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I ndicators for monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

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SIXTY YEARS WITH LATIN AMERICA AND THE CARIBBEAN

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Abstract

This report proposes a series of gender indicators as instruments to support Member States of the United Nations in monitoring the Convention on the Elimination of All Forms of Discrimination against Women, by virtue of which all Latin American and Caribbean countries, among others, have agreed to guarantee the exercise of the rights established by the Convention, and to adopt all necessary measures to ensure the exercise of those rights. The purpose of these indicators is to highlight the scale and intensity of the different forms of gender inequity within a framework that facilitates international comparability and permits analysis of developments in gender relations over time.

This proposal is linked to the gender indicators prepared by the Economic Commission for Latin America and the Caribbean (ECLAC) in the framework of the Millennium Development Goals, allowing monitoring indicators for the Goals to be used as a basis for specific follow-up of countries' progress in implementing the Convention, while also enriching gender analysis of the Goals and strengthening links with the commitments entered into by Member States pursuant to other international instruments. The document also contributes to the efficient use of information, providing a common set of indicators to monitor both commitments and prevent duplication of work in the measurement and processing of statistical data.

Introduction

On 18 December 1979, the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which embodies in a single international legal instrument all the provisions regarding discrimination against women enshrined in earlier human rights instruments. The Convention comprises a preamble and 30 articles that define discrimination and establish an agenda for action to eradicate it.

The Convention 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...”. This concept is fundamental, in that it prohibits any act intended to discriminate, as well as all those which result in discrimination without so intending. The Convention promotes an approach that moves beyond formal equality and embraces real or substantive equality of access to opportunities.

As it is an international legal instrument, those States acceding to the Convention undertake to guarantee the exercise of the rights set forth therein and to adopt all necessary measures to ensure that such rights are enjoyed. States parties are also required to report to the Secretary General of the United Nations, detailing legislative, legal, administrative or other measures they have adopted to implement it, within one year of the entry into force of the Convention and then at least every four years or when so requested by the Committee on the Elimination of Discrimination against Women. These reports provide an important opportunity for States to assess the implementation of the Convention at country level.

The aim of the proposed indicators is to provide an instrument that assists States parties in following up the Convention, determining the state of women's civil, political, social, economic and cultural rights. The use of gender indicators to monitor the Convention will serve to highlight the scale and intensity of the different forms of gender inequity, facilitate international comparability and analyse how gender relations develop over time. This fact was recognized by the Committee in 1989, when it stated in its General Recommendation No. 9 that "...statistical information is absolutely necessary in order to understand the real situation of women in each of the States parties to the Convention".

The United Nations Millennium Declaration is a pioneering international instrument in the use of quantifiable targets and indicators to measure the progress made by countries. It recognizes gender equality and the empowerment of women as specific goals and as means of achieving the third Goal of the Millennium Development Goals: "Promote gender equality and empower women". However, from a gender perspective the indicators used to monitor this goal are considered insufficient, given that they do not take into account essential aspects of women's equality and autonomy such as sexual and reproductive rights, gender-based violence or the gender division of labour, which are also cross-cutting with the other Goals. In this regard, the Economic Commission for Latin America and the Caribbean (ECLAC) has made an effort to mainstream the gender perspective of the Goals through a conceptual framework and additional and complementary indicators that provide increased visibility to the cross-cutting nature of gender relations. This analysis has identified the synergies and limitations between Goals, as well as helping to highlight pockets of deeply ingrained discrimination. An example of the latter can be found in a number of the region's countries in the area of education, for although indicators show that school attendance among girls has significantly increased over the last few years, even reaching parity with boys, it is clear that such increased levels of equality have yet to permeate the labour market, where gender gaps in wages persist or have even widened between men and women with a higher level of education.

The proposal outlined below presents indicators grouped in areas of concern that have also been recognized by other international summits, such as the Fourth World Conference on Women (Beijing, 1995) and the Millennium Summit of the United Nations (New York, 2000). A parallel may be drawn between these gender indicators and those developed by ECLAC in the framework of the Millennium Development Goals and, on this basis, it should be possible to determine to what extent the same set of indicators can help to monitor both international commitments. This will contribute to more efficient use of information, since the use of a common set of indicators will avoid excessive calculation. It will also be easier to present such indicators, given that each article of the Convention can be used to monitor discrimination in different areas of women's lives.

This document begins with an inductive analysis that proposes using available comparable and regular information as an instrument for monitoring the Convention and for the presentation of national reports to the Committee on the Elimination of Discrimination against Women. Whenever possible, information should be disaggregated by place of residence, ethnicity and socio-economic level. In most areas of concern, there is a gap between what should be measured and what can effectively be measured with the information currently available, which is why a section is included that reviews other important indicators which are useful for monitoring the Convention, but for which the comparable and regular information needed is not yet available.

Rather than a comprehensive proposal, this document describes a minimum level at which indicators should be placed in context and complemented with relevant qualitative information, providing a more comprehensive overview of women's rights in the region. Indicators are derived from the text of the Convention, the Committee's General Recommendations and its final observations on the reports of States parties from Latin America and the Caribbean.

I. Linkages between the Convention on the Elimination of All Forms of Discrimination against Women and the Millennium Development Goals

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is seen as an international charter of women's human rights, is one of the most important legal instruments for combating discrimination in the different areas of women's lives. Two cornerstones of the Convention are gender equality and non-discrimination, the fundamental aim being the elimination of all forms of discrimination against women in order to attain gender equality in all areas of life.¹

The Millennium Declaration is one of the most important international agreements of recent years, recognizing equality as a core value and stating that “the equal rights and opportunities of women and men must be assured.” In the same text States agree “to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable” as well as “To combat all forms of violence against women and to implement the Convention on the Elimination of

¹ Alda Facio, “La carta magna de todas las mujeres”, [online] www.redtrsex.org.ar/documentos/docs-nuevos/facio_carta_magna_notas_amg.pdf

All Forms of Discrimination against Women.” This underlines how the Declaration recognizes that, in addition to being an end in itself, gender equality is an instrument for attaining the other objectives proposed.

Accordingly, international organizations drew up a set of quantifiable goals and targets, along with indicators to determine the progress of countries to meet the aims of the Declaration. Against this background, the third Millennium Development Goal was drafted to "promote gender equality and empower women." This goal includes a target for the eradication of gender inequality in school attendance, with two indicators to measure progress towards that target. Indicators are also established to measure the situation of women in non-agricultural work, and the proportion of women holding seats in national parliaments. Gender equality, however, cannot be seen as an isolated objective, but should instead be mainstreamed into all other objectives. The proposed indicators for the third Goal are in fact inadequate, failing to take into account essential aspects of women's equality and empowerment.

The Economic Commission for Latin America and the Caribbean (ECLAC) has therefore prepared a conceptual and methodological proposal to identify complementary and additional indicators that provide data on issues not covered by the Goals but which are recognized by the Convention and the Beijing Platform for Action. This methodology has revealed the nexus between equality and the attainment of the Goals, and could serve as a basis for developing specific measures to monitor the progress of countries in the region in implementing the Convention.² These indicators will also enrich the gender analysis of the Millennium Development Goals and strengthen linkages with the provisions of other international instruments. Box 1 shows how gender equality affects the attainment of the Goals, while table 1 summarizes indicators that can be used to monitor both the Millennium Development Goals and the Convention on the Elimination of All Forms of Discrimination against Women.³

² The purpose of the complementary indicators is to enhance the measurement of gender equality for each of the Millennium Development Goals, with additional indicators to measure specific aspects when official indicators are unavailable despite the importance of those aspects for attaining gender equality.

³ The proposal shown in table 1 for monitoring the Convention includes only those indicators for whose calculation comparable and regular information is available.

BOX 1
RELATIONSHIP BETWEEN GENDER EQUALITY AND ATTAINING THE
MILLENNIUM DEVELOPMENT GOALS

First Millennium Development Goal: Eradicate extreme poverty and hunger

United Nations (2005) shows that without women's monetary contributions, total poverty figures would have been over 10 percentage points higher in eight of the region's countries. Moreover, if women were not subjected to wage discrimination and had equal opportunities in access to paid employment, the income they would contribute to their households would help bring about a drastic reduction in poverty levels in the region.

Second Millennium Development Goal: Achieve universal primary education

Girls who attain better levels of education can more easily find quality jobs as adults. Moreover, mothers with more education have children who are healthier, better nourished and more likely to attend school. In addition, educated women have lower levels of fertility than less educated women. Education of girls, therefore, has a multiplier effect on the well-being of society as a whole.

Third Millennium Development Goal: Promote gender equality and empower women

Gender equality goes beyond equality in education. For example, it is impossible to achieve gender equality unless the quality of women's jobs and the pay they receive are similar to those of men. A significant factor in the empowerment of women is access to reproductive health services to allow them to fully exercise their sexual and reproductive rights. Lastly, violence suffered by women in their relationships with men is an extreme manifestation of the inequality of power between men and women. Therefore, unless such violence is eliminated, women will not be empowered, nor will there be gender equality.

Fourth and fifth Millennium Development Goals: Reduce child mortality and improve maternal health

The mother's education, income level and knowledge of and access to family planning methods have a significant impact on infant mortality and maternal health. It should be remembered, however, that healthy maternity requires comprehensive care of women throughout their life cycles.

Sixth Millennium Development Goal: Combat HIV/AIDS, malaria and other diseases

Women's education, economic self-sufficiency and knowledge of and access to measures of protection are fundamental factors enabling women to negotiate safer sexual relations, which will help limit the spread of HIV/AIDS.

Source: Daniela Zapata (2007), "Transversalizando la perspectiva de género en los objetivos de desarrollo del Milenio", *Estudios Estadísticos y Prospectivos series*.

TABLE 1
SUMMARY OF INDICATORS FOR THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN AND THE MILLENNIUM DEVELOPMENT GOALS^a

POVERTY AS A HUMAN RIGHTS VIOLATION

Convention on the Elimination of All Forms of Discrimination against Women: Article 3	MILLENNIUM DEVELOPMENT GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER	
Indicators	Indicators	Complementary indicators
1 Population without own income (by sex and age)	1 Proportion of population with income below 1 dollar per day	1C Population without own income (by sex and age)
2 Poverty gap ratio by sex of head of household	2 Poverty gap ratio (incidence multiplied by degree of poverty)	2C Poverty gap ratio by sex of head of household
3 Individual income distribution in quintiles by sex, population aged 15 years and over	3 Proportion of national consumption corresponding to the lowest quintile of the population	3C Individual income distribution in quintiles by sex, population aged 15 years and over

TABLE 1 (CONTINUED)

Convention on the Elimination of All Forms of Discrimination against Women: Article 3	MILLENNIUM DEVELOPMENT GOAL 1: ERADICATE EXTREME POVERTY AND HUNGER	
Indicators	Indicators	Complementary indicators
		Additional indicators
4 Índice de feminidad de la pobreza		1A1 Índice de feminidad de la pobreza
5 Proportion of poor female-headed households		1A2 Proportion of poor female-headed households

^a Complementary (C) and Additional (A) Millennium indicators correspond to Millennium Development Goal 3 unless otherwise indicated

THE RIGHT TO EDUCATION

Convention on the Elimination of All Forms of Discrimination against Women: Article 10	MILLENNIUM DEVELOPMENT GOAL 2: ACHIEVE UNIVERSAL PRIMARY EDUCATION		MILLENNIUM DEVELOPMENT GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN	
Indicators	Indicators	Complementary/ additional indicators	Indicators	Complementary/ additional indicators
1 Net enrolment ratio in pre-school, primary, secondary and tertiary education (Millennium Development Goals) by sex	6 Net enrolment rate in primary education		9 Ratio of females to males in primary, secondary and tertiary education	
	7 Percentage of pupils starting grade 1 who reach last grade of primary			
2 Literacy rate of men and women aged 15 years and over (Millennium Development Goals)	8 Literacy rate of 15- to 24-year-olds	8C Illiteracy rate of the population aged 15 years and over, by sex	10 Ratio of literate women to men aged 15 to 24 years	10C Ratio of literate women to men aged 15 years and over

C: Complementary indicator; A: Additional indicator.

THE RIGHT TO PARTICIPATION IN THE POLITICAL AND DECISION-MAKING PROCESS

Convention on the Elimination of All Forms of Discrimination against Women: Articles 7 and 8		MILLENNIUM DEVELOPMENT GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN			
Indicators		Indicators	Complementary/Additional Indicators		
1	Proportion of seats held by women in national parliament	12	Proportion of seats held by women in national parliament	12C	Indicator on whether a country has a quota law at parliamentary level

C: Complementary indicator; A: Additional indicator.

THE RIGHT TO HAVE ACCESS TO THE SAME EMPLOYMENT OPPORTUNITIES AS MEN

Convention on the Elimination of All Forms of Discrimination against Women: Article 11		MILLENNIUM DEVELOPMENT GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN			
Indicators		Indicators	Complementary/Additional Indicators		
1	Rate of female and male unemployment in population aged 15 and over	11	Share of women in waged employment in the non-agricultural sector	3A1	Rate of female and male unemployment in population aged 15 and over
2	Share of women and men employed in low-productivity sectors			11C	Share of women and men employed in low-productivity sectors
3	Wage income of women as a proportion of men's			3A2	Wage income of women as a proportion of men's
4	Rate of male and female participation in domestic tasks			3A3	Rate of male and female participation in domestic tasks
5	Total number of hours spent on domestic work and paid work			3A4	Average number of hours spent daily on household tasks, by gender and by length of working day

C: Complementary indicator; A: Additional indicator.

THE RIGHT TO NON-DISCRIMINATION IN ACCESS TO HEALTH CARE

Convention on the Elimination of All Forms of Discrimination against Women: Article 12	MILLENNIUM DEVELOPMENT GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN	
Result Indicators	Indicators	Complementary/Additional Indicators
1 Fertility rate		3A5 Fertility rate
2 Unmet demand for family planning		3A6 Unmet demand for family planning
3 Percentage of unwanted fertility		3A7 Percentage of unwanted fertility
4 Ratio of the female HIV morbidity rate to the male morbidity rate	HIV/AIDS prevalence among people of 15 to 49 (GOAL 6)	
5 Adolescent fertility rate		
6 Maternal mortality rate (Millennium Development Goals)	Maternal mortality rate (GOAL 5)	
7 Percentage of births attended by skilled personnel	Percentage of births attended by skilled personnel (GOAL 5)	
8 Maternal mortality rate	Maternal mortality rate (GOAL 5)	
9 Percentage of condom use in high-risk sex, by gender	Percentage of condom use in high-risk sex, by gender (GOAL 7)	
10 Percentage of 15- to 24-year-olds with comprehensive and correct knowledge of HIV/AIDS, by sex	Percentage of 15- to 24-year-olds with comprehensive and correct knowledge of HIV/AIDS, by sex (GOAL 7)	

C: Complementary indicator; **A:** Additional indicator.

THE RIGHT TO LIVE FREE FROM VIOLENCE

Convention on the Elimination of All Forms of Discrimination against Women: Articles 2, 5, 11, 12 and 16	MILLENNIUM DEVELOPMENT GOAL 3: PROMOTE GENDER EQUALITY AND EMPOWER WOMEN	
Result Indicators	Indicators	Complementary/Additional Indicators
Percentage of women who have suffered physical, sexual or psychological violence in a relationship		3A7 Percentage of women who are currently or were formerly engaged in a relationship and have suffered from physical, sexual or psychological violence by a partner

C: Complementary indicator; **A:** Additional indicator.

II. Proposal on indicators to monitor implementation of the Convention on the Elimination of All Forms of Discrimination against Women

Articles 2 and 3 of the Convention on the Elimination of All Forms of Discrimination against Women stipulate that States should adopt the necessary measures to eliminate acts of discrimination, and the Convention lays the foundations for achieving equality between men and women in political and public life (articles 7 and 8), education (article 10), employment (article 11), health care (article 12) and in other areas of economic and social life (article 13); specific reference is also made to the problems faced by rural women (article 14). Furthermore, the General Recommendations of the Committee on the Elimination of Discrimination against Women⁴ emphasize that violence against women is a human rights violation and completely contrary to the Convention. Using this as a frame of reference, the indicators presented below are classified according to the following areas of concern: A. Institutional machineries for the advancement of women, B. Poverty, C. Education, D. Employment, E. Political participation, F. Health care, G. Violence, and H. Rural women.⁵

⁴ General Recommendations of the Committee No. 12 (1989) and No. 19 (1991).

⁵ The Convention also affirms women's rights in civil matters, recognizing the right to conclude contracts and administer property (article 15), as well as the right to acquire, change or retain their nationality and that of their children (article 9). No indicators were proposed for these articles given that no regular and comparable information is currently available.

Indicators are also included for each of the areas of concern to monitor the actions of States parties in enforcing women's rights through public policies, laws or programmes. Such indicators generally take the form of yes or no answers to questions; where more detailed answers are required, responses are graded on a scale of preference from the most to the least preferable. For example, if information is required on "internal recognition of the principle of non-discrimination on the grounds of sex," the non-discrimination principle may be understood as being: (i) recognized by the country's constitution; (ii) recognized by laws or other types of regulations created by the executive branch; (iii) not recognized by any internal instrument in the country. If the principle of non-discrimination is enshrined in the constitution, its recognition is viewed as stable, with a high legal standing that can not be modified by law or decree. On the other hand, the recognition of the principle of non-discrimination in national laws, while positive, is not considered to be as favourable as recognition in the constitution, given the higher legal standing of the latter. The least preferred alternative is where this right is not recognized by any internal law. This is one example of answers to a multiple choice question in the form of more than a simple yes or no answer, and with answers graded on a scale of preference.

A. Institutional machineries for the advancement of women

1. Development of the proposed indicators

The first of the indicators proposed in this section deals with ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the adoption of its Optional Protocol, which introduces the individual communications procedure, through which individuals or groups may present complaints to the Committee regarding violations of the rights embodied in the Convention. The Committee subsequently issues its recommendations, and the State concerned has six months to submit a written explanation detailing the measures taken in response. Procedures established within the Protocol are binding only for States parties that have ratified the Protocol. Ratification of this legal instrument is important as it makes the Committee an effective enforcement mechanism.

An important point concerning the application of the Convention is the degree to which machineries for women's advancement are incorporated at the institutional level. All the Latin American and Caribbean countries now have machineries for the advancement of women. However, the status of such machineries reveals the level of endorsement of equity policies as a political goal in each of the countries (Guzman, 2006), and the problems such machineries might face will have a direct impact on their ability to promote women's rights (Montaño, 2006). This is why an indicator was included that reflects the status of these machineries in the institutional hierarchy, because one of their main challenges is the difficulty involved in accessing key decision-making areas.

An indicator is also included regarding the legal standing of equal opportunities plans. If such plans are enshrined in law, a certain degree of continuity is guaranteed, and it can be expected that the political will exists to provide the necessary funding for their implementation.⁶ Indicators have also been included in this section regarding the internal recognition of the principle of equality and non-discrimination established by the Convention and the actions of States to instruct judges, prosecutors and police in the implementation of the Convention.

⁶ See Montaño (2006).

States parties to the Convention on the Elimination of All Forms of Discrimination against Women agree to:

Article 2(a): Embody the principle of the equality of men and women in their national constitutions or other appropriate legislation.

Article 2(b): Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

Article 2(c): Establish legal protection of the rights of women on an equal basis with those of men.

Article 2(d): Refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.

INDICATORS: INSTITUTIONAL MACHINERIES FOR THE ADVANCEMENT OF WOMEN**1 The country has ratified the Convention and its Optional Protocol:**

- 1 Yes
- 0 No

2 Since acceding to the Convention the State has fulfilled its commitment to present regular and timely reports:

- 1 Yes
- 0 No

3 Legal standing of the principle of equality in the enjoyment of fundamental rights:

- 2 Equality between men and women is recognized by the Constitution
- 1 Equality between men and women is recognized by national laws
- 0 Equality between men and women is not recognized by national law

4 Legal status of the principle of non-discrimination based on gender:

- 2 The principle of non-discrimination is recognized by the Constitution
- 1 The principle of non-discrimination is recognized by national laws
- 0 The principle of non-discrimination is not recognized by national law

5. Institutional status of machineries for the advancement of women:

- 3 The mechanism has ministerial status
- 2 The head of the mechanism has ministerial status but cannot initiate legislation
- 1 The mechanism has the status of a presidential secretariat, institute or autonomous council but does not have Cabinet status
- 0 Other cases where the mechanism for women's advancement does not have legislative or executive authority

6. Gender equality plans proposed by machineries for the advancement of women are State policies approved by:

- 2 Law
- 1 Decree
- 0 Other

7. The country has a national training programme for the application of the Convention, targeting judges, police and lawyers:

- 1 Yes
- 0 No

8. Courts of law apply or refer to the Convention in judicial processes either directly or because it is incorporated in domestic legislation:

- 1 Yes
- 0 No

2. Other important indicators

Indicators useful for identifying the strengths of machineries for the advancement of women and the measurement of awareness of the Convention within a country include the percentage of judges, prosecutors and members of the police force that have been trained in the application of the Convention and the percentage of ministries or the equivalent that have active agreements with existing mechanisms for the advancement of women. It is also important to have information

regarding women's access to justice and the conditions of such access: access free of cost, cases of women who seek justice but are badly treated when they do so, percentage of women who have been tried but are still detained pending sentencing. More detailed analysis is also needed regarding jurisprudence and the incorporation of the Convention in the legislation of each of the countries concerned.

B. Poverty as a human rights violation

1. Development of proposed indicators

ECLAC has defined poverty as a multidimensional phenomenon in which people are deprived of economic resources and opportunities owing to collective as well as individual factors (ECLAC, 2003). The Human Rights Committee has stated that extreme poverty is a violation of human dignity and hinders the full and effective exercise of human rights. The lack of financial independence, the excessive burden of unpaid domestic work, unequal opportunities in the labour market and gender violence are some of the factors that result in women being more seriously affected by poverty (Women and Development Unit, 2004).

Article 3 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stipulates that States parties must take all necessary measures to "ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights". This section suggests indicators to reflect how women are affected by poverty. Although the information available for measuring poverty does not show the contribution of women in terms of domestic work and caring for other family members, the way resources are distributed in the household or the poverty of time affecting women, these indicators do point to whether: (i) women have the same level of financial independence as men; (ii) households headed by women are more vulnerable to poverty; and (iii) a greater proportion of women than men are affected by poverty.⁷

The first suggested indicator is the percentage of men and women who do not have an income of their own, so as to identify women's levels of financial independence in relation to men. This is related to the fact that women bear the main responsibility for unpaid domestic work. Whether people have their own incomes is a key issue in combating poverty, and this has been recognized by the Committee on the Elimination of Discrimination against Women, whose General Recommendations urge States to strengthen and support the economic role of women (hence the inclusion of this indicator).⁸ The sex distribution of individual income quintiles is examined to reflect levels of income inequality between men and women. The femininity index of the poor shows whether there are more poor women than poor men, which would imply that there are factors making women more vulnerable to poverty.

The poverty gap ratio, calculated according to the sex of the head of household, will reveal whether households headed by women are more severely affected by poverty than male-headed households. In most of the region's countries, the per capita income of female-headed households is lower than those headed by men, especially given that the former are mainly one-parent families, often with the female head as the only breadwinner. The same factors also mean that female-headed households are overrepresented among poor households, and this is reflected in the proportion of female-headed households living in poverty. These areas of concern have often been highlighted by

⁷ For a more detailed analysis of gender bias in poverty measurements, see Milosavljevic, Vivian (2005), "Análisis de la medición de la pobreza desde la perspectiva de género", [online] <http://www.un.org/womenwatch/daw/Review/documents/panel-4/Milosavl.pdf>.

⁸ ECLAC, Office of the High Commissioner for Human Rights (OHCHR), Committee on the Elimination of Discrimination against Women (2005) "Compilación de observaciones finales del Comité para la Eliminación de la Discriminación contra la Mujer sobre países de América Latina y el Caribe (1982-2005)", Santiago, Chile.

the Committee in its Concluding Comments to the delegations of the region's countries, which often call for poverty reduction programmes to pay particular attention to female heads of household.

The Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties undertake to:

Art. 3: Take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Art. 13: Take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights.

INDICATORS: POVERTY AS A HUMAN RIGHTS VIOLATION

- 1 People without incomes of their own, by sex and age brackets
- 2 Distribution by sex of individual income quintiles, population aged 15 and above
- 3 Femininity index of the poor
- 4 Poverty gap ratio by sex of head of household
- 5 Proportion of female-headed households living in poverty
- 6 Programmes to reduce or combat the effects of poverty include affirmative action measures or quotas for women:
 - 1 Yes
 - 0 No

C. Right to the same employment opportunities as men

1. Development of proposed indicators

Article 11 of the Convention establishes women's right to have access to the same opportunities as men in the field of employment. For most women, however, productive and reproductive work are closely linked, and this has an impact on the time available for seeking work, affects their patterns of employment status and overburdens them as a result of the combined time spent on productive and reproductive work.⁹ Under article 5 of the Convention, States have the responsibility to take all appropriate measures to modify social and cultural patterns that are based on stereotyped roles for men and women.

The indicators chosen to measure the degree to which this right is enforced seek to reflect: (i) any measures that the State is implementing to ensure that women can participate equally in productive work, and whether reproductive work is recognized, valued and protected; (ii) whether women have the same opportunities as men when they participate in productive work; and (iii) whether men and women participate equally in the sphere of reproductive work.

The indicators presented below include the unemployment rate, the wage gap and occupational segregation, which reflect the conditions in which women participate in the labour market. The literature shows that there remains a wage gap between men and women, and that it

⁹ For instance, Milosavljevic and Tacla (2007) found that if the time women spend on productive work is added to that spent on reproductive work, the total workload of women is higher than that of men in all of the region's countries for which information is available.

may even be wider for women with higher levels of education (United Nations, 2005).¹⁰ In many of the region's countries, a higher proportion of women find work in the informal or low-productivity sector. This indicator measures the percentage of people working in jobs that are precarious, whether from the wages, contract duration or social security viewpoint. What is more, in many countries women are performing unpaid work. This is a matter of concern to the Committee, which calls on States parties to "collect statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include these data in their report to the Committee."¹¹

The fact that women bear the main responsibility for domestic tasks has a direct effect on their performance in the labour market, and reflects their lack of equal opportunities. This lack of opportunities also affects women in old age, as their retirement pensions are much lower than those of men despite the fact that women live longer and work harder. However, as domestic work is neither considered nor valued, much of women's work remains invisible.

Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties undertake to:

Art. 5: Take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Art. 11.1: Ensure the right to work as an inalienable right, the right to the same employment opportunities, the right to free choice of profession and employment, job security and all benefits and conditions of service; the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, the right to social security; and the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

Art. 11.2.a: Prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

Art. 11.2.b: Introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

Art. 11.2.c: Encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities.

INDICATORS: THE RIGHT TO EQUAL EMPLOYMENT OPPORTUNITIES

1 The country has ratified the Conventions of the International Labour Organization (ILO) on maternity protection (Conventions No.3 and No.103), promoting equal pay (Convention No.100), protecting workers from discrimination (Convention No. 111) and promoting equal opportunities for workers with family responsibilities (Convention No.156).¹²

1 Yes
0 No

2 The country has a legal rule governing paid domestic work in the light of labour rights. In other words, legislation for paid male and female domestic workers includes conditions on the working day, pay and access to the social security system similar to those of other waged workers.

1 Yes
0 No

¹⁰ General Recommendation No. 13 of 1989 states that countries should ratify Convention No.100 of the International Labour Organization (ILO) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

¹¹ General Recommendation No. 16, tenth session, 1991, "Unpaid women workers in rural and urban family enterprises".

¹² Ratification of these Conventions should be measured separately.

3 The value of unpaid domestic work is recognized by the Constitution or other legal rule of the country, and women who (at present or in the past) dedicate themselves to such work as their main activity have the right to receive benefits such as a retirement pension.

- 1 Yes
0 No

4 The country has rules that guarantee the right of pregnant women to work and receive maternity benefits.

- 1 Yes
0 No

5 Legislation guarantees the provision of childcare by the State or the employer.^a

- 1 Yes
0 No

6 The country has legislation that enables fathers to take post-natal leave.

- 1 Yes
0 No

7 The country has laws of affirmative action to promote the participation of women in the governing boards of companies.

- 1 Yes
0 No

8 Female and male unemployment rate of the population aged 15 and above.

9 Percentage of female and male population employed in low-productivity sectors.

10 Ratio of wage income of women as a proportion of men's.

11 Participation rate of men and women in household domestic activities.

12 Total number of hours spent on domestic work and productive work.

^a Indicator taken from UNDP Pacific Centre, UNIFEM: "Translating CEDAW into Law: CEDAW Legislative Compliance Indicators", 2007.

2. Other important indicators

Women are also overrepresented in part-time work and the maquila sector, hence the importance of having information on the rights of the women working in these conditions. It is also vital to have indicators of the degree of occupational segregation (both horizontal and vertical) between women and men. In addition, it is essential to discover the percentage of girls who carry out paid and unpaid domestic work.

D. Right to education

1. Development of proposed indicators

An analysis of article 10 of the Convention revealed the following main points of women's right to education: (i) access to education without discrimination; (ii) equal access to training for men and women; (iii) elimination of feminine and masculine stereotypes in education; and (iv) equal opportunities for adult women to access programmes of continuing education, including literacy programmes.

The information available and the main points above were analysed, and the following indicators were identified to measure the factors in question:

- Enrolment rates in primary, secondary and higher education, by sex.
- Literacy rates of women and men over the age of 15.

The purpose of the first indicator is to show the access that women have to education, considered as a comprehensive system running from primary to higher education, including enrolment rates throughout various educational cycles. This indicator is directly linked to the retention capacity of the education system and the burden of (domestic and non-domestic work) that is borne by school-age girls. According to ECLAC, drop-out rates among young men aged 15 to 19 are high, as many begin to work full time despite the fact that most of them should continue their studies. Another important point related to this indicator is mentioned in the General Recommendations of the Committee, which indicates its concern at the way in which some of the region's teaching establishments expel pregnant adolescents, which shows the need for legal rules to protect women from such discriminatory policies. As for the second indicator, the problem of illiteracy is a major one in the region, as although illiteracy rates have dropped in recent years, women still have higher levels than men, which makes it vital for literacy policies to also target adult women.¹³

Exercising the right to education is linked to obtaining other rights. For instance, the gender wage gap is directly linked to occupational segregation within the labour market. If the educational system is full of gender stereotypes, men and women will choose professions accordingly, helping to maintain labour-market segregation and wage gaps.

The Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties undertake to:

Art. 10 a: Ensure the same conditions for career and vocational guidance.

Art. 10 b: Ensure access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

Art. 10 c: The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education.

Art. 10 d: The same opportunities to benefit from scholarships and other study grants.

Art. 10 e: The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes.

Art. 10 f: The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

Art. 10 g: The same opportunities to participate actively in sports and physical education.

INDICATORS: RIGHT TO EDUCATION

1 The country has a national policy to eliminate gender stereotypes in education:

- 1 Yes
- 0 No

2 The country has measures of affirmative action to promote the participation of women in careers to which they have no or limited access:

- 1 Yes
- 0 No

3 The country has legal rules that forbid educational establishments from discriminating against pregnant adolescents:

- 1 Yes
- 0 No

4 Enrolment rates in primary, secondary and higher education, by sex.

5 Literacy rates of women and men aged 15 and above.

¹³ An analysis of this indicator with the information disaggregated by age groups shows that illiteracy rates have declined much more quickly in the younger age groups, which shows the need to make further efforts to educate women aged over 24.

2. Other important indicators

Equal access to training and the elimination of gender stereotypes should result in a similar percentage of women and men in scientific or professional careers. This aspect of educational systems may be reflected in the following indicator: percentage of women out of total people enrolled, by area of concentration of study and type of teaching (professional and technical). It is also vital to find out the number of adolescent girls who have been expelled from school for being pregnant, as this problem has been observed in several of the region's countries.

E. Right to participate in the political life of the country

1. Development of proposed indicators

The Convention attaches particular importance to the participation of women in public life and decision-making in their country, requiring States to take all necessary measures to guarantee, in conditions of equality, the participation of women in democratic election processes both as voters and candidates for election or appointment, at the national and international levels. Although the Convention states the importance of eliminating legal barriers to the participation of women, it is also vital to have special temporary measures to promote equality in the political sphere. Article 4 of the Convention calls upon States to introduce affirmative action in order to promote de facto equality between men and women. General Recommendation No. 23 of the Committee states that States parties must adjust the principles of their Constitutions and legislation to articles 7 and 8 of the Convention.¹⁴

However, as yet there is no periodic and systematic record of the political participation of women at the various levels of decision-making in each country. At present, the only source of comparable and periodic information is the Inter-Parliamentary Union (IPU), which provides data on the percentage of seats occupied by women in the national parliament in recent years.

The Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties undertake to ensure to women:

Art. 7a: On equal terms with men, the right to vote in all elections and to be eligible for election to all publicly elected bodies.

Art. 7b: The right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

Art. 7c: The right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Art. 8: On equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

And to ensure (**Art. 4**) that adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the Convention

¹⁴ General Recommendation No. 23, sixteenth session, 1997.

INDICATORS: RIGHT TO PARTICIPATE IN THE POLITICAL LIFE OF THE COUNTRY

- 1 The country has constitutional provisions that support the political participation of women:**
 - 1 Yes
 - 0 No
- 2 The country has temporary special measures aimed at promoting the political participation of women:**
 - 2 Yes, the country has measures to ensure the participation of women in various spheres of political power: the executive, legislature, judiciary, local government, political parties and the international diplomatic corps.
 - 1 Yes, the country has measures to ensure the participation of women in only one branch: the executive, legislature or the judiciary.
 - 0 No.
- 3 Number of complaints submitted to the Inter-American Court of Human Rights or electoral tribunals owing to non-compliance with the law on quotas.**
- 4 The country has public financing to fund candidacies.**
- 5 Proportion of women in the national parliament.**

2. Other important indicators

Indicators should be based on the articles of the Convention and the Recommendations of the Committee, and should reflect the level of participation of women at each stage of election processes, as well as their share of democratically elected posts and appointed positions. Indicators identified as important but for which information is not yet available include the following: proportion of voting-age women on the electoral register; proportion of women on the electoral register who voted in the last election; proportion of women on the lists of political parties; proportion of female parliamentary candidates; proportion of ministries or other government departments headed by women; proportion of women in the supreme court or in senior judiciary posts; proportion of women in management roles at local government level (mayors, councillors, chairpersons of municipal councils, prefects and governors); and the proportion of women in the diplomatic corps. In some countries, women who obtain political posts are harassed to force them to resign, which is why States are seeking to introduce laws to protect women from political harassment. It is also vital to have indicators and qualitative information on the scale of the problem of undocumented women, as having the appropriate legal papers is key to exercising civil and political rights.

F. Right to non-discriminatory health care

1. Development of proposed indicators

Article 12 of the Convention establishes the right to non-discriminatory health care as a basic right. The Committee's General Recommendation No. 24 goes further, stipulating that access to sexual and reproductive health is a fundamental aspect of women's right to health.¹⁵ The indicators proposed in this section use the Convention and the General Recommendation as references, and are based around sexual and reproductive rights. This is because decisions about whether to have children, how many and when are fundamental in any person's life but particularly for women, as they bear the biological burden of reproduction. In this sense, access to safe, effective and affordable family-planning methods is an essential part of their rights. General Recommendation No. 15 refers to the need for "avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)", hence the inclusion of indicators relating to this point.

¹⁵ This issue is also mentioned in article 14 of the Convention, which is about rural women. However, it is also stated that all indicators should be calculated and analysed taking into account both urban and rural areas.

The Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties undertake to:

Art. 12: Ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Art. 16e: Ensure the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

Art. 10h: Ensure access to specific educational information to help to ensure the health and well-being of families.

Art. 2g: Repeal all national penal provisions which constitute discrimination against women.

INDICATORS: RIGHT TO NON-DISCRIMINATORY HEALTH CARE

1 The country has a national policy or programme to promote and protect women's sexual health and reproductive rights:

- 1 Yes
- 0 No

2 The country has legislation that protects sexual and reproductive rights:

- 1 Yes
- 0 No

3 The national education policy states that secondary schools must provide lessons on sexual and reproductive health:

- 1 Yes
- 0 No

4 The State provides adolescents with access to sexual planning without parental authorization:

- 1 Yes
- 0 No

5 The law allows free emergency contraception:

- 1 Yes
- 0 No

6 The law allows abortion for health reasons or if the pregnancy endangers the woman's life:

- 1 Yes
- 0 No

7 The law allows abortion or emergency contraception in the event of rape:

- 1 Yes
- 0 No

8 The law on the decriminalization of abortion has an implementation protocol:

- 1 Yes
- 0 No

[Only for countries that have laws decriminalizing abortion]

9 Fertility rate, by age.

10 Unmet demand for family-planning methods.

11 Percentage of unplanned fertility.^a

12 Percentage of births with the assistance of specialized health workers.

13 Maternal mortality rate.

^a A birth is considered planned if the number of surviving children at the time of pregnancy is lower than the ideal number of children (as reported by the woman interviewed). The counterpart to planned births is unplanned births.

2. Other important indicators

Information on the incidence of poorly performed abortions as a percentage of total maternal deaths is vital for protecting women's health. Indicators of vulnerability to and incidence of HIV/AIDS among women include: percentage of condom use in high-risk relations, by sex; percentage of men and women with broad and correct knowledge of HIV/AIDS; and incidence of HIV/AIDS, by sex. It is also important to determine mortality rates due to diseases that affect only women, such as breast cancer and cancer of the uterus.

G. Right to a life free of violence

1. Development of proposed indicators

General Recommendations No. 12 and No. 19 of the Committee emphasize the link between violence against women and discrimination as the maximum expression of the unequal power relations between men and women, as well as a human rights violation. The Latin American and Caribbean region is unique in that it has a specific Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (also known as the Convention of Belém do Pará), which defines gender violence as “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere”.

By acceding to the CEDAW Convention, States parties are obliged to introduce all necessary measures to eliminate violence against women. These range from modifications to any legal frameworks that fail to punish the perpetrators of violence to actions aimed at changing cultural patterns that allow women to be victims of violence, and also include setting up services for female victims. The indicators in this section are limited by the availability of comparable and periodic information in countries.

The Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties undertake to:

Art. 2: Pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Art. 5: Modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes.

Art. 6: Take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Art. 12: Take all appropriate measures to eliminate discrimination against women in the field of health care.

Art. 15: “States parties shall accord to women equality with men before the law”.

Art. 16: Take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

INDICATORS: RIGHT TO LIVE A LIFE FREE OF VIOLENCE

- 1 The country has ratified the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women:**
 1 Yes
 0 No
- 2 The country has a law and corresponding regulations that protect women from domestic and family violence:**
 1 Yes
 0 No
- 3 There is harmony between national and state laws to combat violence against women:**
 1 Yes
 0 No
- 4 Violence against women is established as an offence in the country's penal code:**
 1 Yes
 0 No
- 5 The country has a policy for eradicating violence against women:**
 1 Yes
 0 No
- 6 The policy for eradicating violence against women includes specific education programmes aimed at boys and men:**
 1 Yes
 0 No
- 7 Medical and legal assistance services are free for women who are victims of violence:**
 1 Yes
 0 No
- 8 The country has a policy aimed at eliminating the trafficking and exploitation of women and girls:**
 1 Yes
 0 No
- 9 The country has legislation that punishes sexual harassment:**
 1 Yes
 0 No
- 10 The country has a records system and statistics on cases of violence against women:**
 1 Yes
 0 No
- 11 It is possible to obtain legal protection orders in situations of domestic violence within a couple, irrespective of the marital status of the victim:^a**
 1 Yes
 0 No
- 12 Family laws do not make it compulsory to use conciliation or mediation mechanisms in cases of domestic violence:^{a b}**
 1 Yes
 0 No
- 13 Percentage of women victims of physical, sexual or psychological violence in their relationship.**

^a Indicator from UNDP Pacific Centre, UNIFEM: "Translating CEDAW into Law: CEDAW Legislative Compliance Indicators", 2007.

^b Rioseco (2005) points out that there is abuse in the use of extrajudicial conciliation mechanisms, which only serve to delay trial rather than putting a stop to violence against women. On several occasions, in its comments to States parties, the Committee has expressed concern over the use of conciliation mechanisms, as these do not punish the attacker but put the victim at risk.

2. Other important indicators

In addition to the above-mentioned indicators to monitor women's right to live a life free of violence, it is vital to know: the number of State-sponsored support or protection centres for women who are victims of violence; the percentage of staff in health centres who are trained to treat women who are victims of violence; the number of cases of violence against women reported to the police, courts or health services; the percentage of women who reported being victims of violence and who received legal protection (out of all reported cases); the percentage of reported cases of domestic violence that reach trial and are then resolved using conciliation or mediation mechanisms; the percentage of cases of violence against women that are punished by a court. The analysis by Pimentel (2007) of the Committee's Concluding Comments to States parties shows that it is important for countries to provide information on the situation of women in armed conflicts, as they are often the victims of physical and sexual violence, while their access to justice is limited and any punishment of the violence rare. It is also vital to know the actions that States are undertaking to eliminate discriminatory stereotypes of women. Pimentel (2007) shows the interest of the Committee in asking States to carry out surveys into the extent, forms, causes and prevalence of violence against women.

H. Rural women

1. Development of proposed indicators

In the CEDAW Convention, article 14 deals specifically with the problems faced by rural women. This section puts forward some strategic indicators based on the Convention and the Concluding Comments of the Committee. Having said that, it should be borne in mind that all the indicators proposed in this document must be calculated for women in both urban and rural areas wherever possible. This is particularly important in Latin America and the Caribbean, where area of residence and ethnic group are cross-cutting aspects of all the areas of concern discussed herein, and should therefore be as much a part of the analysis as possible.

The Convention on the Elimination of All Forms of Discrimination Against Women stipulates that States parties shall take all appropriate measures to eliminate discrimination against women in rural areas and, in particular, shall ensure to such women the right:

Art. 14.2a: To participate in the elaboration and implementation of development planning at all levels;

Art. 14.2b: To have access to adequate health care facilities, including in family planning;

Art. 14.2c: To benefit directly from social security programmes;

Art. 14.2d: To obtain all types of training and education, formal and non-formal, including that relating to functional literacy.

Art. 14.2e: To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities.

Art. 14.2f: To participate in all community activities.

Art. 14.2g: To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

Art. 14.2h: To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

INDICATORS: RURAL WOMEN

- 1 The laws establish that women have the same rights as men to own, inherit, buy and sell land:
1 Yes
0 No
- 2 Fertility rate, by age.
- 3 Unmet demand for family-planning methods.
- 4 Percentage of unplanned fertility.
- 5 Percentage of births with assistance of specialized health workers.
- 6 Maternal mortality rate.
- 7 Enrolment rates in primary, secondary and higher education, by sex.
- 8 Literacy rates of women and men over the age of 15.
- 9 Percentage of women who work as unpaid family workers in relation to the percentage of men.
- 10 Percentage of dwellings with drinking water and sanitation within the home.
- 11 Percentage of dwellings with electricity.

2. Other important indicators

Other indicators that could strengthen the monitoring of the situation of rural women include the percentage of women (compared with men) who: (i) occupy management positions in rural areas; (ii) receive social security benefits; (iii) have access to credit; and (iv) own their land.

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