

THE ACCOMPLISHMENT OF THE BRASILIA CONSENSUS IN LATIN AMERICA AND THE CARIBBEAN, AN ANALYSIS BY THE CIVIL SOCIETY

SUMMARY OF BRAZIL AND SOUTHERN CONE SUB-REGIONAL REPORT*

This document analyzes the fulfillment of the commitments agreed to in the Brasilia Consensus (2010) regarding gender in Argentina, Brazil, Paraguay, Uruguay and Chile from the perspective of women's organizations. The content of this report is based on current data and examples from the national and sub-regional levels.

The majority of countries in this sub-region have ministerial initiatives that promote economic autonomy and equality of women and men in the labor sphere. National programs such as the Pro-Gender Equality Program launched in 2005 and still in effect, evidence the need to reduce gender and race inequalities in work places.

A great achievement for this region is the regularization and inclusion of **women domestic workers** remunerated within the social security system. It represents an important advance in the formal regularization of domestic work, given that it is a job performed primarily by women.

With regard to the elaboration of public policies and the strengthening of women in the state, there has been an important advancement. However, budgets and programs which aim at guaranteeing equality between men and women in the workplace are insufficient in these countries.

Despite the progressive increase in the participation of women in the work environment, national surveys of said countries show inequalities in access and wage, a situation that is worsening for women. **Underemployment and poor working conditions** are still an outstanding characteristic of female participation in the labor market. In addition, the majority of women work in **low-skill jobs**.¹

Gender inequalities are manifested also through the unequal **distribution of the use of time**.² The lack of national surveys on the use of time renders invisible unpaid work, the unequal distribution in caretaking responsibilities and gender inequalities, as well as the use of free time.

In every country of the sub-region we observe a **wide wage gap**. This negative evolution for women is the result of less



dynamism in women's wages compared to men's,³ a trend that remains fairly steady.

Despite the increase of women in the labor market, there are significant differences in social security contributions due to the **high rates of informal employment** among women. Regarding social aid, moratoriums and pensions, the main beneficiaries are women. This is partly the result of women's role as primary caregivers of children and/or of people in positions of dependency.

The ILO's 1981 Convention 156 on workers with family responsibilities has been ratified by all countries of the sub-region, except for Brazil. In spite of ratification by almost all the countries, the **adoption of policies/programs that reconcile work-family responsibilities**, thereby promoting equal opportunities for men and women, is a pending challenge.

The countries of the sub-region have a **broad body of regulatory standards** that alludes to international agreements and conventions, as well as the consensus of regional and international conferences; only Chile did not ratify the Facultative Protocol of the Convention of the Elimination of all Forms of Discrimination against Women. However, implementation does not always align with the spirit or content of the laws due to **deficiencies in their application**, different levels of **compliance to the law based on jurisdiction** or the political interests of diverse stakeholders, and **sufficient budget allocation**.

The principal challenges are not related to the expansion of the regulatory and legislative bodies of the countries in this sub-region that deal with the autonomy and advancement of women, but rather the **effective**

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¹ INFORME N° 3. Situación laboral de las mujeres período 2009-2010. Centro de Estudios Mujeres y Trabajo de la Argentina. Available at: http://www.cta.org.ar/IMG/pdf/informe_no3_definitivo_definitivo.pdf

² CENTRO FEMINISTA DE ESTUDOS E ASSESSORIA – CFEMEA. Dados estadísticos das eleições. Available at: http://www.cfemea.org.br/index.php?option=com_content&view=article&id=2844&Itemid=131

³ Comunidad Mujer. Disponible en: <http://www.comunidadmujer.cl/>

implementation of their laws. The common denominator in this sub-region is the lack of application of the laws throughout the **national territory**, benefiting the population living in densely populated urban areas and leaving behind **rural areas** or less populated areas. The **lack of budget** allocated by the States, as well as the **scarce human, material and infrastructural resources**, impede the exercise of rights and advancement of women and indigenous populations. At the same time, **the lack of data, information and research disaggregated by sex and gender** not only renders invisible the status of women, but also results in public policies based on poor qualitative and quantitative foundations, which make them ineffective. Finally, the **situation of indigenous and Afro-descendant women** is completely overlooked in political decision-making. Their cultural notions and practices are constantly questioned, often because of their liberal nature, which impedes their free exercise.

Patriarchal culture strongly pervades the agriculture sector, where at times the main beneficiaries of inheritance are men. This is reflected in the elaboration of public policies on equal access to land, as well as agricultural bylaws, with **scarce or no agrarian reforms** by the governments.

The migrant population, and especially women migrants, face great difficulties due to the lack of public policies that protect their rights and punish abuse, racism and xenophobia. Despite the fact that all countries in this sub-region have a migration law, the state is absent when it comes to creating living conditions that strengthen settlement, avoid migration, and **guarantee women migrants' access** to public services as well as **health services**.

In all countries in this region, the presence of women in hierarchical and decision-making positions is still low. Despite scarce participation, data shows that increasingly more women are participating in State positions. A clear sign of this is the participation of women as Presidents in three of the five countries of the sub-region: Michelle Bachelet in Chile, Cristina Fernández in Argentina and Dilma Rousseff in Brazil.

However, the political system and corporate culture, in particular, are reluctant to adopt gender equality measures. Therefore, the challenges lie in promoting policies that encourage participation and access of women to spheres of power, such as the judicial power, in which there is low participation; in promoting the **Quota Law**, which exists in most of the countries of the sub-region; and in **sensitizing actors in State and corporate sectors on gender issues**.⁴

The Inter-American Convention Belém do Pará, adopted in 1994, has been ratified by all the countries in the sub-region. There are high rates of violence against women and girls, which are highest in the **most vulnerable sectors**, such as indigenous, rural, migrant women, lesbians and/or transgender people. In most of the countries of the sub-region there are laws and agencies in the different national, provincial and municipal bodies, which develop a wide range of activities. The common problem in all countries is **scarce or poor budget allocation** to these

activities, which limits their scope and results. Moreover, there is an excessive **centralization of resources** in capital cities and densely populated urban areas.

Penal recognition of femicide is partially covered in the legislation of the countries of this sub-region. The measures developed by the different governments represent important advances, but there are still no

specific reparation mechanisms for indirect victims of gender violence, nor are there statistics on gender-based homicides of women, which would allow for the adoption of public policies – based on official data – to combat violence against women.

The **lack of free legal representation** at the national level to help women in situations of violence, lack of familiarity with and **training on gender** by key actors, the weaknesses of the judicial procedures, and **the small number of women in positions of power** in the administration of justice, are some of the weak points that States have to overcome in order to satisfy the demand for justice in the broadest sense.

The situation of inequality of the information society is not fully known, because **there are neither data** nor statistics collected regularly⁵ in the countries that comprise this sub-region. Aside from Paraguay's ICTs Director Plan of the Ministry of Women, the strategies carried out in the rest of the countries in the sub-region are intended to guarantee equal access to new ICTs and digital literacy, but **do not have a comprehensive gender approach**.

There have been advances in access to Internet connection and computers, particularly with regard to their use by students and school teachers. Uruguay has made significant advances, followed by Argentina.

Despite regulatory advances in the countries of the sub-region Brazil and the Southern Cone, there is significant **distance between the regulatory framework and its effective implementation**, in relation to sexual and reproductive rights.

The primary limitations are: Uneven **application** of the national sexual health and responsible procreation programs nationwide, especially in rural areas; difficulties in the provision of supplies and the functioning of services, especially care services for young people, the LGBTTI population and migrant women; lack of a comprehensive approach to health that enables the identification of the relationship between the **lack of autonomy and empowerment** of women, and sexual and reproductive rights, which translates into fragmented public policies; the predominance of a **reproductive approach to these rights**. When the law of a country allows abortion, it is questioned by the health personnel, even in the case of rape; there are policies on **comprehensive sexuality education**, but they are **not always enforced nationwide**; and persisting sociocultural barriers that limit access to quality sexual and reproductive health services, in particular by the LGBTTI population; cultural practices of indigenous people are not respected.

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⁴ Argentina has a Training Unit for employees and officials of the judicial system, promoted since October 2011, by Law 26.485

⁵ Camacho, K., (2013)