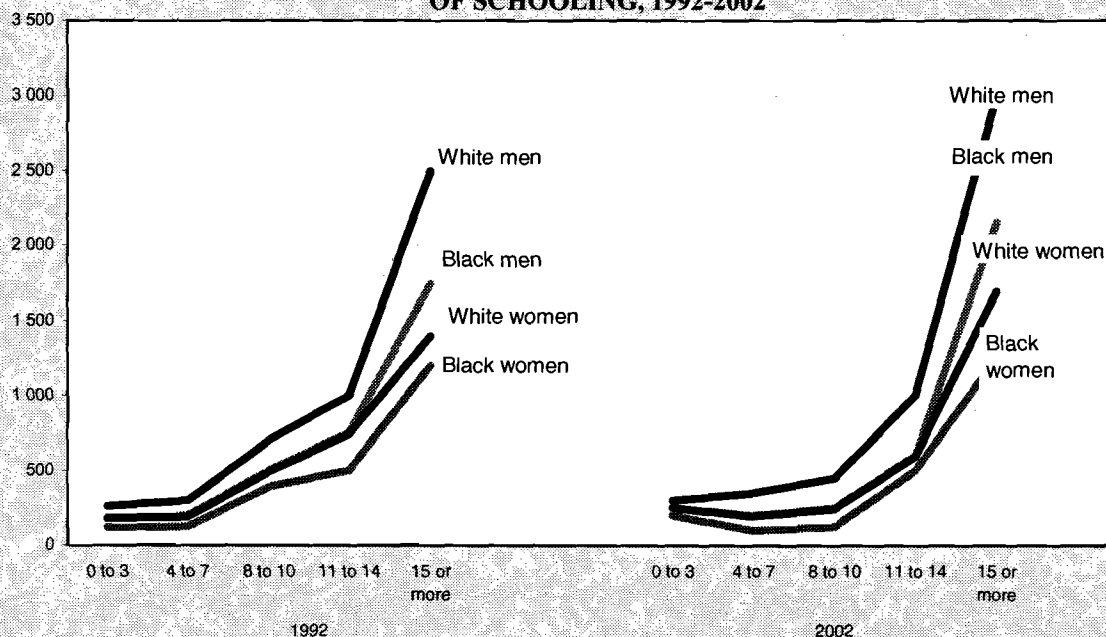
Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of population censuses in Bolivia (2001), Brazil (2000), Ecuador (2001), Guatemala (2002) and Panama (2000).

Box II.3  
**POVERTY, RACE AND GENDER. THE CASE OF BRAZIL**

In Brazil in 2001, 62% of the white population was living above the poverty line, as compared with 37.5% of individuals of African descent. 61% of the poor and 71% of the indigent are of African descent. Disaggregated by sex, the data show that the distribution of women and men according to whether they belong to poor, indigent or other families, follows a pattern of proportions similar to that of the total population. In other words, there are more poor women than men in each race, except those of African descent, and there are also more women than men among the poor overall. In 2001, women of African descent represented 30.9% of the poor, while the figure for men of African descent was 30.2%. The corresponding figures for the proportion of indigent women and men who are of African descent are very similar (22% and 21.6%, respectively) (Pereira de Melo, 2004). If women's situations are viewed in terms of race, the gaps are great, indeed. 22% of women of African descent are indigent, as compared with only 8% of white women.

Gender and race combine to determine the living conditions of women of African descent. Their average wage is 32% of the white male's. Women's remuneration as a whole is 66% of men's, while the total earned by workers of African descent (of both sexes) is but 50% of that earned by their white counterparts (Abramo, 2003). Off all people of African descent, barely 2% enter university, and only 3% of women of African descent have 15 or more years of schooling, as compared with 12% of white women. As a whole, the difference between what is earned by whites and what is earned by people of African descent (of both sexes) is greater than the difference between women and men. This changes if the number of years of schooling is brought into the analysis, since, if similar levels of schooling are compared, white women are at a greater disadvantage than are men of African descent (see figure below). Thus, women of African descent are the object of double discrimination. Those who have between 11 and 14 years of schooling receive 39% of the pay per hour that white men in the same educational bracket receive (Abramo, 2003).

**BRAZIL: PAY LEVELS BY SEX, ETHNIC BACKGROUND AND YEARS OF SCHOOLING, 1992-2002**



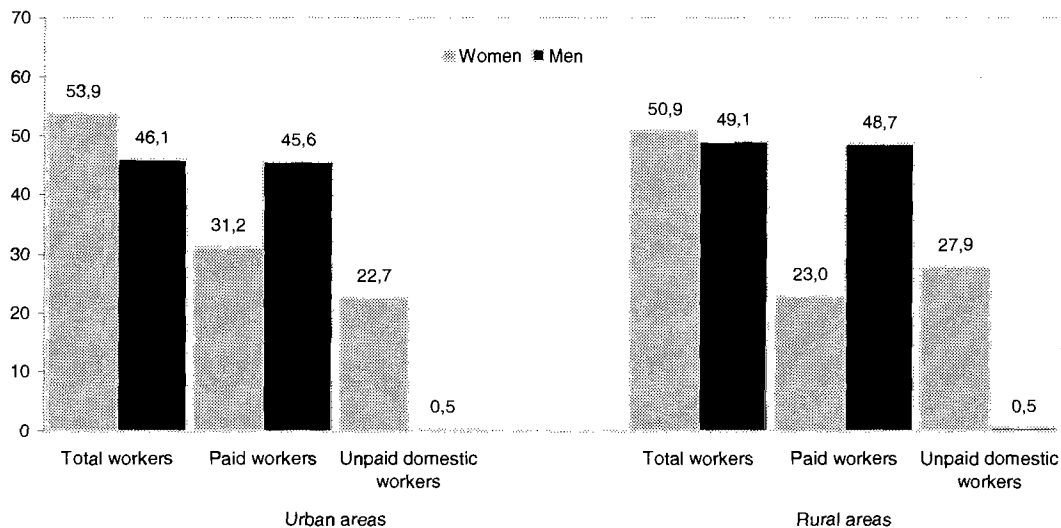
**Source:** Lais Abramo (2003), *Desigualdades e discriminação de gênero e raça no mercado de trabalho brasileiro*, ILO, August 2003; Hildete Pereira de Melo, "Gênero y pobreza no Brasil", final report of the project, "Democratic Governance and Gender Equality in Latin America and the Caribbean", Rio de Janeiro, Special Secretariat for Women's Policies (SPM)/ECLAC.

#### 4. Work and employment in relation to poverty

##### (a) Work inequalities

Though there is an abundance of both employment data and analyses, there are still very considerable gaps. Major contributions to viewing employment from the gender perspective include research into women's insertion in the labour market in the light of their dominant role in the reproductive sphere (see figure II.12) —i.e., in the “care economy”, an expression that refers to the unpaid goods and services provided by women of all ages within the family. The attempt to achieve recognition for unpaid domestic work has contributed to a new definition of work as an activity that includes, but is not limited to, paid work. Another key notion is that of activity and inactivity. The gender approach questions this classification, since, in general, those considered inactive are those not receiving remuneration but working at, and represented in the rate of, domestic activity (DAR) (see figure II.3).

Figure II.12  
**LATIN AMERICA (SIMPLE AVERAGE, URBAN AREAS OF 15 COUNTRIES<sup>a</sup> AND RURAL AREAS OF 12 COUNTRIES<sup>b</sup>): TOTAL WORKERS, PAID WORKERS AND UNPAID DOMESTIC WORKERS, CIRCA 2002**



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

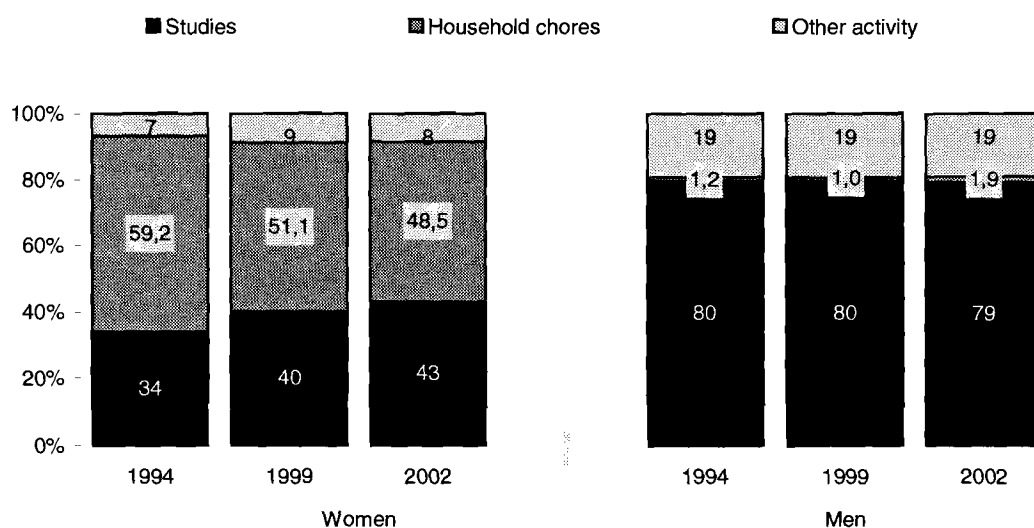
<sup>a</sup> Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay and Uruguay.

<sup>b</sup> Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Paraguay.



Between 1994 and 2002 as a whole, in the countries analyzed, more than 48% of young women between 20 and 24 years of age classified as “inactive” (i.e., who neither worked nor looked for work) stated that domestic work was their primary activity. Among young men, inactivity was attributed principally to school (approximately 80%), and only a small percentage (2%) mentioned domestic work (see figure II.13). Hence, the labour market, as currently conceived, depends on the domestic work that reproduces the work force and creates the conditions for life to unfold.

Figure II.13  
**LATIN AMERICA (SIMPLE AVERAGE FOR 11 COUNTRIES):<sup>a</sup> POPULATION AGED 20 TO 24,  
 BY CATEGORY OF ECONOMIC INACTIVITY,<sup>b</sup> URBAN AREAS,  
 CIRCA 1994, 1999 AND 2002**



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

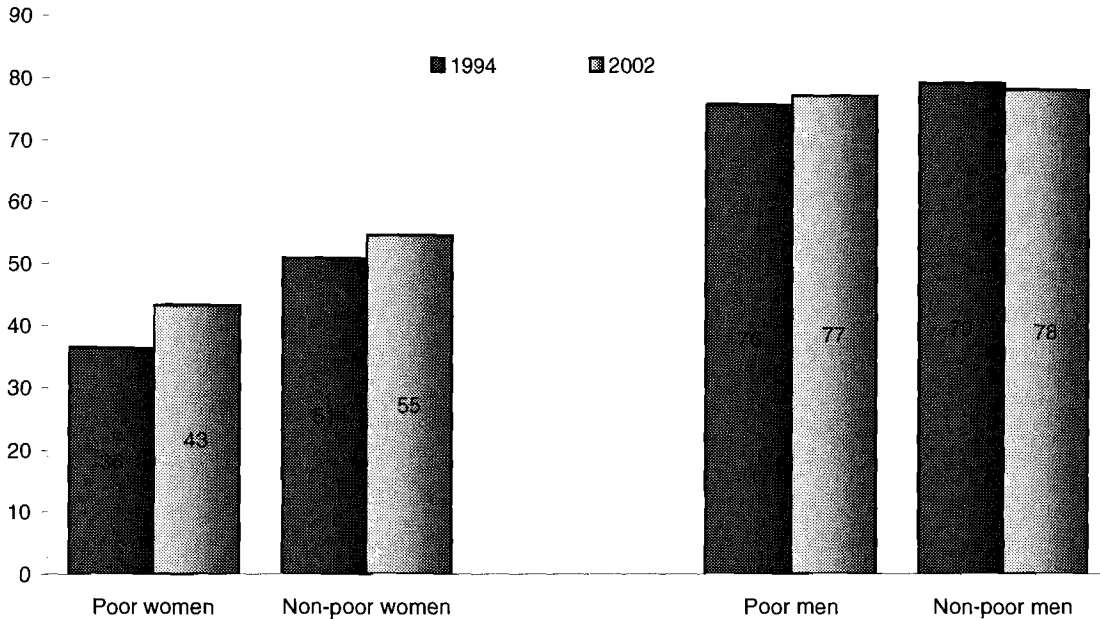
<sup>a</sup> Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Nicaragua, Panama and Paraguay.

<sup>b</sup> Principal activity reported by the inactive population.

Generally, the changes experienced by the productive system and the labour market in the last few years have brought people greater insecurity. Jobs have become less stable, income harder to attain, and income distribution more unequal. Meanwhile, the public sector’s safety nets have been reduced.

During the 1990s, women’s share of the labour market (both poor and other women) grew faster than did men’s (see figure II.14). Though the increase was greater for poor women, their share of the labour market is still significantly less than non-poor women’s. This intra-generational gap is not present among men. Thus, being a woman and being poor create even greater exclusion from the labour market.

Figure II.14  
**LATIN AMERICA (SIMPLE AVERAGE FOR 14 COUNTRIES):<sup>a</sup> ECONOMIC  
 ACTIVITY RATE BY POVERTY STATUS, URBAN AREAS,  
 CIRCA 1994 AND 2002**  
*(Percentages of the population aged 15 and over)*

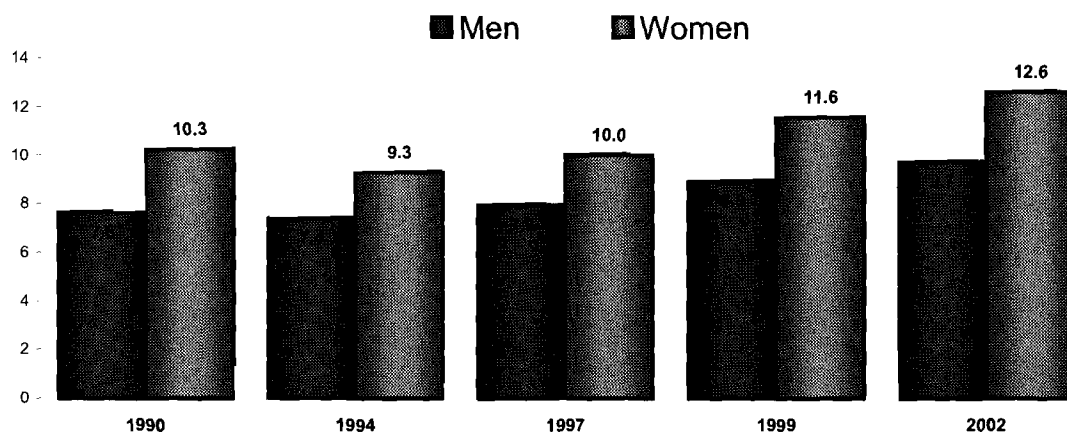


**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

<sup>a</sup> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay and Uruguay.

It is more difficult for women to enter the labour market, and their unemployment rates are greater, both in Latin America and in the Caribbean (see figures II.15 and II.16). This implies that job creation does not take advantage of women's (especially younger women's) willingness and need to work. Poverty and lack of jobs at the national level have also significantly increased international migration by women, which is induced by a growing demand for cheap, generally female, labour in the personal and domestic service sector (Staab, 2003 and Martínez Pizarro, 2003). In addition to the effect that this displacement has on the migrants' economic autonomy, there is an impact in the country of origin, in terms of the remittances of the migrants. The "exportation" of the female work force as a source of remittances is beginning to attract notice, and suggests the need for additional measures to protect the human rights of migrants.

Figure II.15  
**LATIN AMERICA (SIMPLE AVERAGE FOR THE COUNTRIES):<sup>a</sup> UNEMPLOYMENT AMONG  
 ECONOMICALLY ACTIVE MEN AND WOMEN, URBAN AREAS**



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

<sup>a</sup> 1990 (14 countries): Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay and Uruguay.

1994 (13 countries): Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Panama, Paraguay and Uruguay.

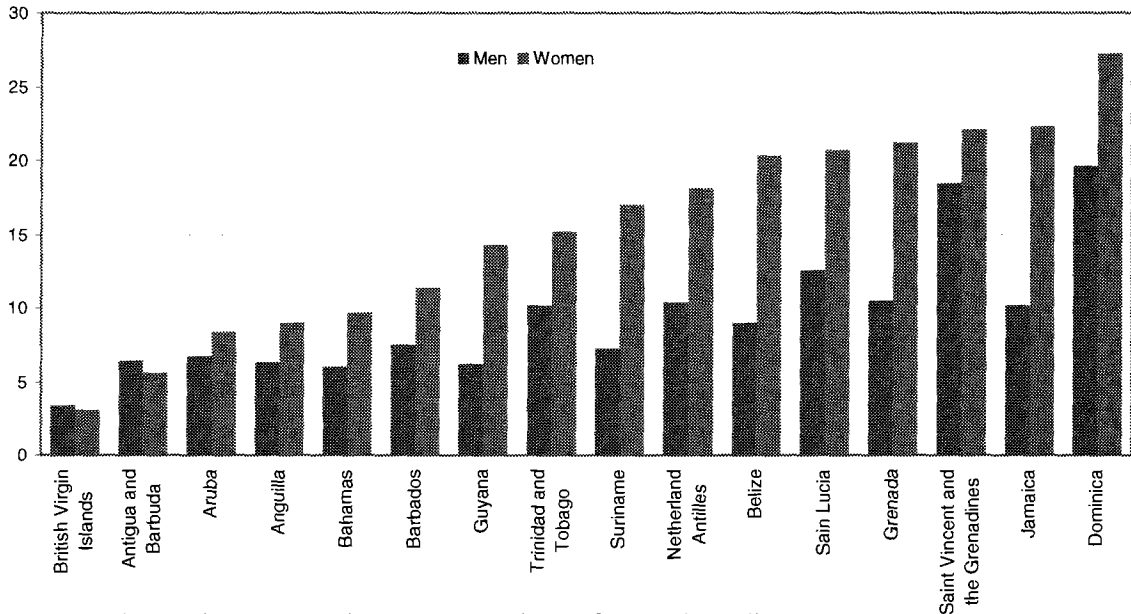
1997 (14 countries): Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

1999 (16 countries): Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

2002 (16 countries): Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

In this context, the traffic in Latin American and Caribbean women, primarily to the United States, Europe and Japan, associated with factors such as poverty, lack of job and educational opportunity, insecurity, violence and armed conflict, is of concern. There is increasing trafficking in women by networks that attempt to evade the law through “work contracts” which appeal to the needs of women and their families in their places of origin. The work and working conditions offered in the published ads do not always reflect the reality, and women responding to the ads often end up in brothels or night clubs in various parts of the world, often in slavery situations (Chiarotti, 2003).

Figure II.16  
**THE CARIBBEAN (16 COUNTRIES AND TERRITORIES): UNEMPLOYMENT AMONG  
 ECONOMICALLY ACTIVE MEN AND WOMEN, CIRCA 2000**



Source: International Labour Organization (ILO), Subregional Office for the Caribbean.

Between 1990 and 2002, the occupational segmentation (type of activity performed) of the employed labour force has not changed significantly. Though a fuller analysis of the labour market shows that in some countries, such as El Salvador, Honduras, Mexico and some Caribbean countries, jobs for women have increased,<sup>20</sup> particularly in export manufacturing, agribusiness and the financial sector (though under very different conditions), there is still a predominant tendency toward concentration in domestic services and the most precarious informal jobs (ECLAC, 2003e).

<sup>20</sup> See Alvarenga (2001), Bravo and Rico (2001) and Mauro (2004).

## Box II.4

## EXPANSION OF THE LABOUR MARKET FOR WOMEN: NEW NICHEs IN CHILE, ECUADOR AND EL SALVADOR

### Financial services in Chile

In the course of the last decade, financial services have undergone major changes related to technological innovation (computer technology and communications), the creation of new products and services, the organization of work, and business management. As a result of the changes, the demand for skilled workers has grown, and new job opportunities for women have developed.

According to official census data, employment in the financial sector grew on the order of 28% (from 80,300 to 114,000 workers) in 10 years (1990-2000), with an even greater increase for women, whose numbers in this subsector grew from 25,000 to 59,000. Thus, women as a proportion of financial services workers rose from 31.6% to 51.1%, and these women represent 9.2% of all women employed in the economy. Despite the increase, they still have difficulty acceding to certain positions of responsibility (only 1% occupy management posts) or making a career in a company. This translates into lower pay —62.8% of that received by men in the same subsector.

### Tourism in Ecuador

Tourism activities expanded notably during the 1990s. They became a strategic part of the national economy, because of the fact that they generate foreign currency and job creation in areas such as recreation, travel agencies, transportation and lodging. Food and lodging establishments concentrate around 80% of the businesses registered in this subsector, and it is here that tourists spend more than half of their money.

Though tourist activities are not registered under a single category, thus making precise data unavailable, it should be emphasized that trade and hotels constitute the greatest supply of jobs for women (3.2%). Though hotels and restaurants absorb only 6.4% of the female labour force, women's presence in these areas is high (56% of workers). However, the wage gap in the food and lodging industry is 22%, greater than the national median of 17% registered in 1998.

### The maquila industry in El Salvador

This subsector is predominantly urban, and is highly concentrated in clothes-making, with a high percentage of female workers. It grew significantly during the 1990s, with its share of GDP rising from 1.3% at the beginning of the 1990s to 2.5% by the end of the decade, making a major contribution to exports. During 1998, the maquila industry created 80,847 jobs, of which over 80% were held by women.

The share of manufacturing that the maquila industry represented in El Salvador grew from 19% in 1994 to 26% in 1998. Meanwhile, manufacturing represented 24% of all urban jobs in 1994 and 23% in 1998. The manufacturing sector occupied fifth place among the types of economic activity employing the greatest number of women. However, there are constant complaints about poor working conditions and there are considerable wage gaps between women and men.

**Source:** Ligia Alvarenga (2001), "La situación económico-laboral de la maquila en El Salvador: un análisis de género", *Mujer y desarrollo series*, No. 34 (LC/L.1541-P), Santiago, Chile, ECLAC; Amalia Mauro (2004), "El empleo en el sector financiero en Chile", Santiago, Chile, ECLAC; unpublished. Martha Ordóñez (2001), "El turismo en la economía ecuatoriana: la situación laboral desde una perspectiva de género", *Mujer y desarrollo series*, No. 33 (LC/L.1524-P) Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), April, 2001. United Nations publication, Sales No. S.01.II.G.69.

Another, less exploited, approach to job opportunities for women has to do with technological change. There is debate about the positive factors and opportunities that new technologies offer for women's work and personal lives. The benefits of tele-work and flexible working conditions are touted, for instance, as factors that can make work more compatible with family life. New opportunities for jobs and training are also cited. On the other hand, there is the harm done by computerization, which affects less-skilled women workers. Jobs are lost, and the female work force is concentrated in lower-quality jobs, such as the electronic maquila industry's production jobs and lowest-level technical/administrative jobs. Here, women are exploited, with work schedules that are long and invasive of private or family life, and the workers suffer from health and other problems (Bonder, 2002).

#### Box II.5

### TRAINING AND TECHNOLOGY IMPROVE OPPORTUNITY

Interesting facts emerge from an international survey on skills and abilities among the adult population, in which Chile participated in 1998. The purpose of the survey was to evaluate the literacy level of the adult population, literacy being construed not as the ability to read or write, but as the ability to use these skills in work and everyday life. SIALS (the *Second International Adult Literacy Survey*) surveyed 3,500 households in May and June 1998. It was complemented by data from the special supplementary Employment and Unemployment Survey of Greater Santiago that the University of Chile conducted in 1998, incorporating a module on the use of computers at work.

The information from the survey was used to produce an econometric measure of the correlation between training and income, and the impact of the computer on productivity and workers' incomes. The study's principal findings indicate that the return on training, in terms of income, is 24%, which is above the average educational return (13%). The most novel and significant finding, however, has to do with the differing impact on men and women. The return on training for women (in contrast to education) is always greater than for men. For women workers participating in training activities, return is 33%, i.e., their pay increased by that amount. For men, the return, or increase in pay, was 24%. If types of training are differentiated, business training has the greatest return for men, while, for women, health training has the greatest return, followed by business training.

In terms of the effects of computer use on job income, workers who use computers were questioned in order to estimate the size of the premium associated with this technological knowledge. According to the SIALS, the use of the computer at work has a return of 28% to 32%, while the Employment Survey found a figure of approximately 35%. The use of control variables ensures that the results truly reflect the premium for use of the computer, rather than other characteristics of the worker (education, experience, economic sector) or proxy variables for skills. To confirm that the type of work was not the factor in play, the study was controlled for economic sector.

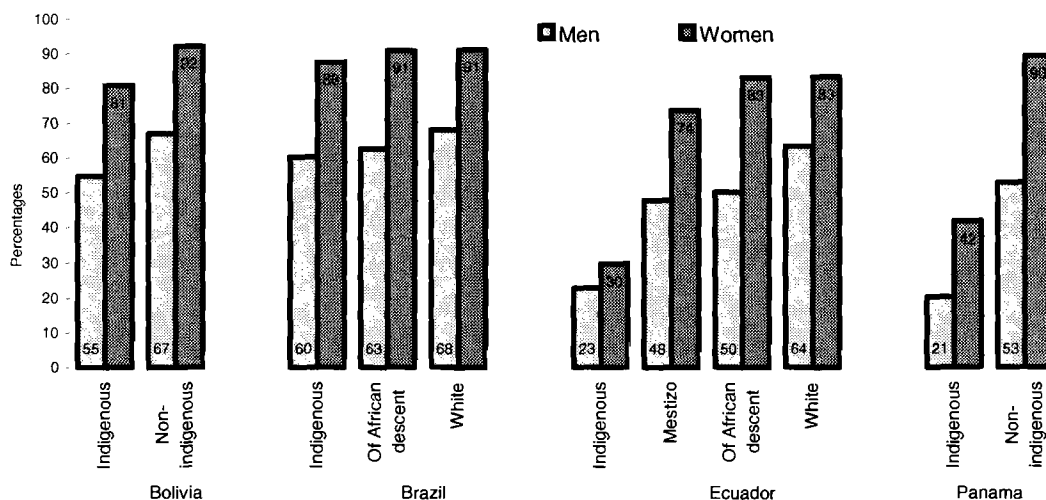
The conclusion is that there is a premium for computer use in Chile, independent of the worker's other skills and characteristics. The premium is on the order of 30%, which is clearly greater than the return in developed countries, where it is figured to be on the order of 20%. In this case, too, the return is greater for women than for men.

**Source:** Molly Pollack and Alvaro García (2004), "Fomento productivo y género en una economía de mercado", document presented at the Meeting of experts on productive development and gender equity in Latin America (Montevideo, 11-12 December), Government of the Netherlands, Economic Commission for Latin America and the Caribbean (ECLAC).

Complementary analyses show that women are concentrated in the tertiary sector of the economy, independent of their ethnicity or race (see figure II.17). However, among employed women, this concentration is lowest for indigenous women. In terms of the composition of paid work by sex (see figure II.18), women represent less than 50% everywhere, ranging from 46% in Argentina to a mere 32% in Ecuador. In rural areas, the figures are even lower, ranging from 29% in the Dominican Republic to 12% in Paraguay.

Figure II.17  
**LATIN AMERICA (4 COUNTRIES): POPULATION AGED 15 AND OVER EMPLOYED IN THE TERTIARY SECTOR OF THE ECONOMY, BY SEX AND ETHNIC-RACIAL BACKGROUND, CIRCA 2001**

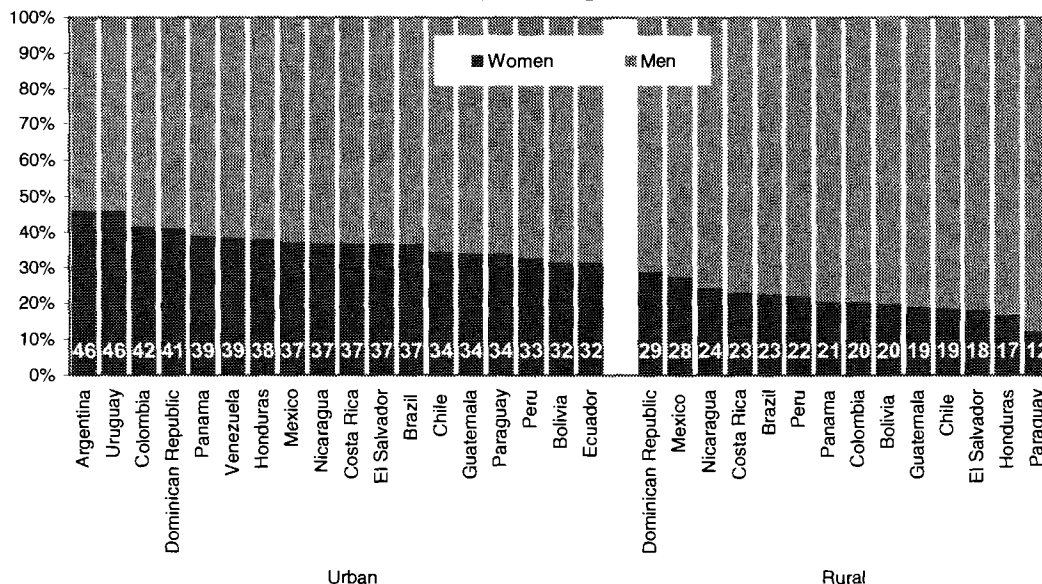
*(Percentages of the total employed population of each sex)*



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of population census data for Bolivia (2001), Brazil (2000), Ecuador (2001) and Panama (2000).

Figure II.18  
**LATIN AMERICA: COMPOSITION OF WAGE EMPLOYMENT BY SEX, URBAN AND RURAL AREAS, CIRCA 2002**

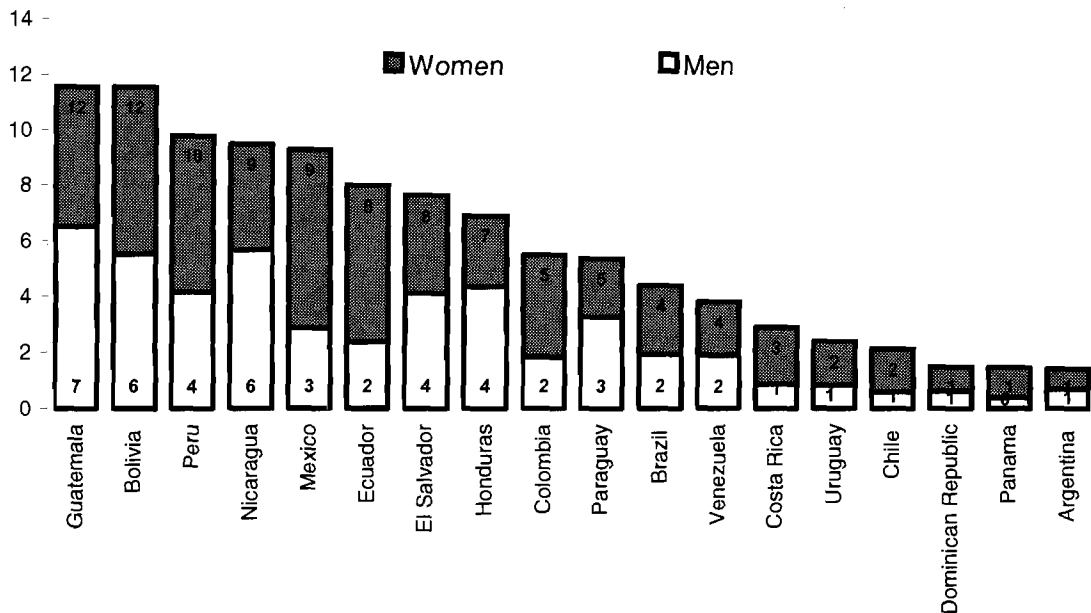
*(Percentages)*



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

At the same time, the number of paid family workers as a percentage of all employed persons is higher for women (see figure II.19) than for men. The same is true for the population employed in low-productivity sectors (ECLAC, 2003e), where the proportion of women remained the same over the decade, while the proportion of men increased, producing the phenomenon that has been called “equality by impoverishment.” However, if men’s and women’s incomes in low-productivity sectors are compared, women still have less income than men in all of the countries (see figure II.20).

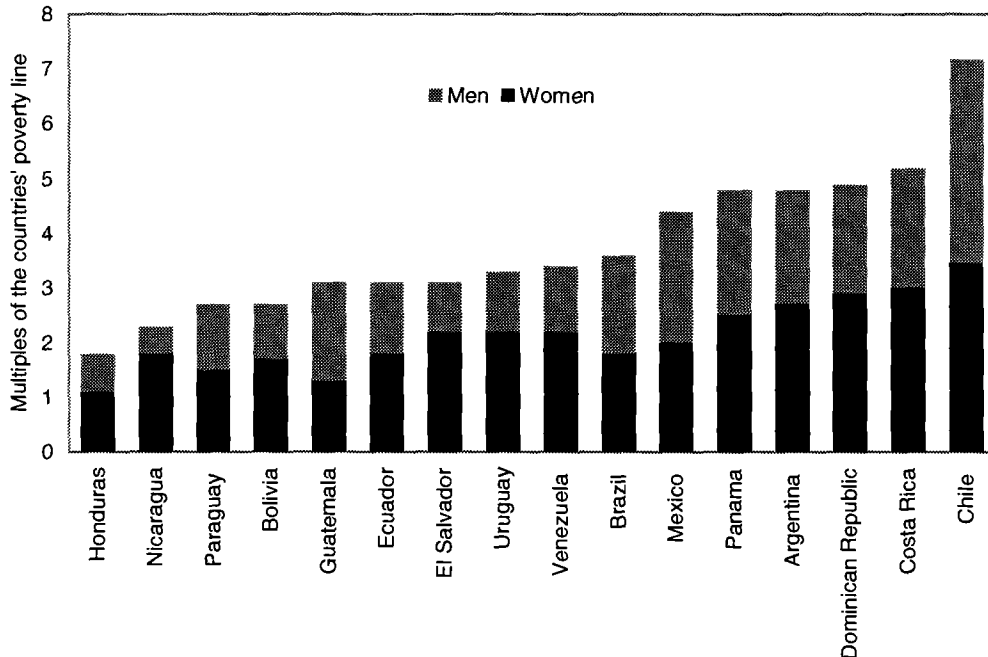
Figure II.19  
**LATIN AMERICA (18 COUNTRIES): PERCENTAGE OF UNPAID FAMILY WORKERS OUT OF THE TOTAL EMPLOYED POPULATION, BY SEX, URBAN AREAS, CIRCA 2002**  
*(Percentages)*



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.



Figure II.20  
**LATIN AMERICA (16 COUNTRIES): AVERAGE INCOME OF WOMEN AND MEN EMPLOYED IN  
 LOW-PRODUCTIVITY SECTORS OF THE LABOUR MARKET,  
 URBAN AREAS, CIRCA 2002**  
*(Multiples of the respective per capita poverty lines)*



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

To the work and employment difficulties mentioned above, we must add sexual harassment, the under-recording and impunity of which are continuing subjects emphasized by women's organizations. This completes the list of policy challenges to create equitable access to the labour market, provide a decent work environment and develop women's entrepreneurial abilities. Though poverty is a multidimensional phenomenon and demands a comprehensive policy approach, the principal challenge is to harmonize work life and family life by actively bringing men and women into the process of redistributing income, assets, time and power.

**(b) Obstacles to entering the labour market**

Among the obstacles facing women wanting to enter the labour market is the ideological argument—very widespread among employers—that maternity rights in the workplace (rights enshrined in international and regional instruments)<sup>21</sup> make the cost of female labour higher than that of male labour.

In this respect, one ILO study, conducted in five of the region's countries (Argentina, Brazil, Chile, Mexico and Uruguay), concludes that for employed women, the non-wage costs associated with maternity and child care represent less than 2% of women wage earners' gross compensation in those countries (Abramo and Todaro, 2002). An assessment of all non-wage costs and of costs associated with maternity, which are thus "specific to women", the non-wage costs associated with women workers are less than 1% more than male non-wage costs—indeed, in some countries, such as Mexico, much less. However, the fact that women receive notably lower pay than men compensates for the additional less-than-1%, and women workers prove "cheaper" than men overall.

Moreover, as a result of low fertility rates, the incidence of pregnancy among women workers today is low, and hence, maternal leave rates are low. Women do not show greater absenteeism than men. Leaving out maternity leaves, which average two to three over a worker's career, women's total absentee rate is comparable to men's. However, the fact that maternity does not entail greater labour costs for female workers is not the result of a demographic phenomenon, but of the fact that women earn less, and that the costs associated with maternity rights are covered by social security or the State.

Another common argument is that hiring women is disadvantageous for business because businesses are forced to find replacements during periods of maternity leave. However, as may be observed, the maternal subsidy is not covered by the business, which often does not hire a replacement. Furthermore, when it does, it does not necessarily pay what the worker on pre- and post-natal leave earns. In Chile, for example, the monetary cost of replacing workers on maternity leave represents 0.08% of gross compensation, and this is paid by the State. The figure is 0.09% in Brazil and Mexico, 0.06% in Argentina, and zero in Uruguay.

Increased awareness of the difficulties facing women in businesses is leading, in some countries, to initiatives such as an "equity seal", in an attempt to reduce the gender discrimination to which employees are subject, while contributing to the development of social responsibility on the part of business.<sup>22</sup> These programmes, which are run by national offices of women's affairs or women's non-governmental organizations, are voluntary. They are an extension of official, mandatory labour standards, and are based on codes of good practice and assessment instruments. Their basic objective is to use management mechanisms to establish direct benefits that provide greater equity between men and women, and increase the competitiveness of businesses.

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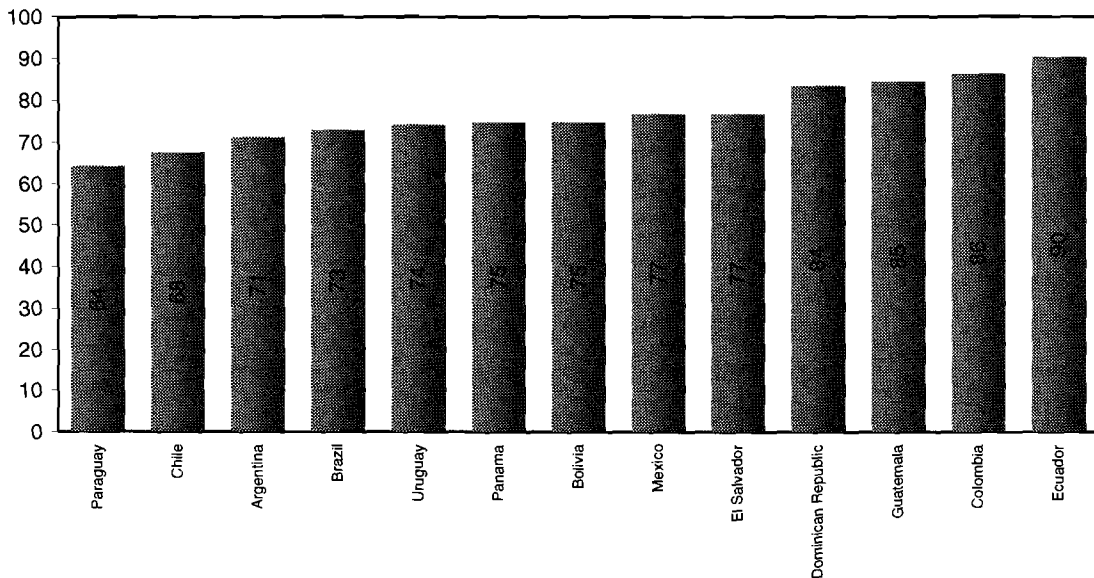
<sup>21</sup> In Latin America and the Caribbean, only 13 countries have ratified one of the three ILO conventions on protection of maternity, with the exception of Cuba, which joined the first two. The third convention on protection of maternity, dating from 1919, was ratified by Argentina, Colombia, Cuba, Nicaragua, Panama and Venezuela; Convention 103 related to the protection of maternity (revised in 1952) was ratified by Belize, Bolivia, Brazil, Chile, Cuba, Ecuador, Guatemala and Uruguay, while Convention 183 on the same subject (revised in 2000), has not been confirmed by any country in the region (<http://www.ilo.org/ilolex/spanish/iloquery.htm>).

<sup>22</sup> There have been experiences of this type in Chile, Costa Rica and the Dominican Republic (see Bocaz, 2003 and Rico and Marco, 2004).

(c) **Accumulations of inequalities in old age**

The vulnerability of older women is the result of many successive inequalities. Studies on the effects on gender equity of pension system reform stress the importance of particulars that vary from country to country: macroeconomic variables, social security culture, the design of the instruments and the major differences in social security models used in the region. However, all of the studies observe that the inequalities affecting women in the area of work are reproduced—and in some cases, magnified—in the area of social security, intensified by the greater female life expectancy, which, in this context, becomes a disadvantage, since the application of sex-differentiated actuarial tables often leads to women having less retirement income than men. This is clear in light of the fact that, in all of the countries, the percentage of women receiving income is lower than the percentage of men.<sup>23</sup> Moreover, social security systems are not extensive enough to protect women exclusively dedicated to reproductive work, those in the informal labour market, or the majority of unpaid family workers in rural areas (see figure II.21).

Figure II.21  
**LATIN AMERICA (13 COUNTRIES): RATIO BETWEEN WOMEN'S AND MEN'S AVERAGE  
 RETIREMENT AND PENSION INCOME, URBAN POPULATION AGED 65 AND OVER,  
 CIRCA 2002**



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of data from household surveys conducted in the countries.

<sup>23</sup> See ECLAC (2003b), Giménez (2003) and Pautassi (2002).

## Box II.6

**PENSION SYSTEM REFORMS AND THEIR EFFECTS ON GENDER EQUITY**

With a few exceptions, social security reforms based on individual capitalization and specific contribution amounts have not succeeded in increasing the system's coverage, and pensions continue to be insufficient to ensure the quality of life of older individuals, or even, in many cases, to keep them out of poverty. For women, these problems are even more serious.

In essence, pension system reforms have had a negative impact on gender equity, for the following reasons. They reproduce the differences that are present in the labour market; the methods used to calculate pensions involves express discrimination against women, as with sex-differentiated mortality tables, the effects of which are aggravated in a number of countries where women's retirement age is lower; they exclude women dedicated to reproductive work, which means that roughly half of all women, those conventionally considered inactive, have no access to pensions or are eligible only for widows' pensions or social assistance pensions (in countries where these exist). In turn, the high proportion of women among those who must rely on social assistance pensions shows that women are residual beneficiaries of the social security system, rather than full participants. Women's pensions are less than men's, and though women constitute more than half the older population, they are under-represented among pension recipients.

These reforms were based on a membership model in which the prototype worker is a male employee in the formal sector with a steady job, and high, continuous wages. This type was not representative even at the moment in time when individual capitalization systems came into vogue. As a result, temporary workers, those with unstable or informal jobs, and own-account workers —precisely the modes of insertion in the labour market in which women are over-represented— are candidates for exclusion.

Social security reforms also fail to take into account the sociological processes that are transforming family and social dynamics. They tend to use the nuclear family model, with a man as the exclusive provider, despite the fact that women's economic participation is on the rise, and that their incomes are of strategic importance for the subsistence of the family and for the reduction of poverty at the national level. Nevertheless, women, in many cases, continue to enjoy social rights by virtue of their family links rather than in their own right. The conditions governing widows' pensions or survivor pensions make this clear.

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), Report of the regional meeting of experts: gender impact and pension reform in Latin America" (LC/L.1905) Santiago, Chile, June 2003.

## 5. Access to productive resources

Inequalities in the distribution, access, use and control of productive resources such as labour, land, capital, information, new technologies, natural resources and housing explain the constraints facing women attempting to generate income, especially by entrepreneurial initiative, the difficulty of obtaining earnings commensurate with the contribution made, and the difficulty of becoming upwardly mobile.

### (a) Access to credit

Existing inequalities in the workplace reappear in lending practices and in the financial system, preventing women from making use of their entrepreneurial capacities. Credit plays a crucial role in countries' economic development, since it is depended upon to facilitate improved competitiveness, income, dynamism, growth and job creation (Espino, 1999). These expectations are no different for women, for whom credit has uses and potentials similar to those it provides in the economy in general. Access to financial resources allows them to increase and diversify their production, improve quality and increase productivity. Hence, it has a direct effect on reducing poverty, in addition to making social

improvements possible, such as access to basic services (health, drinkingwater, sanitation services and education). Thus, credit bolsters economic security (REMTE, 2000).

The evidence indicates that access to formal financial services is biased against women, as are the conditions under which they are granted credit. In Latin America, the financial sector's approach to financial assessment is still based on male characteristics and needs. It fails to consider that women's distinct realities and working conditions do not fall into the established parameters; thus, they are generally excluded from the system (Zúñiga, 2004).

Traditionally, the financial system has not recognized women as borrowers, and has only very recently begun to consider them as a "market segment" in connection with micro-finance. Loans to women for micro-enterprise are small, and they generally suffice only to solve momentary problems of inputs, merchandise and repairs, but not for expanding the scope of productive activity. Since the consumption activities financed by lending institutions do not make it possible to generate future flows, microenterprises are unable to make strategic long-term growth decisions. Hence, the loans requested by women continue to play the function of "stabilizing" their marginal situation (Zúñiga, 2004).

Though women-owned microenterprises have been targeted by a number of governmental programmes and programmes of international organizations, in an attempt to facilitate access to credit, portfolios continue to contain less loans to women than to their male counterparts. The constraining factors are of various types. They include high interest rates placed on productive microcredits, since small investment loans involve administrative and monitoring costs that are proportionately higher for banks than larger loans. Women's access to credit is also limited by the documentation that the financial system requires to ascertain the situation of the business and its assets. The standard documentation, which follows the practices of large firms, is inappropriate for microentrepreneurial activity. The need for physical guarantees (money, real estate, assets) has the same effect, since women microentrepreneurs (and women in general) do not have these. Thus, inequality in the distribution of property rights and land ownership has an effect on credit. In addition, there are legal problems such as lack of land titles, the cost of formalization and other costs involved in the transaction process, plus the cost of transportation, which is larger when financial entities are located far from the area in which the women are working—a common situation in rural areas.

Given these obstacles to the formal financial system, women have had to opt for the informal microcredit system, and new second-tier microcredit programmes (channeled through intermediate financial institutions), which are very widespread in Latin America today. These require less documentation, use types of guarantees other than the traditional ones (e.g., collective guarantees and "accountability groups"), provide decentralized units close to the clients and require amortization for periods more compatible with the economic cycles of microenterprise. However, they charge high interest rates, and the loans they provide are small, as in the formal financial system.

The broad participation of women in the informal microcredit system, despite its disadvantages, reflects both the inability of the banking system to adapt to women's realities and women's need for credit. Hence, though there is no sex-differentiated indicator of the ratio between loans requested and loans granted, it is to be assumed that women's limited representation among debtors is not due to lack of demand or to their being disinclined to borrow.

## Box II.7

**PUBLIC POLICIES TO ENCOURAGE WOMEN'S ACCESS TO THE FORMAL FINANCIAL SYSTEM.  
THE CASES OF COSTA RICA AND CHILE**

In Costa Rica, the National Institute for Women (INAMU) and microenterprises work in coordination with financial sector institutions that have agreements with INAMU, and are consolidating a system of credit available to women. Working plans have been implemented with two banks. They take account of issues such as banking language, services for women, building awareness among staff, and designing new customer service methods. In addition, one of the participating banks is disaggregating information by sex in its microcredit and rural board portfolios (Rico and Marco, 2004).

In the first year of the agreement (1999-2000), women's participation in the programme of loans for micro and small enterprises increased from 8% to 36%. From 1995 to 2002, women represented 19% of borrowers at the National Bank of Costa Rica. The gap was greater in terms of amounts lent, since women received only 9% of the resources. In the five-year period of 1999 to 2003, however, though there are still gaps, women's share has increased by 240%.

Data from Chile's Superintendency of Banks and Financial Institutions (SBIF) show that, from 2001 to 2003, 64% of individuals owing money in the Chilean banking system were men, and 36% women. Distinguishing by types of loan — commercial, consumer and mortgage— these proportions remain the same.

In terms of the type of debt assumed by women, 68% of loans are mortgages, 22% commercial loans and only 10% consumer loans. Men reflect the same order of priorities, but the skew is slightly greater than for women. In the case of commercial loans, women borrow 10% less than men. Hence, the belief that women borrow "considerably" less than men in commercial loans turns out to be unfounded.

As a consequence of the greater risk and administrative costs associated with microenterprise, measures were taken in 1992 to create incentives for formal financial institutions to take an interest in this segment. A government programme called IFI-OID (Financial Institutions - Intermediate Development Organizations) was created. Its first component targets formal institutions, while its second is aimed at institutions. The objective is to provide incentives for the formal financial system by providing a subsidy for transaction costs, facilitating access to credit for microenterprises. 50% of IFI loan operations involve women owners of enterprises with few assets and low volume of sales (SERNAM, 2003). These women microentrepreneurs use the loans for short-term objectives, i.e., to even out cash flow or address particular needs for equipment or inputs. They pay high interest rates in comparison with borrowers in other portfolios of the formal financial system. An analysis of interest rates by sex shows no significant difference between men and women, though there is a slight bias in favor of male microentrepreneurs. This slight disparity may reflect the emphasis on traditional assessment criteria, such as fixed assets and monthly sales, which clearly work to the disadvantage of women.

**Source:** Muriel Zúñiga, "Acceso al crédito de las mujeres en América Latina", document prepared as a part of the ECLAC/GTZ project, *Políticas laborales con enfoque de género*, Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), March, 2004.

**(b) Access to land ownership**

A process of liberalization has taken place in the land market during the last few years, and is still the object of major debate. Unlike the first round of reforms, the reforms of this period coincided not only with liberalization of ownership, but also with the emergence of specific demands by women for direct individual land ownership. The demands illustrate the fact that gender inequality in land ownership is rooted in the privileges that men enjoyed in marriage, a preference for males in inheritance practices, a male bias in land distribution and titling programmes, and a gender bias in the real estate market, which makes women less likely to participate successfully as purchasers (Deere and León, 2003). It should be noted that inheritance is the principal means by which women have been able to acquire land, and that practices still favor males in this respect.

In the first round of land reforms and programmes designed to create access to land by assigning and providing title, women represented a minimal proportion of beneficiaries. As individual beneficiaries, women represented as little as 8% (Nicaragua) and as much as 17.2% (Bolivia). The second round showed some improvement, but by no means achieved parity between men and women beneficiaries. The highest proportions of women beneficiaries were in Colombia and Costa Rica (45%), while the lowest were in Mexico (21%).

Agricultural censuses are inadequate sources of gender-specific information on land ownership, since they implicitly assume that the owner of a farm should be the household's head or principal farmer, without including gender as a variable on the questionnaires. In cases where gender is included, the disaggregated data are not published, and the way in which the land was acquired and the form of legal ownership are not explored. Recently, however, some household surveys have included questions on who is/are the legal owner(s) of the land, and how it was acquired (Deere and León, 2004).

The most accurate measure of land ownership distribution by sex requires establishing who is the owner of each of the parcels making up a family farm. It should not be assumed that all of the parcels belong to one person, or that they are all owned by the head of the household. Secondly, if we are seeking rigorous measurement of the distribution of resources, it is important to take the marital regime, which defines the ownership rights of the married woman, into account. The regime that governs marriage in most Latin American countries is the "share of earnings" system, under which any good acquired for the couple during the marriage—such as wages, profits, other sources of income, etc.—become the common property of the spouses. The goods acquired before marriage or inherited afterwards belong to the individual spouses. Failing to take shared ownership into account probably leads to an underestimation of the degree to which women own land (Deere and León, 2004). Nevertheless, given the gender system currently in place, shared ownership does not necessarily mean that women have free use of the land.

Only the censuses of Chile, Peru and the Dominican Republic contain data on the percentage of female principal farmers who own their own farms. In three other countries, the percentage of women who own their land is greater than the percentage of farmers overall. This reflects the fact that women have less access than men to lease or share-cropping arrangements. Available information also shows that women represent a relatively low percentage of principal farmers who own their own farms. The percentages vary from 7% in Guatemala to 24% in Chile (Deere and Leon, 2004).<sup>24</sup>

Another source of information is the Living Conditions Survey. It shows that joint ownership of property by couples is considerably more common in Peru than in the other countries. It also shows that women only rarely represent over one fourth of owners.

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<sup>24</sup> Depending on the country, the data refer to different years: 1997 (Chile), 1960 (Dominican Republic), 1979 (Guatemala) and 1991 (Paraguay).

Table II.3  
GENDER AND LAND REFORM IN LATIN AMERICA

Countries	First round of colonization and land reform programmes <sup>a</sup>		Second round of land titling and allocation programmes <sup>b</sup>		
	Percentage of women beneficiaries		Percentage of women beneficiaries	Type of title among women (percentage)	
	Individuals	Cooperatives		Individual	Joint
Bolivia	17.2				
Brazil	12.6				
Chile			43.0	100.0	
Colombia	11.0		45.0	43.0	57.0
Costa Rica			45.0		
Cuba	13.0	21.0			
El Salvador	10.5	11.7	34.0	100.0	
Ecuador			49.0	30.0	70.0
Honduras	3.8		25.0	100.0	
Guatemala	8.0				
Mexico		15.0	21.0	100.0	
Nicaragua	8.0	11.0			

Source: Elizabeth Katz, "La 'feminización' de la economía rural en América Latina: evidencia, causas y consecuencias", United Nations Food and Agriculture Organization (FAO), June, 2002.

<sup>a</sup> Refers to State land distribution programs for the following periods: Bolivia 1954-1994; Brazil 1964-1996; Colombia 1961-1991; Costa Rica 1963-1988; Cuba 1959-1988; El Salvador 1980-1991; Honduras 1962-1991; Guatemala 1962-1996; Mexico 1920-1992; Nicaragua 1981-1990.

Table II.4  
DISTRIBUTION OF LAND OWNERS BY SEX, VARIOUS YEARS  
(In percentages)

	Women	Men	Couple
Brazil, 2000 <sup>a</sup>	11.0	89.0	---
Mexico, 2000 <sup>b</sup>	22.4	77.6	---
Nicaragua, 1995 <sup>c</sup>	15.5	80.9	3.6
Paraguay, 2001 <sup>d</sup>	27.0	69.6	3.2
Peru, 2000 <sup>e</sup>	12.7	74.4	12.8

Source: Brazil: Confederacao Nacional Agraria (CNA), Rural community census, Brasilia, 2000; Mexico: Jorge Beyer Esparza, "Mujer y tierra social: la experiencia mexicana y la insuficiencia de los mecanismos formales en la superación de la equidad de género", document presented at the World Bank Regional Workshop on Land Issues in Latin America and the Caribbean, May 2002; Nicaragua: M. R. Renzi, and Sonia Agurto, *La esperanza tiene nombre de mujer*, Managua, International Foundation for the Worldwide Economic Challenge (FIDEG), 1997; Paraguay: World Bank, "Living Standards Measurement Study (LSMS)" [on line] (<http://www.worldbank.org/html/prdph/lsm/lsmshome.html>); ECLAC, Programme for the Improvement of Surveys and the Measurement of Living Conditions in Latin America and the Caribbean 2001-2002 (MECOVI), Ministry of Agriculture and Livestock, Asunción; Peru: World Bank, "Living Standards Measurement Study (LSMS)" [on line] (<http://www.worldbank.org/html/prdph/lsm/lsmshome.html>) and Instituto Cuanto, *Encuesta Nacional de Niveles de Vida* (ENNIV), Lima, 2000.

<sup>a</sup> For farms of over 50 hectares.

<sup>b</sup> *Ejido* sector only, including *ejidatarios* (people with usufruct over *ejido* land) and *avecindados* (those living outside the *ejido* communities without access to *ejido* land).

<sup>c</sup> Excludes members of production cooperatives.

<sup>d</sup> Based on households with land title.

<sup>e</sup> Based on the parcels' title-holders, excluding persons who are not members of household.



**(c) Access to housing**

Housing ownership rates are high in Latin America and the Caribbean compared to other developing regions. However, there was no major advance in stability of land tenancy in the 1990s, and one out of three poor and indigent households still do not own their housing. Furthermore, in 8 of 14 countries studied (Argentina, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela), the proportion of poor households that do not own their housing is greater than at the beginning of the decade (MacDonald and Mazzei, 2004).

In many of the region's countries, there are major barriers to women owning their housing. This is especially significant in the case of women heads of household, because it is a factor in determining their vulnerability to poverty. In 7 of the 14 countries studied, the ownership rate in the 1990s was lower in households headed by women than in those headed by men. At the end of the decade, 9 of the countries fell into this category. Thus, the gap between women and men heads of households who are home owners has increased.

Indigent heads of household constitute the most disadvantaged sector in terms of access to home ownership and basic utilities, even though it is precisely these women who have acted as a sort of "vanguard" in the fight for sanitation services in less-urbanized countries such as Bolivia, Nicaragua and Paraguay. In terms of the physical characteristics of housing, the percentage of households headed by women at the beginning of the 1990s with non-conventional housing was slightly greater than the total for poor urban households, but this gap disappeared by the end of the decade. There are differences between countries, however. In Bolivia, for instance, the reduction in the percentage of poor households living in houses made of substandard materials was not seen in households headed by women. Indeed, the proportion of indigent households headed by women that lived in houses made of substandard materials increased. Similarly, progress in Honduras in terms of poor households overall did not benefit women heads of household. In 2000, these women were also at a disadvantage in Mexico, Nicaragua and Peru, countries where sub-standard housing has a large self-construction component.

Table II.5  
**LATIN AMERICA: <sup>a b</sup> HOUSING DEFICIENCIES IN POOR URBAN HOUSEHOLDS  
 HEADED BY WOMEN, IN RELATION TO ALL POOR URBAN HOUSEHOLDS**  
*(Differences in percentage point) <sup>c</sup>*

	1990		2000		Change	
	Non-indigent poor	Indigent	Non-indigent poor	Indigent	Non-indigent poor	Indigent
Material resources	-6.1	-4.3	-2.6	0.2	-0.2	-1.1
Access to water	1.5	3.9	-0.3	-1.0	0.2	-2.7
Access to sanitation	2.7	6.7	2.7	1.3	-2.8	-7.6
Home ownership	0.8	0.0	1.2	-1.3	0.6	-0.4

**Source:** MacDonald, J. and M. Mazzei, *Pobreza y precariedad del hábitat en las ciudades latinoamericanas: un análisis basado en encuestas de hogares*, Santiago, Chile, 2004, unpublished.

<sup>a</sup> Simple average of 14 countries: Argentina, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela.

<sup>b</sup> The negative values indicate that the situation of households headed by women is worse than the situation of all households, whether non-indigent poor or indigent.

<sup>c</sup> Difference between percentage observed in all households and percentage observed in households headed by women.

## Box II.8

**LAND OWNERSHIP REGULARIZATION AND GENDER PROGRAMMES**

Most programmes to regularize land ownership in Latin America do not explicitly address gender inequalities. The general objective in these programmes is to alleviate problems of poverty. Their design emphasizes the target populations' income and their level of unsatisfied basic needs (UBN), rarely referring to the particular legal problems created by the complex forms that the family can take. *De facto* marriages with small children, and legally married couples who are separated in fact, where both the woman and the man have formed new *de facto* marriages, are but two such situations. The programmes, in these cases, make no provision for who will be the legal owner of the property being regularized. Hence, the standard legislation in effect, which does not take account of these situations, is simply applied.

Though international organizations —e.g., the Inter-American Development Bank and the International Bank for Reconstruction and Development— have repeatedly stressed the need to give special attention to gender in programmes they finance, such policy has not yet been incorporated in the programme design documents or the corresponding operational rules. What occurs in practice is that when the programmes are implemented —whatever institution may be responsible for the process— the different forms of family organization are taken into account, and efforts are made to give men and women equal rights in the ownership documents pertaining to the lot or house being regularized, regardless of the legal status of the couple. The legally married, but *de facto* separated, woman is also protected. In this case, the lot where the woman lives with her children is regularized. This is based on sworn statements by witnesses, which become legally valid if the ex-husband fails to appear after publication of the ruling. This is the case, for instance, when Argentina's Neighbourhood Improvement Programme regularizes real estate.

Honduras designed a working methodology with a rationale for providing greater legal security for the woman. It is based on the instability of couples and the large proportion of households headed by women, either because they live alone with their children, or because, though they live as part of a couple, they are individually responsible for the economic maintenance of the family. An awareness-building campaign was conducted with this in mind, encouraging families to accept land title in the name of the mother or children, or, failing this, in the name of the family (mother, father and children). Where the couple does not want the property title to be in the name of both, the man may renounce his rights, so that the woman head of household becomes the owner of the legalized lot. This programme is still in execution, but the number of men who have renounced their rights corresponds to approximately 10% of all the lots to be legalized (roughly 2,300). This solution has an intrinsic weakness, since it depends on the executing agency. Hence, it is recommended that the gender issue be considered from the beginning of the programmes —i.e., in their design— or even earlier, in general legislation on land and housing ownership, applicable to all, rather than on a case-by-case basis.

Costa Rica implemented an explicit gender policy in 1990, when the Real Equality Law governing gender equality led to houses and lots in poor urban areas being registered in the names of both members of the couple in the case of legal marriages, and in the name of the woman in the case of *de facto* marriages. The law established that the land and house were to be considered family property, with both spouses having equal ownership rights. This favors women by granting them co-ownership or direct ownership of houses and land distributed by the State.

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), project *Pobreza urbana: estrategia orientada a la acción para los gobiernos e instituciones municipales en América Latina y el Caribe*.

**B. POLICIES AND PROGRAMMES TO COMBAT POVERTY**

In 2000, ECLAC indicated that, despite efforts by countries of the region, the results of the new “patterns of development” were economically, socially and environmentally unsatisfactory, and that a large part of the population failed to enjoy full citizenship rights. Legally and politically, this translated into basic inequality in access to justice and a low level of participation in political decisionmaking. In the economic and social spheres, it meant unequal opportunity, job instability, low income, obstacles to social mobility

(especially for women), lack of awareness of ethnic and cultural diversity and lack of protection in case of misfortune (ECLAC, 2000b).

The assumption behind the reforms of the past decade were that maintaining domestic macroeconomic balances, along with external liberalization and a restructuring of the public sector, would assure strong, stable economic growth. This has not occurred, however, in most of the region's countries (ECLAC, 2000b).

Meanwhile, this period of dismantling policies based on the centrality of the State paradoxically coincides with a boom in women's rights. Universalist philosophies based on the paid worker model, and unions with their agendas of demands, began to lose force, as did the process of strengthening the middle class so that it could purchase domestically produced goods (ECLAC, 1995). At the same time, the force of some central claims of the feminist critique became evident: from a gender point of view, also, citizenship was an incomplete reality, and the concept of entitlement to rights had been developed according to a paradigm in crisis, one based on the patriarchal family, where the role of provider fell to the man.

The reformed Latin American states focused on social action based on the postulates of the "expanded" Washington Consensus, from which a social policy model emerged – one emphasizing investment in human capital, transformation of the State into a regulatory entity that relies on the active participation of the public and private subsectors, as well as that of non-governmental organizations (NGOs), in a more pluralistic and less centralized system.

The reforms altered the relationship between society, the market and the State, and though the functions and capacities of the latter were limited, it became a forum, in a democratic context, in which social movements could introduce their agendas in government, and new forms of policymaking could develop.

The analysis of public policy, in the sense of action to promote objectives of collective interest, and the study of its effects on women's poverty, must be approached at different levels. One important element is the analysis of macroeconomic reforms and their impact on jobs, specifically women's jobs. Ascertaining the effect of trade liberalization, financial, monetary, budgetary and social security reform requires broadening the research agenda to document national and subregional cases based on empirical data (a source that is currently far from adequate).<sup>25</sup> Secondly, advances in sectoral policy must be considered, particularly in education and health, areas widely recognized as important in reducing poverty. Thirdly, the relevance of agricultural and rural policy must not be ignored. Yet another factor is the importance of continued decentralization, a process that has shifted responsibilities and resources to local levels, where considerable progress is being achieved on gender equity. Finally, horizontal—more specifically, gender—policy is important. These are dealt with in chapter III. Progress and challenges relating to combating poverty exist in all of these areas, and they can be favorable to gender equity,

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<sup>25</sup> A bibliographic review of gender and economics, carried out by ECLAC, shows the importance of expanding these studies to the national level, given that they document the heterogeneity of situations prevalent in the region, while at the same time highlighting the notable theoretical and conceptual advances gained. Existing studies point to the predominance of approaches that are neutral in gender terms and the lack of disaggregated information according to sex, as well as to the limited nature of the analyses (Marco, 2001). Likewise, emphasizing the progress achieved in the area of social security reform also makes clear the negative effects these have had on gender equity in five countries (see ECLAC, 2003b). In ECLAC (2004e) and Trotz (2004) information can be found on this subject as it relates to the Caribbean countries.

provided that they include specific actions and approaches designed to close existing gaps. The objective, here, is to design strategies that lead to a broad conception of the “public sphere” that encompasses multiple private-sector and civil-society venues (ECLAC, 2000b).

This section is devoted primarily to analyzing policies that promoted targeted “emergency” programmes, later transformed into long-term programmes. Below, we examine important anti-poverty programmes designed with a gender perspective. The analysis centers on concepts, methods and practices that can help in understanding the many dimensions and factors that influence poverty and inequality.

The challenges of the future require better articulation of economic, social and environmental policy, bringing together principles of universality, solidarity and efficiency (ECLAC, 2000b). From a gender perspective, this integral approach must include four fundamental challenges: redistributing power, income, assets and time.

### **1. Programmes targeting poverty**

These programmes, with varying make-ups, feature ample participation by women. Indeed, the role of women has increased over the last few decades. Often, the philanthropic nature of the female spirit is alluded to, and women are given tasks that were previously the responsibility of the State, involving the provision of basic social services. The percentage of women participating in these programmes is much higher than the percentage of women identified as poor. Thus, some programmes to combat poverty reproduce patterns of discrimination, since women are used as unpaid or underpaid providers of family or social welfare services, and are only marginally treated as autonomous individuals entitled to rights and benefits related to activities designed to improve their quality of life.

A series of recent studies conducted by ECLAC’s Women and Development Unit<sup>26</sup> analyzes a number of anti-poverty programmes in the region. They include food aid, monetary transfers (with and without conditions attached), through mothers of families, emergency job programmes, and the organization of child care in poor communities, as well as two programmes specifically created to promote the progress of women.<sup>27</sup>

These programmes are designed to address a set of basic needs —minimum income, social promotion, microcredit, etc. The objective is to provide minimum survival conditions, and the family plays a central role as intermediary between the State and society. A more comprehensive concept of poverty and, above all, a more integrated approach to dealing with it, has led to greater attention on families as the focus of action to reduce poverty. In contrast, traditional approaches centered more on individuals. For many programmes today, the family unit is the counterpart. They are designed to increase the ability of the family group to overcome indigence by joining public service networks for health, education and employment, as well as by providing monetary transfers. In practice, however, the families are represented by women.

In Guyana, for example, a Difficult Circumstances Unit was established in the Ministry of Human Services and Social Security. In 2001, 65.5% of beneficiaries were women, a percentage that increased to 72.6% in 2002. A similar over-representation is seen in Barbados, in the Poverty Eradication Committee. In Saint Lucia’s Programme for the Regularization of Unplanned Development (PROUD), designed to

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<sup>26</sup> See Armas (2004), Daeren (2004), Lobo (2003), Pereira de Melo (2004) and Prates (2004).

<sup>27</sup> See also Bandeira (2004) and Trotz (2004).

provide people and families the opportunity to regularize their property, the principal individuals chosen to participate were women heads of household. In the Bolsa Escola programme in Brazil, 91% of the individuals legally responsible for receiving the benefit are women. This means that of 5.1 million beneficiary families, 4.7 million have a woman as their official beneficiary, while only 400,000 have a man. In Bolivia's National Emergency Job Plan (PLANE), designed to provide minimum employment, the proposed quota of women (30% of beneficiaries) was significantly surpassed.

Childcare programmes also have women as direct beneficiaries, considering this a natural role for them. Childcare and early childhood integral development programmes form a part of anti-poverty strategy inasmuch as they target children in poor communities and address a deteriorated economic situation that causes malnutrition and lack of stimulation in preschoolers. Both the design of the programme and evaluation of its results suggest that early childhood welfare and development are priority concerns. The development and welfare of women, in turn, are considered important insofar as they contribute to this principal objective. The programme does not address the role and responsibility of fathers in favorable early childhood development.

Some programmes, such as Colombia's Community Mothers programme, providing opportunities for collective training, have led to mothers' beginning to organize and gradually demand their rights, with support from women's and human rights NGOs.

Women are also over-represented in programmes to provide so-called "emergency jobs", many of which are filled to capacity by women who, in exchange for bread, other food and ingredients, or a sum of money often less than the minimum wage, work full- or part-time, generally for a limited period, in highly precarious jobs —repairing roads and public infrastructure, preparing and delivering food as input for public programmes to combat malnutrition, or performing garbage collection and other "public" services in an attempt to reduce the historical deficit that these countries run in the essential areas of infrastructure, health and education.

The first observation is that women form the primary clientele of family programs. In some programs, there is a new orientation toward "mothers" and "women heads of household." Here, the rationale is based on efficiency criteria, since there is already abundant evidence that resources are more effectively used for the welfare of the family and, particularly, children, when they are under the control of women. These criteria do not take into account the time required to harmonize these tasks with domestic responsibilities. It would seem that the loss of service-providing responsibility by public institutions, with the attendant gains in public-spending efficiency, hides the displacement of public responsibilities to the private, family and community arenas, where women play a central role.

One positive effect of this new approach is that women are increasingly the ones interfacing with the public agencies involved, and receiving and managing the resources. At the same time, they acquire power within the family and community, and accumulate important experience in negotiation and leadership. Women's participation in these programmes as direct beneficiaries has empowered them and increased their self-confidence. It has created the opportunity for them to "spend time away from home", move out of their isolation and share with other women, as well as broaden their emotional and cognitive horizons and social support networks.

These programmes "exploit" the social image of women as dedicated to serving others. However, studies show that the women participating in the programmes are motivated by their training opportunities, and by the chance to gain access to financial services and assets so that they can undertake productive activities that will increase their income. Evaluations of the impact of Mexico's Education,

Health and Food (PROGRESA-Oportunidades) programme have shown that poor women are concerned—more intensely concerned than men—about the welfare and health of their children, and want them to be able to enjoy extended schooling. Men are less eager than women for their daughters to go to school, especially at the secondary level. By offering slightly greater scholarships for girls, the government provides a counter-incentive to this tendency, and legitimizes women’s aspirations for their daughters’ education, while providing concrete support to make the aspirations a reality.

Though no gender conditions were attached to the receipt of funds in Ecuador’s Solidarity Bond programme, the fact that subsidies were in the hands of mothers proved to have a positive impact on the schooling and health of their children. This is a major finding, though it is not yet clear whether the impact is equal for girls and boys.

The characteristics of these anti-poverty programmes, their consolidation as models to follow and their increasing feminization show that the objectives of “universal” social and labour policies have gradually been replaced by anti-poverty programmes that are targeted—both geographically and in terms of vulnerability (targeting the poorest). “By definition, these are not safety nets, but targeted actions” (Godoy, 2002, p. 4). The emphasis in these programmes is on the State sharing responsibility with civil society, the private sector, international donors and the poor, themselves. Municipal government is identified as the best institutional forum for implementing the actions contemplated in the strategies.

The principal features of these programmes include:

- Better possibilities of coordinating governmental action with private-sector and civil-society action;
- More precise, territorial targeting, with a focus on extreme poverty (or indigence), as well as, to a lesser degree, on specific groups (children, women heads of household, indigenous persons, the elderly, the disabled);
- More decentralized execution;
- Consideration of the family as the locus of intervention, and increasing recognition of women’s role as “promoters of family welfare”;
- A trend towards direct monetary transfers, with a preference for transfers that carry conditions;
- A pronounced focus on the formation of human capital;
- An incipient focus on the formation of social capital;
- The introduction of a degree of shared responsibility placed on the beneficiary population.

From a gender perspective, the problem is that these programmes often fail to take account of the diverse types of families (differences in life cycles, membership and structure) and of the different types of family organization. The society’s image of “family” tends to be the “nuclear family that constitutes a

household”, and strong moral prejudices against new forms of family are common.<sup>28</sup> At the same time, programmes have generally failed to attend sufficiently to age and gender inequalities within the family. They assume that relations within the household are equitable, and that members of the household are treated as equals, though empirical evidence contradicts this. From a more general point of view, these programmes, despite their positive effects under certain conditions, are clearly insufficient to reduce poverty. They should be understood as complements to universal policies, solidarity policies and efficiency policies, helping to provide an integral design and involve the citizens in execution.

## 2. Virtuous circles

One of the lessons learned, according to various studies, is that the programmes examined gain strength by being connected with national women’s agencies. These clearly provide more integral designs centered on the welfare of all, while they go beyond utilitarian perceptions of women and explicitly promote empowerment. Such is the case in two programmes studied by Daeren (2004), who concludes that only two of eight national anti-poverty programmes studied have a clear focus on rights in general and aim to end all types of discrimination—including sex and gender discrimination— affecting the beneficiary population.

These two programmes are coordinated by national agencies for the advancement of women, which target specific groups as beneficiaries—in this case, women heads of household and adolescent mothers. The programmes are of minor political and budgetary importance, and their scope is limited in terms of the number of beneficiaries. However, they explicitly promote the right of women to achieve greater gender equity through individual and social “empowerment” strategies designed to increase economic and social autonomy. Their major contribution is that they demonstrate an integral conception of poverty and are designed to help individuals who are economically excluded and socially stigmatized recover their dignity, rights and well-being. They explicitly address unequal power relationships, especially those based on gender and generational differences. They also provide incentives for individuals to familiarize themselves with their rights—including sexual rights—and provide legal assistance. Thus, they intercede to facilitate greater access to universal services and benefits provided by the State, while ensuring that these services take into account the specific needs and demands of their users. In addition to addressing their beneficiaries’ basic everyday needs, these programmes attempt to address some strategic needs associated with the beneficiaries’ political and economic exclusion, their social stigmatization and the discrimination to which they are subject.

Mexico’s PROGRESA-Oportunidades programme<sup>29</sup> is the only one among those studied that is executed under a sectoral ministry, and whose strategy is to deliver monetary benefits to mothers, increasing their control over resources and strengthening their negotiating power. At the same time, it provides more scholarships for girls, in order to ensure their schooling and break the intergenerational and gender-based reproduction of poverty.

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<sup>28</sup> See the report presented by Colombia at the thirty-fifth meeting of the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean, held in Havana, Cuba, April 28-29, 2003.

<sup>29</sup> Originally known as the Education, Health and Food Programme (PROGRESA), the Human Development-Opportunities Programme, created in 2002 under the Secretariat of Social Development (SEDESOL), coordinates the efforts to overcome poverty carried out by the Secretariat of Public Education, the Secretariat of Health, and the Mexican Institute of Social Security (INMUJERES, 2004).

The scant attention given to women's rights in "large, general" anti-poverty programmes is related to the fact that most of the programmes offer the poor "benefits without rights". The principal concern of these programmes is to "alleviate" poverty, either by creating minimum safety nets for groups in emergency conditions, or by offering last-resort measures for groups not eligible for, or inadequately or inappropriately covered by, other, more structural and universal, types of aid. This support in the area of education and employment consists of temporary "benefits" provided to narrowly defined groups, according to eligibility criteria, and with conditions involving certain requirements or work in exchange. In fact, the increasingly massive provision of these benefits seems to be accompanied by a weakening of rights, if we consider the definition that "social rights are not dependent on the rights holder complying with any conditions" (CELS, 2003, p. 18).

It is interesting to note that the greater attention to women, and to incorporating them in programmes, has occurred in the framework of their function as "mothers" or "women heads of household" responsible for the welfare of their families and, more specifically, their children. Even in the two programmes coordinated by women's agencies, whose express purpose is to promote women's rights, beneficiaries are chosen on the basis of being women heads of household or adolescent mothers.

The focus on women heads of household as a new target group is a response to the fact that indigent households have a disproportionate number of women heads of household, and that the greatest increase in households headed by women was among non-indigent poor households in the 1990s. In most of these households, there is no spouse. Hence, in addition to the "difficulties involved in entering the labour market, common to all women, are the problems of caring for minor children" (Arriagada, 2003). Nevertheless, only three of these programmes address the issue of childcare, namely, Women Heads of Household in Chile, Building Opportunities in Costa Rica, and Community Child Care in Guatemala. In addition, none of the programmes' designs duly consider the different forms that these households may take. Among other variable factors, they may be single-parent households due to temporary absence (migration) or permanent absence (death, separation or divorce); they may or may not include other adults; the number of children and other economic dependents, and their stage in the life cycle, may vary. Indeed, except for the Chilean programme,<sup>30</sup> it is not clear what constitutes a "women head of household", or under what circumstances (single women without a spouse, single mothers without a spouse, women who contribute more income to the household, women who describe themselves as heads of household, etc.).

Only two temporary job programmes and Ecuador's Solidarity Bond programme have women who are "not mothers" as direct beneficiaries, though in one case this is due to a targeting problem. One of the programmes, Argentina's Female and Male Heads of Household Plan, is designed to target female and male heads of households that include children under 18 years of age. However, an evaluation showed that the programme had also benefited adult women who were "not mothers" (daughters, and women without children), or women whose maternity phase and associated obligations had ended (older women). This participation was not contemplated or intended in the programme design. The fact that these three monetary transfer programmes based on self-targeting strategies—two of which required that the beneficiaries get jobs—also attracted women who were either not heads of household or not mothers, clearly demonstrates the socioeconomic needs faced by these women, which should also be addressed by anti-poverty programmes. Moreover, information on beneficiaries considered not to have "family responsibilities"—children, single individuals and the elderly—generally is not broken down according to sex, nor is it analyzed from a gender perspective, either in design, rationale or evaluation phase of the programmes.

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<sup>30</sup> This government programme concluded in 2001, after 10 years in existence.



According to evaluations seeking to measure the impact of programmes on women's lives and welfare, the bottleneck appears repeatedly in women's increased "voluntary" or "solidarity" workload, since many women in the programmes, as well as technical staff, assume that such work is a natural part of women's responsibilities. This perception risks perpetuating the undervaluation of unpaid work by women.

An exemplary illustration is one organization's open acknowledgement that "efficiency increases with a gender approach, because it allows policies, programmes and projects to reduce costs, particularly by incorporating volunteer resources. An efficiency focus shows that women represent greater economic efficiency in various project lines in the productive sector, due to their rational use of scarce resources, and their ability to form groups and take advantage of local resources".<sup>31</sup> For executing agencies, whether governmental or private, the free use, for projects, of local collaborators, women or men, means that hiring can be avoided, along with payments to the social security system, according to current regulations and legislation. Women participating in these programmes make another type of calculation: They may be rewarded in kind, with "tips" for services rendered, with public recognition and —most important— with certain types of learning that can be useful in their businesses or other activities that produce income for their households.

In the case of Peru's Glass of Milk programme, the massive incorporation of women as service providers was not planned, but was the result of spontaneous volunteerism. In Mexico's PROGRESA-Oportunidades programme, women's volunteer participation may be attributed to some features of the programme design itself—which made benefits conditional on certain commitments in the areas of health and education traditionally the responsibility of women. In both cases, there is a negative effect not foreseen by the programmes' creators, who failed to equalize the situation by instituting similar expectations of contributions or work from men. In the final analysis, this contribution (unpaid and based on "solidarity"), made by women to overcome poverty, seems to serve the purpose of reducing the State's social spending.

The two emergency job programmes also clearly reproduce the undervaluation of female work. First, it is notable that Argentina's Male and Female Heads of Household Plan requires women to contribute work to a greater extent than men (though, officially, it is mandatory for both). Furthermore, the work contributions reproduce mechanisms of occupational segregation, since this assigns women work associated with reproductive tasks. In Bolivia's PLANE programme, which offers unskilled jobs at very low pay, as well as better-paid professional jobs, there is a clear vertical segmentation by sex, with women over-represented in the labourer category and under-represented in the professional. Neither of the programmes addresses the problem of child care. This is not a minor issue, since the provision of these services contributes to determining the ways and opportunities that women have to generate their own income, increase their autonomy and overcome the poverty to which they and their dependents are subject.

These two programmes, which provide monetary benefits—less than the legal minimum wage in exchange for work contributed—indirectly promote a "reduction of employment". This is especially true in Argentina, where private business can take advantage of the opportunity to lower its personnel costs by using beneficiaries of the Plan in its productive processes for periods of six months. Traditionally, the "subsidized" labour in these programmes was only used in social or infrastructure projects that were "of

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<sup>31</sup> See the report of the Solidarity and Social Investment Fund (FOSIS) in Chile (2001), in which there is reference to the conceptual foundations of the World Bank.

benefit to the community". These programmes of temporary unskilled work in exchange for less than minimum wage, without contracts or social security benefits (apart from an individual insurance plan to cover accidents) and often in substandard conditions of hygiene and safety, risk giving open, official sanction to precarious employment. This is all the more true when official documents show these work contributions as "jobs" in official statistics that are used to indicate that these programmes reduce unemployment. The fact that in the two cases studied these "temporary jobs" are primarily performed by women indicates an unfortunate tendency to publicly devalue work performed, especially where women are involved.

Thus, only in the two programmes coordinated by women's agencies was there an explicit concern to eliminate sexual segregation in employment and to counteract the undervaluation of women's work.

The individual and social empowerment of poor men and women in general is not the priority objective of most of the programmes in the region, which, despite the current trend to pay great attention to "social capital", continue transferring resources in an assistance-oriented fashion, delivering "benefits without rights", and even providing conditions for clientist practices that work against women's ability to exercise their rights as citizens. However, the institutional recognition of women as efficient providers of social services, and the consequent strategy of putting monetary transfers or programme resources in their hands, seems—as an unplanned effect—to have "empowered" them by giving them more autonomy and self-confidence, while providing an opportunity to spend time outside the home, break out of their social isolation, obtain training and broaden their emotional and cognitive horizons, and expand their social support networks. For women, having access to their own resources increases their survival strategy options, while diminishing their economic and social dependency on friends, family members and informal and private support networks.

In almost all of the countries, the development of female citizenship is an unplanned effect of the assistance-oriented programmes. Though created to channel State aid to the family, often reinforcing traditional female roles, the programmes have been unable to prevent women from finding (in the medium term) reciprocity and opportunities for socialization. They also develop leadership capacities, critical ability, and a capacity to demand recognition—for their identity and the value of their domestic and community work—and to demand that this type of work be more equitably distributed. These programmes have produced gains in women's economic autonomy and their capacity to negotiate within the family. According to some studies, this could facilitate reporting domestic violence and other intra-family abuses (Montaño, 2001). The programme evaluations considered here show that, the more anti-poverty programmes deliberately promote collective training and social organization for women, the greater will be the effects on the individual and social empowerment of their beneficiaries.

Without exception, the programmes examined here are based on various non-explicit assumptions. These assumptions and mandates are associated with an "ideal" model of economic and social development, on an "ideal" social construction of households and families, and on male and female roles and "identities".

In general, the programmes seem to accept, without a great deal of questioning, a model of economic growth based, among other elements, on concentrating production in a few export-oriented activities, placing priority on incentives for foreign investment, engaging in international borrowing to the detriment of domestic investment and saving, accepting a less than equitable tax system and dismantling the State's role. This is taken as the best (or only) model to promote human welfare and reduce poverty. Neither the design nor evaluations of the programmes question the current paradigms and strategies of

socioeconomic development. None of the programme rationales or designs refer to the sources of funding or origin of the resources used. The assumption, then, is that it makes no difference whether the programmes are funded by foreign loans or indebtedness, donations from international cooperation agencies or reallocations in the national budget. Only in one programme's evaluation —Ecuador's Solidarity Bond programme— is there a brief mention of this issue. The programme's funding—which is based on reallocations in the national budget and replacing fuel, electricity and gas subsidies with direct subsidies to the poor —has had clear redistributive effects.

The meager results of anti-poverty programmes, as well as some aspects of their impact assessments, indicate a need to review some assertions and assumptions. If, for instance, one begins with the assumption that eradicating poverty requires better wealth (re)distributing mechanisms, then State-funded programmes whose resources come from tax reform —creating a more equitable tax system— are clearly more attractive and efficient, in terms of equity, than programmes whose funding requires higher levels of national borrowing. In the same way, if the objective is to overcome “structural” poverty, then programmes to encourage local production and jobs will have effects that are more sustainable than those that distribute food and other imported products —which may even serve to “dismantle” the local economy.

Another assumption is that insertion in the labour market —for individuals and households— continues to be the best strategy for overcoming poverty. This is associated with a social mandate: in order not to be poor, one must work. This assumption ignores, first of all, the fact that most of the poor “work to be poor” (Grossman, 2000) and that in today's economy, the amount of income is not directly related to the number of hours worked, the intensity of the work, or the quality of the product. Second, it fails to take into account that the current economic system —for technological or other reasons— does not create enough jobs to absorb the available labour force in need of income, let alone create enough quality jobs to allow poor people to earn decently in decent conditions and cover their needs and the needs of their “non-productive” dependents.

A related assumption is that the poor, especially women, are poor and find themselves excluded from the benefits of development primarily because of deficiencies in their educational level, training or professional skills, and that raising these levels will lead to improved insertion in the labour market and to overcoming poverty. Besides the fact that this ignores other mechanisms and causes of exclusion and discrimination, currently available data and statistics disprove this view. Education and training may be necessary conditions for overcoming poverty and exclusion, but they are clearly not sufficient.

Finally, the programmes reproduce the traditional discriminatory social demand that women be “at the service of the other”. The programmes benefit by promoting the idea that care should be a female, voluntary activity performed in “solidarity”, a commitment from which men are exempted. For decades, the sociocultural norms that identified women as “providers of (free) services” has been utilized and unconsciously exploited by public programmes and institutions whose mission is to increase the welfare of the most disadvantaged. Studies have clearly shown that there is a tendency, in the framework of adjustment processes, to burden women “individually and in the name of voluntary solidarity work” with the provision of basic social services and other tasks previously the responsibility of the State. Due to lack of clear awareness regarding the fact that, for women, roles, contributions, responsibilities, positions of power and access to resources are a function of social “gender” structures, programmes to overcome poverty reproduce historical patterns of discrimination and exploitation.

In general, “targeted” programmes to alleviate poverty and provide emergency aid cannot substitute for universal social policies that should be designed to overcome the chronic, structural problem of poverty by promoting enforcement of individuals’ economic and social rights. From the rights perspective, programmes specifically designed to alleviate poverty must seek to ensure that poor men and women have greater access to high-quality social services that meet their needs and demands. The advancement of women’s rights and of greater social and gender equity are clearly easier and more feasible if supported by policies and programmes that promote the economic and social rights of individuals overall. The two programmes coordinated by women’s agencies are valuable experiences of “integral” action, and demonstrate the fruitful coexistence of targeted and universal programmes to promote greater attention to the needs and rights of the most excluded and vulnerable groups.

The increasing “targeting” of social benefits does not derive primarily from the objective of “redistribution”, but from a need to optimize resources. It is of note that most of the new “integral” programmes and programmes targeting the poorest do not include collective empowerment among their objectives. They have not been driven by collective demands, and they do not promote the creation or use of organizations to gain access to resources. Benefits go directly to homes, not to organizations, which do not have any formal role in collective activities. This creates a very limited field of action for collective forms of empowerment, as well as very limited channels for individual empowerment through group participation.

### III. EMPOWERMENT, POLITICAL PARTICIPATION AND INSTITUTION-BUILDING

This chapter deals with the relationships between political participation and the institution-building needed to promote the empowerment of women. Empowerment is a political concept which goes beyond formal political participation and awareness raising. Although this concept emerged in the process of the civil rights struggle (León, 1997), today it refers to the need for changes in the power relationships between men and women. Power is understood here as access to physical and ideological resources in an ongoing social relationship. It is a question of altering the rules of the game which establish the distribution of material and symbolic wealth, and the capacity to decide freely within society and the family, including time reengineering, in a process of seeking equality.<sup>32</sup> A key role is played by changes in the social, economic, legal and political institutions in which current power relations are manifested.

In the context of globalization, social practices have been changing, giving rise to numerous social demands and movements which call for institutional changes in the family, at work, in politics and in culture.<sup>33</sup> Meanwhile, the governments—in order to adapt their institutional frameworks to the market economy—have initiated a series of reforms which at times have a negative impact on the changes that have been observed and which the machineries for the advancement of women in the region are promoting. This document shows that the progress made consists of social constructions which operate in contexts which are more or less favourable and that setbacks may result from causes as varied as economic crises, democratic governance issues, trends contrary to gender equity or the persistence of erroneous beliefs, including the idea that the current achievements are sufficient, or, even worse, that they lead to family crises or child abandonment. Even though the data available show the significant progress made in the past few years in relation to women's participation in public life, there is still insufficient data on State powers, subnational and local governments and the business world, which are areas of decision-making where the presence of women continues to be an exception.

The inequalities are masked by the apparent neutrality of the institutions which govern social relationships, which construct and reproduce inequalities via the practices for the distribution of power, resources and the time of individuals. For this reason, the international commitments signed by the governments in favour of equality and respect for women's rights must lead to a renewal of legal and institutional frameworks. The institutional changes which are underway, some irreversible and others more volatile, coexist with institutions that frequently resist change and that even encourage backward steps with regard to gender equity. The social and political context also has a determining influence on national legislation, the application of laws and the stability of policies.

Over the past decade, women's organizations and the machineries for the advancement of women, together with members of parliaments and other State authorities, have headed the coordination and development of policies which incorporate the criteria for redistribution of opportunities and resources between men and women in different sectors and promote the recognition of women as interlocutors in discussion and decision-making forums.

The machineries for the advancement of women form part of a broad political grouping which has been forming around gender equity. The participants are individuals, institutions, groups and collectives which have brought to the public agenda topics relating to the inequality of men and women.

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<sup>32</sup> See a development of the concept of time reengineering in Darcy de Oliveira (2003).

<sup>33</sup> In particular, the demands of feminist, indigenous, of African descent and ecological movements.

In this political grouping, the national machineries lead the process of gender policy coordination and support the adoption of new juridical frameworks and legislative reforms which take into account the rights and demands of women, as well as the creation of equitable social relations.

### A. INSTITUTION-BUILDING

If institution-building is understood as a measure of the progress made towards gender equity, it may be said that the last decade saw important advances. In addition to legislative changes, there have been many new, policies and programmes in different spheres of the State and society. In most of the countries, the cross-sectoral and mainstream nature of gender policies is a challenge to the structure and stability of the state apparatus. This development has not been linear and has been shaped by external constraints concerning economic policies, State reforms and the changes ushered in by globalization, as well as by weaknesses in gender policies themselves. As in the case of other public institutions, the machineries for the advancement of women have been adversely affected by political instability, changes and excessive rotation of human resources, and also the lack of financial and technical resources. Moreover, the “soft” nature of these machineries often means that they are at risk of disappearing, being merged, or having their mandate altered (Montaño, 2003). In fact, from 2000 to 2004, the continuity of the national machinery was challenged in at least five countries of the region.

Notwithstanding their heterogeneity, practically all the countries have adopted legal frameworks in response to international commitments on gender equity. In the 1990s, the world conferences convened by the United Nations, in particular the International Conference on Population and Development (Cairo, 1994) and the Fourth World Conference on Women (Beijing, 1995), were excellent opportunities for placing gender equity at the heart of national and international debate. The most outstanding changes in the area of constitutional reform were: the adoption of two covenants on human rights and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the explicit inclusion of the principle of equality and non-discrimination in some constitutions and the increasing use of the principle of affirmative action (Guzmán, 2003).<sup>34</sup> Most of the countries have laws on violence based on the Belém do Pará Convention and electoral laws that provide for quotas (Rioseco, 2004; Bareiro and others, 2004).

The signing of international treaties reinforces the action of the gender machineries in the State and brings greater scope for coordinating policies with other actors and dealing with the demands of the women’s movements, especially in national contexts that are little inclined to institutionalize values and demands relating to gender equity.

Action taken by civil society and, above all, by the women’s movement, has been a decisive factor of progress, which has resulted in alliances being formed which are naturally not exempt from the tensions inherent in democracy. The social women’s movement continues to be the main force for change, contributing to the formulation, design, and implementation and monitoring of public policies. In fact, the countries where this movement is politically strong have made outstanding progress, even more so when strategic alliances have been formed with the national women’s offices. In certain cases, however, the unsatisfactory results and the criticisms of the government contexts have led to proposals from private organizations that aspire to taking over the role of the State in the sphere of gender policies.

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<sup>34</sup> In October 2003, only four of the 33 countries of the Latin American and Caribbean region had not ratified the International Covenant on Civil and Political Rights (CCPR, 1966) and only six had not ratified the International Covenant on Economic, Social and Cultural Rights (CESCR, 1966).

Although those organizations are important and their cooperation sometimes has strategic value, gender policies must be strengthened by being converted into State policies (Montaño, 2002). The State should no longer be seen as an enemy, but should be understood as embodying the crystallization of social relationships. A comprehensive understanding that the construction of a democratic state is a priority task for civil society may help to strengthen the results, through the gradual integration into the State structures of new approaches, projects and actors.

The most significant achievements identified include the work carried out by the machineries for the advancement of women to mainstream the gender perspective in planning bodies, budgets, and activity monitoring. Although it is difficult to evaluate programmes so recently established, they are already showing new ways of integrating gender equity into the decision-making process. This is the case, inter alia, of the management improvement programme in Chile (see box III.1), the Pluriannual Plan (PPA) in Brazil, and the Planning Council in Ecuador.<sup>35</sup>

#### Box III.1

### GENDER FOCUS OF THE MANAGEMENT IMPROVEMENT PROGRAMME IN CHILE

In the context of the Council of Ministers of Chile, the decision was taken in 2001, to incorporate the gender approach into two of the public management control instruments of the Budgets Department of the Ministry of Housing: the competitive fund and the management improvement programme, which are strategic areas for improving women's quality of life. The competitive fund is a budget tool for financing innovative activities which break with the inertia and routine of public management. The management improvement programme is oriented to improving the institutional performance of public services. The incorporation of the gender approach in the framework of that programme encourages the inclusion of the gender approach in the regular procedures of public services and the adoption of measures to ensure that their products reach women and men in a more equitable manner. Another positive aspect is that the System includes a monetary incentive to reward appropriate work in favour of gender equity, which encourages public institutions to comply with the requirements in a serious and professional manner.

#### Management model

The gender equity system consists of four stages, which public services are required to implement each year. Review and adaptation of previous stages occurs prior to moving to a new stage, in order to extend the incorporation of gender equity criteria in the products of the service. These stages are as follows:

**Stage I:** Gender-based analysis of the products and data systems.

**Stage II:** Preparation of a plan and a work programme to incorporate the gender approach in the products and data systems.

**Stage III:** Implementation and follow-up of the work programme.

**Stage IV:** Evaluation of programme implementation and recommendations for the future.

Incorporation of the gender perspective in the products of public institutions has the following aims:

- To make provision for meeting the differentiated needs of men and women;
- To reorient resources towards reducing existing gaps between men and women; and
- For employees to incorporate this approach in their routine procedures.

**Source:** Information sent by the Studies and Statistics Department, National Women's Service (SERNAM), Chile, April 2004.

<sup>35</sup> According to information collected under the project on democratic governance and gender equality in Latin America and the Caribbean, implemented by the ECLAC Women and Development Unit.

## 1. Institution-building in the area of reproductive health

There has been noteworthy institution-building in a number of areas. In the area of health, the countries have responded to reproductive health problems to varying degrees, through a variety of strategies, and have adopted a significant number of laws, policies and programmes.<sup>36</sup> Most of the countries have legislation and policies which establish the right of individuals to family planning, and respect the freedom to choose the number and spacing of children. Recent legislation and policies in Bolivia, Brazil and Peru recognize reproductive health and family planning as fundamental human rights.<sup>37</sup>

Reproductive rights have been recognized in the constitutional frameworks of Brazil, Cuba and Ecuador, in the law on reproductive health and responsible procreation of Argentina and in the General Law on Population of Mexico (see annex 1). In many countries there has also been progress with provisions to guarantee the supply of contraceptives without restriction, information and counselling, to regulate surgical contraception, recognize the use of emergency contraception (Brazil, Ecuador) and promote humane abortion services (Brazil, Peru and Bolivia). In some countries, the obligation to obtain spousal permission for contraception has been abolished. The approval of new juridical frameworks, policies and programmes has given rise to the creation of new public authorities which deal with sexual health and reproductive issues and the participation of civil society organizations often contributes to their stability.

National-level reproductive health plans, policies, programmes and services are oriented to providing reproductive health care to women at all stages of the life cycle, reducing the number of undesired pregnancies and abortions, detecting and treating cervical and breast cancer, improving prenatal and postnatal services, in order to increase the index of births attended by professionals, as well as to reduce the reproductive risk in adolescents, and prevent HIV/AIDS and sexually transmitted diseases (STD).

These programmes also include awareness raising and training for officials and contribute to creating new interpretative frameworks for women's health and reproductive rights. In most cases, however, sexuality and reproduction are still considered exclusively as health issues and not as rights.

## 2. Policies against domestic violence

In this decade, progress has been made in the institutionalization of policies against domestic violence, which is reflected in the quantity and quality of the information and knowledge produced, the reforms of study programmes in universities, schools and specialized academies, in training programmes for

<sup>36</sup> See the document presented by ECLAC to the Open-Ended Meeting of the Presiding Officers of the ECLAC sessional Ad Hoc Committee on Population and Development, Santiago, Chile, 10 and 11 March 2004 (ECLAC, 2004e).

<sup>37</sup> The institutions responsible for implementing these practices include the National Committee for Safe Maternity and the departmental committees on sexual and reproductive health of Bolivia, the inter-ministerial National Population and Development Commission of Brazil, in which there is also a civil society presence, the inter-ministerial Commission for the Prevention of Adolescent Pregnancy and the inter-ministerial commission and consultative councils of NGOs and civil society organizations in Chile, the tripartite authorities on sexual and reproductive health in Colombia, the General Office of Reproductive Health, within the Ministry of Health, and the inter-ministerial group on reproductive health, in Mexico, the National Council on Reproductive Health of Paraguay and the National Commission for Coordination of Family Planning and Reproductive Health Policies (CORDIPLAN) of Peru (CRLP, 2000; Bonan Janoti, 2002; Vásquez and Romero, 2002).



authorities and staff, in the creation of bodies such as national commissions, public prosecutor's offices, special courts, and ombudsman's offices, specializing in producing regulations and procedures for recording and dealing with cases of violence and in the redefinition of violence as a public health, citizens' security and human rights issue.

In almost all the countries, isolated initiatives, projects and actions against domestic and family violence have given way to the design and application of public policies and national plans in this area. The national machineries for the advancement of women have been the motors for the process of mainstreaming the prevention and eradication of domestic violence in the State. These institutions have been responsible for proposing and negotiating public policies, and producing statistical research and knowledge on the impact of domestic violence from new perspectives, for example, in terms of higher costs for State services.

In the health sector, there has been progress in the training of health, nursing and auxiliary personnel of both sexes, and in the drafting of regulations and procedures for service.<sup>38</sup> In the education sector, the topic is included in teacher training, and there is also mainstreaming of the gender perspective in some study programmes for primary and/or secondary education, with emphasis on values such as respect, tolerance, and peaceful coexistence.<sup>39</sup> In the justice sector, there are training programmes for judges, judicial officials, and officials in public prosecutor's offices, procurator's offices and ombudsman's offices, as well as the creation of specialized courts and public prosecutor's offices.<sup>40</sup>

There are also countries which have based their campaign against violence on equal-opportunity regulations such as those implemented by the Ministry of the Interior in Chile or by the municipalities in El Salvador. In Paraguay, the training was extended to include the Armed Forces, the Military College and also all levels of police officials, which compensates for the long-standing continuity problem relating to rotation and transfers. One achievement was enhanced coordination between the police forces and the women's organizations working in that area. One noteworthy innovation was the inclusion in police delegations of persons responsible for the campaign against domestic violence and for monitoring its development. In Brazil, violence against women is treated as an issue of citizens' security.

Despite the progress and acceptance of the issue on institutional agendas, there are still disputes regarding the interpretation and definition of violence, and serious budgetary and legislative deficiencies for dealing with it. Implementation of the law has also shown up the continuing lack of awareness, myths about the origin of violence, the weight of the beliefs and values of the authorities, and a high level of

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<sup>38</sup> The most novel initiatives include the programmes against intra-family violence of the Costa Rican Social Security Fund; the services model of the strategic health plan of the Bolivian Ministry of Health, which considers violence against women and girls as a public health problem at all levels of management of that ministry; the model of the Ministry of Health of Panama, which develops procedures for comprehensive services; continuous monitoring of cases of violence through the Violence-Related Injury Surveillance System (VRIS) of the Ministry of Health of Jamaica; and the creation of the Help Centre for Intra-Family Violence (CAVIF) as part of the medical emergency services of Paraguay (Rioseco, 2004).

<sup>39</sup> Including the Bolivian violence prevention programmes for schools, the Costa Rican national plan to combat violence in primary schools, and the implementation of the project "Contra la violencia, eduquemos para la Paz" in Honduras, Mexico and Panama (Rioseco, 2004).

<sup>40</sup> With regard to staff training, there is the Judicial Training School of El Salvador, the workshops in Jamaica for judges, lawyers and procurators of both sexes and the training courses on the Belém do Pará Convention in Mexico. Institutions include courts specializing in domestic violence and the special prosecutor for domestic violence and sex crimes of Costa Rica, and the witness protection programmes of Brazil, which also operates in cases of violence against women (Rioseco, 2004).

resistance to change. This implies that there is not yet a full understanding of the seriousness of domestic violence, which continues to be regarded as a minor offence, despite the fact that its significant social, health and economic impact have been demonstrated (CEPAL, 2002b). At the same time, there are studies in the region which attest to the problem of murders and homicides linked to domestic violence that has gone unpunished (Blay, 2003).

Another significant problem is the use and abuse of conciliation, which is risky and ineffective for resolving conflicts in a relationship where power is unequal. Other well-known problems are the lack of articulation and coordination between the various institutions involved, oversaturation of the courts and of the special police units created in some countries, and accordingly the precarious and inefficient nature of the services provided.

In the sphere of regulation, it has been observed that civil laws on violence lead to impunity, and they should therefore be reassessed and reformulated. The penalizing approach, however, leads to what has been called the punitive power trap, which ends up penalizing the weakest and letting the most powerful go unpunished. It is also conflicts with the current trend towards decriminalizing offences and providing stiffer penalties for “white-collar” offences (Birgin, 2000).

With this balance sheet of achievements and obstacles, the experience accumulated over the decade has led to consensuses among the actors involved in the prevention and eradication of domestic violence. These include the following:

- (i) It is important that policies include provisions to improve the status of women and encourage their participation in the processes of preparing and implementing policies and programmes, and to ensure the protection of victims of violence.
- (ii) Multisectoral and interdisciplinary approaches, which take into account the changes in institutional cultures, are valid in terms of management. In all cases, there has been very positive coordination and agreement among the actors involved—public, non-governmental, academic and business— at the national, regional and municipal level with regard to shared discourse as well as the definition of interests and areas of action. The application of good practices brings the topic to different State sectors and results in the acquisition of new abilities and capacities by professional staff in both the public and private sectors.
- (iii) The processes of institutionalizing State policies against violence have had better results in those countries which are reforming their health sector or legal system, areas which favour inter-sectoral cooperation. In such cases, domestic violence can be included in health, education, human rights or citizens’ security policies. From another point of view, the great importance of coordination between the State and civil society for resolving this type of problem has been demonstrated.

## Box III.2

**CREATION OF THE NATIONAL DEPARTMENT OF WOMEN'S COMMISSARIATS OF ECUADOR**

In Ecuador, the alliance between the National Women's Council (CONAMU), the Commission on Women, Children and the Family of the National Congress, and non-governmental organizations specializing in providing services to battered women, made it possible to establish the National Office for Women's Commissaries, to which the Women's Commissaries report. The National Office is responsible, inter alia, for preparing and implementing a national gender training plan for implementing the Law against Violence against Women and the Family (103/1995). The plan is designed for the authorities and officials responsible for application of the law. At the inaugural event, domestic violence was declared to be a citizens' security issue.

**Source:** Luz Rioseco (2004), "En búsqueda de las mejores prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe", Economic Commission for Latin America and the Caribbean (ECLAC), Santiago, Chile, unpublished.

## Box III.3

**CONTRIBUTIONS AND LIMITATIONS OF THE LAWS FOR THE PREVENTION AND TREATMENT OF VIOLENCE****Contributions of laws against violence in the region**

- The legal framework provides for negative prevention, or inhibition for fear of punishment, and positive prevention, by strengthening victims' confidence that the legal system can protect them.
- The States are guarantors of the legal goods protected by these laws: the physical and psychological health of individuals and/or their physical and mental integrity.
- The authority of police officials and judges can help to stop violence on a temporary basis and in crisis situations.
- The choice of civil jurisdiction is an approach that emphasizes protection and preservation of the rights of the offended parties and a restructuring of the social fabric, rather than penalizing the guilty.
- Curative or protection measures provide support mechanisms for the victims and their families.
- The concept of family is given a broad definition.
- Simple procedures and the fact that legal representation is often not required facilitate victims' access to justice.
- Family-members and dependants are accepted as witnesses: they are usually the only persons aware of the violent situation.

**Limitations of legislation in the region**

- The laws are defined as against violence in the family rather than violence against women, which transgresses the spirit and the text of the Belém do Pará Convention.
- Rural and indigenous realities, with their practices, customs and values, are mainly ignored. It is dangerous to leave custom to resolve these issues, as the custom has been to ill-treat women with impunity.
- In the protection laws, sanctions are established for non-compliance with the decreed measures rather than for the acts of violence.
- There are no severe penalties and no provision for therapy, not even in cases of recidivism.
- Conciliation is compulsory.
- The time periods of the protection measures are inappropriate to the reality of the problem.
- As functions are attributed to a multiplicity of bodies —police, judges, health officials, etc.— or in some cases to no one in particular, the victims have to go to many different places in order to receive the fullest possible response.
- Resources and budgets are limited.
- The lack of control mechanisms for precautionary measures and sanctions has resulted in a high degree of impunity for the aggressors and a lack of protection for the victims.

**Source:** Luz Rioseco (2004), "En búsqueda de las mejores prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe", Economic Commission for Latin America and the Caribbean (ECLAC), Santiago, Chile, unpublished.

## Box III.4

**GOOD PRACTICES IN THE AREA OF VIOLENCE AND HEALTH**

The World report on violence and health prepared by WHO in 2002 and various documents from governments and NGOs define a good practice as observing the following principles:

- Improvement of the status of women and creation of a social environment that promotes non-violent relations.
- Participation of women in the preparation and implementation of policies, programmes and projects.
- Guarantees for women's safety.
- Changes in institutional cultures.
- Multisectoral and interdisciplinary nature.
- Differentiation between violence against women and family violence.
- Coordination and agreement, with involvement of the public, non-governmental, academic, business, religious and other sectors, a shared discourse, the joint definition of interests and fields of action, and the promotion of universal values.

**Source:** Luz Rioseco (2004), "En búsqueda de las mejores prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe", Economic Commission for Latin America and the Caribbean (ECLAC), Santiago, Chile, unpublished.

In contrast to these noteworthy achievements in the struggle against domestic violence, there are gaps and weaknesses in regulations and measures relating to other forms of violence against women, such as sexual violence, incest, trafficking in girls and sexual harassment. Despite the fact that all the countries in the region have signed the Belém do Pará Convention, which includes a broad definition of violence against women, the trend has been to limit consideration of the topic to the family sphere, in many cases without differentiating it from other forms of violence such as violence against boys or against older persons. Sexual violence is increasingly a subject of debate in the mass media but there are still no reliable records which indicate its true magnitude. There has been research, however, on the complexity and severity of the forms of sexual violence which affect women of all ages and in some cases lead to the death of the victim. The Caribbean subregional preparatory meeting drew attention to the problem of incest, which is losing its "taboo" status, and needs to be given greater attention by the authorities, as does trafficking in women (ECLAC/CDCC, 2004b).

### 3. Regulation of labour

The regulation of labour relations for men and women is so complex that it transcends the provisions currently found in the labour codes (Pautassi and others, 2004). In general terms, current legislation mirrors many social stereotypes concerning expectations with regard to women's and men's roles in contemporary society in the public and private spheres. But in some countries—such as Costa Rica and Ecuador—labour provisions have begun to change, even though they coexist with highly-traditional rules. For example, paternity leave may be granted, while the restrictions on night work by women are maintained.

An analysis of labour legislation shows how the separation between public and private life is perpetuated in the sphere of labour law. This division acts as an effective principle of exclusion affecting women, insofar as they are relegated to the home or the informal sector.

In actual fact, the labour legislation analysed covers only the small percentage of women workers employed in the formal sector of the economy, and excludes the many women whose only way of finding work and earning income is in the informal sector. Thus, the ones who are left “outside the law” are precisely the ones who, owing to a low level of education, or to class, or ethnic differences, have the least chance of finding work and taking charge of their own social security needs. Two factors come into play in this regard. On the one hand, the labour codes —particularly the rules governing labour law in general— were conceived as a system of labour relations under the paradigm of formal, wage-earning work in urban areas, yet this model of social and labour organization has declined in recent decades as a result of structural and institutional changes. On the other hand, for women, especially the poorest ones, it has traditionally been easiest to find work in low-skilled, low-paying informal-sector jobs. One group that is particularly vulnerable consists of women employed as wage-earning domestic workers, who in most countries are still governed by outdated legislation that regulates hours of rest instead of their working hours and is subject to special discriminatory systems. This is particularly unjust, as these workers not only perform socially and economically important functions, but also mitigate gender conflicts within families by doing work that would otherwise have to be redistributed among family members.

In this unfavourable context, work is an important item on the institutional agendas of the national women’s offices in most Latin American and Caribbean countries. These agendas include comprehensive policies for promoting equal opportunities, equity or women’s advancement, which respond to the diversity of causes of the lack of gender equity in the labour world and which consider both the exercise of rights and subjective aspects such as personal development, gender awareness, and criteria of social functioning, all of which are important aspects of women’s empowerment. In contrast to what happens with the gender machineries, however, equity between men and women does not appear as a priority for the sectoral ministries of labour and economics, or for the decentralized bodies (Rico and Marco, 2004).

Labour programmes which seek to address the inequalities between men and women have limited coverage and have not managed to overcome the obstacles to women’s entry into the labour world, in particular the allocation to women of exclusive responsibility for domestic labour and care and the horizontal and vertical segmentation of the labour market. Firstly, there are few programmes and legal provisions to enable men and women to make their family responsibilities and domestic and remunerated labour compatible. Existing provisions apply only to vulnerable groups, such as female heads of household and women who are poor. Moreover, as they are for women only, they reinforce the assumption that women are the ones who have to make their tasks compatible. In the case of generic segmentation of the labour market, the programmes are not oriented to encouraging women’s inclusion in competitive sectors of the economy, nor to facilitating the labour integration of all women. The programme beneficiaries are mainly rural women, female heads of household, poor women, or those who initiate small-scale economic activities. With some exceptions, the programmes also fail to include informal women workers, those in temporary or maquila employment, and the young or disabled. Moreover, the programmes which support women’s business activities still lack interconnection of those economic undertakings with production chains.

One interesting achievement are the programmes which aim to defend workers’ rights (Rico and Marco, 2004). In some countries, the administrative institutions responsible for the inspection and control of compliance with labour laws have performed an important task in relation to dissemination and defence of the rights of women workers. These bodies have the additional advantage of reaching the sectors which are the most vulnerable from the legal point of view, such as women in domestic service, temporary workers and migrant workers.

Box III.5  
**EMPOWERMENT OF CUBAN WOMEN**

Cuban women today constitute 44.9% of the total of employed persons in the civil state sector, which covers most jobs in Cuba. There has also been a significant jump in women's representation in Parliament, from 27.6% in the previous legislature to 35.96% in the elected Assembly which took office in 2003, an index that is surpassed only by the five Nordic countries and their quota systems.

The legislative achievements include the signing on 13 August 2003 of Decree-Law No. 234 "De la maternidad de la trabajadora". It includes provision for parents to be able to share maternity leave (article 16), in order to establish the best possible development conditions for the children, and the extension of postnatal leave until the child reaches one year of age.

**Source:** *Report of Cuba in response to the questionnaire sent to governments by the United Nations Division for the Advancement of Women on the application of the Beijing Platform for Action (1995) and the outcome of the twenty-third special session of the General Assembly (2000)*, presented to the Caribbean subregional preparatory meeting for the ninth session of the Regional Conference on Women in Latin America and the Caribbean, Kingstown, Saint Vincent and the Grenadines, 12 and 13 February 2003.

## B. WOMEN'S EMPOWERMENT AND POLITICAL PARTICIPATION

The increase in parliamentary representation is linked to the adoption of affirmative action measures and to proportional electoral systems. A study by Bareiro and others (2004) indicates that the following countries have quota laws: Argentina and Costa Rica, where women account for more than 20% of parliamentarians; Bolivia, Dominican Republic, Ecuador, Mexico and Peru (between 10% and 20%); Brazil, Panama and Paraguay (up to 10%). This study, prepared in the context of the ECLAC project on democratic governance and gender equality in Latin America and the Caribbean, shows that in order for quotas to have the desired effect, they must be: (i) adapted to the electoral system and enshrined in electoral law; (ii) well-regulated; and (iii) actively enforced by the electoral body. These three conditions have been met in countries such as Argentina, Costa Rica, and Mexico, where a quantitative leap has been observed in women's participation. In some countries, such as Venezuela, quotas were repealed after a short period of existence. In the case of Paraguay, the 20% quota applies only to parties' internal lists.

Proposals for affirmative action have also begun to emerge to ensure greater equity in posts filled by executive appointment, although only Columbia has a 30% quota law for this type of post. Costa Rica has introduced affirmative action for gender equity in the judiciary and currently has quotas in place for the judicial branch of government. Several countries are refining their legislation on quotas in the context of electoral reforms in order to deal with unexpected effects: cases of men registering with women's identity cards, or the number of women candidates being restricted by limited financial resources. Quota laws have opened up a debate on issues of political representation and democracy, which has resulted in a new concept of parity in representation and measures which transcend electoral reforms.

The establishment of minimum and maximum quotas for women's (and men's) shares in nominations for elective posts and mandates is the main mechanism adopted in the region to promote women's political participation. Most countries in Latin America and the Caribbean, have adopted quota systems for parliamentary posts.<sup>41</sup> The first country in the world to impose such measures on political

<sup>41</sup> The exceptions are Chile, Nicaragua, Colombia, Honduras, Uruguay and Venezuela. Honduras, however, has approved a 30% minimum quota in the Law on Equality of Opportunity for Women, Colombia has quotas for high-level designated posts and in Venezuela a law was passed but subsequently declared unconstitutional.

parties was Argentina, by virtue of the quota law implemented at the beginning of the 1990s. Such measures are compulsory in nature (obligatory and subject to sanctions in the case of non-compliance) and temporary, on the assumption that they will be in force only until the obstacles which prevent women from achieving equality in political representation have been overcome.<sup>42</sup> Experience has shown that the quota mechanism can be very effective if it is well regulated and appropriate to the electoral system, but that if those conditions are not met, it may be ineffective.

There has been significant progress in women's participation in decision-making processes. Resistance and obstacles are also observed, however, especially with regard to executive elective posts at the national and subnational levels (governorships and mayoralties or municipal administrations). The underrepresentation of women in politics now receives much more attention than previously, and is a subject of public debate. In fact, the mass media now comment on either the presence or absence of women in a cabinet, so that the absence of women in power is no longer considered a natural occurrence.

In recent years, the quality of information available on the political participation of women has improved. Many regional and international studies, including studies by the Inter-Parliamentary Union, the Centre for Electoral Training and Promotion (CAPEL) and the International Institute for the Development of Electoral Assistance (International IDEA), contain data disaggregated by sex and analysed from a gender perspective. ECLAC has collected the information available in the region both on women's representation in elective posts and on the active exercise of citizenship by women. This makes it possible to analyse electoral systems and also the problems and opportunities inherent in the political culture from the gender perspective and contributes to a large extent to the fact that equity in political representation is seen no longer as an issue that only affects women, but as a factor in the quality of democracy (Bareiro and others, 2004).

The need to expand the political participation of women and to create the conditions in which parity with men can exist is defined in a number of declaratory instruments, both in those that are specifically concerned with women, such as the Convention on the Elimination of All Forms of Discrimination against Women, and in more general instruments, including the International Covenant on Civil and Political Rights and the American Convention on Human Rights (Pact of San José, Costa Rica).<sup>43</sup> The Inter-American Commission on Human Rights of the Organization of American States considers affirmative action to be compatible with the principles of equality and non-discrimination.

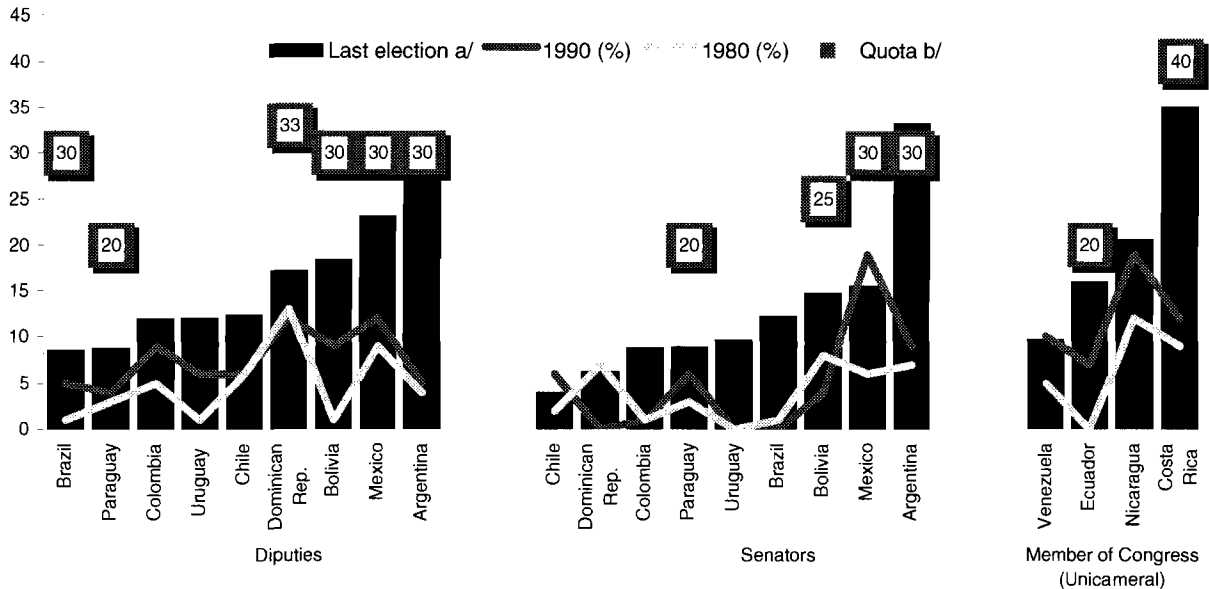
As a result of all these processes, in Latin America and the Caribbean, women's parliamentary representation has been increasing over the past decade, although this increase has not been sustained, and slowdowns and setbacks have been observed (see figure III.1) (Bareiro and others, 2004). The increase in the proportion of women who occupy decision-making posts has been fundamental to the legal breakthroughs and the institutionalization, in the State as a whole, of gender policies and the principle of equality between women and men. The budget analyses and resulting measures are an indicator of the above.

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<sup>42</sup> In the case of Costa Rica, the Law on Real Equality establishes a different kind of measure to promote women's political participation, with a provision that a percentage of the electoral subsidy to political parties must be used for political training for women of the respective party.

<sup>43</sup> See also the Vienna Declaration and Programme of Action (1993), the Regional Programme of Action for the Women of Latin America and the Caribbean (1994), the Beijing Declaration and Platform for Action (1995), the Lima Consensus (2000) and the Millennium Declaration (2000).

Figure III.1  
**LATIN AMERICA (SELECTED COUNTRIES): WOMEN IN THE LEGISLATIVE  
 BRANCH OF GOVERNMENT**



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), based on *Women and Power in the Americas*, The Women's Leadership Conference of the Americas (WLCA), April, 2001; Unión Interparlamentaria [on line] ([www.ipu.org](http://www.ipu.org)); International Institute of Democracy and Electoral Assistance [on line] ([www.idea.int](http://www.idea.int)).

<sup>a</sup> Uruguay (1999), Venezuela (2000), Argentina (2001), Chile (2001), Nicaragua (2001), Bolivia (2002), Brazil (2002), Colombia (2002), Costa Rica (2002), Dominican Republic (2002), Paraguay (2003).

<sup>b</sup> Chile, Colombia, Nicaragua, Uruguay and Venezuela do not have quota laws.

One current subject of debate is whether it is possible to move from the affirmative action mechanism of quotas to an extension of the concept of democracy itself, such as parity democracy. Quotas are a mechanism to compensate for inequalities, whereas parity democracy is equivalent to changing the idea of political representation and thus of representative democracy. France was the first country to declare itself a parity democracy, with a constitutional provision for 50% of elective posts to be occupied by women. This proposal reflects the need for women's interests and vision to be incorporated within the State vision, which is equivalent to mainstreaming the gender equity perspective. The fertile European debate on parity democracy has not yet spread to the national machineries for women in the Latin American and Caribbean region. In fact the current of anti-discriminatory innovation has achieved proportionally less in the sphere of legislative reform related to modernization of the State. These reforms have not taken the gender dimension into account and their impact in relation to equity has yet to be evaluated.



### **C. EMPOWERMENT AND NATIONAL MACHINERIES FOR THE ADVANCEMENT OF WOMEN**

The machineries for the advancement of women are the result of sociopolitical processes in which both public- and private-sector actors participate: social, political and institutional actors committed to gender equity and offering proposals for its inclusion in priority policy areas. As has been seen previously, the emergence and stability of these machineries depends on the creation and strengthening of an appropriate political grouping for this participation.

Five years ago, it was noted that: “Although the NWOs [national women’s offices] of today, which perform a normative function at the policy-making level, began to be set up in the 1960s ..., the tendency for them to be incorporated into the governmental hierarchy has increased in recent years, and almost all of them have embarked upon modernization and institutionalization processes since the Fourth World Conference on Women... In a number of countries ... a consensus has not yet been reached regarding the legitimacy of the policy-making role to be played by these mechanisms. Some governmental sectors want to confine them to the role of social-service providers, and in some countries it has become apparent that the gender perspective is seen as another opportunity for marginalizing women on the pretext of protecting them from discrimination or of ensuring that men, children or the elderly are not excluded, all of which simply re-introduces the vicious cycle associated with an approach whose main focus is on a given group’s vulnerability. This could well be another manifestation of the long-standing opposition that exists to the mainstreaming of a genuine gender perspective in the State apparatus” (ECLAC, 2000a, p.16). The threats identified at that time with respect to the institutional framework for gender issues have not disappeared. Although this framework has developed very quickly and has transcended the spheres of social and sectoral policy, there are a number of cases in which instability has affected women’s offices.

At the time of writing, a significant percentage of national machineries for the advancement of women are high enough in the hierarchy to enable their top-ranking authority to participate in the ministerial cabinet (Brazil, Chile, Costa Rica, Guatemala, Honduras, Panama, Paraguay and Peru), have direct access to the Secretariat of the Presidency or of the Government (Argentina, Colombia, Ecuador, El Salvador and Mexico) or participate in policy-making coordination forums (Colombia’s National Council for Economic and Social Policy). Their authorities take part in inter-ministerial commissions or in coordination forums, particularly those in the social sphere, for policy planning, most often in relation to ministries of health, labour, agriculture and education.

The work of these machineries generally consists of policy-making and coordination, with the possibility of establishing relations with the different State authorities, women’s movements, other social and political actors, and the international cooperation entities. This role enables them to take a cross-sectoral approach and to draw together stakeholders, processes and resources. Some countries have not only national women’s offices, but also gender institutions that defend women’s rights, such as a women’s or gender ombudsman within the office of the ombudsman (in Argentina, Bolivia, Colombia, Costa Rica, Nicaragua, Peru, and others), parliamentary commissions of women or forums for women politicians (Brazil, Nicaragua, Paraguay, Peru, and others) and institutions in the judicial branch which guarantee women’s access to justice. A true institutional network is thus forming, which often transcends national boundaries and extends to the sphere of international or non-State public affairs.

The real possibility, however, of incorporating gender equity into public policies depends on the degree of legitimacy of the machinery, and on its stability and the effective exercise of the functions assigned

to it. The awareness and attitudes of their authorities and officials concerning the concepts, debates and conflicts that emerge as a result of the international agreements in favour of gender equity, especially those from the Cairo and Beijing Conferences, also have an impact (Guzmán and Bonan, 2003).

According to the information collected in virtual forums in the first quarter of 2004, those responsible for the national machineries of Central America and South America agree that their institutional mission is facing a series of obstacles and resistance that are based on the low level of development, social inequalities, weak and unstable institutions and the lack of sensitivity to discrimination against women.<sup>44</sup>

In this context, the public policies developed in response to demands for gender equality in Latin America can be divided into two main groups:

- Equal opportunity policies consisting mainly of measures for correcting inequalities of access in areas where women are underrepresented —especially education— and including measures to eliminate the most blatant forms of legal discrimination. The main tools have been equal opportunity plans and the strengthening of national machineries for the advancement of women as policy-making and policy coordination entities. From the legal standpoint, efforts have been made to support women's formal equality.
- Affirmative-action policies, such as laws against violence and sexual harassment, and the quota laws, geared to producing change and generating more equitable relations between men and women. These policies, though few and far between, are the only ones that can be regarded as gender policies in the strict sense, in terms of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, which defines discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” This approach is complemented by the concept of real equality, as opposed to the formal equality which has traditionally been used to argue that special measures against gender discrimination are irrelevant.

The main strategy applied has been gender mainstreaming in public policies, which has resulted in the establishment of gender institutions in different sectors and regional offices, and also in new policy guidelines. These efforts have focused on the health, labour, education and agricultural sectors, and have a weak but growing capacity for coordinating with ministries and economic institutions, particularly ministries of finance and planning, as well as the political ministries responsible for security, decentralization and regional development. Gender mainstreaming is also manifested in support for cross-sectoral programmes, the preparation of national plans and more comprehensive agreements that involve State and social stakeholders. It is thus intended to link the agenda of the equal opportunity plans launched by the machineries for the advancement of women with national development plans, through actions at the national, regional and local level. In the past few years, the machineries in some countries have proposed the implementation of social pacts on gender equity, in order to gain a commitment from society as a whole (Guzmán, 2003). For this reason, the field of dialogue is broadening and includes civil society, academic sectors, social and political forums and, in some cases, private activity.

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<sup>44</sup> See the Internet site [www.eclac.cl/mujer](http://www.eclac.cl/mujer).

The mainstreaming strategy is bearing fruit. This includes the preparation of new juridical frameworks, legal reforms, the application of programmes and policies, and also the creation of new official gender bodies at the central, sectoral and local levels. It is also important to create systems for human resources training, information production and dissemination, and for follow-up, monitoring and evaluation, which contributes to enhancing the capacities of the machineries for the advancement of women. These institutions share a desire for transparency, for which purpose they combine tools for accountability and follow-up of the agreements signed by the governments, including the use of technology (Internet and on-line government), which gives visibility to their actions. Lastly the machineries play a fundamental role in legitimizing of woman as political subjects. In fact, they promote the creation of favourable conditions for women's access to decision-making circles in political and State spheres, of associations that link them, and of public forums with a continuous debate on the status of women and equity, which keeps this topic on the public agenda.

The authorities of the machineries for the advancement of women consider as criteria for success the access to decision-making circles, to coordination bodies and to inter-sectoral commissions; the establishment of varied and numerous institutional networks in connection with gender equity; interaction with civil society organizations and, lastly, the commitment of institutional and social actors with the task of institutionalizing gender equity. These actors include the international cooperation agencies. It is also important to note the progress made in terms of management, which includes the use of tools such as gender indicators, training and follow-up systems, and the data production and dissemination systems.

In summary, the national machineries have helped to keep the problems caused by gender inequalities and discrimination on public and institutional agendas. They have promoted reforms and a new regulatory framework, as well as the formation of structures or forums for mediation between the State and civil society, while maintaining ongoing relations with relevant networks and non-governmental organizations dealing with women's issues. The formulation of national gender equity plans has drawn the attention of society and the State to the systemic nature of inequality; that is, to the fact that it is rooted in different aspects of life —the family, school, the media, political institutions and the market— and must therefore be addressed through holistic policies. Thus, gender equity plans are a kind of blueprint on which social covenants can be based. Lastly, these plans help to raise the profile of women's organizations as negotiators with the State and enable them to join forces with other institutional and social actors to solve different problems.

The national machineries for the advancement of women, however, continue to come under question. An analysis carried out by the ECLAC Women and Development Unit shows that the existence of such machineries is jeopardized by changes of government, because of debates that arise with respect to their relevance, status and role. In very few countries have these machineries enjoyed the uninterrupted continuity which characterizes economic or sectoral social institutions. On the contrary, changes of government often result in the merging of different components of the machinery for women, staff and resource cuts, changes of mandate ranging from policy-making to social-assistance and a worrying tendency to undermine their objective by giving precedence to short-term assistance initiatives to the detriment of their gender mandates. In almost all cases, machineries that manage to survive initial threats are hamstrung by a lack of resources and even a lack of legitimacy. A consultation carried out in 2003 by the Women and Development Unit showed that, in some cases where the gender machineries had ministerial rank and the person heading it participated in cabinet meetings, gender issues were seldom discussed and were usually dealt with in terms of government assessment or procedures related to the adoption of gender policies.

The legislative changes described above were introduced some years ago and have triggered a broad debate in society. In particular, the viewpoint of feminist theories has highlighted the fact that laws favourable to women coexist with traditional rules, procedures and practices based on prejudices and cultural stereotypes that are inimical to equality. Moreover, the very existence of some laws is threatened by approaches that return to the ontological neutrality of traditional legal discourse, ignoring the fact that subjects are constructed through social relationships.<sup>45</sup>

Lastly, most laws favourable to women cannot operate effectively because they do not include specific penalties for discrimination, and do not provide for the protection of victims or appropriate reparations. This will undoubtedly be one of the challenges to be tackled in the next few years.

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<sup>45</sup> See a definition of this concept in Birgin (2000).

#### IV. THE PILLARS OF A STRATEGY

The debate arising from the process of drafting the document “Roads towards gender equity in Latin America and the Caribbean”, as well as from analysing the information compiled, has revealed the validity of the international mandates in the Regional Programme of Action for the Women of Latin America and the Caribbean (Mar del Plata, 1994), the Platform for Action of the fourth World Conference on Women (Beijing, 1995), the Programme of Action for the International Conference on Population and Development (Cairo, 1994) and the Millennium Development Goals, adopted by the United Nations General Assembly in 2000. The ratification of these commitments has been positive in two ways. Firstly, it has led to the development of an institutional culture of compliance with a decade of social and political agreements, which incorporate the advances in knowledge and social consensus achieved by the women’s movement and other actors involved. Secondly, it has heightened interest in establishing goals and indicators to assess progress and improve strategies for mainstreaming the gender perspective. So, the validity of the international agenda and action plans, as well as the emphasis placed on evaluating and improving its implementation, can be aptly described as the pillars on which the strengthening of gender mainstreaming in the region’s public policies can, and must, be based.

The gender mainstreaming strategy is the process of integrating the gender perspective into development policies and consists, in practice, of examining the implications for women and men of all types of planned public actions, including legislation, policies and programmes in any area. It is also a tool for turning men’s and women’s interests and needs into an integrated dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, social and economic domains (United Nations, 1997). Within this context, positive action policies have been validated, not only in electoral terms but also in all areas where a level playing field needs to be established in order to guarantee equal opportunities for women and men from the outset. There has therefore been wide support for the overhaul of legislation, rules and procedures to promote the equal exercise of rights, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women.

##### Box IV.1

#### **DISCRIMINATION AS DEFINED IN THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

Article 1 defines discrimination against women as “Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

**Source:** United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, New York, 1979.

The processes of the previous two decades have given rise to the development of a complex network of relationships between State and social actors, and authorities. This network must be strengthened from an institutional and budgetary standpoint, in order to achieve gender-mainstreaming objectives. The increasing attention being paid to management efficiency, and to the development of initiatives in this field, points to the new directions the future agenda will take. In this respect, most national mechanisms for the advancement of women state that priority needs to be given to women’s

participation in the debate on the future direction of economic and social policies, as well as to linking these policies with an integrated approach, based on a rights perspective.

Poverty reduction emerged as a key issue during the process of preparing the ninth Regional Conference on Women in Latin America and the Caribbean.<sup>46</sup> In contrast to traditional approaches, which link poverty to the status of women and keep the issue of inequality within the confines of status, the inclusion of the gender perspective broadens the poverty concept and incorporates it into the issue of social equality. A space was therefore opened for debates linking poverty to economic policy, growth, social equity and sustainable development, from a dynamic perspective encompassing all stages of life. This new perspective calls for a return to a vision of social security based on the principles of universality, solidarity and efficiency. To respond to this more complex approach to poverty, attempts are being made to design and perfect policies, programmes and projects in the region. There are also demands for social investment, public spending on education and health, targeted programmes and budget appropriations to harness the State and social funding needed to eradicate inequality. In addition, it is essential to influence health, education, justice, fiscal policy and technology reforms, as well as other major global changes, meaning that the gender agenda must be relayed to the highest political level and more funding and technical resources must be earmarked for it.

### **A. TOWARDS A REFORM AGENDA**

This section summarizes the main proposals to have emerged from subregional processes for preparing the Regional Conference, and these should form part of the agenda of State reforms:

First and foremost there is employment. Here the aim is to improve conditions for increased competitiveness and productivity in order to create jobs for women. Another aim is to safeguard women's rights in a context of labour flexibility and to promote access to resources for enhancing women's entrepreneurial skills. Once again, poverty alleviation has become the cornerstone of sustainable development. In this context, women are not seen as depositories of reproductive tasks, nor as intermediaries between the State and the family, but as citizens in their own right. The consensus on the above must include recognition for the value of unpaid domestic work, the need for policies for combining family and public life and the importance of involving men and women in the endeavour. In this area, reproductive rights and the eradication of violence against women continue to be priorities requiring wide-ranging institutional reforms and increased funding.

Mechanisms for women's advancement have understood that, under this approach, women are must be seen as subjects of poverty alleviation, which calls for a wide range of monitoring, assessment and accountability tools to be developed to guarantee their civic participation. Increasingly, therefore, governments are opting to link management transparency with women's access to new technology (Internet), in order to eradicate poverty and promote development, as well as to foster participation in decision-making. Transparency also requires the further development of gender statistics, by collecting basic information, especially on poverty, unpaid work and time use.

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<sup>46</sup> See the reports of the preparatory meetings of Central America and Mexico (ECLAC, 2004b), the Caribbean (ECLAC/CDCC, 2004b) and South America (ECLAC, 2004c), as well as the virtual forums held between the leaders of gender mechanisms in these subregions ([www.eclac.cl/mujer](http://www.eclac.cl/mujer)).

Policies should be geared to the principles of subsidiarity and civic participation. They should also highlight the territorial dimension of development, decentralization and the inclusion of national, subnational and local actors in gender policies.

In addition, it is necessary to conceptually link all the factors of inequality, that is to say, gender, race, ethnic group and socioeconomic status. It is especially important to seek policies for redistributing wealth, power and time, in addition to recognizing women's multiple identities. This demand for justice must be perceived as areas of conflict requiring democratic and institutional solutions. On the one hand, there is recognition for the individual rights of women and all citizens, which demonstrates a determination to challenge the world to recognize human rights. On the other hand, there are collective rights, which respond to community identities that oscillate between two perspectives: one where identities are perceived as rigid and static and another that is more reflective, even though it considers group loyalty as a priority.

This debate has led to attempts to redefine the common good, based on the assertion of individual rights and the provision of a legitimate space for plurality and consultation, which relies on the decision-making capacity of women. The discussions on equality and difference that have arisen throughout the process of preparing the Conference have revealed what a valuable resource multiple identities represent, and one of the results of globalization has been to increase their visibility. This has contributed to the development of a set of rules and institutions based on the principle that no agent should feel that it totally controls the foundations of society, or that it represents society as a whole. Based on their own experience of discrimination, women have urged all the social actors to accept the limited nature of their demands. The priority being given to the capacity to decide freely leads to policies that avoid confining the concept of justice exclusively to its individual dimension, or confining social identity to an immutable concept. Accordingly, the common good must be defined from a gender perspective, based on plural codes of ethics and new institutions that offset the loss of power of certain categories of citizens.

HIV/AIDS has grown to such a scale that it has transcended the health sphere to become a threat to the region's development. The feminization and vulnerability of victims have led to the issue being included in government policies, but there are still biomedical approaches that fail to protect rights. It is a policy priority, especially in the Caribbean, to address women's human, social and cultural rights, in order to strengthen reproductive health, HIV/AIDS policies and the design and formulation of programmes in this area. In turn, these policies must reinforce legal and social measures to protect women and children from all forms of sexual violence, including child sexual abuse, incest and human trafficking, in order to reduce the economic and social cost of HIV/AIDS in small developing island states.

There is acknowledgement of progress in curbing violence, but this must be made a part of citizen safety policies and must include punishment for all crimes against women, in accordance with the Belém do Para Convention.

With regard to governance, women in the region have backed the continent's democratic institutions with their entry into the electoral and institutional arenas. They have also fought to ensure that gender balance or parity can be expressed by vote and voice, and have promoted their democratizing incorporation into the State and into civil society organizations. Indeed, women are planning to enter the spheres of democratic formality and the spaces where real power is wielded. The areas in which women wish to boost their activities include: recognition for the positive impact of quotas on increasing participation; evaluating experiences; considering electoral issues, including the matter of party funding and the need to develop strategies aimed at the public authorities and the business world. As mentioned in chapter III, it is possible to progress from the idea of quotas as a mechanism of positive action for

remedying the historical exclusion of women in the region, towards an extended concept of democracy itself, such as parity democracy, in which women occupy 50% of elective offices.

With regard to institutional development, it is necessary to pursue initiatives and strategies to consolidate the institutional scope of national mechanisms for women's advancement and to build their capacity, as well as to coordinate cooperation among international organizations to achieve this. The need to have stable institutional frameworks, to promote a professional civil service and to abolish social welfare-based practices and privileges, were recurrent themes. Recommendations were made to strengthen national mechanisms for the advancement of women by increasing financial and human resources, affording greater autonomy and improving strategic positioning, to enable mechanisms to fulfil their mandates effectively and efficiently. Institutional stability and closer links with women's organizations continue to be priority issues. On this last point, the main lesson learned from the decade is that, in the absence of political commitment, women's associations and networks themselves have wrought a fundamental change in the region's institutional and political cultures.

## **B. RESEARCH AGENDA**

Knowledge is the key to public policies, or at least that is how national mechanisms for the advancement of women see it. In the preparatory meetings, the ECLAC secretariat was therefore entrusted to find out more about migratory phenomena, the family, indigenous people and people of African descent, and the role of the media, especially with regard to macroeconomic policies. The Secretariat has identified the following list of other priority areas:

- To follow up compliance with, and the application of, international agreements and the processes of institutionalizing gender equity in the State. This includes analysing the link between equity and the logic at work in the State, that is to say, administrative efficiency, economic rationale and political dynamics. It is also important to analyse the ways in which the authorities and public officials appropriate government-signed agreements and conventions.
- To analyse the importance of social discourse, the collective imagination, symbolic representations and the role of the media in gender policy implementation processes.
- To analyse the methods by which women participate in policy design and implementation processes in connection with government-instigated civic participation initiatives.
- To identify the characteristics of female poverty and analyse its associated causes.
- To review the differing impact of employment and poverty reduction programmes on women and men, using indicators to develop, monitor and evaluate programmes.
- To analyse the changes that have occurred as a result of trade-opening and regional integration processes, examining their differing impact on women and men, as well as their impact on expanding opportunities for women and on the obstacles women face in the labour market.



- To step up analyses linking macroeconomic indicators with social and employment indicators in every sector of the economy.
- To develop studies to ascertain how the care economy relates to paid employment in order to identify the linkages at work and the continual shifts which women cause in the boundaries between the public and private spheres.
- To broaden and deepen employment studies from a quality perspective. This encompasses an analysis of salary segregation and discrimination in every branch of economic activity. The definition of “quality” includes the aspect of unpaid, but economically and socially useful, reproductive work.
- To design methodologies for more accurately measuring phenomena such as underemployment, unemployment and multiple employment, jobs in the unstructured sector of the economy, subcontracting, unpaid reproductive work and domestic or community social service provision.
- To identify the gender images underpinning corporate human resource policies, which prevent women from entering the labour market on an equal footing with men.
- To develop surveys on working conditions to enable male and female workers to express their views about their working conditions, as a basis for democratic dialogue on their needs and aspirations in relation to the social and economic development of countries and the region as a whole.
- To carry out more in-depth comparative legislation studies to identify the most effective legal frameworks for fostering gender equity and to incorporate its postulates into regional legislation.
- To investigate how entering the labour market affects women’s exercise of citizenship and rights, as well as women’s participation in decision-making processes.
- From a structural perspective, to carry out analyses of cohorts and of major demographic changes, together with their impact on the labour market.
- To broaden and disseminate the findings of studies on the labour cost of hiring women and men, in order to explode the myth that it is more costly to hire female workers.
- To identify the legal and infrastructure constraints facing microenterprises (access to credit, technology, support services, information), bearing in mind that they vary in importance depending on the country, area (urban or rural) or city. This also requires the collection and systematization of information on women’s participation in micro, small and medium enterprises, in line with statistical data disaggregated by sex. This information should include the size of enterprises, their level of profitability and the sector to which they belong.
- Based on the experience of other countries, to evaluate the potential effects on the pension system of calculating the years women spend on childcare as contributory years.

- To carry out regional investigations into violence against women, considering aspects such as prevalence, risk and protective factors, longitudinal profiles of violent behaviour and the lifelong impact of violence.
- To improve and systematize statistical information on migration. Qualitative studies need to be carried out to explain the reasons for the high female participation rate in migratory flows and to investigate migrant women's views and motivations.

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## Annex 1

**LAWS AND POLICIES ON SEXUAL AND REPRODUCTIVE RIGHTS  
IN LATIN AMERICA AND THE CARIBBEAN**

(March 2004)

Countries	Legislation
Argentina	National law on sexual health and responsible procreation (2000)
Belize	National health policy Reproductive health policy
Bolivia	Amendment of the 1834 Criminal Code on abortion (1997)
Brazil	Law on family planning (1996)
Chile	Law on AIDS (2001)
Colombia	National policy on sexual and reproductive health Legislation on penalties for abortion Family planning legislation Legislation on HIV/AIDS and sexually-transmitted diseases
Ecuador	Sexual and reproductive rights are recognized in the Constitution
El Salvador	National plan on reproductive health
Guatemala	Law for the full advancement and dignification of women (1999) Law on social development (includes reproductive rights) (2001)
Honduras	National policy on sexual and reproductive health Law on HIV/AIDS Law on equal opportunities
Mexico	"Reproductive health" action programme Legislation on non-punishable grounds for abortion (2000) Amendment of the Criminal Code on abortion Legislation on the crime of rape between spouses and cohabiting partners
Nicaragua	Law on the promotion, protection and defence of human rights in respect of AIDS (1996) General law on health
Panama	Law on health protection and education for teenage mothers and on responsible parenting Law on sexually-transmitted diseases and HIV/AIDS (2000)
Paraguay	National policy on full health care for women
Peru	Law on grounds for non-punishable abortion Law laying down the basis for developing a national AIDS control plan (1996)
Venezuela	Definition of the sexual and reproductive rights in the Constitution (1999) Policy and national programme on sexual and reproductive health

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), *Commemoration of the tenth anniversary of the International Conference on Population and Development: actions undertaken to implement the programme of action of the conference in Latin America* (LC/L.2064), Santiago, Chile, 2004; Claudia Bonan Janoti, *Sexualidade e Reprodução. Processos políticos no Brasil e no Chile*, Rio de Janeiro, Instituto de Filosofia e Ciências Sociais, Universidade Federal do Rio De Janeiro (IFCS/UFRJ), 2002; Centro Legal para Derechos Reproductivos y Políticas Públicas (CRLP), *Mujeres del mundo: leyes y políticas que afectan sus vidas reproductivas. América Latina y el Caribe. Suplemento 2000* [on line] Estudio para la Defensa de los Derechos de la Mujer (DEMUS), 2000 ([http://www.crlp.org/esp\\_pub\\_bo\\_wowlatam.html](http://www.crlp.org/esp_pub_bo_wowlatam.html)); Roxana Vásquez and Inés Romero, "Balance regional: diagnóstico sobre la situación de los derechos sexuales y los derechos reproductivos", document presented at the regional seminar Derechos sexuales, derechos reproductivos, derechos humanos (Lima, 5-7 November, 2001), Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), 2003.

## Annex 2

**NATIONAL LEGISLATION ON DOMESTIC AND SEXUAL VIOLENCE  
IN LATIN AMERICA AND THE CARIBBEAN**  
(December 2003)

<b>Countries</b>	<b>Laws and Criminal Code reforms (year of adoption)</b>
<b>Latin America</b>	
Argentina	Law 24.417 on protection against family violence (1994) Law 25.087 amending the Criminal Code (1999)
Bolivia	Law 1.674 against violence in the family or domestic violence (1995) Law 1.678, amending the Criminal Code on crimes of sexual violence (1997) Law 2.033 on the protection of victims of crimes against sexual liberty (1999)
Brazil	Legislative decree 107, implementing the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Belém do Pará (1995). Law 10.224, making sexual harassment a crime covered by the Criminal Code (2001)
Chile	Law 19.325 on intrafamily violence (1995) Law 19.617 amending the Criminal Code on sexual crimes (1999)
Colombia	Law 294 on the prevention, redress and punishment of intrafamily violence (1996) Law 360 on crimes against sexual liberty and human dignity (1997) Law 575, partially amending Law 294 (2000) Law 599, partially amending Law 360 (2000) Law 747 reforming the Criminal Code on sexual crimes, including human trafficking (2002)
Costa Rica	Law 7.476 against sexual harassment in the workplace and in teaching (1995) Law 7.586 against domestic violence (1996)
Ecuador	Law 103 against violence towards women and the family (1995) Law reforming the framework law on judicial office (1997) Law 106, reforming the Criminal Code on sexual crimes (1998)
El Salvador	Decree-law 902 against intrafamily violence (1997) Reform of the Criminal Code on crimes of sexual and intrafamily violence (1998) Decree 892, partially amending Law 902 (2002)
Guatemala	Decree-law 97-96 on the prevention, punishment and eradication of family violence (1996) Decree 79-97 on crimes for which a public prosecution can be brought, including sexual crimes (1997)
Honduras	Law on the prevention, punishment and eradication of violence against women (1997) Reform of the Criminal Code on crimes of sexual violence (1997)
Mexico	Reform of the Criminal Code on rape (1989) Law on assistance and prevention of intrafamily violence (1997)
Nicaragua	Law creating women and children's police stations, as laid down in the framework law on the national police (1996) Law 230, recognizing psychological abuse as a crime (1996)
Panama	Law 27 on crimes of intrafamily violence and abuse of minors (1995) Law 38 on domestic violence and abuse of boys, girls and teenagers (2001)
Paraguay	Reform of the Criminal Code on sexual harassment (1998) Law 1.600 against domestic violence towards women (2000)
Peru	Law 26.260, establishing the policy of State and society with regard to family violence (1993) Law 26.763, establishing mechanisms to guarantee better protection for victims (1997) Law 26.788, reforming the Criminal Code by incorporating family ties between aggressor and victim as an aggravating circumstance (1997) Law 26.770, reforming the Criminal Code by considering that criminal proceedings for crimes against sexual liberty are not extinguished upon marriage (1997)

<b>Countries</b>	<b>Laws and Criminal Code reforms (year of adoption)</b>
	Law 27.115, establishing public criminal proceedings for the crime of rape and other crimes against sexual liberty (1999)
	Law 27.306, amending the consolidated text of Law 26.260 (2000)
	Amendment of Law 26.763 to include former spouses and people with a child in common within the sphere of protection (2001)
	Law 27.942 on the prevention of sexual harassment (2003)
Puerto Rico	Law 54 for the prevention and intervention in cases of domestic violence (1989)
	Law 28/1997, creating the Register of people convicted for violent sexual crimes and abuse against minors (1997)
	Law 2/1998, amending the Criminal Code on sexual crimes and abuse of minors (1998)
	Laws 3/1998 and 16/1998 on sexual harassment (1998)
Dominican Republic	Law 24-97, on intrafamily violence, covering crimes of domestic violence, sexual harassment and incest (1997)
Uruguay	Law 16.707 on citizen safety, which incorporates into the Criminal Code art. 321 bis covering domestic violence and imposing sanctions (1995)
Venezuela	Law on violence against women and the family (1998)
<b>Caribbean</b>	
Anguilla	Reform of the Law on domestic violence (1996)
Antigua and Barbuda	Law on domestic violence (1999)
Dutch Antilles	Rape within marriage becomes a crime (1999)
Bahamas	Law on sexual offences and domestic violence (1991)
Barbados	Law on domestic violence protection orders (1992)
Belize	Law on domestic violence (1992)
Dominica	Law on sexual crimes (1998)
Guyana	Law on domestic violence (1996)
British Virgin Islands	Law on domestic violence (1995)
Jamaica	Law on domestic violence (1996)
Puerto Rico	Law 54 on prevention and intervention in cases of domestic violence (1989)
Saint Kitts and Nevis	Law on domestic violence (2000)
Saint Vincent and the Grenadines	Law on summary procedure in cases of domestic violence (1995)
Saint Lucia	Law on domestic violence (1995)
Trinidad and Tobago	Law on domestic violence (1999)

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), *An evaluative study of the implementation of Domestic Violence Legislation: Antigua and Barbuda, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines* (LC/CAR/G.659), Port of Spain, ECLAC Subregional Headquarters for the Caribbean, 2001; "Violencia contra la mujer en relación de pareja: América Latina y el Caribe. Una propuesta para medir su magnitud y evolución", *Mujer y desarrollo series*, No. 40 (LC/L.1744-P), Santiago, Chile, June 2002. United Nations Publication, Sales No.S.02.II.G.56; Elizabeth Guerrero, (2003), "Violencia contra las mujeres en América Latina y el Caribe español 1990–2000: Balance de una década. Versión actualizada" [on line]. Isis International/United Nations Development Fund for Women (UNIFEM), Santiago, Chile, April (<http://www.isis.cl/temas/vi/balance/Versionactfinal.doc>).

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**LEGAL PROVISIONS ON COMBINING PAID EMPLOYMENT WITH DOMESTIC WORK IN LATIN AMERICA**


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Argentina	<ul style="list-style-type: none"> <li>• Law 20.744 on employment contracts. The law lays down two half-hour breaks for a period not exceeding one year for breastfeeding and the obligation for companies with more than 50 women workers to install mother-and-baby rooms and crèches (art. 179) in accordance with regulations (not stipulated). The law provides for voluntary leave of absence of three to six months (for women workers with at least one year of seniority) at the end of the postnatal period (arts. 183 to 186). The period of leave is unpaid and is not included in the calculation of seniority. If the employer does not wish to reinstate the woman worker, it must pay her severance for unfair dismissal unless the employer can prove that this is impossible, in which case it must pay 25% of the severance payment. The law provides for two days' leave for the father after the birth of a child (art. 158).</li> <li>• Law 24715 (1996), providing for six months' leave, following on from the postnatal period, for women workers who have a Down's syndrome child, with a family allowance equal to her pay.</li> </ul>
Chile	<ul style="list-style-type: none"> <li>• Law 19.591(1998), amending the labour code on maternity protection.<sup>a</sup> The law extends the right to a crèche to women working in groups of companies.<sup>b</sup></li> <li>• Law 19.505, granting special leave to workers of both sexes in the event of a serious illness of their son or daughter.<sup>c</sup> Allowing a working mother (or father, where both are working and the mother decides that it should be the father who takes care of the son or daughter, or where she is not present for any reason), to be absent from work for up to 10 days per calendar year if the health of a son or daughter under the age of 18 requires the personal care of its parents due to a serious accident, the final phase of a terminal illness or a serious and acute illness with the likelihood of death. The leave is granted to the person who has personal care of a child under the age of 18 in any of the above-mentioned situations. There are different forms of allowance for the days not worked, which must be decided by common consent between the parties.</li> <li>• Article 199 of the Labour Code provides for leave for the mother or father in the event of a serious illness of a child under the age of one year.</li> </ul>
Colombia	<ul style="list-style-type: none"> <li>• The national government is interested in initiating a process to include and recognize domestic work in the national accounts and a study has been carried out to this end.</li> </ul>
Costa Rica	<ul style="list-style-type: none"> <li>• No specific line of action has been developed in this area. However, there is 15 days' leave for the father of a newborn or adopted child.</li> </ul>
Cuba	<ul style="list-style-type: none"> <li>• Programme for women workers with disabled children, under which working mothers are assigned home-care social workers, paid for by the State, to look after disabled children. The State pays a salary to working mothers who do not wish to leave their disabled children in the care of social workers, to allow them to stay and look after their children. Such mothers retain all their labour rights, including holidays and pensions.</li> <li>• Programme of day-care centres (<i>Circuitos infantiles</i>), which are institutions with educational programmes for children aged between one and five, operating during mothers' working hours.</li> <li>• Creation of nurseries (<i>Casitas infantiles</i>) in priority sectors of the economy.</li> <li>• Law on maternity to protect working mothers until their baby reaches the age of one year.</li> </ul>

Ecuador	<ul style="list-style-type: none"> <li>• Programme to support rural women in Ecuador. One of the programme's components is to reduce the domestic workload. One of the planned measures is to establish new childcare centres and to expand existing ones. The operation and timetables of these centres must be adapted to the proposals of the mothers using them.</li> <li>• Civil service law. The law lays down eight days' leave for civil servants in the event of a "domestic disaster", such as the serious illness of a spouse, cohabiting partner or close relative, up to the second degree of consanguinity. The law provides two hours of leave per day for working mothers in the civil service until the child is one year old.</li> <li>• Article 155 of the Labour code makes it compulsory for companies with 50 or more workers to set up crèches. Companies can join up with others or contract the service out to third parties. In companies with no crèche, women workers only work six hours a day during the nine months after giving birth.</li> </ul>
El Salvador	<ul style="list-style-type: none"> <li>• Ratification of Convention 156 of the International Labour Organization on women and men workers with family responsibilities.</li> </ul>
Guatemala	<p>Programmes of the Guatemalan Social Security Institute for the benefit of the wives or female cohabiting partners of beneficiaries:</p> <ul style="list-style-type: none"> <li>• Additional food for mother and child, in accordance with management agreement 07/97.</li> <li>• Programme for the care of teenage mothers, in application in Guatemala city's healthcare district 5 (<i>unidad periférica zona 5</i>) and the Gynaecological and Obstetric Hospital.</li> <li>• Extension of the postnatal period (agreement 466 of the social security governing board).</li> <li>• School for mothers.</li> <li>• "Kangaroo mothercare" programme.</li> </ul>
Mexico	<p>Special project of the national women's institute, INMUJERES, on domestic work in Mexico, covering paid and unpaid work, the general aims of which are to: foster appreciation for domestic work in Mexico and promote the development of skills, income opportunities and social protection of people carrying out domestic work.</p>
Panama	<p>The responsibilities of the General Director for Employment of the Ministry of Labour and Labour Development are reported to include guiding and properly administering the application of the regulations on labour law and employment, and these regulations are deemed equitable and in no way discriminatory.</p>
Paraguay	<ul style="list-style-type: none"> <li>• The Ministry for Women has a Child Welfare Centre to care for the sons and daughters of male and female civil servants who have signed the corresponding agreement.</li> </ul>
Puerto Rico	<ul style="list-style-type: none"> <li>• The possibility of incorporating housewives into the social security system is under study.</li> </ul>
Uruguay	<ul style="list-style-type: none"> <li>• There are no policies, programmes or legal provisions for combining paid work with domestic work. However, Law 16104 of 1990 allows civil servants who have had children to request three days' leave.</li> </ul>

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**Source:** Laura Pautassi, "Legislación provisional y equidad de género en América Latina", *Mujer y desarrollo series*, No. 42 (LC/L.1803-P/E), Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), noviembre, 2002. United Nations Publication, Sales No.S.02.II.G.116.; María Nieves Rico and Flavia Marco (2004) "Políticas y programas laborales para las mujeres en América Latina y el Caribe" [on line] Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC) (<http://www.eclac.cl/mujer/proyectos/gtz/>).

<sup>a</sup> Published in the official journal, *Diario Oficial*, of 9 November 1998.

<sup>b</sup> The obligation to provide a crèche now applies not to establishments with 20 women workers or more, but to the company as a whole, meaning that the number of women workers in a company's various shops or premises needs to total only 20 for them to be entitled to this benefit.

<sup>c</sup> Published in the *Diario Oficial* of 25 July 1997.











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