



# 20 Years of Beijing Platform of Action:

strategic goals and  
areas of concern



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## INTRODUCTION

2015 marks the 20<sup>th</sup> anniversary of the agreement signed by 189 countries that attended the Fourth World Conference on Women, celebrated in Beijing, China. In that landmark moment, participating nations committed to achieving gender equality and guaranteeing the full exercise of rights for women and girls.

In the past twenty years, Latin America and the Caribbean witnessed advances improving the lives of women and girls. Feminist and women's movements had an active and vital role in spearheading these changes, which principally translate into regulatory frameworks. Without the constant contributions, demands, and appeals of women's organizations, surely the advances would be fewer today.

Nonetheless, there is still much work to be done to achieve gender equality in all spheres, especially to ensure that reforms made on-paper translate into concrete changes that improve the day-to-day lives of women and girls. Moreover, as we continue to address the problems identified in Beijing in 1995, we must also consider additional, contemporary problems that have arisen as we plan the agenda for post-2015 development.

One problem of recent importance is human trafficking, which particularly affects women and children. Another is the drug trade, in which countries of our region are no longer merely trading routes; they are markets of production and consumption. Along with this trend -- or perhaps because of it -- efforts to combat drug trafficking and organized crime have been accompanied by increasing levels of violence and impunity.

Corruption at government level and the scarce citizen control mechanisms for accountability is another problem that has grown in the past 20 years. Although it always existed, it has increased and become more visible. Corruption, along with human trafficking -- particularly for sexual exploitation -- and the drug trade, produces a concoction of factors with terrible

repercussions on human lives -- particularly the lives of women and children.

Latin America and the Caribbean exhibit various advances in the twelve spheres of concern that comprised the commitments of the Beijing Declaration and Platform of Action. However, governments have neglected some problems. Today, some of the most pressing concerns include women's lack of influence in the media, the need for public politics that consider the special situation that girls experience, strengthen autonomy and the right to decide of women, the elevated level of maternal mortality in many, persistent criminalization of abortion, violence against women and children (which has increased in frequency and cruelty) and a rise in femicide. However, if we compare our region with other regions of the world, there were certainly advances in the quality of life for women and children.

What began as signs of optimism and high expectations are currently seen by feminist organizations as promises that have been diluted by governments. Even though the reasons for many of these setbacks lie outside of the control of state actors, we have also observed that during the past two decades there was not sufficient political will to effect change. Inequality in the region grew considerably. This had repercussions for women and children, and even harsher consequences for other collectives: indigenous groups, individuals of African descent, disabled women, HIV positive females, migrants, rural women, illiterate women and other groups living in unfair social contexts, such as inequality, exclusion, discrimination, marginalization and violence, which make them vulnerable."

While Latin America's has grown 3.8% annually over last 10 years, the Caribbean has grown 1.7%. The Dominican Republic, Peru, and Panama have average growth rates of more than 6% per year in the last decade, but nowadays, decrease is expected, which implies special challenges and impacts. Jamaica, the Bahamas, and Barbados grow less than 1% annually. Nonetheless, inequities in the region are

reflected in all spheres, especially in access to education, land, healthcare, and legal aid.

Political shifts in countries with governments that do not always women's rights, along with the worldwide economic crisis, have negatively impacted the advances we anticipated. During these political fluctuations – both internal and external – the dialogue between state and civil society was not always fluid, nor was it favorable.

In the 90s, there was a clear follow-up on the Washington consensus, and neoliberalism extended throughout the region, along with the negative consequences that exclusion implied for women and children. Through a market-based economic model, with the dismantling of the state and its health and education services, neoliberalism led to massive poverty of the middle class and the exclusion of a significant part of the population, especially youth and indigenous communities. In the 2000s, political changes enabled more progressive governments to rise to power. South American countries strengthened their union as a regional and political to resolve common problems and promote the integration (MERCOSUR, UNASUR) and creation of the Community of Latin American and Caribbean States (CELAC) However, the economic framework and methods of world development limited the possibilities for our region, for instance through free trade treaties.

The inequalities are reflected in all areas, but especially in access to education, land, health services and justice. Legislation contains few standards to guide the justice process, where sometimes the definition of crimes, sexual instance, is poor or very variable. It is also expressed within the region and between countries. While Latin America has grown in the last 10 years by 3.8% annually on average, the Caribbean has grown 1.7% annually. Also, the Dominican Republic, Peru and Panama during the last decade experienced over 6% annual growth, but at present, is expected to decrease, which suggests Impacts and Challenges (ECLAC, 2014), but Jamaica, Bahamas

and Barbados do on average less than 1%. However, we compare this region to the rest of the world, there were indeed advances in Latin America and the Caribbean developments regarding equality and women's rights.

In this document, we highlight the advances achieved in civil society, but we also indicate the actions that must be taken in each of the 12 areas of concern of the Declaration and the Platform of Action, to overcome the barriers that currently prevent women and girls from leading satisfactory lives. The challenge for after 2015 will be achieving equality in the day-to-day lives of women and girls and incorporating new perspectives and problems in post-2015 debates and programs.

We hope that this document helps governments and civil society progress more rapidly toward equality and the full exercise of women's and girls' rights. We also cope that it contributes to the recommendations that emerge from the 59<sup>th</sup> session of the Commission of the Status of Women (CSW) that will take place in March 2015.

## **GENERAL ANALYSIS OF THE SUCCESSES AND CHALLENGES IN THE APPLICATION OF THE PLATFORM OF ACTION**

In this report, we analyze each of the 12 areas of concern, incorporating facts and examples that reflect observations of women's and feminist organizations that have, in this region, ample experience defending the rights of women and children. These organizations operate under the framework that Latin America and the Caribbean is the most unequal region of the world. On this continent, the richest 5% earns 25% of the national income, while the poorest 30% earns less than 7.5%. The wealthiest 10% of the region's population has an income 84 times higher than the poorest 10% (Third World Institute).

### **A. Women and Poverty**

Although the region has progressed with respect to overcoming poverty in recent years, these advances have not been uniform, neither

among countries nor among women when we consider factors like age, race/ethnicity, and geographic location.

Although the region grew 3.7% annually until 2008, growth has slowed since 2009 (ECLAC). The growth of Latin American economies during this period has been driven by the exportation of primary materials with little added value and low demand for employment, particularly among women.

To overcome the crisis, some countries have adopted measures that positively impact women. In Brazil, the budget for the Secretary of Women's Politics increased, lines of credit were extended to women in rural areas, and women were granted preference for real estate titles with the program "My House, My Life." However, it is important to highlight that in gender equality was never specifically identified as a goal of these measures. Even countries with strong measures for women's advancement, according to researchers, did not explicitly identify women's advancement as an objective. Although incidence of poverty has declined as a consequence of money transfer politics and performance of the labor market, these successes mask notable inequities along gender, age, ethnic, and geographic lines.

The "feminization" of poverty continues to grow. The index shows that disparities in poverty and destitution among men and women drew more in countries with higher per capita incomes (Argentina, Chile, and Uruguay) and lower poverty rates among the general population. In the same vein, poverty increased in households headed by females: 43% of destitute households and 38% of impoverished households in Latin America are headed by women (ECLAC et al, 2013).

The situation for women worsens when we consider time in addition to money. Poor households are not only defined by a lack of income but also by a lack of time to attend to a laundry list of duties, particularly caregiving tasks that women usually complete. When we

consider these two dimensions together, poverty grows notably in Argentina, Chile, and Mexico (Antonopoulous et al, 2012).

Almost every country in Latin American and the Caribbean has implemented Conditional Cash Transfer, with particularly significant and diverse implications for women. However, the fact that these programs are highly feminized does not make them women's politics, nor does it mean that these interventions are sensitive to women's interests. Admittedly, the majority of those who benefit are young and adult women. However, the basic right to receive this income is based in the family situation and motherhood, in turn reinforcing women's caregiving role and naturalizing "caregiving" as an exclusive responsibility of women. In the case of Argentina, we observe a decline of women in the labor market, particularly among low-income married women.

There have been other interventions in systems of pensions and social protection. For example, Chile established "Bonds for Children" an individual capitalization account for each child born alive. This amount increases the number of pensioners. These advances do not diminish the segmented character of provisional systems. In practice, women are included but reap few benefits.

In the case of indigenous and Afro-descendant women, restrictions in access to land lead to lower incomes and fewer opportunities. They become poor when their land is taken from them and/or they are obligated to abandon traditional farming methods and/or subjected to programs that prevent them from performing traditional jobs, such as textile mills, because programs finance different enterprises that are "more productive."

## **B. Women's Education and Training**

The index of gender parity describes the situation of women relative to that of men. With respect to the net rate of enrollment in primary education, this number was close to one (completely equal) in 2000 and 2010. However,

in urban areas as well as rural ones, a smaller percentage of indigenous women finish primary education, except in rural areas of Uruguay.

Until 2010, in the Dominican Republic, Antigua and Barbados, and San Vicente and the Grenadines, there were important gender disparities with respect to primary school education. This information was deduced from data collected from 27 countries (OREAL, 2013).

Latin American countries have reduced illiteracy rates. However, illiteracy continues to be one of the gravest causes of exclusion that societies face. Bolivia has the largest gender inequalities with respect to illiteracy: in urban areas, the illiteracy rate among women is almost four times that of among men (4.5). In Peru, in urban areas as well, the gap between men and women is 3.5. In rural areas, it is 3.5 in Bolivia and 2.9 in Peru.

With respect to high school and higher education, information is scarce. Only Argentina, the Dominican Republic, and Uruguay have data that measures completion rates for higher education over the last four years. In these three countries, women graduated from universities more often than men. However, the studies do not specify the disciplines or training areas which would allow us to contrast with employment and income levels.

In terms of access and sustained enrolment in the school system, some countries still face the task of guaranteeing education for women, especially in rural zones and among indigenous populations, as well as the gap between primary and secondary school, which are related to particular socio-economic and cultural contexts.

In Peru, although the overall school enrolment rate is 93, this number drops to 79% in the Selva (jungle) region. In this region, there are concerning issues in various districts of the Loreto region in Urarinas and Andoas, 60% of indigenous children between 6 and 11 years old do not attend school. In Patanza, only half the indigenous child population receives a formal

education; in Balaspuerto, 40% of indigenous children do not attend school (ECLAC 2011) and according to the Ministry of Health, the second cause of school drop-out is early pregnancy. In Colombia, school attendance among indigenous girls exceeds 70% nationally; however, in the regions of La Guajira and El Chocó, this same percentage does *not* attend school.

### C. Women's Health

Latin American and the Caribbean have made progress toward recognizing reproductive rights as an integral part of human rights. However, advances with respect to universal access to sexual and reproductive healthcare have been quite unequal, being adolescents the most vulnerable group. Several countries have implemented specific plans and programs of sexual and reproductive health since 2000, including Argentina, Brazil, Chile, Colombia, Mexico, Nicaragua, and the Dominican Republic. However, these countries have not achieved equal and homogeneous coverage. Particularly within the interior regions of each country, this will constitute a great challenge.

In some countries, family planning needs are still largely unmet among women in the 15 to 49 age bracket. Haiti, Guyana, and Guatemala have the highest unmet demand. Although Bolivia has improved, one in five women still lacks access to contraceptives. In 2003, four of five women did not have access to birth control.

Fertility among indigenous women must be understood in the broader context "good living." Children represent a possibility of cultural and biological reproduction that is continually threatened. Most indigenous women do not reject family planning but prefer more traditional forms of contraception.

Reducing maternal mortality is a pending challenge. Although the rate has declined, there are significant inequalities within the region. In Brazil, Peru, and Nicaragua, the rate is still high. In most countries, it did not decline, and it will not be reduced by 2/3 by 2015.



The least significant progress was recorded in Argentina and Mexico, while Uruguay, Puerto Rico, and Chile did manage to lower rates. Maternal mortality in the region's countries is principally linked to lack of medical attention for obstetric emergencies and unsafe abortions.

Abortion is considered practically illegal in most countries in this region, although many of them permit it in some circumstances. They currently have legislation which are still declarations and do not reflect the real scope of attention of abortions provided in services nor do they show the unmet needs of women who are forced to resort to illegal services. There are still many barriers, criteria, and prejudices that make abortion inaccessible in practice, even in cases when it is technically legal.

In Chile, Nicaragua, Honduras, El Salvador, and the Dominican Republic, terminating a pregnancy is prohibited under all circumstances. In these countries, with the exception of Dominican Republic where it has always been prohibited and Chile (which has maintained absolute criminalization since 1989) absolute prohibition is a consequence of setbacks in recent years, criminalizing abortions as if they were homicides. In Mexico, in many of the federal entities there were unfavorable changes after abortion was legalized in the Federal District in 2007. In some countries, such as Guatemala and Ecuador, some of the causes of decriminalization were eliminated. In Brazil, the Federal Supreme Court expanded the possibilities of abortion in cases of anencephaly and grave fetal malformation. The most important achievement in our region took place in Uruguay, which in 2012 modified the legal framework eliminating punishment for up to 12 weeks of pregnancy and created legal abortion services in the national health system. Puerto Rico, Cuba, French Guyana, Guyana, and Barbados are the only countries in the region where abortion is legal under any circumstances.

Several countries in our region have advanced more in recognizing sexual rights than repro-

ductive rights. The recognition of same-sex marriage in several countries and the law granting right to gender identity in Argentina and Uruguay guarantee individuals – regardless of their sexual or gender identity – the right to health in the broader sense.

Many countries have incorporated sexuality education, but the obstacles to its implementation (government boycotts and reactionary groups, genital sexuality and non-comprehensive approaches, lack of resources for the adequate incorporation of sexuality education in the formal system) leaves the youngest population unprotected. In some countries there is no legislation that regulates basic sexual education in schools. In 2008, ministers of Health and Education in our region signed an agreement to provide sexuality education. However, the lack of precision is uniformly high most countries and particularly affects girls, whose life and career plans are often dashed prematurely.

Our region has observed an increase in cases of women who live with HIV. Adult women represent 31% of individuals living with HIV. In the Caribbean, this statistic rises to 53%. The most vulnerable women are those who have little or no education or are pregnant. HIV prevention is linked to distribution and free provision of male condoms which has improved but has yet to reach necessary levels. In most countries, female condoms are not widely distributed. When they are, they are usually restricted to sex workers. Brazil is the only country that completely meets demand for female condoms.

Prevention programs against vertical transmission of HIV have grown, except in some countries, such as Uruguay, but continue to focus on detection and treatment of women, without including their partners. The test among pregnant women still does not cover everyone, and in many countries they are not always informed early enough to provide treatment.

Women who live with HIV continue to experience discrimination in the healthcare system, especially sexual and reproductive health, including in cases, like Chile, the denial of right to motherhood via forced sterilizations. Although some countries like Chile were fined by the Inter-American Commission on Human Rights, forced sterilizations have not been eliminated completely. Likewise, there are large holes in strategic information, both concerning key populations like those in which new infections are recorded (indigenous groups, Afro-descendant youth, users of non-injectable drugs).

We must also consider separation of sexual/reproductive health services and health services specialized in HIV and gender violence, making it more difficult to diagnose women at an opportune time.

In addition to being a violation of human rights, violence against women has grave consequences for females' physical, mental, and sexual and reproductive health. There are relatively few protocols to address gender violence. Recently, there have been advances in protocols regarding attention to victims of sexual violence, particularly with respect to pregnancy prevention and the transmission of HIV and STIs (like a 2013 law passed in Brazil) but our region still lacks politics to address the link between violence and HIV.

#### D. Violence against Women

It continues to be a challenge for women and girls to violence-free lives. They face physical, sexual, psychological, institutional, and economic violence, both in private and public spheres. This is an even more widespread problem among poor, indigenous, rural, migrant and Afro-descendent populations, women who live with HIV, lesbians and/or transgendered individuals.

Although all the countries in the region signed and ratified the CEDAW (**Committee on the Elimination of Discrimination against Women**) and the Belém do Pará Convention, violence

against women and girls continues to be a problem that puts their lives and integrity at risk, hurts families and communities, has important economic costs, and restricts economic growth and sustainable development. Violence constitutes a threat to democracy, peace, and human safety.

Most countries have legislation that recognizes violence against women. However, the way in which they define violence does not always concord with Belem do Para, which states that violence against women is any action or conduct, based on her gender, that causes death, damage, or physical, psychological, or sexual suffering to women, both in the public sphere as well as the private sphere. This includes physical, sexual, and psychological violence that may take place within the family or domestic unit or in any interpersonal relationship, regardless of whether the aggressor lived or has previously lived with the woman, and includes, among other things, rape, mistreatment, and sexual abuse. This also includes violence that may take place in the community and is perpetrated by any individual, including rape, sexual abuse, torture, human trafficking, forced prostitution, kidnapping, and sexual assault in the workplace, as well as educational institutions, health establishments, or any other place, and that is tolerated by the government or its representatives, wherever it occurs.

With respect to sexual violence, few countries include violence that occurs within stable relationships. In Antigua and Barbados, the Bahamas, the Dominica, Jamaica, and Saint Lucia, rape is not recognized within domestic partnerships. Uruguay subsumes rape under other types of violence; and in countries such as Honduras, and Nicaragua, it is mentioned indistinctly that the perpetrator can be male or female without considering the unequal balance of power between the sexes. (MESECVI 2012) In Guatemala, official data show an increase in the complaints of sexual violence. The government lacks comprehensive measures for this care.

Although sexual violation is highly extended problem affecting the region, the claiming rate is barely 5% and, being Peru the country in South America region with the highest claiming rate (Mujica 2011 y Mujica y cols 2013).

Colombia and Chile are the only countries that have legislation classifying sexual violence as war crime and a crime against humanity in armed conflicts (MESECVI 2012).

The classification and official approval of femicide is still a challenge. Colombia and Argentina have not incorporated this concept into penal legislation, although in Argentina the aggravation for gender violence is included, regardless who perpetrates the violent act. Costa Rica, Chile, and Peru include only femicide committed by a spouse, partner, parent, child (natural or adopted) or someone with a similar relationship. This definition does not consider femicide in the public sector committed by strangers – illegal armed groups, state agents – outside of partnerships or family relations. (Montaño Sonia, 2013) Peru extended the law, punishing anyways, regardless of the relation.

Latin America is the region that presents the second highest rate of female mortality caused by violence, both in rural and urban areas. Violence against women is experienced differently by indigenous and rural women due to the extreme poverty they undergo and the lack of institutionality of the State, as it is the case in Guatemala, aggravates the situation. In Central America and Mexico, femicide has increased between 2003 and 2012 there were 12,178 cases in Guatemala, El Salvador, Honduras, and Nicaragua. El Salvador alone reported 194 crimes against women, and Mexico registered 1,221 intentional homicides against women and girls in 12 regions of the country between 2007 and 2008. 70% of the violent deaths of women in Guatemala involve a firearm and almost a quarter of the victims show signs of torture and cruelty. Moreover, due to the violence caused by drug trafficking and forced displacement in many occasions the

murders of women were catalogued as collateral damage and not femicides.

The lack of official statistics on all forms of violence, including femicide, is a common denominator, along with the lack of unified registers in these countries. This reflects an inadequate response to violence against women and girls in most countries. The lack of official data is supplemented with NGO observatories, with the limitations that these have. In Argentina, for example, the only available data comes from an NGO which indicates a woman dies every 30 hours. Where there are national registers of cases, data are often incomplete, like in Peru where the register of violence against women and girls does not include acts of violence outside of the family, or in Chile where femicide is only considered as such when it is committed by current or previous partners. Diverse sources and different definitions of violence make it difficult to compare the situation and evaluate programs.

It is still difficult for female survivors to access the justice system. Despite legislative advances, in reality there is no guarantee that victims will be compensated or that their aggressors will be punished. The fact women denounce aggressions does not imply they will achieve Justice, as it happens in Peru, where out of all the reported cases of rape, only 76% were evaluated by the court and 62% ended in imprisonment (Mujica 2011). Prejudices and stereotypes that question the honor of these women are often common among those who enforce justice. Mexico and Guatemala have been denounced for this by the Inter-American Commission on Human Rights. Discrimination based on gender, race, ethnicity, and age, and the impunity and corruption of the justice system are the principal reasons why female survivors do not receive real justice.

Judicial processes are still not speedy, simple, or suitable for the times. Long and slow investigations and trials, the absence of legal counsel for victims, the lack of translators for indigenous women or those who speak another language, and the lack of information on how

to access courts and re-victimization of women during trials constitute additional difficulties that women face (CIDH 2011). Protective and precautionary measures are inefficient or nonsexist, along with timely and appropriate follow-up to verify their implementation (CIDH 2011).

Women continue to face violations of their rights on the basis of cultural criteria. They experience difficulties in accessing the justice system -- particularly low-income women, those who live in rural areas, or are of indigenous or African ancestry. The high cost of court proceedings is one; another is the fact that free legal representation generally does not apply to victims of violence. Indigenous women experience special obstacles. Many of the governments that recognize the traditional justice systems have not implemented mechanisms to harmonize legislation, so many vacillate between the community system and the state without either taking responsibility. This is frequent in Bolivia and Peru, where justice for the indigenous community has special jurisdiction (OEA, MESECVI). For Afro-descendent women, the lack of recognition and/or disrespect of their rights, along with the weight of discriminatory stereotypes, places them in positions of serious vulnerability when they attempt to exercise their rights.

All of the obstacles mentioned re-victimize women and lead to institutional violence.

There are numerous cases of reproductive violence in the region: in countries that penalize the termination of pregnancies, women are forced to perform unsafe abortions on themselves. Moreover, when they arrive at hospitals with complications, they are not always attended; in fact, they are often reported to authorities. Consequently, many women refuse to seek help from healthcare providers.

Women suffer obstetric violence, not only because they do not have access to prenatal controls (especially poor, rural, afro-descendent, and indigenous women). This is

also because there are an alarming number of cesarean sections performed unnecessarily and because they are denied the right to choose what type of birth they prefer; they are maltreated; health care personnel is dehumanized and women's bodies are treated as medical objects.

The MESECVI in 2014 recommended that governments adopt policies that penalize obstetric violence and guarantee sexual and reproductive health of women and their right to life, eliminating unsafe abortion and establishing laws and public politics that permit the termination of pregnancies in at least the following cases; i) when the life or health of the mother is in danger. ii) when there is no possibility that the fetus will survive and iii) in cases of sexual violence, incest, and forced insemination. Governments must also guarantee that women and adolescents have immediate access to affordable contraception, including oral emergency contraception.

Human trafficking for the purpose of sexual exploitation has increased. Girls, adolescents, and women are the primary victims. Despite under-reporting, the phenomenon is growing in all countries. In the Dominican Republic, it is estimated that in the last 20 years, more than 70,000 women have been trafficked (Montaño Sonia y Alméras Diane 2007). In Guatemala, although there is an increase in the complaints regarding forced prostitution and human trafficking, the lack of official data impedes getting the real magnitude of the situation. (Report Beijing+20 NGOs Commission, Guatemala). The same happens in Peru in the mining area.

## **E. Women and Armed Conflicts**

During the 20<sup>th</sup> century in Latin America, various armed conflicts erupted in Guatemala, Honduras, Nicaragua, El Salvador, and Colombia (the only country where an internal armed conflict persists). "The context of armed conflict exacerbated gender violence, amplifying its impact on women, and intensifies discrimination and inequality with respect to men."

(Corporación AVRE, 2010). In Guatemala, levels of violence against women remain high and get even higher during armed conflict. During the armed conflict, there were 9441 women victims, 33% of arbitrary executions, 19% torture, 18% deprivation of liberty, 14% rapes and 9% of other types of violence. (OACNUDH 2007).

Sexual violence has also been used as a war tactic in this region, particularly against indigenous women. Numerically speaking, "88.7% of female rape victims in Guatemala were Mayan. In Peru, 75% were Quechua-speaking; in Columbia, women represent 75% of the displaced population. Indigenous and rural women are, along with afro-descendants, most likely to be victims of sexual violence." (PNUD, 2007).

Gender violence must be considered not only in the context of armed conflict but also within the framework of post-conflict societies, like many in Latin America. The modus operandi of war has moved from the street into the home. Access to guns is one key factor that triggers deadly violence against women.

Access to guns is one factor that triggers deadly violence against women. In the regional context of insecurity, militarization, and weakening of the state, with the protection and impunity of drug traffickers, corporations, and paramilitary groups, human rights of women can easily become compromised. Women run the risk of suffering threats or violent attacks. In Mexico, the fight against organized crime has increased violence against women and caused internal displacements that affect women in particular.

With respect to processes of negotiation and resolution of armed conflicts, the United Nations believes that the direct participation of women has been minimal; in countries like El Salvador and Honduras, there have been no specific considerations for females (PNUD, 2010). Nonetheless, Guatemala and Peru have succeeded in implementing regulations, creating legal entities to protect women.

In Colombia, where the government is currently in the midst of negotiations with FARC guerrillas, women's participation has been minimal. "Peace leaders are women from different regions. It's outrageous that we aren't included in the La Habana conversations. We are the ones that have to bear the weight of the war," (Florence Thomas, 2013). It fits to highlight the recent resolution of the Colombian government, which announced and named women who would form part of the roundtable for the Habana peace talks.

Unfortunately, in Guatemala the National Repair Program did not fulfill the commitments assumed with affected women. (Beijing+20 NGOs Commission, Guatemala). Likewise, in Peru despite the recommendations of the Commission of Truth and Reconciliation, repair programs aim at providing economic relief for victims could not be implemented. Regarding the compensation for forced sterilization, the judicial process was filed and thousands of women affected and their families were not compensated.

In general, there are no programs that guarantee the right to land, housing, or comprehensive protection for female refugees. It is essential that governments recognize the situation of women in their territories and their obligation to protect this population.

Violence against women and girls tends to increase as a result of natural disasters, as well. Haiti has become an emblematic case of this. Following the 2010 earthquake and in the context of internal displacement, rapes of women and girls in displaced persons camps were and continue to be commonplace.

## **F. Women and the Economy**

Over the last decade, female participation in the region's workforce has increased, and male participation has remained stable (ECLAC et al, 2013). Women's level of participation varies according to age, education, race/ethnicity, rural or urban locations, and socioeconomic situation. Young and rural



women have lower rates of participation in the labor market. Indigenous and Afro-descendant women participate less in most countries, except in Uruguay, where the participation of Afro-descendant women is even lower.

In the region, only 30% of rural women have land ownership titles, 10% do not have access to credits and 5% have technical assistance. 40% of rural women who are 15 or older are unpaid workers, out of which eight countries are above the regional average. In Nicaragua and Bolivia it reached 73% and 52%, respectively (FAO, 2010). Out of 45% economically active rural women, more than 50% work in non-agriculture activities.

There are still structural inequalities in the labor market. The unemployment rate continues to be higher for women than for men and indigenous and afro-descendant women have more difficulties than their male counterparts. Women predominantly work in maquilas, especially in Central America and Mexico. Women still work primarily in retail and have the lowest levels of productivity, income, and social protection. They are over-represented in the informal employment sector. In fact, paid domestic service – a paradigmatic example of under-the-table work – continues to be one of the most important occupations for working women (15.3% of the economically active female population works in this sector) and offers an entrance to the labor market for poor women. In Guatemala, 64% of indigenous women are unpaid family workers, with little or no access to land and credit. The inefficient application of peace agreements prevent indigenous women from benefiting from them. (OACNUDH, 2010).

There continue to be inequities with respect to time spent performing remunerated work and caregiving. On average, men spend 47 hours per week performing remunerated work and dedicate 9.3 hours to caregiving. Women work 37.8 hours per week in paid labor and spend 27.4 hours in caregiving tasks. Along with that, there is a difference in time

use between men and women when they move to urban areas.

Consequently, the wage gap persists, although it is shrinking over time. As a regional average, women in 2010 earned 78% of what men did. All things considered, if this rhythm of growth were to continue, it would take 75 years to completely close the wage gap between the two genders.

Although discriminatory norms and gender-based prejudices with respect to employment have declined, our region still exhibits prejudices with respect to employment in the domestic sector, which is primarily an occupation for poor women. The ratification of the Convention Concerning Decent Work for Domestic Workers (adopted during the 100<sup>th</sup> session of the International Labor Organization) continues to be an unresolved problem in our Region because in many countries it has not yet been ratified and in the cases where it has been, it has not yet been implemented. Advances in legislation are limited, in the sense that they only help women with formal contracts. Given the large number of women who work in the informal sector, this means that more than half of working women are excluded from these protections.

In most Latin American and Caribbean countries, paid maternity leave is less than the 14-week minimum established by the Convention.

In the countries of the region, except Uruguay, prostitution or voluntary sexual work (according to the definition of each country) is not recognized as a job and therefore, there is no legislation regulating it. This lack of regulatory framework has led many times to the approval of laws intended to protect people from illegal activities such as human trafficking for sexual exploitation, that indirectly, but directly in practice, constantly affect people's rights. This represents the lack of protection and violation of human rights such as violence, stigma and discrimination, which are unacceptable in any case.

Almost all countries in the region have established emergency job creation programs in times of economic crisis, seasonal factors, or natural catastrophes (ECLAC et al, 2013). These programs are based in the promotion of intensive labor activities, which demand tasks of low qualification and productivity. Colombia implemented the program of Women Micro-Entrepreneur Heads of Household, which offers microcredits, business training, and support. These programs have a welfare-based profile, offer low-paying jobs that are not covered by social security, and are designed without an explicit gender focus, even though the majority of their beneficiaries are women.

The situation of indigenous women is highly unfavorable, both in rural and urban areas. However, possibilities are notably lower in rural regions. This prompts the migration of indigenous women toward urban areas, which increases vulnerability and affects their family finances.

The lack of harmonization of the responsibilities of men and women with respect to caregiving has a significant impact on the work possibilities of women. Although there are examples of public politics in which the government assumes responsibility in caregiving services, particularly in infant care (like in Uruguay and Costa Rica) the advances are still slow and subject to fiscal challenges.

Childcare and its differential impact on men and women has become a popular issue for public politics in the region. For example, Ecuador incorporated in its new constitution the recognition of unpaid caregiving as a productive labor, and the state's obligation to provide adequate attention to human care, as well as a push for co-responsibility and reciprocity of men and women in domestic work and family obligations. Colombia and Peru have approved legislation that promotes visibility of the unpaid work that women perform in their homes.

We must also recognize advances, although slow and embryonic, in terms of paternal and parental work leaves and caregiving services.

Many countries in the region grant fathers the right to a paid leave following the birth of a child. However, these leaves are still limited (varying between 2 and 14 days) and in practice, few fathers take advantage of them. It fits to highlight a recently-approved Uruguayan law that, in addition to extending maternity leave to 14 weeks for workers in the private sector, added 10 days to paternal leave and established a half-time leave from the end of maternity leave until the child is six years old, which can be used by the mother or father, or divided between both parents.

The discussion about how to extend childcare services, particularly for young children, has expanded. In terms of childcare, the most advanced countries are Uruguay, with the Plan on the National Care System, not yet implemented, Costa Rica, with the National Care Network, and Ecuador, which has proposed the universalization of childcare for infants. These advances, although deserved, are still slow, subject to financial hardships, and lack of comprehensiveness. However, they constitute and invaluable precedent and offer models to guide discussions and proposals in the region.

## **G. The Women in Exercise of Power and Adoption Decisions**

**Women's participation in political life and access to government jobs has increased considerably in recent years. The executive and legislative branches have been spaces in which these changes have been observed most frequently. In particular, in the case of legislative branches, there has been a notable increase in women's political participation, driven by the implementation of special, temporary measures, such as quota laws or other active politics to incorporate a minimum number of women.**

However, parity has yet to be attained. Difficulties in the full implementation of the quotas due to diverse cultural barriers (a political culture that is impermeable to the participation of women) socio-political barriers (con-

texts in which the rules of quotas are established) and regulatory barriers (the design of the rules sometimes does not include effective sanctions when rules are not observed, along with the interaction with electoral systems that often stand in the way of their application) create a tendency toward the inducement for gender parity in decision-making spaces. This principle was incorporated in the Bolivian Constitution (2009), in Ecuador (2008) in the Costa Rican Electoral Code (2009) and in the Mexican Federal Constitution (2014) where 11 federal entities include parity in their electoral frameworks.

Moreover, there is still a significant disparity between the formal recognition of women's political rights in our region and the actual level of participation and political representation (CIDH, 2011). Women continue to be a minority when we consider who participates in decision-making processes in civil, political, economic, social, and cultural spheres of national governments. In Guatemala, parity and alternance principles between women and men were included in the socio-political participation axis of the 2008-2023 Equal Opportunities Plan, and the Congress is debating on the amendment of the election law to incorporate it. The election of women as presidents or prime ministers in various countries in the region demonstrates that women's political leadership is increasing. However, that the highest executive position in a nation is occupied by a woman does not necessarily indicate a substantial presence of women in other spheres of national power.

Women's participation at the ministerial level shows important variations. One example is Colombia, where recent elections did not advance the number of women in ministerial jobs. Over the last decade, there has been growth in the participation of women at the local level (state, municipal politics) but there are still far fewer women than men. In legislative branches, the situation presents certain particularities. Although the percentage of women in federal and national congresses is

growing and there are countries in which the percentage of women exceeds 30% (Ecuador, Granada, Argentina, and Mexico) the situation in provincial congresses or at the municipal level still exhibits a high level of discrimination, where women barely account for 6% of total participation. In Guatemala it is much less: there are only 7 women mayors out of 33 municipalities and none of them is indigenous.

Recently, Colombia failed to increase women's participation in Parliament, except in the Senate, where the number of female senators increased from 16 to 23, out of a total of 102.

In the face of difficulties that affect the effectiveness of quota laws, the debate over gender parity in politics intensified, with a demand to present lists of candidates comprised of 50/50 of each sex, presented in sequential, alternating order. Several countries in the region have already adopted rules (such as Bolivia, Ecuador, Costa Rica, Mexico, and Venezuela) while other countries are currently working on similar initiatives.

Clearly, parity is the next goal in the search for equality between men and women in the political sphere. However, although legal entities that establish rules would overcome difficulties presented by quota laws, they also confront other barriers, like those imposed by electoral systems (Archer, 2011). Additionally, other political barriers highlight the necessity of articulating diverse strategies from civil society, political actors, and activists to support women's full participation in politics, beyond the legal regulations that promote parity (Krook and Norris, 2014).

One new grand challenge is violence against women, whether in elections or in the process of exercising power. In the region, various strategies have been implemented to assure the protection of women who participate in political life. In 2012, Bolivia approved the Law against Harassment and Political Violence against Women as a result of actions taken by

the Association of Bolivian Chancellors (ACOBOL).

In the judicial branch, women's presence is more encouraging. There have been relative advances, particularly following the push in several countries for the incorporation of a gender perspective in this sphere. Although three countries in the region have no women in the highest national court (Panama, Uruguay, and the Cayman Islands) 12 nations have at least 50% female Supreme Court magistrates: Suriname, Dominica, Montserrat, Antigua and Barbuda, Anguilla, Granada, Saint Vincent and the Grenadines, Saint Kitts and Nevis, THE British Virgin Islands, St. Lucia, Barbados, and Venezuela. Significantly, 18 countries in the region have between 15% and 49% female members in the highest court. However, this greater participation of women is not always reflected in rulings that leave behind patriarchal and androcentric stereotypes. Meanwhile, women's participation positions of power and decision-making for political parties and unions continues to be a major outstanding debt.

Statistics show that women continue to hold few executive positions in businesses, as well as in the private sector, education, and the media.

#### **H. Institutional Mechanisms for Women's Advancement (MWA)**

Although Beijing's decision to promote or strengthen MWA noted that institutions should be responsible for in coordinating gender policies, the current reality in the region shows that the hierarchies and ranges of these institutional mechanisms have been diverse. They are not as helpful as expected and are not strong enough to influence public policies that favor equality. Moreover, their budgets are too small to be effective.

At a national level, most countries have created bodies in sectional ministries to facilitate inter-ministerial relations. Additionally, governments have created structures to me-

diate between the state and civil society. The hierarchy of MWA in Latin America varies. 45% are Ministers or have ministerial titles; 20% correspond with entities attached to the Presidency or whose director is directly dependent on the Presidency; 35% are subsidiaries of a Ministry. In the Caribbean, 10.5% of MWA have ministerial rank; 5.3% have ministerial status and report to the Prime Minister; and 84.2% have a smaller range. (Gender Equality Observatory ECLAC).

Although there is a more favorable hierarchy in Latin America than in the Caribbean, this does not translate into a better quality of life for women. In many cases, such as Peru, these mechanisms become a bureaucratic body that does not respond to women's vital necessities, nor do they prevent or protect them from violence. In other countries, such as Guatemala, the proceeding for the designation of the Secretary of the Presidency for Women -SEPREM- was changed, eliminating the participation of women in such designation. This revoked an achievement made by the women's and feminists' movement. In addition to the national level, MWA are replicated at regional or municipal levels, along with mechanisms in other state powers, like gender or women's groups within other public bodies or parliamentary commissions. Additionally, governments have created agencies of political coordination in charge of promoting anti-discrimination, pro-equality legislation, such as Women's Political Forums or multi-party parliamentary groups. Likewise, governments have created mechanisms specialized in Judicial Power, with the objective of guaranteeing access women's access to justice: women's commissioner offices, courts, and centers for attention to victims. At an inter-governmental level, institutional mechanisms are replicated in regional and sub-regional courts. The Regional Conference on Women in Latin America and the Caribbean is the most important forum for institutionalizing the gender agenda in the region (ECLAC, 2012).

However, in many countries, agendas for gender equality have not been included in government agendas of public politics. This demonstrates authorities' lack of political commitment, regardless of whether there are women behind these decisions. Although the majority of countries in the region have advanced in terms of politics, legislation, and pro-gender equality institutions, there are still profound gender inequalities in the protection and guarantee of women's rights, access to productive resources, decent employment, autonomy to make decisions about reproductive and sexual life and maternity, medical attention during pregnancy and birth, as well as the right to a life free of violence. In some countries, the meaning and conceptualization of equality and equity varies, making the application of cross-cutting strategies difficult.

Weaknesses in institutional democracy (like inefficiencies in management of public affairs, resistance to change) translate into projects with scarce impact on public politics and women's lives.

According to official reports, 17 countries in the region began National Plans for Equality of Opportunities to promote politics of gender mainstreaming and to establish guidelines for public policy alignment. However, the statement does not guarantee efficient execution, because there is still resistance within government departments, lack of knowledge of how to implement gender mainstreaming, and many governments do not have goals or evaluation mechanisms, or they do not have the budget specifically earmarked for gender issues.

**The distance between what laws state and the reality of gender equality is still important. Although many governments claim to have plans for equality, they do not publicize information about their budgets. We know that there are no specific budget lines for implementation in several cases; or budgets depend on donor agencies that provide support for a limited time without ensuring sustainability. In other cases, the items are minimal, as if they**

**were intended for a small group of people. For example, since 1997, Paraguay has implemented three National Plans for Equal Opportunities to address the 12 areas concern. The budget of the Ministry of Women represented only 0.0344% of the General Budget of the Nation in 2013 (ECLAC). The Dominican Republic does not have a National Plan for Equality, and the percentage of the budget spent on equity decreased from 0.0013% in 2008 to 0.0008% in 2014.**

Only five countries have implemented budgets that increase the amount of investment in gender equality: Costa Rica, El Salvador, Guatemala, Mexico and Paraguay. In the case of Mexico, the expenditure labeled for Women and Gender Equality (GEMIC) acquired the status of official standard as of 2008. This supposed that the state was obligated to spend money only on titles to which it was assigned, thus avoiding a separate budget execution scheduling.

Ten countries in the region did not report on their budgets: Argentina, Bolivia, Brazil, Cuba, Ecuador, Honduras, Nicaragua, Panama, Peru, and Uruguay. Chile reported a 213% decrease in 2013; only the Dominican Republic signaled a lack of resources as one of the obstacles identified by the government.

However, in many cases, these budgets depend more on international cooperation than the actual funds of each country.

Bolivia, Colombia, Ecuador, El Salvador and Uruguay have adopted Plans for Prevention and Eradication of Violence. Nicaragua had a similar plan, but only from 2001 to 2006. In addition, the number of countries with Equality Acts has increased. These countries include Colombia, Costa Rica, Honduras, Panama, Venezuela, Mexico, Nicaragua, Peru and Uruguay, under the which new institutional agendas, policies and institutional mechanisms as well as legal reforms and new legislation toward gender equality were developed. **Despite the creation of gender-sensitive statistics and a suggested set of indicators to measure**



progress, efforts are still weak and do not show the reality within each country or allow comparison between countries. Data production is still limited, to the extent that some countries still have no official statistics disaggregated by sex, cultural ethnicity, age and sexual orientation, which helps to hide inequalities.

During the Tenth Regional Conference on Women, through the Quito Consensus (2007), member states of ECLAC requested the establishment of the Centre for Gender Equality, as a tool to monitor information on the progress of gender equality in three crucial areas: physical autonomy, autonomy in decision-making and economic autonomy.

## I. Women's Human Rights

The evaluation of the region shows that most advances in human rights remain within the scope of formal equality. In other words, they do not translate into improvements in women's day-to-day lives. All countries in Latin America and the Caribbean have ratified both the Convention to Eliminate All Forms of Discrimination against Women (CEDAW) and the Convention of Belém do Pará. However, mechanisms to enforce these agreements are still scarce.

In addition, nine countries in the region have expressed reservations about adopting CEDAW. Most were opposed to the Article 29, paragraph 1, which provides for referral to the International Court of Justice any dispute between two or more government parts under conflict interpretation of the Convention.

Despite having signed the CEDAW, many countries have not yet ratified the Optional Protocol, especially in the Caribbean. These countries include the Bahamas, Barbados, Cuba, Dominica, Haiti, Trinidad and Tobago, Saint Lucia, and Saint Vincent and the Grenadines. In Central America, El Salvador, Nicaragua and Honduras have not ratified this section either. In South America, Chile is the only country that still has not ratified the

Optional Protocol.

The lack of data and statistics, along with the above mentioned difficulties, prevent the estimation on how women are deprived from enjoying their human rights. CEDAW Committee restated the need of States to collect information disaggregated by sex; the need of increasing budgets for public policies with gender perspective; adjusting policies on violence against women in alignment with General Observation; reinforcing programs for the elimination of gender stereotypes, including the media; taking positive measures to promote equality in the working environment; reviewing legislation on abortion.

In addition to their reservations about CEDAW, six countries – Argentina, El Salvador, Guatemala, Honduras, the Dominican Republic and Venezuela -- expressed reservations about the Beijing Platform for Action. Specifically, they expressed concerns related to sexual and reproductive health, fertility and abortion.

Latin American states are facing significant debts outstanding for the full exercise of women's rights and equal, as the binding mandates of international human rights treaties. Main advances are seen in the formulation of constitutional norms or national laws, as in the case of Argentina, where the legislative advance regarding women's rights was significantly.

In general, major advances are evident in formulating constitutional rules or laws, especially comprehensive laws on violence against women and the creation of judicial or extra-judicial mechanisms. However, it is not yet seen the impact of these measures in reducing violence, including extreme expression femicide.

The Special Rapporteur of the United Nations in 2012 reported on the situation of human rights defenders and showed that women in Latin America are more likely to suffer threats, murders and attempted murder,

especially in Colombia, Mexico, Guatemala, Brazil, Honduras and Peru. These women are leading social movements that denounce the situation, asking victims to testify calling attention to the sexual violence perpetrated by the military; defending women imprisoned for abortions, etc. However, aside from the violence that they suffer for being women, their contributions are not recognized. Many are not even considered human rights defenders, which increases their risk of being denied protection measures.

Human rights defenders experience many rights violations, especially those associated with non-traditional families or those who fight for sexual and reproductive rights. The intersection of gender with ethnicity increased vulnerability, as in the case of women defenders who are of African descent or indigenous. In 2012, there were 414 documented attacks against human rights defenders in Mesoamerica, 118 of which were perpetrated in Mexico (representing 28.5% of the total). (Mesoamerican Initiative for Human Rights Defenders and National Networks of Mexico, El Salvador, Honduras and Guatemala). Assaults against women's rights defenders require special attention and protection mechanisms. Governments often fail to prevent and sanction such violations of defenders' rights (IACHR).

As an additional way to ensure human rights, states who signed the Beijing Platform for Action pledged to provide constitutional guarantees or enact appropriate measures to prohibit discrimination on grounds of sex against women and girls of all ages. All national constitutions in the region contain clauses that establish equality among citizens in general and under the law. Only some countries specify equality between men and women: Argentina, Bolivia, Brazil, Colombia, Mexico, Cuba, El Salvador, Panama, Peru, and Venezuela. However, equality and non-discrimination appear more frequently more on paper than in reality.

## J. Women and the Media

Women's role in the media is an issue that is frequently ignored governments, and an area in which there is much work to be done. Problems in our region include: women's lack of access to content generation and decision-making in the media, the dissemination of stereotypical content, and digital "literacy."

Although countries have made progress in implementing laws for equality, there have been no such advances in actions or public policies aimed at integrating workers with gender-sensitivity training in the decision-making and/or content production. Many employees in media companies are female - producers, reporters even cameramen, photographers and editors -- but that does not mean they have gender-sensitivity training. Consequently, a workforce comprised largely of women does not guarantee better treatment of topics. In reality, as one moves up the media pyramid, men are the ones who decide what to publish or broadcast and how.

Another area of concern is the presence of sexist stereotypes about women in media content. We often see and hear offensive and damaging comments, sometimes disguised as "humor," that promote female subordination. According to studies by Latin American media observatories, women's bodies are continually presented as objects of desire, forced to conform to ideals of beauty and thinness, along with physical and ethnic traits that are fashionable in each country.

The way in which many media companies address the issue of violence is another challenge. In cases of femicide, media often publish examples of "research" that focus on the "reputation" of the victims instead of condemning violence outright.

Although some optional seminars and courses have been included in some communication or journalism programs on gender perspective in the addressing the issues affecting women's lives, as they are not part of the mandatory communication program curricula, they are

insufficient to modify the way in which journalists address and represent women.

Initial analyses have found that most countries do not prioritize women's access to new information and communication technologies (ICT). Training in information technology and communication are very recent in most countries, and there is little data female's participation in these programs. Civil society organizations have piloted some classes to train adult women, but these programs are few and far between. Moreover, most do not have a gender approach that addresses specific issues to promote the use of ICTs by women of all ages and classes.

However, it should be emphasized that in recent years, several countries of the region have adopted comprehensive protection laws against second-generation violence including legal figures of symbolic violence and media violence (Argentina, Bolivia and Venezuela). These laws are intended to highlight specific forms of violence against women in the media. Similarly, reforms in several countries of media laws have introduced specific regulations and public policies regarding rights violations based on gender in the media (Argentina, Uruguay, Venezuela and Ecuador).

## K. Women and the environment

Women have an essential role in the development of patterns of consumption, sustainable production and methods for managing natural resources. If we look at human rights focusing on women's rights, the expected effects of climate change threaten the full enjoyment of a series of human rights, such as the right to safe and sufficient water, food, health and adequate housing. In Guatemala, indigenous women and the feminist movement decided to change the name of this area of concern for "Defense for life and land".

According to several projections, Latin America and the Caribbean is one of the most vulnerable regions and within it some of the forecast impacts of climate change surpass even

the most cautious projections. The region contributes little to the greenhouse gas emissions, but suffers the most evident and negative effect: the increase of climate variation and greater recurrence of extreme phenomena (CIGAR, CCAF, MICCA FAO, 2013).

The region has the highest average of water availability in the world; however, such availability and the water safety vary enormously within countries and among them. In some parts of the region, the current use of water is unsustainable (World Bank). The increase of temperature is strongly affecting glaciers and their role as water sources and torrent regulators in weak ecosystems.

**Women have a direct relation to natural resources because in all societies most of the household activities are still their responsibility.** In the case of rural and indigenous women, they represent the majority of the agriculture labor force and have fewer opportunities to gain income. In Guatemala, returning to the eco-feminism approach is suggested, which proposes the relation of harmony, sustainability and diversity of women with nature.

**Despite the important role women develop in water management, the gender perspective is still absent in legislation, public policies and programs related to water resources.** National programs with bilateral and multilateral support in the region neither take into account the differentiated uses of water and the specific needs of women and men nor do they consider the need of ensuring an equal representation in decision making processes guaranteeing water management. Consequently, financial resources are not allocated for such purpose (ECLAC, 2012).

The increasing presence of extractive industries such as mining in indigenous territory leads to militarization, traffic, the use of pesticides, sexual violence against indigenous women and girls. In Guatemala, the promotion of extractive activities does not consider environmental impact, especially water pollution and displaced people are not economically

compensated. These activities affect indigenous populations, being women the leaders of the claiming (Beijing+20 Alternative Report, Guatemala 2014). It is worth highlighting the relation between extractive industries on communities, the environmental violence and sexual and reproductive health of indigenous women. Political position and action plan of indigenous women, 2014.

Although in the fields women participate in water management as users, mainly in its collection for domestic use, they are often excluded in the decisions on such issues, which are mainly taken by men. However, there are communities in which women have been empowered and are fighting for the right to water, against pollution and privatization of urban areas, for example, the women's association in El Salvador *Asociación de la Mujer Salvadoreña*.

Women stand out in managing urban waste (methane from dumping sites and methane and nitrous oxide from wastewater), which approximately contributes to 5% of the greenhouse gases. An experience to integrate women in this process has been the environmental management society in Bolivia *Sociedad de Gestión Ambiental Boliviana*, which implemented educational projects and support for people living by this activity in the project "Ciudades Focales de Cochabamba", a project which has had interesting results. In Brazil, there is the recycling cooperative *Cooperativa de Reciclagem Unidos Pelo Meio Ambiente*, CRUMA, founded in 1997 to preserve the environment, while creating employment through the collection, division and transport of recyclable material. Women and children represent an important labor force in the separation of recyclable materials.

**In the region, the dominant approach in public policies for development is the modernization of production which does not include a gender perspective** or consider an economic growth including women in the most vulnerable aspects. The legal changes in natural resource exploitation (oil and mining) legislation are

new threats to the environment, and which increase the vulnerability of women who defend it, as their persecuted and punished (Alternative Report Beijing+20, Guatemala. 2014). In few countries of the region, national strategies for sustainable development have been developed, where the cross-cutting presence of gender is almost none, except for Costa Rica, Uruguay and Mexico.

## L. Girls

**The situation of girls in the region has not been duly considered by countries. Childhood is still addressed in general, with no disaggregated data and no specific information on the situation of girls.** It is alarming the lack of specific programs to promote the fulfillment of the commitments assumed to eliminate discriminations, exploitations and other goals of the Platform of Action. The fact that childhood is still considered a male paradigm explains lack of specific policies for girls and the persisting barriers impeding the achievement of equality.

**Regarding the age for marriage, in most of the countries of the region the minimum age to get married is 14-16, and not 18, as it was recommended.** In Trinidad and Tobago religious marriage for girls is allowed at a very early age: 12 years for Muslims, 14 for Hindus, 16 for Orishas. In Guyana, due to religious beliefs and cultural practices, marriages are frequently arranged for girls at the age of 12. In Guatemala, 54% of the female population above 12 years old live in union, 23% of homes have single female heads of household (Beijing+20 Alternative Report, , Guatemala. 2014).

Regarding the minimal age for marriage, most of the countries, especially in Central America and the Caribbean, did not include data in their official reports. In 2013, Uruguay established the same age to get married for girls and boys at 16.

Regarding fertility, **Latin America is the only region in which some countries have increasing adolescent fertility rates, instead of de-**

**creasing ones.** In Surinam, there is an increase in adolescent maternity, from 15% to 17%, and in Peru, an increase from 11,4% (ENDES 1991-92) to 13,2% (ENDES 2013). The British colony Turks and Caico Islands also show an increase in adolescent pregnancy. In Guyana, 50% of girls abandon school due to pregnancy.

In Paraguay, the Committee on the Rights of the Child drew the attention to the great number of adolescent pregnancies, especially among indigenous and Afro-descendent girls. They are also concerned about the lack of access of children and adolescent to information on sexual and reproductive health and the lack of formal education at schools on such topics. Moreover, the Committee expressed its deep concern for the changes suggested for the current legislation which aims at sending pregnant girls to special educational institutions, which is a serious violation of their rights.

The increase and high prevalence of adolescent pregnancies are a direct consequence of the difficulties and restriction adolescents face when attending sexual and reproductive health services to seek attention, information and get contraceptives. In some countries, like Panama, most of the care provided to indigenous and Afro-descendent girls is because they are pregnant. This situation evidences the extension of sexual abuses in girls and adolescents in the countries of the region.

**Sexual abuse of children is also a common denominator in the region** which has motivated constant remarks by the Expert Committee for the Convention on the Rights of the Child. Among them, the repeated abuses perpetrated by Catholic priests and other religious authorities, which instead of being interrogated and judged are protected by their superiors and even by Justice. This situation represents an obstacle for the efforts to punish the people responsible for the abuses.

Migration of girls in the region is a serious problem, especially in the cases in which they

travel alone because their families send them to work abroad. An example is the rural families in Guatemala which send their children to work in the border state Chiapas (Mexico) to support their families by sending money. They work in high vulnerability conditions because as they travel alone, they do not fulfill the migratory formalities and they always work irregularly (Centro de Derechos Humanos Fray Matías de Córdova and Centro de Derechos Humanos de la Universidad de Lanús). Migrant girls travelling alone are at higher risk of suffering sexual abuses and being subjected to human trafficking for sexual exploitation purposes. When they are detected by the authorities and they are under 12 years old they are taken to closed shelters, being arbitrarily deprived of their liberty. In general, there is no effective proceeding for the protection of migrant girls; there is a limited, and in some cases inexistent, access to adequate medical or psychological care or other services of judicial support.

## URGENCIES, CHALLENGES AND RECOMMENDATIONS

Evidence is clear and eloquent. Either urgent and clear measures are taken to eliminate discrimination, lack of protection and deep inequalities or women and girls in Latin America and the Caribbean will still be neglected their right to live a decent life, with full enjoyment of their rights and free of discrimination, obstacles and barriers.

Women and girls cannot wait another 20 years to achieve advances in the acknowledgement of their rights and in the elimination of the gaps that condemn them to live in unacceptable inequality condition.

### Urgencies, challenges and general recommendations:

In order to measure to which extent inequalities affect women and girls, and therefore, be able to design and put into practice actions, programs and policies that decrease inequalities up to their elimination, it is unavoidable



the elaboration and consolidation of a gender based system of statistics and indicators that measures the impact in daily life of violence against women; the high poverty levels and economic restrictions women and girls suffer; the lack of access to sexual and reproductive health services, and abortion and safe child-birth care; the lack of opportunities and access to political participation; the participation in decision making processes; how the permanent obstacles to access justice affect them when filing a complaint for discrimination, violence and violation of their right health; and the consequences of their lack of participation in the protection and decision making on environmental issues.

In order to compare that information and correctly weight the differentiated manner in which inequality impacts, indicators, statistics and data register systems should **be homogeneous** within countries and within the region; **the special characteristics on how women are affected should also be taken into account**, regarding whether they are indigenous, Afro-descendant, rural, urban, heterosexual, homosexual, disabled, girls, adolescents or adults.

It is also necessary **to design and implement policies and programs that care and protect women and girls whose lives are at risk**, that is, women victims of public and private violence, migrants, those suffering from serious complications regarding their reproductive lives, for those living in poverty, for those victims of natural disasters and armed conflicts, for those living with HIV and those who are discriminated due to their sexual identity. Actions should be effective in addressing and rapidly solving the threats, but also in preventing and eliminating them.

Another urgency of the region **is translating the commitments assumed in legislation and public policies into concrete actions**, so formalities enshrined in words translate into better quality of life for women. Concrete actions translated into government plans, public policies or laws should be elaborated taking into account **gender perspective**. Laws estab-

lishing equality are not enough: **operational measures that make the participation of women real** in politics, the access to land, the resolution of armed conflicts, employment and education opportunities, sexual and reproductive decisions. Bringing the government plans and policies into reality also requires allocating **gender-sensitive budgets with enough funds and labeled** for these measures, so accountability on their implementation can be enforced.

Therefore, **evaluation mechanisms** on the impact policies and programs have on women and girls should be designed/strengthened and implemented; mechanisms of transparency and accountability should be implemented, as well as a system of **punishment** in cases of unfulfillment of policies and programs should be applied. In order to achieve this, information should be available, in a complete and timely manner. The elimination of discrimination and the achievement of equality are impossible without the punishment of officials and decision makers who promote or ignore discriminations, those who by action or omission put the lives and health of women and girls at risk, those who deny or impede the enjoyment of human rights.

Another urgency common to all the Beijing areas of concern is the **sensitization** of people in charge of public policies, programs and laws that impact women's and girl's quality of life. It is important that those who design public policies on development, employment, health, environment, citizen participation, those who enforce the law, work on education or decide over the media understand what gender perspective is, how prejudgments and stereotypes create discrimination and condemn women, girls and transgender people to bear uneasy lives in terms of daily life aspects, their decisions and integrity.

In the Montevideo Consensus, countries reaffirmed the fact that States are lay is also fundamental to guarantee the full enjoyment of human rights. Due to the diversity of situations in the region, it is imperative that this recom-

mentation is included in the Post-2015 development agenda so all countries, regardless of their beliefs and cultural values, ensure all the population the access to such rights.

### Specific recommendations for each area of concern

#### *A. Women and poverty*

In order to eliminate the persisting poverty gaps specially affecting women, public policies aiming at improving women's situation need to be implemented. Conditional transfer programs are benefits which should be adapted based on a gender perspective. It is necessary to promote and ensure the economic empowerment of women, avoid they enter the labor market with policies that discourage their participation, as well as to strengthen the social security systems to allow women to participate in the same conditions men do.

Time use and care tasks represent great inequalities between men and women. Women have less time (available time) and devote more hours per day taking care of children, disable people, sick people and the elderly.

In the case of girls and women with disabilities in Latin America, there is a direct relationship between poverty and disability. Poverty exacerbates disability and disability increases poverty, which particularly affects women. According to World Bank data, in Latin America more than 70% of girls and women with disabilities live in moderate or extreme poverty. Poverty within this group is reflected in the high rates of exclusion in the areas of education, health, employment, social inclusion and political participation. To address this problem, it is necessary to introduce budgets that consider gender and disability, invest in programs to eliminate the lack of education and unemployment of disabled women and girls, and ensure the life-long protection of human rights.

The time invested by women in urban transport and mobility should also be considered in social and planning policies.

This uneven distribution of time use and care tasks requires **accelerating policies that create mechanisms and environments** in which care activities are not only a burden to women and girls, but also to men and the State. States must guarantee these rights.

It is mandatory to ensure 14-week **maternity leaves** and implement and broaden **fatherhood leaves** so as to share the responsibilities of taking care of children.

#### *B. Women and education*

It is necessary to move forward in order to detect and eliminate the obstacles that relegate women to care giving, inactive and submissive roles, or to poor jobs. Therefore, **the reproduction of patterns** consigning women and girls to those positions and impeding them to access the highest hierarchical decision making positions in education have to be modified.

Actions need to be taken from initial education, where **sexist discourse should be identified and excluded** from the curriculum, a discourse which naturalizes gender relations from a traditional perspective, legitimizes the sexual division of labor and strengthens the stereotypes of women and girls.

It is important to guarantee that pregnant adolescents do not abandon school and they develop support mechanisms to take care of their children.

Moreover, it is necessary to improve the quality of education, especially the one offered in state schools and achieve a minimum coverage of 180 days of classes; to incorporate education in indigenous languages; and to promote the allocation of scholarships for girls, specially indigenous, in order to guarantee their schooling.

The recommendation also needs to create **teacher training policies sensitive to gender construction** in order to avoid the reproduction of stereotypes and which favor learning environments free of discrimination against girls or boys.

To address the high rates of exclusion from the educational system among girls and women with disabilities, it is necessary to ensure that there are safe spaces in the community for education that is inclusive, permanent and life-long.

In this regard, the exclusion of all type of gender discrimination should be guaranteed to allow girls and boys with different sexual identities to stay in educational services until the completion of their studies, without facing violence or discrimination as they do nowadays.

It is recommended to implement **comprehensive sexuality education** at all levels of formal education in all countries of the region and guarantee the adequate training of teachers. In this regard, governments should implement the 2008 agreement of the ministries of education and health setting the commitment of such education. Intensifying those approaches will help work on another priority related to education: encouraging safe environments in school contexts in the view of eventual sexual violence cases.

### C. Women and health

There is an urgency to ensure women's access to health and that the State guarantees it, especially sexual and reproductive health. The recognition of the right to health should include prevention and the right to body autonomy and to decide. In order to prevent women continue dying or suffering serious consequences due to causes related to pregnancy, childbirth and puerperium, **a comprehensive and inter-cultural approach in the maternal care services** must be ensured. This includes incorporating trained "midwives," especially in rural areas. Mechanisms must to be created to guarantee women an adequate care of their

needs and also one which respects their decisions regarding childbirth: which type of childbirth they want, who they want them to be there, where to do it. It is also important to promote the incorporation of obstetric doctors and encourage their participation in the management of pregnancy and post-birth.

A wide range of contraceptive methods should be distributed, allowing women to control their fertility. Counseling, informed election and elimination of the barriers impeding timely access to contraceptives should be guaranteed. Men should be also held accountable for their fertility and they should be provided with information, counseling and supplies.

Access to all contraceptive methods should be guaranteed for all the population, including indigenous, Afro-descendant women, women living with HIV and migrant women, free of discrimination and/or coercion.

Health services should also respect women's decision and assist them when they request **a voluntary interruption of pregnancy, guaranteeing the access to abortion services** in the cases allowed by the law and in the post-abortion care, **including the complications related to unsafe abortions**. As stated in the Beijing Platform, all forms of criminalization of women must be eliminated. The imprisonment and trial of women who arrive to hospitals with an abortion in process is unbearable, as it is the case of El Salvador. In order to reduce maternal mortality, the legalization of abortion is needed, as well as the derogation of criminalizing laws on pregnancy interruption.

In particular, regarding adolescents and young people, it is necessary to create instruments for health professionals that protect the sexual and reproductive rights of young people, including their right to privacy and confidentiality of the consultation. This involves the elimination of all the obstacles they face when seeking for legal and safe abortion, including the authorization of third parties, as well as the access to emergency obstetrics care free of discrimination and an adequate treatment of

the complications of abortion to protect their lives and health, independently of the legal situation.

We also recommend sensitizing the legal, policy and health sectors on sexual and reproductive rights and how to apply the laws in compliance with the human rights of adolescents and young people. Special attention should be given to the elimination of restrictive legislation that limit the access of adolescents to sexual and reproductive health, for example, the requirement that parents assist with their children 14 years old or above to medical appointments. Health service personnel should be trained on the recognition and respect of the sexual and reproductive rights of adolescent.

The **provision of contraceptive methods, including the emergency contraception**, should be guaranteed in an efficient and fair way in all the countries in an even manner in all the territory. This includes training the health care personnel **assisting adolescents and young people**, defining medical criteria for the prescription of contraceptive methods, sexual and reproductive rights and counseling.

There is also the need of ensuring universal access to sexual and reproductive services, contraceptive methods, maternal health, prevention and timely care of STDs, HIV access to HIV diagnosis and antiretroviral treatment, diseases and cancers related to sexual organs, and assisted reproduction without discrimination, in referent efficient systems and counter-referent services from primary level care to other levels of care.

Care protocols for women experiencing all types of violence should be introduced, and in cases of sexual violence, they should include pregnancy and HIV prevention.

Women with HIV must be guaranteed access to antiretroviral and co-infection treatments.

These measures should be taken along with the specific budget allocation and the implementation of a claiming system to denounce

violations to sexual and reproductive rights in health systems.

Ensure equal access to health care for all women during their lifetime, including places of refuge for women that do not discriminate on the basis of their migratory or legal status, disability, sexual exploitation, prostitution, sexual orientation, gender identity, ethnicity, age or religion.

#### *D. Violence against women*

Publicly committing to eliminate violence against women and girls is not enough. In order to translate these commitments into effective actions to eradicate the causes of gender violence and comprehensive responses to address the consequences and suffering of women victims. The States **should launch concrete comprehensive measures guaranteeing the victims access to justice, damage repair/compensation, the punishment of aggressors, the guarantee of non-recurrence, as well as the follow-up and support of them and their families, and prevention.** Measures and the necessary funds to develop a prevention system to eradicate all forms of gender violence should also be provided. The States should focus on guaranteeing comprehensive measures for the care of children, adolescents and women victims of sexual violence, forced prostitution and human trafficking.

The legal processes should be easy to access, quick and clear, and should adapt to the different conditions and needs of women. Women should have **access to public defenders** in case they do not have one, to translators if they speak indigenous languages, be guaranteed that judges have been sensitized on gender issues so women are not discriminated against in the proceedings due to their condition of being women.

These proceedings should take into account violence against women in public and private spheres, as well as other types of violence, including sexual and reproductive. In this regard, it is important to ensure the access to post-exposure prophylaxis, treatment for sex-

ually transmitted infections and emergency contraception, as well as to guarantee that women suffering from violence timely access to HIV tests and anti-retroviral (ARV) treatment for those living with HIV and attend shelters.

In order to eliminate violence against women and girls, it is key and urgent the **inclusion in a unified registration system of information disaggregated** by gender, age, race, disability, location, relation with the aggressor, antecedents of domestic violence or any other violence between victim and aggressor, type of violence and place where the aggression took place.

It is also essential to analyze the cost of gender violence, what the victim loses but also how violence affects the social productivity, how much it costs to assist the victims and the punishment and programs for aggressors.

Along with these measures, actions addressing the socio-cultural dimension of violence against women should be taken, as well as the implementation of programs promoting the empowerment of women in order to help them detect risks and act consequently.

Regarding human trafficking, there should be statistical data and prevention and penal prosecution of traffickers within the country the crime was committed and at international level.

#### E. Women and armed conflicts

In order to better solve armed conflicts, it is mandatory to **include women in debate and policy resolution roundtables**. In this regard, it is unavoidable to implement the UN Resolution 1325 on peace, conflicts and the situation of women and girls, and promote their leadership and presence in peacemaking, reparation and reconciliation processes. Women's input is key to guarantee reparations are egalitarian, and in particular, indigenous women should be included because they have suffered the most during these conflicts.

It is urgent that the States design and implement policies of access to land and housing for displaced and refugee women, as a way to counteract the double discrimination women suffer, who have to abandon their territories due to violence. It is unavoidable that the States assume that it is their obligation to protect women in this situation, including the provision of services and resources for care, assistance, comprehensive repair and access to justice.

#### F. Women and economy

Reducing the feminization of poverty and including women in all areas of work –not only the traditional ones– to overcome inequalities involves **strengthening instances of training in non-traditional jobs**, along with the support to the participation of women in non-feminized sectors of economy.

In this way, inequalities will not proliferate and women and girls will not be forced to migrate (from rural to urban zones, from one country to another).

The recommendation includes creating **labor conditions that respect wage equality and take into account differentiated conditions**, not only of women employees, but also indigenous women, Afro-descendant and disabled women.

It is necessary to promote policies of inclusion and development of labor which guarantee that people access the labor market regardless of their sexual orientation and gender identity-representation, as well as policies ensuring they fully develop in the professional activities they perform.

There is an urgent need to really materialize and improve the working and social security conditions of **household workers**, monitor them, and punish the abuses and poor condition in the workspace. Therefore, we recommend the States approve ILO Convention 189 and its implementation.

#### G. Women in power and decision making positions



In order to guarantee equality between men and women in political participation and in the making of decisions at all levels and spheres of society, it is essential the establishment of mechanisms to **broaden until the participation of women in decision making processes is equal to men's participation** at regional, national and local level through the adoption of the necessary and adequate measures.

**Secure financial, moral and social support as well as opportunities for the effective participation of all women; including the participation of diverse organizations and networks that serve and represent all types of women.**

The positive actions promoted by CEDAW are necessary **but there is also the need to encourage mechanisms which lead to an equal participation, that is, a real equality between women and men. Discrimination preventing some groups as indigenous and Afro-descendant women from real equality should be eliminated.** This includes the approval of regulatory frameworks useful to promote gender equality in political parties and trade unions, in different level of decision making, but also **the guarantee of evaluation and punishment mechanisms** for those situations in which women cannot exercise their rights to power and decision making positions.

This recommendation comprises the access of women to positions in the legislative, executive and judicial powers, political parties and trade unions, key spaces for their participation in the design and demand of labor and productive opportunities.

#### *H. Institutional mechanisms for the advancement of women*

Latin American and Caribbean countries recognize the advances in the creation and promotion of instances addressing, specifically, the situation and needs of women and girls. However, it is necessary that institutional mechanisms for the advancement of women are **strengthen and have a hierarchy in the highest ranks of decision making**, because as long as they have little decision power, they will not

have an impact in decreasing the inequality gaps affecting women and girls.

This institutional strengthening implies **autonomy in the decision making and design of programs and policies promoting a better quality of life for women and girls**, as well as the need to increase the allocation of resources for its functioning.

We recommend the promotion of mechanisms for the advancement of women establishes cooperation relations with all the dependencies of the government, academic institutions, the private sector, the media and civil society organizations. In this regard, it is important that the participation of women's organizations is institutionalized in all the official instances of gender equality at all levels of government through mechanisms to provide input and monitor the definition, implementation and evaluation of policies, programs and services, ensuring access to information and transparency on the decision making processes and participation. In countries like Guatemala, participation in the appointment of the Secretary of the Presidency for Women should be restored, a mechanism which was recently eliminated.

We also recommend the States the adoption of **equality plans between women and men that orient national planning**, sectorial policies and the inter-sector coordination of public policies. Moreover, we urge the assignment of adequate resources and budget in order to implement such plans.

It would be important to support social organizations and the sustainability of their actions to guarantee the enforceability of the conditions for the exercise of rights, free of discrimination.

#### *I. Women's human rights*

As long as the **States of the region do not take the reserves they have put on international instruments** such as Beijing Platform of Action and the Cairo Plan of Action of the International Conference on Population and Development,

guaranteeing equality between women and men, as well as a life free of violence and discrimination, the situation of women and girls in Latin America and the Caribbean will not improve.

Therefore, we urge the governments to guarantee the soon **ratification of all the treaties related to women's rights, especially the CEDAW protocol**, as well as removing the reserves on the international treaties, especially CEDAW, as well as the documents on Cairo and Beijing.

It is also urgent the fulfillment of the recommendations included in the Final Observation and in the statements of the human rights follow-up committees, as well as the CEDAW Committee, the Universal Periodic Review and the Committee on Economic, Social and Cultural Rights, among others. Those are pending debts with women's human rights that have existed for more than two decades in some cases.

In particular, we urge the States **to guarantee the security of women human rights defenders**. They often suffer double life threats because they advocate for human rights and because they are women, which make them more vulnerable. In this regard, we urge the States to urgently implement the resolution of the Third Commission of the United Nations General Assembly in favor of women advocates of human rights (NU A/RES/68/181).

The States cannot ignore the risks women right defenders face. They have to take actions in order to guarantee them their work, life and freedom. This recommendation includes punishing those who attack or impede this work.

In order to guarantee the access to justice of indigenous women, in those countries with judicial pluralism, efforts should be done to achieve legislative harmony between customary and state laws, as well as with international conventions ILO Convention 169, CEDAW and Belem do Para.

We urge governments to promote and protect the rights of women and girls with disabilities and to implement the Convention on the Rights of Persons with Disabilities.

#### *J. Women and the media*

As long as States ignore the situation of women in the elaboration of content and decision making of the media, as well as in their access to information and communication technology, structural inequality will not be eliminated in the region.

To eliminate the symbolic violence that perpetuates inequality of women and feminized identities, including in the media, a constant, unwavering commitment on behalf of governments will be required.

It is necessary to create actions that **guarantee the access of women to hierarchical decision making positions**, but at the same time sensitizing and training the media on a gender perspective. In order to do that, we suggest the promotion of information and awareness raising campaigns on the benefits of creating non-discriminatory, stereotypical or sexist content, and ensure that undergraduate communication classes include mandatory coursework on gender and diversity.

It is necessary **to encourage and reinforce content monitoring** disseminated through the media, as well as to generate effective punishment mechanisms for the dissemination of content reinforcing stereotypes or generating violence against women and girls.

In order to avoid the propagation of discrimination and violence, governments should develop strategies and campaigns that tend to eliminate stigma and stereotypes often disseminated in the media.

It is also suggested the inclusion of a gender perspective in the course of studies related to communication at public and private universities and institutions of tertiary education as a way of changing the training of future communicators.

Mechanisms for the inclusion of gender and gender equality should also be included in the ITC policies to create and strengthen the skills and knowledge of women and to create equal opportunities of social development, education, culture and income.

Recent codes on media and violence have been approved in some countries in the region and include provisions on gender inequality. We must implement them and evaluate the public policies that they mandate.

#### *K. Women and the environment*

The inclusion of women, specially indigenous and rural, in the design of **environmental policies that consider a gender perspective** is fundamental to mitigate the effects of climate change and to achieve sustainable societies. Also, the different ways in which climate change, water access, provision and availability, food security and sovereignty, and alternative, renewable and low cost sustainable energy should be included in such policies.

States should economically compensate women who are displaced due to mining or hydroelectric projects, and stop expulsion, which represents a violation to their rights.

Women should be integrated, including indigenous women, their perspective and knowledge, in equal conditions as men in the adoption of decisions regarding sustainable order and the formulation of sustainable development policies and programs, in particular those devoted to assisting and preventing the environmental depletion.

The States must economically compensate women who are displaced as a consequence of mining or hydroelectric exploitation projects and they should no longer be expelled from their territories as this represents a violation of their rights.

It is necessary to consider the input of women to find transforming answers and changes in the reduction of emissions and the stabilization of the average global temperature. The

input of indigenous, Afro-descendant and rural communities is key in order to achieve that; therefore, there is a need to integrate their perspectives and knowledge in equal conditions with men, for the adoption of measures regarding the sustainability of resources and the formulation of policies and programs of sustainable development, particularly devoted to assist and prevent the depletion of land. It is also important to protect property rights of designs and indigenous fabrics, according to ILO Convention 169.

#### *L. Girls*

States must urgently take **protection measures that include in particular cases of incestuous sexual abuse** (which mainly takes place in homes) in order to protect girls from violence in the private and public spheres, as well as the atrocities they face when they migrate, especially alone, and the difficulties disabled girls encounter.

The recommendation includes **studying and eradicating the causes that force girls to leave their homes** and communities, as well as guaranteeing them international protection in the distances they travel to reunite with their families. Public policies to assist deported children should also be design and implemented.

It is imperative to set **18 as the minimum age to get married** for both sex, such as it is recommended by the Committee on the Rights of the Child and to encourage policies to prevent early marriage and allow the comprehensive education of girls.

Intra-family abuses and/or abuses perpetrated by close people are a constant. They should be disaggregated in public policies and also in the judicial system. The approach of legal issues related to girls should include the observations by international bodies

It is also necessary to urgently guarantee adolescents **access to sexual and reproductive health services which provide information and contraceptive methods**, including emergency

hormonal contraception in order to diminish the high adolescent pregnancy rates in the region. Moreover, it is also urgent to punish the providers that impede the care of this population or discriminate them on the basis of sexual or reproductive reasons. It also provides for information on HIV prevention and access to HIV tests, their results and ARV treatment.

Women adolescent should be respected and treated as subjects of right, also in the field of sexual and reproductive rights, with autonomy, should be guaranteed the access to information on their right to the interruption of a pregnancy resulting from a rape or when their lives and health are in danger, and should be taken into account the informed decisions they take according to their evolving capacities.

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## A. WOMEN AND POVERTY

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**Strategic goal A1. Of Beijing Platform of Action, urges the government to “review, adopt and keep macro-economic policies and development strategies that take into account the needs of women and support their efforts to overcome poverty”.** This strategic objective implies the explicit will of the States to promote strategies of development and economic policies that allow the overcoming of poverty situations in populations and especially in women, as well the implications they have in women’s lives.

In particular, to in order to achieve this goal governments committed to implement measures, among others: i) review and modify the macro-economic policies with the aim of achieving the goals of the Platform of Action; ii) analyze from a gender perspective the economic programs and policies, studying its effects on poverty, inequality, well-being and quality of life of women; iii) design and apply the reviewed macro-economic policies with the full and equal participation of women to economic resources; v) provide adequate security networks and strengthen support systems of the State; vi) create economic policies that positively affect employment and the income of women workers and adapt concrete measures to address women’s unemployment; vii) promote and strengthen programs for groups of women in particular those in vulnerable situations, such as indigenous and migrant. (Beijing Platform of Action, par. 58)

### The facts

Evidence shows in the last years in the region there have been some achievements in this regard, but they were not homogenous neither between countries nor between groups of women according to factors such as age, race, location inside countries and there are still important issues pending.

From the first half of 2000, Latin America and the Caribbean has reverted the structural adjustment cycle, macro-economic instability and zero or low growth. Due to a combination of changes in the macro-economic orientation and in a favorable international context<sup>1</sup>, countries of the region started a long sustained period of economic growth, although with uneven results in terms of creating decent employment, the distribution of income and the protection of the environment.

Since 2005, the region has grown in average 3,7% per year, with a period of high grow up till 2008, a deep slow down and decrease in 2009, as the result of the economic/global financial crisis, and the recovery since 2010, but with a deep slow down in the last year. During 2013, the region as a whole has grown at rate of 2,5% while for 2014 a deceleration is forecast at a 2,2% rate (ECLAC, 2014).

These averages hide persisting disparities between the sub-regions and countries. While Latin America and the Caribbean have grown in the above mentioned period at 3% annual average, the Caribbean has grown 1,7% annually. Likewise, while Dominican Republic, Peru and Panama show levels of annual average growth of more than 6%, Jamaica, Bahamas and Barbados have an annual average below 1%.

At the same time, it is necessary to identify the growth drivers and their implications in terms of employment creation. Through an analysis of the sector, the growth of Latin American economies in this period has been encouraged by the export of primary goods with low value-added. This sector is also characterized by a low employment demand, especially female and with low qualification. In this last decade “employment in the primary sector has decreased for both sex: among women it went from

<sup>1</sup> El entorno externo favorable entre 2003 y 2008 se caracteriza por: “un mayor dinamismo del comercio internacional, elevados precios de los recursos naturales, incrementos de las remesas y de los flujos de turismo y una abundante liquidez en los mercados financieros internacionales, que afectó a los países de la región de diferentes formas pero, en general, con un sesgo positivo” (CEPAL, 2014: 15).

13,4% in 2000 to 10,8% in 2010 and among men of 24,1% in 2000 to 21,6% in the same period" (ECLAC, et al, 2013: 44).

In fact, the persisting structural heterogeneity of the economies in the region, which explains the difficulties to achieve improvements in the inequality indicators, even in contexts of growth, also indicates the persisting segmentation of labor markets. The clearest evidence is the division of high and low productivity jobs, the former being more dynamic, technologically innovative and demanding more qualifications, with better income and labor conditions and protection, while those of low productivity are performed by people with lower income, who have less education, instability and limited social security coverage and lack contracts. The incorporation of Latin American women in the labor market is still stratified and concentrated in this last type of employment (ECLAC, 2010).

On the other hand, although from 2002-2003 inequality of income was reduced (due to the combined impact of more homogeneity of labor income, the implementation of minimum wages and expansion of social policies, especially money transferences), this advancement did not occur along with more participation of salaries in the total GDP. According to ECLAC, "in the countries of the region, except Costa Rica, inequalities in income dropped between 2002 and 2009, while only Argentina, Brazil and Costa Rica increased their participation of salaries in the total GDP (...). The improvements in distribution in households have not implied a general more egalitarian distribution regarding capital and work". (ECLAC, 2014: 77)

Likewise, it is important to highlight the relatively moderate and short impact of the global economic crisis in the economies of the region, which is explained by the anti-cycle political measures adopted. Most of the countries of the region have maintained or even increased the social public expense over the decade and in particular in the years of more global crisis. In fact, in some countries, the social public expense is high, such as in Argentina and Brazil, with a macro-economic priority of the social public expense around 30% of the GDP and Costa Rica and Uruguay, with a level over 20% of the GDP.

Likewise, several countries implemented specific policies to address the potential impacts of the global crisis. For example, Brazil, Chile and Uruguay implemented policies to maintain the level of income and consumption, including the extension of social security and the re-adjustment of the minimum wage, while Mexico launched the Extended Temporary Employment Program (PETA in Spanish) to reduce the loss of employment caused by the reduction of economic activity (ECLAC, et al, 2013).

In some cases, within the anti-crisis packages, measures were adopted that can positively impact on women, as it is the case of Brazil, where the budget increased, the credit limit for rural women was increased and the women were favored with the program "My house, my life", which encourages women to be owners of their houses. However, it is worth mentioning, that in no case there is an awareness of the impacts and dimensions of gender in the measures adopted. Espino et al (2012) studies a set of national and sub-regional (Argentina, Ecuador, Mexico and Central America) and concluded that in fact, not even in countries with strong mechanisms for the advancement of women, such as Mexico, there are explicit considerations for women (such as quotas in the programs for maintaining jobs or specific actions for productive sectors with more participation of women in the labor market) neither actions to stop structural causes of economic gender discrimination, such as discrimination mechanisms in the labor market or the unequal distribution of responsibilities of care).

In relation to the performance of the labor market, an improvement in the indicators but with some nuances and persisting inequalities exist. Even if the average employment rate of the region decreased from 11.2% in 2002, to 6.3 % in 2013, unemployment in the region is still higher among women than in men (9,1% and 6,3% respectively), (ECLAC et al, 2013: 31). Simultaneously, the average salaries increased around 30% in real terms. The increase in the minimum wage in some countries contributed to reducing inequalities in income. The increase according to ECLAC this is significant for Argentina, Brazil and Uruguay. These measures have a greater effect in the segments of the population with low income where women and other groups are discriminated against, as indigenous and Afro-descendent, are the majority (ECLAC-ILO, 2013)

The improvement in the performance of labor market, combined with the important role of social policies (in particular, money transferences) resulted in a reduction of the incidence of poverty. While in 2002 in the region the poverty incidence was 43.9% and the extreme poverty was 19.3, these indicators decreased to 27.9% (poverty) and 11.5% (extreme poverty) in 2013.

However, these advances hide strong gaps according to gender, age, ethnic group or location. At the same time, the fact that there are still 164 million poor people in the region should not be underestimated, out of which 68 million are in extreme poverty. Likewise, according to ECLAC (2014) 50% of the population of many countries of the region, even if they are not poor, they are in a situation of vulnerability, understood as the perception of a monthly income which ranges between 1,2 and 1,8 lines of poverty.

On the other hand, it is important to present the regional heterogeneity and the strong differences between the countries. According to the same source, while in Uruguay barely 2% of the population lives in indigence or high vulnerability and only 11,2% of the population live in poverty or high vulnerability, these indicators raise to 46,7% y 26,7% respectively in the case of Honduras, among some extreme examples.

Meanwhile, **the feminization of poverty still increases. In fact, the indicator of the feminization of poverty<sup>2</sup> went from 107,1 in 2002, to 112 in 2008, to 117,2 in 2012, for the set of countries of the region.** Even more, this indicator increased in countries with less income per capita as Argentina, Chile and Uruguay, and with poverty rates lower than the set of population for which the estimate is possible. In the same line, for the region, poverty is increasing in the households with women head of households. In fact, women lead 43% of indigent households and 38% of the households in Latin America and the Caribbean (ECLAC et al, 2013). It evidences the structural characteristic of gender inequality and the need to think on policies because in view of the lack of policies with gender perspective, inequalities tend to persist or even increase.

The situation is worsening for women when in addition to the economic dimension of poverty; the dimension of time is added. That is, considering poor households not only by the lack of income but also by the lack of time to care about the set of needs, especially, the care needs. This is prevalent in women, which still assume this type of responsibility. Antonopoulos et al (2012) estimates that if there is a lack of money and time (instead of only money), poverty would increase from 6,2% to 11, and 1% of the households in Argentina, from 10, 9% to 17, 8% in Chile and of 41% to 50% in the case of Mexico.

On the other hand, "the gender gap in the population with no income was significantly reduced between 1994 y 2010 (from 32 % to 17 %). This was not only the result of more participation of women in the labor market, but also due to policies of income transference and the increase of shipment flows. In spite of that, 30% of women in urban areas and 44% of women in rural areas do not have their own income" (ECLAC et al 2013, 63-64).

## Policies

As it was mentioned, the improvements mentioned and also the persisting gender inequalities are linked to a great extent, to the implementation in the last years of the specific policies of care of the population in poverty situation, which in many cases are directed to women. There are two outstanding actions in this case. One, the implementation of programs of money transferences and the other, the development of partial reforms in the pension systems with the extension of coverage and implementation of basic pensions that especially benefit women.

## Programs of conditioned transference

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<sup>2</sup> Índice que muestra las disparidades en la incidencia de la pobreza (indigencia) entre mujeres y hombres. Un valor superior a 100 indica que la pobreza (indigencia) afecta en mayor grado a las mujeres que a los hombres; un valor inferior a 100, la situación contraria.

Practically in all the countries of LAC programs of conditioned transference have been implemented. The amount of beneficiaries is 127 million people, which is 21% of the population of the region for the year 2012. The cost of these programs is around 0,4% of the regional GDP (ECLAC-ILO 2014: 13). It is about programs with some common realities: i) money transfereces (in some cases complementary transference in kind); ii) focus on the poor and extremely poor population; iii) focus on household with disabled children and adolescents (even if eventually households without children are admitted); iv) conditions linked children and adolescents to school attendance and health and nurturing controls of children, adolescents and pregnant women; v) preference for the transference of benefits to mothers.

The programs of conditioned transference have become the central intervention of social policies of governments, although the scope and implications for the lives of people, and in particular, of women differ between countries. In the countries where these programs are more consolidated, their coverage reaches all the indigent households and most of the poor households as in the case of Brazil and Mexico, while in other cases mainly in Central America; the coverage does not surpass 20% of the poor population. Likewise the amount of transference substantively differs according to the set amount, its fixed and variable level based on the amount of children in the house, the mechanisms for their update and the existence of additional components whether monetary, in services or kind.

Even if all programs defined goals for poverty reduction, some focus on the short-term prioritizing the money transference and others the long-term prioritizing the investment of human capital resulting from intervention, through the conditions and mechanisms availed to fulfill them.

The evaluation of programs allow the recognition of their positive impacts in the school access and coverage rate and to a less extent the health for children, although the impact is less evident in performance indicators in these areas, for example, in terms of learning or nutritional state. Likewise, there is a positive impact in the household income, particularly in those cases in which the transferred benefits represent a significant proportion of the money value of the poverty and indigence lines and where the program coverage is higher<sup>3</sup>. In this regard, there is also a positive impact in the incidence and poverty gap, derived from a good targeting, although the magnitude of the impact differs depending on the program coverage and the benefit that distributes, although it can be none in the most extreme cases. In some cases, the programs of conditioned transference have served to reduce the work of children and adolescents.

The programs of conditioned transference contribute to the increase of the consumption of households and relatively transform their patterns. The expenses on food increase and the quality of food consumed is better. Also there is an increase in the expense of clothes for children. The older and more stable programs of conditioned transference have contributed to overcome the restrictions of cash at households, and to strengthening saving attitudes and possibilities to access credit, and with that in the small-scale productive investment.

When looking in depth to the impact of these policies on the lives of women, conclusions are ambiguous. First, it is worth mentioning the specific gender considerations that have been absent in the design, implementation and monitoring of the programs of conditioned transference in the region. This has been a constant in the region, despite the fact that there are mechanisms and equality programs for women in most of the countries of the region, which shows a lack of coordination and a cross-cutting gender approach in the government's priorities. The fact that these programs are highly feminized does not make them neither policies for women nor interventions sensitive to their interests. Likewise, the weakness and the incipient state of studies analyzing these programs in relation to their implications for women and gender equality, shows that this is still not a central interest.

Young and adult women are most of the beneficiaries of these programs. However, they do not have the basic right to this income, they have it because they are mothers. Women are beneficiaries of programs of conditioned transference, which aim at strengthening human capital of children and adolescents, in order to break the reproduction of generational poverty.

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<sup>3</sup> See Cecchini y Madariaga: 2011, Chapter V, section B).

The programs of conditioned transference allow women to access a money income they would not be able to access due to the difficulties they find to be part of the formal labor market. In general this improves the life of women and their households, although the magnitude of this progress depends on the level and characteristic of the benefit. Likewise, there is an increasing autonomy in the use of monetary resources coming from programs of conditioned transference.

The programs of conditioned transference have the potential to provide opportunities for women. At individual level, they improve their self-esteem and self-value. At community and collective level, fostering exchange spaces and creating networks. However, the latter seems like a weak dimension in most of the programs of conditioned transference in force in the region.

Perhaps the main negative aspect of the programs of conditioned transference is that they do not contribute to challenging and transforming the sexual division at work and the unequal distribution of responsibilities in productive work and care. **On the contrary, they reinforce the caregiver role of women.** This operates mainly through the conditions imposed. They represent a risk for the discouragement of women to participate in the labor market, in contexts in which labor markets offer little and poor possibilities for poor women.

For that reason, it is important to highlight the actions that seek to promote or strengthen the economic and labor inclusion of people who benefit from the programs of conditioned transference. Among them, programs oriented to support the employment offers such as technical and professional training and others to support the work demands, such as the direct and indirect creation of employment and labor mediation (ECLAC-ILO 2014).

For example, regarding actions of technical training which improves the professional profile of beneficiaries, Brazil has implemented two programs targeted to people beneficiaries of the Family Funds: the Pronatec which offers training courses and initial and continuous training courses. In Colombia, the programs of conditioned transference has the complementary program "Youth in action" which provides support to young people between 16 and 24 years old to continue the training process, mainly through an offer of technical and technological training of the National Service of Learning (SENA) and the professional training through agreements with universities. These programs seem to exert a positive impact in the probability of beneficiaries that will later be employed (ECLAC-ILO, 2014).

Regarding the improvement of educational level of the beneficiaries of the programs of conditioned transference, Argentina has implemented the plan Progresar, targeted to young people between 18 and 24 years old, which provides a monthly income to start or finish any education level. An important point of this program is the provision of care to children of the beneficiaries through agreements of the Ministry of Social Development with education institutions.

Several programs implement programs of conditioned transference schemes of promotion of small productive companies by giving micro-credit or training for self-employment. Examples of these programs include Productive Solidarity Credit of Ecuador, which provides small reimbursable credits to support projects of women and disabled people; the program of micro-credit, Crescer, in Brazil, and the program Generous Communities in El Salvador, which seeks to encourage self-employment through differentiated training courses for rural and urban people (ECLAC-ILO 2014).

We can also mention the programs of labor mediation, which aims at disseminating the job demands and offers and the provision of data base of potential workers. Examples of these actions include the national program of promotion of access to the world of employment *Acessuas Trabalho*, the program of support to employment of the Solidarity System of Chile and services of labor orientation, support and search of employment and labor mediation associated to Training and Employment Insurance and the program Young people with more and better jobs in Argentina.

There are few systematized evaluations of all these actions that allow us to appreciate the effective impact in the labor market participation of the people beneficiaries of the programs of conditioned transference and whether it is different for men and women. The impact do not seem to be encourag-



ing. ECLAC ILO (2014) point out that the evaluations of the working path of people beneficiaries of program Opportunities in Mexico, show that in the same aspect they have had a limited impact and low labor mobility. That is, there were improvements in the educational level of the beneficiaries, but these were not able to create a better access of labor opportunities (mainly for the offer limits in rural areas). In the case of Brazil, labor participation and the amount of hours women beneficiaries of the Family Fund worked could be decreasing. In Argentina we see a drop out of the labor market in particular of women spouses who had very low income.

### **Pension system and social protection**

The other type of intervention of public policy that governments have implemented and which results important for the lives of women is the reform process in the pension system. It advances in three ways: i) the extension of coverage (formal and non formal sectors as recommended in the Beijing Platform of Action); ii) the implementation of basic pensions that guarantee a minimum wage for retired people; iii) the recognition of unpaid care jobs carried out by women during their active lives, in the way of money compensation.

Bolivia implemented in 2008 the Universal Old Age Pension that replaced Bonosol. This Dignity Pension is lifelong benefit, universal and independent of employment background or economic circumstances of the beneficiaries and a certificate of lack or insufficient income is provided. All Bolivian people 60 year old and more, living in Bolivia have the right to receive the benefit, excluding those who receive a pension included in the National General budget. The amount of the benefit varies according to whether they receive contribution benefit or not.

Since 2008 Chile is carrying out a reform of its pension system that included the creation of a System of Pensions, which includes a Participatory Basic Pension, devoted to people with insufficient contribution register to receive a contribution pension, and the Contribution Provisional Fund, a benefit (Aporte Previsional Solidario, APS), benefit which aims at complement contribution pensions to guarantee a level of minimum wage. The Participatory Basic Pension is a non-contribution focused benefit for old and disabled people that do not have other provisional benefit and who live in households that do not surpass the maximum set wages.

Argentina has implemented a series of partial reforms in its pension system in the last decade (set up in 1994 as a mixed system with a component of private managing), which ended in its total transformation back to a contribution system managed by the State. As part of this process, in 2006 the Provisional Inclusive Plan was implemented, which allowed the inclusion of people with insufficient contributions to people who receive benefit equivalent to the minimum pension, less the considered amount as payback for the owed contributions. The implementation of this plan meant the incorporation to the pension system of more than 2 million people, 75% out of which were women.

These examples evidence the attempts of governments to incorporate programs of money transference to groups of population excluded from the central social protection organizations, mainly due to their weak occupational path. In some cases, the programs are focused on population in situation of lack of income and in others with people who have a universal protection. In all cases, access to a minimum benefit is guaranteed, according to the threshold established by laws or the existing minimum wages.

Regarding the recognition of unpaid work in the pension system, work mainly done by women, it is worth mentioning the Bond per child in Chile, a set amount of money credit in a capitalization individual account to all women, per live birth. This amount contributes to a greater capitalization and in consequence to a higher amount in the moment of retirement. Likewise, in Uruguay, an equivalent of a year of contribution is given per child for all women affiliated to the pension system (with a maximum of 5 years). That is how the difficulties of caring for others impede labor path, partially decreasing the contribution.

These actions, taken in the region, implied the incorporation of a significant amount of women to pensions systems and to transferences of non contribution money. Women are overrepresented among the beneficiaries of these programs, due to the structural exclusion from the pension systems and as consequence of the discrimination in the labor market, and therefore, because they have weak working and contribution paths. These transferences of money contribute in fact to reducing the poverty incidence among old women, who are a vulnerable group and with more probabilities of becoming poor.

However, it is worth mentioning that these advances regarding inclusion and guaranteeing the access to minimum income do not diminish the segmentation of provisional systems. In practice, women are being included but are still among the ones who receive the lowest benefits.<sup>4</sup>

Finally, it is worth mentioning that little advances were made in reducing poverty and inequality on the side of public income policies, therefore, it can be inferred that the old paradigm implemented in the 90s persists, which claims that distribution issues should be solved with public expense policies. In this regard, it is important to highlight the persisting regressive structure of tax systems in countries of the region is a barrier to significant improvements and especially affects women overrepresented in the population with lowest income.

It is also worth mentioning the lack of access to land by indigenous women due to the intimate relation of the indigenous people with land and the terrible consequences for not having access to it. The International Preparatory Meeting "Indigenous Youth and International Processes", developed in Lima, Peru, from July 10 to 12 2013, young indigenous people from 15 countries of Latin America and the Caribbean, met to analyze the proposals in view of the processes of the International Conference on Population and Development, Cairo+20 and the XII Regional Conference on Women of Latin America and the Caribbean. They issued a political statement in which they expressed, regarding land, the need to demarcate and collectively provide the ownership their indigenous territories. Likewise, it was also expressed the need to return, extend and give lands to the peoples who were displaced and/or dispossessed from them due to the impact of current economic policies. The area of expulsion and displacement mainly occur in traditional and ancestral land. In Panama, in the 5 years previous to the census, the Kuna Yala region lost 13% of the indigenous women as result of migration; in the Ngöbe-Buglé region this loss was 5%. In general, the emigration of the kuna, ngöbe or emberá population to Panama City or close area is "a factor of de-culturization and a loss of values and traditions in order to search of better life conditions, because they are no economic, social and education answers in their places of origin" (Quintero, s/f). Moreover, indigenous women "often stay in poor areas with high crime, drug, prostitution and gang rates" (Davis Villalba, 2009).

## Challenges

As it was mentioned, the countries of the region with strong differences among them have achieved advances in general terms in the promotion and maintenance of economic policies that contribute to reduce poverty and which take into account, although partially, some specific needs of women. However, several challenges are still pending.

First, **the need to produce information in a systematic way with a level of disaggregation that allow the construction of useful indicators to monitor** and evaluate the design and implementation of economic policies based on their impacts on gender and their implications for the lives of women in its diversity taking into account factors such as race, age and location.

Second, **the urgency to maintain comprehensive perspectives of economic policies, so that growth and development patterns encouraged do not take what they provide.** Summarizing, inclusive public policies and with universal profiles cannot compensate economic policies that deepen discrimination or impede the maintenance and creation of employment or are blind to their impacts on gender.

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<sup>4</sup> Sería importante considerar el impacto sobre las dimensiones no monetarias de la pobreza de las mujeres, del acceso a servicios sociales básicos (en el área de salud, educación, transporte y seguridad). Este punto será abordado en otras partes de este informe.

Third, **components of economic and social policies that consolidate traditional gender structures, deepen the caregiver role of women, threaten their economic autonomy and weaken their possibilities of participation in the labor and productive opportunities.** Likewise, special attention should be given to the diversity of experiences of women, among who the conditions of age, race and socio-economic location imply different situations and demands to address.

Fourth, **poverty should not only be addressed on the money side,** but also on the complexity of its multi-dimension. It is specially relevant for women that poverty of time is addressed, which will require the governments of the region to address the issue of the sexual division of labor and the distribution of responsibilities of care as a priority in the policy agenda.

Fifth, **the fragmentation in the access and quality of social services and services for women's care should be addressed,** in the search for more comprehensiveness between policies and programs and better quality in the presentations and services offered that should be adapted to multiple diversity of women.

## B. WOMEN AND EDUCATION AND TRAINING

*Editing: Imelda Arana Sáenz, REPEM*

### PRESENTATION

We have critically analyzed goals B2, B3 and B4 of the Beijing Platform of Action. On goal B1, we could affirm that with a little more of political will from the national governments and a little more interest and support from the organizations and regional cooperation agencies, the region, focusing in the rural and indigenous and Afro-descendant people, would fully achieve the goal in the region with a few years of continuous efforts.

That is shown in the answers to the consultation by the UN per countries and regions (2010), which was answered by 15 countries in LAC and which have 73.3 ministries of education with gender-disaggregated statistic. In the case of education, most of them tend to measure the achievements on strategic goal 1: "Guaranteeing the equal access to education", in which the countries of the region have focused their efforts, according to the report.

According to OREAL/UNESCO in 2013, inequality in education between the men and women is expressed (and therefore should be evaluated) in the inequalities in the access to school as well as in the performance and leverage of education opportunities. In this last regard, unfortunately, there are no good historic indicators of gender inequality in the region that allow for a more lengthwise perspective of gender gap. The inequality rate that expresses the situation of women compared to men, in this case the net enrollment rate for primary education was almost one in 2000 and 2010. If we consider indigenous women in rural and urban areas, they have a lower percentage of school completion, except in Uruguay in rural areas.

The differences are deeper regarding ethnic and gender issues. Towards 2010, only four countries (out of 27 with available data) still had important gender inequalities in primary school, against women in Dominican Republic, Antigua and Barbuda, and Saint Vincent and the Grenadines, and against men in Bahamas (OREAL, 2013, p.145). There are still geographical inequalities and inequalities according to the different villages. In Peru, although schooling for indigenous children is above 93%, in the forest region it decreases to 79%. In this region, there are alarming situations, such as in the department of Loreto: in Urarinas and Andoas, 60% of indigenous children from 6 to 11 years old go to school; in Pastaza this situation reaches half of the indigenous children and in Balsapuerto, 40% of indigenous children are out of the school system (ECLAC, 2011). In Colombia, school attendance of indigenous girls surpasses 70% of the national level; however, in the departments of La Guajira and Chocó a little more of these number are out of school (ECLAC, 2013<sup>5</sup>).

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<sup>5</sup> "Mujeres indígenas en América Latina: dinámicas demográficas y sociales en el marco de los derechos humanos", CELADE. CEPAL 2013.

There is an increase in the access to schools for indigenous girls, adolescents and young people from 6 to 22 years old. However, school attendance is decreasing when age increases and inequalities are deepening due to both gender and ethnic conditions. Even if we acknowledge some improvements, they are not enough to achieve considerable percentages of school attendance in the age group of 12 to 22.

#### GOALS ANALYZED IN THIS REPORT

##### Strategic goal B.2. Eliminating illiteracy among women

- c) Eliminating the differences due to gender in the elementary and functional literacy rates of women and men as recommended by the Jomtien Declaration Education For All.
- f) Promoting, along with literacy, the acquisition of practical, scientific and technological knowledge and seeking the extension of the definition of literacy taking into account the current goals and points of reference.

#### Advances

The System of Educational Trend Information in Latin America –SITEAL in Spanish- reported in its bulletin in November 2010 “Illiteracy in LAC is a social debt”, **that the countries in LAC have reduced the illiteracy rates, however, this is still one of the more severe situations of exclusion societies in the region are facing.** It points out that the active exercise of citizenship requires adult people capable of expressing in written words and understanding the written words of others, therefore, the number of adult people lacking the minimum skills to read, write and calculate it a critical indicator of the existing unequal situation in Latin America.

For the year 2000 as well as for 2008, and in all the countries of the region, in rural areas there are 3 to 4 times more probabilities to find illiterate people in urban areas. Towards 2008, Colombia was the country with higher demographic gap, where the rural illiteracy rate was five times more than the urban rate. At the same time, for the same year, Uruguay was the country with less inequality. In 2000, Peru, Bolivia and Chile had the highest rates and the rural illiteracy rate was almost five times more than the urban. In Mexico and Ecuador, the relation was 4 to 1, while in the rest of the countries the rural rates were 3 times more the urban. Towards 2008, Brazil, Honduras, Paraguay, Nicaragua and Guatemala showed a little increase in their geographical inequalities, while in the rest of the countries of the region the gap was reduced; in the case of Bolivia y Chile, the gap is closer, the illiteracy rate in rural areas being four times more that of urban areas. In Mexico the relation goes from 3 to 1 and in El Salvador the rural rate doubles the urban.

Bolivia was the country of the region with more literacy inequality according to gender. In the total of the population, the illiteracy rate for women doubled that of men. These high gender gaps correspond to the high geographical gaps as well. Illiterate women are almost five times more than men in urban areas and are three times more in rural. In Peru the probabilities of finding illiterate women is three times higher than among men, while the prevalence of illiteracy in rural population is four times more than in urban areas. Brazil, Colombia, Chile, Honduras, Paraguay and Mexico show marked geographical inequalities rural illiteracy rates are between 3 and 5 items more than urban in conditions of equality between men and women with gaps between men and women less than one and a half. It is worth noting that except Mexico and Ecuador, in all the countries of the region the distribution of illiteracy inequality by gender is higher in urban areas than in rural.

In most of the countries of the region, the illiteracy incidence between young people from 15 to 24 years old is very low, with rates that do not surpass 3%. The countries with higher parentages of illiteracy in the group age 15-24 are those with more difficulties in guaranteeing the access to education for children and young people, or where access is more unequal. Guatemala and Nicaragua are the countries in worst conditions, followed by Honduras. Every young illiterate between 15-24 years old living in the region, there are between 6 and 20 young people of that age who do not know to read or write.

**Strategic goal B.3.** Increasing the access of women to professional training, science, technology and permanent education

- e) Diversifying professional and technical education and increasing the access and retention of girls and women in the fields of science, math, engineering and environmental technology, IT and high technology, as well as training in management;
- h) Elaborating study programs and didactic materials and formulating and adopting positive measures for guaranteeing greater access and participation of women to the technical and scientific sectors, especially in those where they are not represented or are underrepresented.

**Advances found**

On this goal there is practically no information of the region, therefore, some data on formal higher education were taken into account, which is where more relevant academic programs and with more effect on professional life concentrate regarding the possibilities of applying what has been learned in the fields of professional training, science and technology.

Based on information by the SITEAL (2010), it is seen the reality of poverty and the delay in the region regarding the coverage of higher education. The information on the end of the university /higher education cycle can be seen in the following table which shows the percentage of the population of 25 years old and more that has finished university or a higher education program in Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Uruguay and Venezuela in 2010, 2011, 2012 and 2013 per geographical area (urban, rural) and sex.

The second reality we could infer from the only three countries which gave information on the four years is that women surpass men in the completion of this level of training; unfortunately, there is no information on the areas where this takes place by sex in order to compare it with data on the link between income and jobs, which could provide true information on the relation of the data in the table with the elimination of academic gap between men and women in the access to formal education.

Ye-ars	Po b	Se x	Argentina	Bolivia	Brazil	Colombia	Costa Rica	Chile	Dom. Rep.	Ecuador	El Salvador	Guatemala	Honduras	Mexico	Panama	Paraguay	Uruguay	Venezuela
2010 / 2011	PU	M	16,8	15,2	10,73	7	10,41	10,71	9,19	12,45	8,61	2,61	6,89	11,01	10,37	6,02	5,21	14,33
		F	22,03	12,7	12,37	6,57	9,68	9,34	11,68	10,85	6,38	1,45	5,21	7,17	12,35	4,55	5,36	19,65
	PR	M	---	1,73	1,3	0,86	3,41	2,56	1,98	---	0,58	0,65	0,19	2,14	1,61	0,41	1,04	---
		F	---	0,98	2,46	0,94	4	2,68	4,41	1,64	0,5	0,32	0,23	1,55	2,86	0,36	1,16	---
2012 / 2013	PU	M	17,58	---	---	---	14,83	---	10,3	---	---	--	---	11,06	---	5,96	5,91	---
		F	22,01	---	---	---	15,34	---	12,23	---	---	--	---	7,04	---	5,03	5,6	---
	PR	M	---	---	---	---	5,32	---	2,2	---	---	--	---	2,38	---	0,48	0,92	---
		F	---	---	---	---	5,85	---	3,93	---	---	--	---	1,3	---	0,3	1,2	---

Source: IIPE - UNESCO / OEI

In the case of higher education, although it is true there has been a significant increase in the access of women to it, this has not modified the gender pattern in the type of professional careers they access, being in general the ones who receive less salary compensations- in a labor market which

tends to pay less to women with the same qualifications than men (OREAL, 2013, p.147).

Additionally, in diverse educational spheres, in the countries of the region the higher posts in tertiary education are in charge of men. For example, out of a total of 200 universities in Latin America and the Caribbean, there are 168 men deans and 32 women deans; even in countries as Chile, Ecuador, Paraguay, Puerto Rico, Salvador, Guatemala, among others, there are no universities in which a woman is dean (OREAL 2013, p. 149).

Guillermo A, Lemarchand (ed.) (2010), women represent something more than the fourth part (29%) of the total number of researchers in the world. However, this annual average hides the existence of many disparities at regional level. For example, Latin America and the Caribbean far exceed that proportion because 46% of their researchers are women (UNESCO-UIS, 2009). Six countries of this sub-continent reached the equality in research: Argentina, Cuba, Brazil, Paraguay, Uruguay and Venezuela. In Europe, equality between men and women is only represented in five countries: the former Yugoslavia, now Macedonia, Lithuania, Latvia, Moldova and Serbia. In the Commonwealth of Independent States<sup>6</sup>, the participation of women in research is 43%, while in Africa only reaches 33%.

The data above mentioned could indicate that Latin America and the Caribbean is one of those regions in the world where there are advances on gender equality in the field of science and technology. However, a more detailed analysis, behind the optimistic numbers for the region, there is a reality in which women are far from achieving equality. There is still a difference in the access to the highest hierarchical positions of scientific careers and the decision making posts. There is still an equal recognition when it comes to obtaining subsidies for research, which impacts in the lack of autonomy and generates more inequality. These are aspects that demand the setting up instruments of specific policies that are still far from predominate in the region.

#### **Strategic goal B.4. Establishing education and training systems free of discrimination**

- b) Elaborating teaching programs and didactic material for teachers and educators that increase the understanding of the condition, role and contribution of women and men in the family, such as it is described in paragraph 29 and in society; in this context, promoting equality, cooperation, mutual respect and shared responsibilities among children from kindergarten level and on and elaborating, in particular, education modules to guarantee that children acquire the necessary knowledge to be in charge of their own domestic needs and share the responsibilities of their households and the care of people under their charge;
- d) Adopting measures for guaranteeing that women teachers and professors have the same possibilities and the same category as men teachers and professors, taking into account all the levels and with the aim of attracting and retaining women in schools;
- s) Eliminating all the barriers that impede the access to academic education of pregnant women and young mothers and support the supply of nursery school services and other support services, if needed.

#### **Advances found**

OREAL/UNESCO. 2013. The agenda on gender equality in education combines challenges of different nature; therefore, the measures to implement in order to achieve this goal become really complex. In this agenda, not only resources allocated to policies and the regulations designed have an impact, but also she is part of a greater drive to modify the political order, forms of social interaction and cultural elements.

Certainly, this movement has already started in the region. Since the implementation of public poli-

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<sup>6</sup> Creada luego de disolución de la Unión Soviética en 1991 con el fin de mantener vínculos entre las naciones, luego se unieron otros países. Hoy la conforman: Armenia, Azerbaiyán, Belarús, la Federación de Rusia, Georgia, Kazajstán, Kirguistán, la República de Moldova, Tayikistán, Turkmenistán, Ucrania, Uzbekistán.

cies, countries such as Argentina,, Costa Rica, Chile, Bolivia, Paraguay, Guatemala, El Salvador and Mexico, among others, have launched measures to achieve gender equality, which determine the pragmatic agendas at general level and in particular, the education agenda. In Costa Rica, for example, since 1990, there is a Law of Promotion of Women's Social Equality, which holds the educational institutions accountable for guaranteeing equality between men and women, complementing laws with diverse support strategies (salaries, education, positive discrimination strategies, etc.). The education policies in Chile have driven the establishment of tender rules with gender perspective for educational materials and texts that not only prevent negative bias, but also promote a gender equality vision (Duarte et al., 2011). These measures are complemented with the need of eliminating sexist content of the study programs, train educative agents to avoid all type of bias in education and develop specific programs to support and preserve children who have suffered sexual abuses and sexual violence (SERNAM, 2007). In Guatemala, from the Presidential Secretariat of Women, it was determined the planning of actions guaranteeing the extension of coverage at all levels and literacy processes, the training and awareness raising activities on gender issues targeted to technical and administrative personnel in the Ministry of Education. Moreover, observations and recommendations on sexist and stereotypical point of views of educational texts used by students in the country were made.

The future educational challenges can be found in different levels of schooling and of school functioning. In terms of access and permanence in the school system (150)some countries of the region still face the task of guaranteeing school for women, especially in rural areas and regarding indigenous people, which is associated with particular socio-economic and cultural contexts.

Another challenge (UNESCO, 2004, is the need to create safe environments in school contexts in view of eventual acts of sexual violence. In contrast, the targets of access are diminished by young people in secondary school and there are still difficulties in expanding and decreasing the drop-out rate in this educational level among boys, which force governments to assume the difficulties imposed by child labor in the poorest sector of society as well as the gap between culture and forms of young socialization and the norms imposed by school socialization.

In terms of learning achievements, gender equality requires even deeper modifications. At a systemic level, schools and the different tools they use to work are key when defining the socializing character that produces, reproduces and transmits –consciously or unconsciously- the stereotypes, symbols and meanings linked to female or male. In such way, one of the challenges would be then look at the teaching strategies of languages, sciences and math over the time in view of the learning results of the standard evaluations.

In the school context, the proposals also tend to identify and exclude the sexist discourse in school texts, which generally naturalizes gender relations from a traditional perspective, legitimizing through icons and social representations and materials the sexual division of labor and the link of women and girls specially with emotions, inactivity and service attitude. Likewise, the participation of women should be extended because they are mainly linked to the private sector and men to the public sector, and there is also a weak debate regarding the asymmetric power roles between men and women at socio-historical level.

Last, at school organization level, non-discriminatory forms of coexistence should be encouraged; at pedagogical level, train teachers to prevent them from reproducing gender stereotypes and encourage non-discriminatory environments; also, the training of teachers and the prejudgments that for example keep girls away from math and scientific careers should be addressed. Finally, a non-sexist socialization should be encouraged in professional careers, one that does not exclude women from skills and abilities linked to the scientific and math environments in text books, school counseling and educational material in general.

## C. WOMEN AND HEALTH

*Editing: Mabel Bianco, FEIM / IAWC / WWW*

Health is an essential component of development. In the Beijing Platform of Action the access to health care services in general as well as those of sexual and reproductive health because it is a core problem for women.

***Promote the access of women throughout their lives to health care services and to related and adequate information and services, which are low cost and of good quality.***

The right to health is recognized in almost all the countries of the region, several have it incorporated in their constitutions, others have legislation establishing it. However, there are big differences in the possibilities of access of people in general to health care services and specifically the access of women. The existence of fragmented health systems in most of the countries, which have a public health system, social security public and private systems, today mainly through insurance, constitute a reality of the region, with some differences in cases such as Costa Rica, Uruguay and Cuba, which have integrated services such as in Uruguay which since 2007 passed through law 18.211 the Integrated National Health System. Cuba, on the other hand, only has the National Health Services, and there is neither public nor private social security system.

The fragmentation of the services provided and the great differences in quantity and quality of the services available according to the regional within a country, creates differences in the access to different types of services and therefore, different quality. This affects women who are in general poorer, work in jobs with no social security and earn, in average, less than men. The most vulnerable women are indigenous, Afro-descendant, disabled women, youth, migrants and LGBTQ. In the latter group, trans women have the lowest life expectancy. Therefore, the right to health and care on health services of women vary a lot and, in general, are less than for men. By nature, such a heteronormative system excludes LGBTQ women, creating health risks that could be prevented.

**The region faces important challenges regarding sexual and reproductive health.** Although it is worth mentioning the advances in Latin America and the Caribbean towards the recognition of reproductive rights as a comprehensive part of human rights, the advance towards the goal of universal access to sexual and reproductive health has been very uneven. Several countries have implemented plans and specific programs in this regard. Some countries have specific programs of sexual and reproductive health since 2000 such as Argentina, Brazil, Chile, Colombia, Mexico, Nicaragua, and Dominican Republic. Although this was an important achievement, its implementation is still not comprehensive and homogenous. The great challenge is that accomplishment of these laws with comprehensive health services with better accessibility and equal quality norms for all the country. In many areas of the world, indigenous people and women are suffering the alarming deterioration of health conditions in their communities. The limited and insufficient health services, the lack of culturally adequate health care services, the lack of clinics offering services in distant areas, the bas quality of air, water and land due to industrial development, are only some of the factors contributing to this deterioration (United Nations, 2004).

### 1) Access to quality sexual and reproductive health services for women and young people

In Latin America advances were made on the universal access to contraceptive methods. Its provision has improved but it is still not enough. The unmet family planning needs in women from 15 to 49 years old is still high in some countries. Haiti, Guyana and Guatemala have the highest rate of unmet needs. Bolivia, although it has improved, still 1 out of 5 adult women do not have access to contraceptives.

**Emergency hormonal contraceptives** which in some countries are available in all health services for who request it was included in services; however, even in those countries, even in those services, the access to them is limited. In Argentina, for example, in 2007, it was included in the Obligatory Medicine Program and the Ministry of Health buys and distributes it; however, its provision is still denied, especially to adolescents.<sup>7</sup> Moreover, even in many countries, its use is restricted because it is consi-

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<sup>7</sup> CoNDeRS, Informe Nacional sobre monitoreo Social y exigibilidad 2003-2011. [www.conders.feim.org.ar](http://www.conders.feim.org.ar)



dered an abortive method and in some cases, legal authorization had to be submitted in order to achieve its access. In Honduras with the change of government in 2011 it was forbidden. In Chile, the Constitutional Court interpreted the use of the emergency contraception as unconstitutional, therefore, it forbid its use in 2007. However, afterwards, there was a revision.

In general, although the public health services offer a variety of methods, they are not always available at the time of the appointment for supply problems and/or organizational problems, therefore, its provision is not always guaranteed.

The use of contraceptives has significantly expanded, but there are great disparities between countries as well as internal inequalities in the countries. In Bolivia, in 1996, 30,3 women out of 100 in reproductive

Age used contraceptives and in 2008, the figure doubled, that is 60,6 women. In Guatemala and Haiti the use of contraceptives is notably below the average of the region.

While the prevalent rate of contraception of the region is increasing systematically, the tendency in the unmet needs of family planning are diverse, decreasing, but with increases in the some regions. As Haiti registered the lowest rate in contraception use in the region, it also showed the highest percentage in the unmet need of family planning.

Most indigenous women do not reject family planning and they have their own traditional forms of contraception. The low use of contraceptives is mainly due to the limited or even inexistent access of indigenous women to them. When we talk about limited, we are not referring only to quantitative but to qualitative aspect. Contraceptive methods are provided through discriminatory practices and lack of cultural adaptation.

## 2) Maternal mortality

There are still problems and inequalities in the physical autonomy of women, among which the relatively high levels of maternal mortality ratio are remarkable. The situation of maternal mortality shows strong inequalities within the region. In some countries, as Brazil, Peru, Nicaragua, there was a significant decrease, but the rate is still high. In most of the countries, no decrease was evidenced but the rate kept steady and is far from the goal of reducing it by two thirds for 2015. In the region in 1990 the average was 140 per 100.000 live births, in 1995 of 120, in 2000 of 100, in el 2005 of 88 and in 2010 of 81<sup>8</sup>. The lowest achievement in the reduction of maternal mortality was registered in Argentina and Mexico, while Uruguay, Puerto Rico and Chile achieved a rate of 14, 20 and 22 per 100.000 live births in 2013<sup>9</sup>.

Inequality between the countries of the region is reflected in the presence of high maternal mortality ratio in some of them. From the 4 countries with highest rates, three are Caribbean or Central American (Haiti, Guyana, Dominican Republic) and with lower GDP.

Maternal mortality in the region is a great challenge, linked to problems in the care of **obstetric emergencies and unsafe abortion**, which are one of the main causes of maternal death as well as the coverage of contraceptive methods. The incorporation of obstetric care in throughout the entire process of pregnancy, childbirth and postpartum is key to a more humanized care.

Rural indigenous women have access to contraception because they live in remote areas which makes it difficult to access health services; however, in the case of non indigenous rural women they have lower maternity rates compared to indigenous women (except for Ecuador and Peru). It can be concluded then that there is a lack of cultural adaptation in the provision of contraceptives and the level of formal education. Likewise, we should not exclude the fertility rate for indigenous women should be understood in the broadest context of good living; children represent the possibility of biological and cultural reproduction, which is constantly threaten.

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<sup>8</sup> Según la CEPAL y El Observatorio de Igualdad de Genero

<sup>9</sup> Según la CEPAL

### 3) Voluntary interruption of pregnancies

Regarding abortion, women in the region face huge difficulties. The voluntary interruption of pregnancies in the region is characterized by being forbidden. Abortion is practically considered illegal in most of the countries of the region, although in many of them legislation allows it in some circumstances, but in practice there are still multiple barriers and criteria and prejudgments that make it inaccessible or criminalize it, even in the cases where law allows it, in which legal claims are submitted but not always leading to a successful outcome.

There were advances and step backwards regarding the situation of abortion in the region. Countries like Chile and Dominican Republic do not allow abortion under any circumstance. Since 1989, when the therapeutic abortion was derogated, no bill modifying this has progressed. In Nicaragua, Honduras and El Salvador there have been some step backwards and it is completely forbidden. In Mexico, in many federal entities (18/31) there have also been some step backs after the legalization in Federal District in 2007, because they consider the fetus a subject of rights with legal protection. On the contrary, in other countries, some causes of penalization were eliminated, such as Guatemala, Ecuador and Dominican Republic (was eliminated in the Senate), for example, in case of health of women. The greatest success in the region is the case of Uruguay which in 2012 decriminalized abortion. Puerto Rico, Cuba, French Guyana, Guyana and Barbados are the only countries where abortion is legalized in Latin America and the Caribbean.

In most of the countries, legislation punishes women who have performed abortions, which violates the human rights of women and do not comply with what is stated by ICPD and ratified in Beijing, however, few countries modified the punitive legislation according to the recommendation. For example, Dominican Republic punishes women that intentionally perform abortions with a punishment that ranges from 5 to 20 years, a punishment which also applies for health professionals who cooperate in or perform abortions. In El Salvador there is a trial involving 17 women who are imprisoned because they have performed abortions. Although there is punishment of women, not all countries and cases apply this legislation, however, this is not an excuse to go on punishing women.

Post-abortion counseling and even more pre and post abortion counseling, it is also a great challenge in Latin America and the Caribbean. Few countries have legislation in this regard. In 2011, in Argentina, pre and post abortion counseling was cautiously incorporated, based on the experience of Uruguay, oriented to the reduction of maternal mortality for induced abortions, but this was not adopted by ministerial resolution and it is only done through the training of health personnel in some provinces; the Ministry of Health itself promotes it on the back.

#### ***Strengthen prevention programs that promote women's health***

Regarding the specific needs of adolescents and the application of adequate programs, there are advances, but they are still more theoretical than real and there are still obstacles. Often, adolescents have limited access to information and reproductive health services. Pregnancies among adolescents are very frequent in the region. They occur with more frequency in adolescents who drop out from school and if they still go, the pregnancy impedes them to continue. In indigenous communities the adolescent pregnancy rate is higher. Guatemala shows a high incidence rate, tending to increase.

In some countries, there is no legislation regulating or establishing the sexuality education in schools and when there is, the effective implementation is low. There are still important barriers for its effective realization, as the existence of broad conservative and religious, political and institutional sectors, especially in educational institutions. Moreover, trained teachers are missing and in many cases those who are trained do not receive enough institutional support the provision of this education. The social environment neither favours the treatment of these sexuality topics in a clear open way and is still a taboo. In 2008, the ministries of health and education of the countries of the region, signed in Mexico an agreement to provide this education, which is still not implemented in the most of them, even in those which incorporated laws, its full implementation is high in most of them.

*Take initiatives in which gender is taken into account to address sexually transmitted diseases, HIV/AIDS and other sexual and reproductive health issues.*

#### 4) HIV/AIDS

In the Caribbean, the HIV prevalence among adults (1%) is the second highest in the world<sup>10</sup>. Below Sub-Saharan Africa, the Caribbean is one of the regions most affected by HIV. Five countries concentrate 96% of the cases: Cuba, Dominican Republic, Haiti, Jamaica and Trinidad and Tobago<sup>11</sup>. In South America and Central America is not very high, however, the new infections still did not decrease. 75% of the cases are concentrated in the four countries: Brazil, Colombia, Mexico and Venezuela. As it occurs worldwide, the feminization of the epidemics in the region is remarkable. Among the new infections with HIV, half of them occur in adolescents and young people (15-24 years) and young women are disproportionately affected, in particular women with little or no education.<sup>12</sup>

In Haiti the HIV prevalence in women from 15-19 years old doubles the number of men and in the age group of 20-24 is three times higher. Among the people younger than 24 years and living with HIV/AIDS, two thirds are women.

Several countries legislated on the prohibition of discrimination to people living with HIV/AIDS. In the case of women, it has been considered in the sexual and reproductive health care, including HIV/AIDS care, for example, by law, in Argentina, Bolivia, Mexico, Panama, Peru, Dominican Republic, Uruguay; while Brazil and Paraguay have included this in their constitutions; Guatemala has included this by parliamentary decree and in Colombia and El Salvador it was done through the Executive. Honduras is one of the countries with no legislation in this regard. However, the elimination of stigma and discrimination still generalized, in special regarding LGBT groups and women living with HIV, even in the reproductive health services, is a bigger challenge. According to UNAIDS, discrimination against people living with HIV is one of the main obstacles to stop and revert the epidemics.

- **Prevention and lack of information on the virus and the forms of transmission**

The main challenge to address the HIV is prevention. HIV transmission is occurring more and more in young people and it occurs in the first in the first intercourses. The drug consumption also has an important role in the HIV infection. The increase of knowledge on AIDS of young people is a challenge and is still low in most of the countries of the region. One out of three people from 15-24 years old in the Caribbean ignore the forms of prevention. Moreover, among the young in the Caribbean the fertility rate is 33% higher than in the world. In Latin America the knowledge on prevention of people from 15-24 years<sup>13</sup> is similar to the Caribbean. The distribution and free provision of male condoms has improved in general, but it does not still reach the need levels. It is worth mentioning that in general the countries of the region do not distribute female condoms and when they do, normally, they are restricted to sex workers. Brazil is the only country that buys and distributes female condoms, but it does not cover the demand. The programs of harm reduction and the substitution of drugs are scarce and they have not been adequately disseminated, although drug users have.

- **Access to HIV testing and anti-retroviral treatment**

Despite the advances in coverage of treatment with anti-retroviral and the decrease in mother-to-child HIV transmission, there are still variations from one country to the other in the region. For example, coverage of anti-retroviral treatment increases and is higher than 40% in Cuba, Dominican Republic, México and Guyana. In Argentina, Barbados, Belize, Brazil, Cuba, Chile, Costa Rica, El Salvador, Jamaica, Paraguay, Peru and Venezuela the coverage had already been above 40%. Colombia, Ecuador, Haiti, Honduras, Guatemala, Nicaragua, Panama, Dominican Republic have a coverage between 20 and 40% of the population living with HIV/AIDS. In Bolivia, the coverage of treatment in 2011 was less than 20%. The prevention programs of mother-to-child transmission have increased but they

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<sup>10</sup> ONUSIDA. 2012.

<sup>11</sup> The Gap Report, UNAIDS, July 2014.

<sup>12</sup> IB 5

<sup>13</sup> OMS 2013

are still focused on the detection and treatment of women, without including the partner. Testing in pregnant women, although disseminated, still does not reach all the pregnant women and in many cases and even within countries there are places where it is carried out compulsively and it is not always timely reported for the provision of treatment, which affects its effectiveness. In the Caribbean, in 2011 it was 72% and in 2013, it is above 90%. In Latin America, most of the countries register 70% or more of treatment in pregnant women. Guatemala and Venezuela are the countries which register less than 30%. There is still forced sterilization of women living with HIV and even if some countries such as Chile, in view of the claim submitted to the ICHR, it requested the country to eliminate this procedure, this was not totally achieved.

Several new studies also report a higher number of cases in indigenous and young populations in difficult situations (adolescents living in the street and young people out of the formal education system) (UNAIDS/PAHO/UNICEF, 2009).

Regarding sexual workers and HIV, the book "Achieving the Millennium Development Goals with equality in Latin America and the Caribbean: Progress and challenges -ECLAC" indicates: "In the region successful practices to control and revert the epidemic have been reported; however, there are also risks of greater expansion of the infection that require the strengthening and increase in the interventions of prevention in key populations (MSM, sexual workers, IDU), including women, indigenous people and young people in situations of more vulnerability and risk. There are persisting gaps in the strategic information both on key populations and populations where there are new infections (indigenous, young people, drug users). This information is crucial for efficient answers.

#### ***Promote research and disseminate information on women's health***

Latin America and the Caribbean have a mixed epidemiological pattern in which there is the presence of transmissible and the increase of non-transmissible or degenerative diseases.

The analysis of mortality evidences this mixed pattern that although it varies between countries they have a similar general tendency. Especially the countries which have passed the demographic transition and have more aged populations such as Southern Cone countries have problems a higher tendency towards the non-infectious diseases.

In this group, the priorities are the heart, ischemic and cerebrovascular diseases, malign tumors and diabetes. Some of these, as cerebrovascular disease and diabetes have a higher frequency in women than men.<sup>14</sup> Moreover, other diseases that do not impact in mortality rate are characteristic of women, such as osteo-muscle diseases, blood hyper-tension and obesity. Unfortunately, these diseases require prevention actions oriented to the modification of habits: nutrition, physical activity, smoking and others that require a change in early life to diminish their frequency.

This is not done in the countries of the region, which do not have a tradition in prevention programs, except for vaccination.

In this group, violence against women and girls is one of the most important, considered one of the causes of disease for women and girls and a serious public health problem. Although the WHO has called the attention on this issue over the last 20-30 years, it is not a problem that the health services consider specially or that public health officials include in the regulations or activities. There is a lack of care protocols. Recently, there was an advancement in the care protocol for sexual violence, especially the prevention of pregnancy and HIV transmission. However, this is something that not all the services adequately implement.

#### ***Increase the resources and monitor women's health***

The GDP inequalities in Latin America and the Caribbean reflect the expenditure in health; countries with higher GDP spend more money in health. In the consideration of public expenditure in health, we

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<sup>14</sup> El Perfil Epidemiológico de América latina y el Caribe, CEPAL and UNFPA, April 2011

should take into account the national and global context of each country, their political and economic models and the wealth and benefits distribution. However, GDP does not necessarily directly translate into health expenditure. For example, Mexico's GDP in 2012 was the highest in the region, 8444 USD, almost seven times more than in Bolivia, 1239 USD. However, the percentage allocated for health expenditure in Bolivia was 4,8%, while in Mexico it was 6,3%. Likewise, Colombia, with a GDP per capita of 4116 USD in 2012, that is the half of Mexico's, allocated 7,6% for health expenditure.<sup>15</sup>

In the region, the countries which spend more money in health are Brazil, Uruguay, Panama and Argentina; however, they do not necessarily have the greatest results, especially those measured through indicators such as maternal mortality. Uruguay has the lowest maternal mortality rate.

The analysis and follow up of the budget allocations, their distribution and assignation would allow measures on how to improve women's health. However, there are challenges to measure and analyze in the public expenditure, especially the lack of studies on cost of the different health services: public, private and social security, as well as their distribution and impact on women and girls. The assignation of budgets does not allow the knowledge of how much was spent on women's health. Budgets are neither design on a gender perspective basis so they can be analyzed to how much was spent on women's health. However, we could have an approximate idea on the funds allocated for pregnancy, childbirth and puerperium care services and family planning services, including the provision of contraceptives and the prevention and treatment of genital cancers related to women.

In this regard, many countries, like Argentina and Mexico, assign funds for sexual and reproductive health programs. Brazil and Mexico mention the budget allocation for maternal reduction.<sup>16</sup> But these are only some little example of something that if applied could measure the impact on women and girls' health, as well as rationalizing the public expenditure in health which is characterized by its permanent increase in all, rich and poor countries.

### **Recommendations to overcome obstacles and accelerate implementation**

- Implementing comprehensive sexuality education in all levels of formal education in all countries of the region and guaranteeing the adequate training for teachers.
- Adopting the necessary measures to reduce maternal mortality, including the care of legal abortion and the prevention of illegal abortion.
- Ensuring the care of women who require a voluntary interruption of a pregnancy allowed by law.
- Advancing on the legalization of abortion and reviewing the legislation on abortion as a way of reducing maternal mortality.
- Adopting post-abortion care and ensuring the care of complications related to unsafe abortions.
- Reviewing punitive laws on abortion and expanding their decriminalization. Eliminating laws that penalize women who perform abortion.
- Guaranteeing the distribution and provision of contraceptive methods in an effective and equal way in all countries in an even manner to improve the prevalence of their use especially among adolescents, indigenous and rural women.
- Meeting the need of family planning and decreasing the rate of unmet needs.
- Training health personnel in working with adolescents, defining medical criteria for the eligibility of contraceptives, sexual and reproductive rights and counseling.
- Ensuring an effective method to denounce the violation of sexual and reproductive rights in public health services.

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<sup>15</sup> Panorama Social en América latina. CEPAL

<sup>16</sup> Informe RSMLAC

- Taking actions to ensure universal access to adequate and quality assistance during childbirth, emergency obstetrics care (including care for complications related to abortions) and family planning (including emergency hormonal contraception).
- Ensuring an effective answer to the needs of populations in state of exclusion and poverty: intensifying the efforts regarding the improvement of the quality of maternal health care and ensuring the intercultural approach and the full exercise of rights in the provision of reproductive health services.
- Promoting a wide and diverse range of services in order to guarantee sexual and reproductive health.
- Reinforcing the capacity of countries to measure the expenditure on childhood, maternal and reproductive health.
- Incorporating a gender approach in the national and sub national budgets.

## D. Violence against women

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### Introduction

Violence against women and girls is one of the 12 areas of special concern of the Beijing Platform of Action (1995), in which the States are urged to prevent and eliminate it in all its forms through the implementation of three strategic goals: D.1. Adopt comprehensive measures to prevent and eliminate violence against women, D.2. Study the causes and consequences of violence against women and girls and the efficacy of the prevention measures; and D.3 Eliminate women's trafficking and provide assistance for the victims of violence derived from prostitution and trafficking of women<sup>17</sup>.

20 years after the Beijing Platform of Action was created (1995), the fulfillment of the commitments which derive from the right of women to equality and a life free from discrimination and of violence, is still posing different challenges. Although the significant step was that signature and ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)<sup>18</sup> and the Inter-American Convention to Prevent, Punish and Eliminate Violence against Women (Convention Belem do Pará)<sup>19</sup>, violence against women and girls in Latin America and the Caribbean is a persisting problem in the region, which can be aggravated depending on the context- armed conflict, increase in organized crime, natural disasters- and the different conditions of women – ethnic group, age, sexual and political orientation, religious beliefs and geographical origin, among other things.

In this way and in spite of the advances in the national legislation to recognize violence against women as a violation and/or crime to women's human rights, it is still a challenge for the States of the region to keep the alignment of their legislation with the highest standards of international law on human rights.

At the same time, it is vital to go from the existing legislation to full implementation of them through public policies, budgeting, legal processes guaranteeing that women survivors of violence the punishment of the perpetrators and a compensation, as well as monitoring and evaluation mechanisms which account for how all these measures impact in the decrease of the problem in the region and how the States advance in the fulfillment of their obligations.

<sup>17</sup> ONU (1995). "D. La violencia contra la mujer" en *Declaración y Plataforma de Acción de Beijing*. Aprobada en la 16ª sesión plenaria, celebrada el 15 de septiembre de 1995, págs. 51- 58.

<sup>18</sup> Página web de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos.

<http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>19</sup> Página web del Mecanismo de Seguimiento de la Convención Belem do Pará (MESECVI).

<http://www.oas.org/es/mese cvi/convencion.asp>

## Strategic Goal D.1. Adopt comprehensive measures to prevent and eliminate violence against women

### D.1.1. Legislation

A significant advance in the fulfillment of this strategic goal is the fact that countries of the region have a legislation that recognizes violence against women, whether it is civil, penal or administrative. However, the pending challenge is the alignment with the highest standards of protection in against the different types of violence and spheres of occurrence.

According to the Second Hemispheric Report of the Follow-Up Mechanism of the Convention of Belém do Pará (MESECVI), the legislation on violence against women in countries such as Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Chile, Costa Rica, Dominica, Guyana, Jamaica, Paraguay, San Kits and Nevis, Santa Lucia, Saint Vincent and the Grenadines, Surinam, Trinidad and Tobago, and Uruguay<sup>20</sup> does not have a definition aligned with the terminology used in the Convention of Belém do Pará<sup>21</sup>. Moreover, several countries have designed legislation that is a confusing due to the fact that the civil, penal and legal legislation still restrict or use as synonyms the concepts of family violence, domestic violence, gender violence or violence against women<sup>22</sup>; likewise, the types of physical violence —physical, psychological, sexual, patrimonial, economic— are hidden as types of family or domestic violence and also need to be considered as expressions of violence women and girls face in the public sphere.

Some of the expressions of sexual violence still need to be aligned, as sexual harassment<sup>23</sup>. For example, in many countries as “sexual pestering”<sup>24</sup>; in other countries it is included within other types of violence as in the case of Guatemala, which could be considered as “violence against women”; in Guyana, it is considered as an offense to the common right or punished as discrimination on a gender basis; or in Saint Vincent, it is legislated as “indecent assault”<sup>25</sup>.

On the other hand, sexual violence has been regulated with certain limitations within marriage or unions; in fact, “some States punish rapes within marriages but limiting the rape to oral, anal or vaginal sex”<sup>26</sup>. In some countries, rapes within lawful unions are not recognized, as in Antigua and Barbuda, Bahamas, Belize, Dominica, Jamaica, Santa Lucia; Uruguay includes them in other types of violence; Honduras and Nicaragua mention indistinctively that the perpetrator could be a man or a woman without considering the unequal power between the sexes.

Regarding the punishment of sexual violence in the framework of armed conflicts and its classification as war crime or crime against humanity in the penal legislations —types, punishment, mitigating and aggravating circumstances— of the countries of the region, only Colombia and Chile have legislated on this regard; most of the countries haven’t<sup>27</sup>.

Another context in which the States should take legislative and preventive measures is during and after natural disasters. Unfortunately, Haiti has been an emblematic case, where after a natural disaster —earthquake— and in a context of internal displacement<sup>28</sup> sexual violence occurred against women and girls in 22 displacement camps. The tropical storm that hit Dominican Republic “Noel” is also

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<sup>20</sup> MESECVI (2012). “Cuadro 1. Legislación sobre violencia contra las mujeres” en *Segundo Informe Hemisférico sobre la Implementación de la Convención de Belém do Pará*. OEA, OEA/Ser.L, abril 2012, pág. 104.

<sup>21</sup> La Convención de Belém do Pará define en su Artículo 1 la violencia contra las mujeres como: “cualquier acción o conducta, basada en su género, que cause muerte, daño o sufrimiento físico, sexual o psicológico a la mujer, tanto en el ámbito público como en el privado”.

<sup>22</sup> MESECVI (2012). *Segundo Informe Hemisférico sobre la Implementación de la Convención de Belém do Pará*. OEA, OEA/Ser.L, abril 2012, pág. 18.

<sup>23</sup> En este tipo de violencia se genera en una relación horizontal.

<sup>24</sup> En este tipo de violencia se genera en el marco de una relación de jerarquía.

<sup>25</sup> MESECVI (2012). “Cuadro 2. Legislación sobre algunas formas de violencia contra las mujeres” en *Segundo Informe Hemisférico sobre la Implementación de la Convención de Belém do Pará*. OEA, OEA/Ser.L, abril 2012, pág. 115.

<sup>26</sup> *Ibid.*, pág. 26

<sup>27</sup> *Ibid.*, págs. 121 y 122.

<sup>28</sup> El 12 de enero de 2010 ocurrió un terremoto que sacudió a Puerto Príncipe, ocasionando desplazamiento interno de la población.

an example of the link between gender violence and natural disasters, in which violence increase or women are more vulnerable to suffering it due to the chaos in which they live.

Another context that is relevant for the States to take legislative and prevention measures is during and after natural disasters. Unfortunately, Haiti has been an emblematic case, where after a natural disaster —an earthquake— and in a context of internal displacement<sup>29</sup> act of sexual violence were committed against women and girls from 22 camps with displaced people. The tropical storm “noel” which hit Dominican Republic<sup>30</sup> is also an example of the relation between gender violence and natural disasters, where the former increases or women are more vulnerable to it in a context of disasters.

The classification and standardization of femicide is a pending challenge for the States. Some classifications in countries as Costa Rica (2007), Chile (2010) and Peru (2011) only considers the fact that the femicide was perpetrated by the intimate partner, roommate, parent, children, natural or adopted, or someone with whom the victim had a similar relationship<sup>31</sup>. This leaves behind the public sphere and the femicides perpetrated by strangers —illegal armed groups, state agents—, and people outside the family or the couple. On the other hand, in some countries in South America and Brazil “specific mechanism of repair for indirect victims of gender violence are missing, as well as statistics on the homicides of women on a gender basis, which will allow the implementation of public policies —on the basis of official statistics— to fight against violence against women”<sup>32</sup>. In countries such as Colombia (2008) and Argentina (2012) the concept of femicide was not included in the penal code; in the latter case, the punishment was increased for homicides of women “when the event is perpetrated by a man and as the result of gender violence”<sup>33</sup>.

In view of this context, Latin American and the Caribbean women, in particular indigenous and Afro-descendant women, as the concentrate in the poorest and vulnerable sectors of society, live in inequality of rights and protection, and it is still pending the alignment of the legislation of the States in the penal, civil and administrative fields to prevent, eliminate and punish the violence against women with the highest standards established by the universal and inter-American systems of protection.

#### D.1.2. Access to Justice

The legislative advances in the region have not been enough to allow that women survivors of violence have the access to justice guaranteed. Discrimination on a gender basis, impunity and corruption of the legal systems, among other obstacles, are the main reason why in the region women survivors of violence do not access simple, expositive and reliable legal resources. These obstacles revictimize women and reproduce violence, causing institutional violence.

Women from Latin America and the Caribbean sometimes leave the legal process at some stages, because they feel at risk or because they endure a long, uneasy-to-access process, which is costs money and time, and which do not address their needs to stop the violence they suffer and/or protect themselves. Discrimination based on gender, race and age at the moment of submitting a claim is one of the main obstacles women victims of violence face, “the stereotypes and prejudgments present among judicial officials lead to the lack of veracity of narration of the victim, making her guilty, justifying the events she suffered due to her behavior, questioning her honor and leading to the usage of sexist language”<sup>34</sup>. Guatemala<sup>35</sup> and Mexico<sup>36</sup> are some of the countries that exemplify the persistence

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<sup>29</sup> El 12 de enero de 2010 ocurrió un terremoto que sacudió a Puerto Príncipe, ocasionando desplazamiento interno de la población.

<sup>30</sup> Esta tormenta afectó al 87% de la población y destruyó cerca de 20 mil viviendas.

<sup>31</sup> Montaña Sonia (2013). Informe Anual 2012. Los bonos en la mira. Aporte y Carga para las Mujeres. Observatorio de Igualdad de Género de América Latina y el Caribe, CEPAL, ONU Mujeres, UNFPA, OPS, AECID, SEGIB, pág. 12.

<sup>32</sup> Bianco Mabel y Patricio Diana (2013). “Síntesis del Informe Subregional Brasil y Cono Sur” en *El cumplimiento del Consenso de Brasilia en América Latina y el Caribe, análisis de la sociedad civil. Síntesis regional*. FEIM, Octubre 2013.

<sup>33</sup> Artículo 80, Código Penal de la Nación Argentina.

<sup>34</sup> CIDH (2011). *Acceso a la justicia para mujeres víctimas de violencia sexual en Mesoamérica*, OEA Ser.LN/II. Doc.63, diciembre, pág. 51.

<sup>35</sup> Caso “María Isabel Veliz Franco vs. Guatemala”.

<sup>36</sup> Caso “Valentina Rosendo Cantú vs México”.



of this type of obstacles; both countries have been denounced before the Inter-American System on Human Rights because its judicial officials performed discriminatory practices at the moment of the submission of denounces for violence against women and at the same time, in one of the cases –in Guatemala- this was aggravated by the fact that the girl was an adolescent, and in a case in Mexico, by the fact a girl was an indigenous girl.

The challenge for the States is to implement legal instances/procedures that are accessible for women. The police and/or the public ministry are the first instances in which the woman faces violence; people working in these state bodies are not sensitized on gender perspective, they work mainly in urban areas or in places receiving the claims, they do not guarantee privacy or anonymity of women when declaring<sup>37</sup>, or do not consider “the particularities of the victims, as it is the case of indigenous, migrant and Afro-descendant women”<sup>38</sup>.

Long and slow investigation and trials; lack of public defenders or legal advisory for the victims; lack of translators for the indigenous people or people who need translation; the lack of information on how to access legal instances; “the lack of knowledge on the rights of women by the judicial officials”<sup>39</sup>; and the re-victimization of women during the judicial process are among other difficulties women face.

Regarding the protection measures for women victims of violence, they are ineffective or there is no timely and adequate follow-up to verify their implementation, which leads to the unprotection of women because public ministries or “judges took too long in ordered them or they let time limits of the measures expire, leaving the victims unprotected”<sup>40</sup>.

The legal practice is still full of prejudice and the difficulty to understand that the phenomenon of violence against women is gender issues, “the common denominator of the legal system of this region is unfair and its access difficult for the poor. It is also patriarchal and pervaded with chauvinistic practices which directly impacts in the cases of violence against women. Undoubtedly, the advancement in permanent training and update is an important challenge for the judicial operators in all the countries of the region”<sup>41</sup>.

The obstacles women face when accessing justice increase the feeling of vulnerability and lack of defense women experience. What is even worse is that this favors impunity, perpetuate violence and further increase the lack of trustworthiness in judicial systems.

### D.1.3. La situación de la violencia contra las mujeres.

Women and girls in the region still face different types of violence – physical, sexual, psychological, property, institutional and economic- in the private and public sectors, impacting in their lives, integrity and freedom, which in addition to the fact of being indigenous, farmer, migrant, lesbian and/or trans people, among others, may lead to a double discrimination.

Violence in the private sector, whether called family or intimate partner, has a high prevalence in the region. On the one hand the WHO in its report called *Global estimates of violence against women (2013)*, estimates that 36% of women in America have suffered violence from their partners and the PAHO (2014) points out that “between 17% and 53% of a representative sample of women who once married or got a civil union of the 12 countries of Latin America and the Caribbean have reported suffering sexual or physical violence by an intimate partner”<sup>42</sup>. In Peru, “the Demographic and Family Health Survey (2000) revealed that 41% of the women have suffered physical abuses by their husbands and 28% by other men”. In Nicaragua there is a similar percentage, according to the data submitted

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<sup>37</sup> *Ibíd.*, pág. 56

<sup>38</sup> *Ibíd.*

<sup>39</sup> CIDH (2011). *Acceso a la justicia para mujeres víctimas de violencia sexual en Mesoamérica*, OEA Ser.LN/II. Doc.63, diciembre, pág. 55.

<sup>40</sup> *Ibíd.*, pág. 64.

<sup>41</sup> Bianco Mabel (coordinadora) (2003). *El cumplimiento del consenso de Brasilia en América Latina y el Caribe. Análisis de la sociedad civil*. FEIM, Octubre, pág. 16.

<sup>42</sup> OPS (2012). *Violencia en contra de las Mujeres en América Latina. Un Análisis comparativo en 12 países*. OPS, OM, CDC.

by the WHO (2003), 40% of women in reproductive age had suffered physical violence by their partners, in 70% of the cases, this violence was severe and 31% of women were hit at least during one of their pregnancies”<sup>43</sup>.

Regarding violence in the public sector, women face different types of violence in their communities, in the streets, in schools, health centers or the media. One of the most alarming types is sexual violence; only in Haiti “70% of young women have been victims of some type of sexual abuse”<sup>44</sup>; “in Colombia 20,6% of women affirms having been attacked by an unknown person

In 2005; in Bolivia this percentage reached 32,8% in 2003”<sup>45</sup>. In a study carried out in Argentina, Brazil, Colombia and Mexico it is evidenced that the increase in the use of ICTs brings about psychological, emotional and sexual abuse, and can even end in suicide, mainly among adolescents and young people<sup>46</sup>.

#### D.1.4. Plans and budget to eradicate and eliminate violence against women

Eradicating violence against women requires comprehensive policies and programs, inter-institutional mechanisms, budget and evaluation and follow-up systems. According to the Second Report of the MESECVI in Latin America and the Caribbean, Barbados, Dominica, Saint Vincent and the Grenadines and Trinidad and Tobago did not have a plan. However, in the rest of the countries of the region which have plans, no provisions considering the diversity of women or actions to prevent violence throughout life were found<sup>47</sup>; they focus on providing care for violent in the private sphere. Regarding the management of the implementation of these UN WOMEN programs, there is a high rotation of the public servants responsible for implementation them, which makes it difficult for them to gain experience, knowledge and which causes the weakening of the management models<sup>48</sup>. Likewise, on the one hand, there is also the challenge of the inter-institutional and inter-sector mechanisms, in the countries which have such mechanisms, broaden their capacities for an effective performance, and in the countries which do not have them; the challenge is to set them up.

The *Second Report of MESECVI* points out that in Latin America and the Caribbean, Barbados, Dominica, Saint Vincent and the Grenadines and Trinidad and Tobago do not have a plan. While in the rest of the countries of the region that have plans, there are no provisions considering the diversity of women or actions contemplated to prevent violence in all the cycles of life<sup>49</sup>; they concentrate on addressing violence in the private sector. Regarding the management for the implementation of these programs from UN WOMEN there is a high rotation of public providers in charge of implementing them; this makes the accumulation of expertise and knowledge difficult, and causes the weakening of the management models<sup>50</sup>. Likewise, there is also the challenge of the inter-institutional and inter-sector mechanisms in the countries which have them to broaden their institutional capacities for an effective performance, and on the other hand there is the challenge to implement them in the countries which do not have such mechanisms.

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<sup>43</sup> Montaña Sonia y Alméras Diane (2007). *¡Ni una más! El derecho a vivir una vida libre de violencia en América Latina y el Caribe*. LC/L.2008, octubre, pág. 25.

<sup>44</sup> “Documento Regional de la Sociedad Civil Beijing +20- Caribe. Violencia contra las mujeres”, septiembre 2014, págs. 3 y 4. Elaborado por Finikin-Sistren Lana de Theatre Collective/GROOTS Jamaica y Robinson Delores de ASPIRE/GROOTS Trinidad & Tobago (Organizaciones no gubernamentales del Caribe).

<sup>45</sup> Montaña Sonia y Alméras Diane (2007). *¡Ni una más! El derecho a vivir una vida libre de violencia en América Latina y el Caribe*. LC/L.2008, octubre, pág. 43.

<sup>46</sup> “Documento del Comité de ONG de CSW para América Latina y el Caribe. Documento para la discusión”. Versión 15 de febrero de 2013, pág. 10. Presentado y difundido en el marco de la 47ª sesión de la CSW en N.Y.

<sup>47</sup> MESECVI (2012). *Segundo Informe Hemisférico sobre la Implementación de la Convención de Belém do Pará*. OEA, OEA/Ser.L, abril 2012, pág. 50.

<sup>48</sup> PNUD-ONU Mujeres (2013). *El compromiso de los Estados: planes y políticas para erradicar la violencia contra las mujeres en América Latina y el Caribe*. Programa de las Naciones Unidas para el Desarrollo y Entidad de Naciones Unidas para la Igualdad de Género y el empoderamiento de las Mujeres, pág. 40.

<sup>49</sup> MESECVI (2012). *Segundo Informe Hemisférico sobre la Implementación de la Convención de Belém do Pará*. OEA, OEA/Ser.L, abril 2012, pág. 50.

<sup>50</sup> PNUD-ONU Mujeres (2013). *El compromiso de los Estados: planes y políticas para erradicar la violencia contra las mujeres en América Latina y el Caribe*. Programa de las Naciones Unidas para el Desarrollo y Entidad de Naciones Unidas para la Igualdad de Género y el empoderamiento de las Mujeres, pág. 40.

Regarding the budget allocated for the implementation of the law and/or plans to address violence against women, the first obstacle is the difficulties in accessing information on how much money is allocated. Regarding the monitoring and evaluation of the implementation of the plans, programs and actions on violence against women, "there is certain weakness in the development of a monitoring and evaluation system that looks after the effective, efficient and economic implementation of activities"<sup>51</sup>.

#### D.1.4. Violence against women in the region

Latin America and the Caribbean is the most unequal region of the world. "In this region, the richest 5% gets 25% of the national income, while the poorest 30% gets less than 7, 5%. The richest 10% of the population of the region has an income 84 times higher than the poorest 10%"<sup>52</sup>; poverty, unemployment, the concentration of wealth generated by the current economic model, the increase in organized crime, the repression to social mobilization and the attack to human rights. In this context, some women face multiple discriminations and violence's which are aggravated for their ethnic origin, nationality, geographical origin, sexual orientation, age, socio-economic status, among others.

##### *Femicide*

Latin America is the second region with the highest rates of women's deaths in both, rural and urban areas. In Central America and Mexico, femicides have increased; between 2003 and 2012 there were 12,178 cases in Guatemala, El Salvador, Honduras and Nicaragua<sup>53</sup>. Only in El Salvador there are reported 194 women assassinated in 2004 and in Mexico 1,221 homicides of women and girls were reported in 12 provinces of the country between 2007 and 2008<sup>54</sup>. In this sub-region, femicides are also linked to the impunity in addressing cases of violence within couples, which is also related to the development of young gangs and maras.

In the Caribbean, due to the lack of data, most of the femicides are not registered as such and are not even treated as cases of gender violence, which in fact results in the lack of data. However, the information disseminated in the media seems to show a tendency towards the increase of femicides in the sub-region. The data available show that in Jamaica in 2008, 60 out of 160 assassinations of women were related to domestic violence<sup>55</sup>. In Grenada, between 2005 and 2008, only 8 cases of women assassinated in situations of gender violence, but between 2011 and September 2012, 5 women died in the hands of their partners. In Trinidad and Tobago, in average, in the last 10 years, there were 17 and 35 cases per year, depending on the year, in which one woman was assassinated in situations of domestic violence<sup>56</sup> in Dominican Republic, along 2014, there have been around 125 femicides, mainly of Afro-descendent and poor women.

##### *Indigenous women*

Violence and discrimination indigenous women face still evidence a great gap that should decrease. In Latin America there are 522 indigenous people speaking 420 different languages; the countries with more indigenous people (87%) are Mexico, Bolivia, Guatemala, Peru and Colombia; half of them are women<sup>57</sup>. According to different sources of information, indigenous women in some countries such as

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<sup>51</sup> *Ibíd.*, pág. 49.

<sup>52</sup> Instituto del Tercer Mundo (s/f). *La región más desigual del mundo*. Consultado agosto 2014 en:

<http://www.gloobal.net/iepata/global/fichas/ficha.php?id=421&entidad=Textos>

<sup>53</sup> Espinoza Claudia, "Feminicidios impunes a la vuelta de la esquina" en *Voces*, 16 de junio de 2014. Consultado en:

<http://voces.org.sv/2014/06/16/feminicidios-impunes-a-la-vuelta-de-la-esquina/>

<sup>54</sup> Consultado en: [http://www.americalinagenera.org/es/index.php?option=com\\_content&view=article&id=2219:la-violencia-contra-la-mujer-en-america-latina-y-el-caribe-en-cifras-%20%20&catid=764:destacamos](http://www.americalinagenera.org/es/index.php?option=com_content&view=article&id=2219:la-violencia-contra-la-mujer-en-america-latina-y-el-caribe-en-cifras-%20%20&catid=764:destacamos)

<sup>55</sup> Dunn, L and Sutherland, V. (2009, revised 2010) *Gender Based Violence in Jamaica: A Profile of Victims and Perpetrators – A Preliminary Case Study*. University of the West Indies; Institute for Gender and Development Studies, Mona. -Advocates for Safe Parenthood: Improving Reproductive Equity ASPIRE Trinidad & Tobago 2011.

<sup>56</sup> "Documento Regional de la Sociedad Civil Beijing +20- Caribe. Violencia contra las mujeres", septiembre 2014. Elaborado por Finikin-Sistren Lana de Theatre Collective/GROOTS Jamaica y Robinson Delores de ASPIRE/GROOTS Trinidad & Tobago (Organizaciones no gubernamentales del Caribe).

<sup>57</sup> ECMIA (s/f). *Violencia y mujeres indígenas*, Enlace Continental de Mujeres Indígenas de las Américas, Centro de Culturas Indígenas del Perú- CHIRAPQ.

Mexico show a higher prevalence of violence within couples among indigenous mono-lingual women; likewise, the seriousness of violence is greater in this group<sup>58</sup>. In Peru, 51% of women from Lima have had an intimate partner and 69% of the women in Cusco have experienced physical or sexual violence by their intimate partner. Regarding sexual violence, these figures were 23% in Lima and 47% in Cusco<sup>59</sup>. In Guatemala 88% of raped and tortured women during the 30 years of the civil war were indigenous, especially in Maya communities; 600 women were victims of femicide in 2010<sup>60</sup>.

### **Afro-descendent women**

Violence against women is a phenomenon with multiple causes. In the case of Afro-descendent, as they are more vulnerable to be poor and live in extreme poverty, they have less access to education, have more probabilities of being victims of violence, and many reside in marginal neighborhoods of urban centers, work in service sector or as household or manual workers, have an average of less than 12 years of education, are less informed, which makes it difficult to leave the violence circle. And have few resources to access justice. There is a cross-cutting impact on Afro-descendent women regarding violence due to multiple discrimination: they are women and Afro-descendent.

### ***Violence in the contexts of armed conflicts, natural disasters and insecurity***

Violence against women and girls tends to increase in times of crisis and instability, armed conflicts, natural disasters and increase in insecurity derived from militarization and the increase in organized crime. "In some situations of armed conflict, violence against women is extended and systematic –for example, where forms of violence such as rape, forced prostitution or sexual trafficking are used by armed groups as tactics of war or to cause terror or displace civilians or to benefit one party of the conflict"<sup>61</sup>.

### ***Migrants***

Women and girls migrants suffer multiple forms of violence and risks on their way to the foreign country, which are related to their condition as women, frequently associated to sexual violence. Institutional violence they suffer in the country of origin, the feminization of migration, is evidenced because women face "difficult socio-cultural, legal and economic situations, and also limitations in the family and professional spheres. These factors are specially related to the process of socialization and with the social position they are given in their countries"<sup>62</sup>. Moreover, in the way to the country of destination, women, young women and girls experience abuses, thefts, multiple rapes and the risk of human trafficking with sexual exploitation purposes, as well as maltreatment by organized crime and abuses by migration officials.

## **D.2. Study the causes and consequences of violence against women and girls and the efficacy of the prevention measures**

Surveys on violence against women and the administrative records on health, security, justice or social assistance are two main sources of information which show the types, the causes and consequences of violence; however, they are not enough and little developed. They are not comparable between each other because they do not use the same methodology or because different definitions of the types of violence are used in the collection of data. In a same country, the administrative records of the different bodies may bring about different results in the data collected, as well as inconsistencies in the municipal, state and national data, generating a sub-register that provides a partial vision of violence, only from data collected from women who go to services provided by the State.

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<sup>58</sup> Encuesta de Salud y Derechos de las Mujeres Indígenas, México, 2008.

<sup>59</sup> OMS, 2003, en la 9<sup>o</sup> Reunión del Comité de Expertas/os del MESECVI, noviembre de 2012.

<sup>60</sup> Periodismo Humanos "Mujer y violencia en Guatemala", 1 de junio de 2011.

<sup>61</sup> ONU Mujeres (2013). *Un objetivo transformador e independiente para lograr la igualdad de género, los derechos y el empoderamiento de las mujeres: imperativos y componentes claves en el contexto del marco de Desarrollo Post- 2015 y los Objetivos de Desarrollo Sostenible*, pág. 24.

<sup>62</sup> OIT (s/f). *Las migraciones en América Latina y el Caribe*. Consultado en: [http://www.cepal.org/mujer/reuniones/mesa38/oim\\_migraciones.pdf](http://www.cepal.org/mujer/reuniones/mesa38/oim_migraciones.pdf)

Likewise, an important difficulty in the records of crimes or claims or investigations filed is that information is not disaggregated by sex, gender, ethnic group or geographical origin. The national surveys “in some cases are national or local surveys on violence and others, from general instruments, devoted to compile information on other topics, in which specific modules on violence against women have been incorporated”<sup>63</sup>.

This directly impacts on the records of violence and, therefore, in the dimension of the problem in each of the countries and the region. Regarding femicide, it is difficult to establish unified official records; statistics on human trafficking for sexual exploitation and violence against women who are deprived of their liberty is scarce<sup>64</sup>. There is neither information on the access to justice of women who survived violence, from the moment they file a claim to the sentence by the judge; the police records are not linked in the different levels: municipal, state or national, which allows the comparison or the identification of the backgrounds on violence against women of the aggressor or the records of the judicial instances are inaccessible.

### D.3. Eliminate human trafficking and provide care to victims of violence derived from prostitution and women trafficking

The trafficking of women for sexual exploitation is a violation of human rights which puts the lives, integrity and freedom of women at risk. Only in Central America women are kidnapped mainly in “El Salvador, Honduras and Nicaragua to be taken to Guatemala, Mexico, Belize or the United States. Most of the victims are young women between 19-25 years old”<sup>65</sup>.

In the Andean region all the countries are “origin, transit and destination for men, women and children who are subjected to human trafficking with sexual and labor exploitation purposes. In spite of the sub-register, in all the Andean countries, the phenomenon is growing. A common denominator in these countries is the invisibility of sexual exploitation, which proves that no policies oriented to its prevention, eradication and care have been developed”<sup>66</sup>.

In the Caribbean, human trafficking has increased due to the increasing poverty in the region. “The places in which human trafficking has increased are Costa Rica, Panama and touristic centers of the Netherlands Antilles, Aruba, Saint Martin and Curacao (Thomas-Hope, 2002). Some of the operating centers are strategically located in Surinam and Dominican Republic where it is estimated that over the last 20 years more than 70,000 women were trafficked; moreover, there is a high number of Brazilian, Colombian and Dominican women concentrate and are take to Germany, Belgium, Spain, Greece and The Netherlands to work as prostitutes”<sup>67</sup>.

In addition to this situation, the existing legislation “partially includes the element of exploitation with the aim of training and transport”<sup>68</sup>; moreover, the concepts of human trafficking and human smuggling are misused.

## RECOMMENDATIONS

- Reaffirm the processes of legislative reform and alignment of the types and spheres of violence according to CEDAW, the Beijing Platform of Action, the Convention of Belem do Pará and the antecedents created on the basis of the universal and inter-American systems of protection of human rights.

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<sup>63</sup> Montaña Sonia [2013]. Informe Anual 2012. Los bonos en la mira. Aporte y Carga para las Mujeres. Observatorio de Igualdad de Género de América Latina y el Caribe, CEPAL, ONU Mujeres, UNFPA, OPS, AECID, SEGIB, pág. 13.

<sup>64</sup> Alméras Diane y Calderón Magaña Coral [2012]. *Si no cuenta, no cuenta. Información sobre la violencia contra las mujeres*. CEPAL, pág. 43

<sup>65</sup> CIDH [2011]. *Acceso a la justicia para mujeres víctimas de violencia sexual en Mesoamérica*, OEA Ser.L/V/II. Doc.63, diciembre, pág. 50.

<sup>66</sup> Bianco Mabel (coordinadora) [2003]. *El cumplimiento del consenso de Brasilia en América Latina y el Caribe. Análisis de la sociedad civil*. FEIM, Octubre, pág. 15.

<sup>67</sup> Montaña Sonia y Alméras Diane [2007]. *¡Ni una más! El derecho a vivir una vida libre de violencia en América Latina y el Caribe*. LC/L.2008, octubre, pág. 48.

<sup>68</sup> MESECVI [2012]. “Cuadro 1. Legislación sobre violencia contra las mujeres” en *Segundo Informe Hemisférico sobre la Implementación de la Convención de Belém do Pará*. OEA, OEA/Ser.L, abril 2012, pág. 21.

- Guarantee the access to justice for women victims of violence, through accessible, fast and expeditious legal procedures, adapting them to the different conditions and needs of women and incorporating the principles of equality and non-discrimination throughout the legal procedure.
- Strengthen comprehensive plans and public policies devoted to prevent, assist and eradicate violence against women not only in the private sphere but also in the public, incorporating the participation of civil society organizations in follow-up and evaluation mechanisms and establishing inter-institutional mechanisms that strengthen and articulate the state actions.
- Be held accountable for the budget devoted to the implementation of the laws and/or programs to prevent, assist and eradicate violence against women, through accessible mechanisms of access to information.
- Improve the collection of statistics from surveys and administrative records; standardized methodologies for the collection of information to reduce sub-register.
- Establish reliable and systematic registers to account for the femicides in the region.

## E. WOMEN AND THE ARMED CONFLICTS

*Editing: Camila Sabogal and Janneth Lozano, CODACOP Colombia*

### 1. Introduction

During the XX Century in Latin America different armed conflicts arose in Guatemala, Honduras, Nicaragua, El Salvador, Peru and Colombia, the latter being the only country in which an internal armed conflict persists. These conflicts have caused great impact due to the innumerable social, cultural, economic, and political effects, associated to pre-existing factors such as inequality and discrimination.

However, the damages caused by the armed conflicts are different and aggravated on the basis of class, gender, age and ethnic group. In particular, the impact on the lives of women in Latin America is seen in less-studied dimensions and especially no effective solutions are provided by the States in order to guarantee assistance, care, protection, repair, justice and truth for the victims of the conflicts.

In this context, the analysis herein is based on the strategic objectives defined by the Platform of Action of the Fourth World Conference on Women (Beijing 1995) with the aim of making visible the situation of women in contexts of armed conflicts and post-conflict in Latin America and the Caribbean and suggests debate and dialogue axis on the challenges and actions that should be strengthened and addressed for the transformation of these realities, which widen the social gaps and worsen the different forms of violence and discrimination against women.

#### **E.1. Increase the participation of women in the solution of conflicts at the level of adoption of decisions and protect women living under situations of armed conflicts or other type of conflicts or under foreign occupation.**

Regarding the processes of negotiation and resolution of armed conflicts, the United Nations considers that direct participation of women has been minimum, which is why in countries like El Salvador and Honduras no specific consideration was included for them (UNDP, 2010). However, in Guatemala and Peru, some provisions were achieved in this regard such as the creation of legal instruments for the protection of women.

Whether in internal armed conflicts or in post-conflict contexts, women are neither able to exert their rights nor to find an answer from the States regarding protection, care and repair. In this regard, the first step for overcoming all forms of violence and discrimination is that the States recognize and make visible the existence of differentiated and aggravated impacts on women. In this way, it will be understood the importance and need to assume a gender perspective in the adoption of legislation and implementation of public policies that favor structural transformations.

In the case of El Salvador, “women were present in the negotiation tables that later led to the agreement. Moreover, a technical table was created, the Commission for Reinsertion, consisting of six women and one man. In the end, women represented a third of the beneficiaries in the packages of redistribution of land and reintegration, a proportion that approximately matched with the percentage of women members of the Frente Farabundo Martí para la Liberación Nacional (FMLN), as fighters or collaborators.” (UNIFEM, 2012).

In Guatemala, “women significantly influenced the conversations that led to the peace agreement in 1996, although only two women participated in the negotiation teams of the Unidad Nacional Revolucionaria de Guatemala and the government of Guatemala. The participation of the civil society, including women’s groups was strongly supported by the United Nations and the Grupo de Amigos which sponsored the conversations. Jean Arnault, Special Representative of the Secretary General for Guatemala and mediator in the negotiations, supported the formal submission of the concerns and recommendations of women for the exam by the parties. In spite of the insufficient representation of women in the table for peace, the agreement included a series of important provisions regarding gender equality” Ibid.

The social organizations and movements have developed collective actions to address the effects of war on women’s lives and advocate on the States and internationally on the systems of human rights’ protection. Without the development of this organizational capacity, many of the achievements would not have been made at regulation and political level; nonetheless, the States should protect these organizational platforms and promote the different spaces for their inclusion and participation when making decisions.

## **E.2. Reduce excessive military expenses and limit the availability of weapons.**

According to the International Institute of Research for Peace in Stockholm (SIPRI) Latin America spent 34.1 billion dollars in weapons and defense in 2012, with an increase of 4.2% compared with 2011 (SIPRI, 2013) and compared with the period 2012-2013, the military expenditure increased 15.6%. According to the report, the increase in these expenditures is the result of the modernization of the Armed Forces, the fight against drug trafficking and organized crime. The countries with higher increase in military expenditure in 2013 were “Paraguay, with 33%, Honduras (22%), Nicaragua (18%) and Colombia (13%)”<sup>69</sup>

One outstanding case is Mexico, where military expenditure increased 9.7% in 2012 due to the fight against drug trafficking. On the other hand, in Guatemala, during 2013, the Government “acquired an aerial monitoring and protection system from the Brazilian company Embraer for the 8,200 square-meter Mayan Biosphere Reserve, the greatest tropical forest in Central America. The system consists of six A-29 Super Tucano planes equipped with command and control and three 3D radar systems, as well as logistic support and training for pilots and mechanics from Guatemala.” (Diálogo, 2013).

## **E.3. Promote non-violent forms of solving conflicts and reduce the incidence of violation to human fights in situations of conflicts.**

Different forms of violence against women are evidenced during and after conflicts and post-conflicts, in these cases perpetrated by other actors. In this regard, there has been political will by the States to define and implement policies for the comprehensive repair from a gender perspective which also allow overcoming the different forms of violence against women and transforming the inequality and discrimination conditions.

In the studies carried out show that category of gender based violence, expressed in concepts as “falling in love as war tactic” or “a woman’s body as weapon”. One of the most thoroughly studied forms of gender based violence is sexual violence, which include “sexual mutilation, forced marriages, unplanned pregnancies, rapes, reproduction control, difficulties in the access to sexual and reproductive services, the imposition of sexist and homophobic norms through the imposition of clothes and accessories, kidnapping, sexual enslavement, anti-contraception, abortion and forced prostitution, etc.

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<sup>69</sup> [http://www.rpp.com.pe/2014-04-14-estos-son-los-paises-con-mas-gasto-militar-en-2013-noticia\\_684559.html](http://www.rpp.com.pe/2014-04-14-estos-son-los-paises-con-mas-gasto-militar-en-2013-noticia_684559.html)

among the some of the specific sexual violence suffered by women” (Ibíd.). According to the IHL, sexual violence as systematic practice and war strategy is considered a crime against humanity (Rome Statute, 1998).

In the conflict and post-conflict sexual violence remains as a systematic practice. “In times of peace, it shows the exercise of patriarchal sexual power which is reaffirmed day by day, which in times of war, apart from such power exerted on the victims, it means taking the bodies of women who “belong” to the opponent” (PCS - Consejería en Proyectos, 2006, pág. 17). We can say that “the context of armed conflicts worsens the violence against women, increasing the impact on women and worsening the inequality and discrimination situation compared to that of men” (Corporación AVRE, 2010, pág. 9).

In Guatemala, “since the signature of peace crime and social violence has increased in the country, the figures on homicides, extortions, robbery, kidnappings and sexual violence against women are alarming” (Impunity Watch). According to the reports, the figures on femicide are constantly increasing; in fact the court receives cases of femicides and other forms of violence against women

In Guatemala, “registered 1.560 filed cases during the first 13 months of operation” (AGN).

Corporación Avre states that in Colombia, Guatemala and Peru there is little documents on the impacts of armed conflict on women, especially on sexual violence, a situation which is aggravated by “the absence of mechanisms of protection when women victims decide to file a claim, as well as the lack of care spaces which are reliable” (2013: 10 - 11).

In Colombia, according to the report by the National Center on Historical Memory –CNMH- “*Basta ya: Memorias de guerra y dignidad*” between 1958 and 2012 there were “220.000 assassinated people, 25.007 people who disappeared, 5.712.506 displaced people, 16.340 selective assassinations, 1.982 massacres, 27.023 kidnapped people, 1.754 victims of sexual violence and 6.421 cases of forced recruitment. (...) Of the 1900 massacres, 1.166 were the responsibility of the para-militaries, 343 of guerrilla groups, 295 of unknown groups and 158 of the Public Force, as well as 20 perpetrated by para-groups and State agents” (Verdad Abierta). According to the Unique Registry of Victims, 49,7% out of the total number of victims, are women and in relation to the cases of sexual violence, the organization Casa de la Mujer and Oxfam, after a survey, identify 489.687 victims.

In the midst of the conflict, the Colombian government passed Law 1448 in 2011, which seeks for the creation of a framework for care, assistance, protection and comprehensive repair of the victims of armed conflict; however, women’s organizations “claimed that there is no effective implementation of it and the differentiated approach of the Law is not taken into account in many research, especially regarding land restitution” (Caracol Radio).

On the other hand, there is another case worth mentioning due to the seriousness of the impact on women’s lives: the case of Mexico, which even if it is not officially considered an internal armed conflict, but a fight against drug trafficking, it reproduces different forms of violence against women. The joint report submitted by Mexican civil society organizations for the second round of the Universal Periodic Exam in Mexico evidences that approximately 100,000 people have been victim of multiple acts, such as assassinations, disappearances, displacement and persecutions (2013, pág. 4).

The figures regarding women victims are overwhelming. In the period “from January 2011 to June 2012, 3.976 women and girls disappeared in 15 states” (2013, pág. 13), out of which almost 60% corresponds to the states of Chihuahua and Mexico. Likewise, 3834 sexual violence cases are reported in this period. Regarding femicides, between 2007 and 2012, 4.112 cases were registered with a great percentage of assassinations caused by “the excessive use of physical force as hits, bruises, injuries with cutting weapons or choking” (2013, pág. 13). Regarding justice, it is affirmed that women have face obstacles to access to the judicial system. While there is a steady increase in the femicide rate, most of the cases do not have a judgment, “only 4% of women assassinated out of 1.235 cases between January 2010 and June 2011 in 8 states have been judged” (2013, pág. 13).

#### **E.4. Promote the contribution of women in the achievement of a culture of peace.**



The United Nations considers that “the armed conflicts also cause changes in gender roles and rules and the division of labor” (UNDP, 2010). These changes are associated to the responsibility women assume as heads of households, and economic and emotional providers. However, the gender approach in order to understand the conflict should not only address the victimization of women, because “they see the opportunity to get together and enter public and community life, something which was limited before the conflict. (...) They are also agents of peace and conflict, peacemakers and violence perpetrators” (Ibíd.)

In the processes of post-conflict, the eradication of discrimination and inequality should be sought and the implementation of policies must be followed-up from a gender perspective which aims at comprehensive repair, that is, the compensation, rehabilitation, compliance, guarantees to avoid repetition and the restitution of lands. Additionally, dialogue and ascertaining the truth must be encouraged at official level, as well as the promotion of the mechanisms for reconciliation and reinsertion of the displaced groups.

In Colombia, where a negotiation process is currently taking place between the government and the FARC guerrilla, the participation of women is very little, “women peace leaders are women in the different regions. It is outrageous that we are not included in the Havana dialogues; we are the ones who bear the brunt of war” (Florence Thomas, 2013).

The poor participation of women is due to the “lack of political will in recognizing the role of women in Colombian politics” (Florence Thomas, 2013). Additionally, there are great difficulties for the institutional adaptation from a gender perspective that successfully achieve the materialization of the different care, protection and comprehensive repair measures established in the framework of legislation.

#### **E.5. Proporcionar protección, asistencia y capacitación a las mujeres refugiadas, a otras mujeres desplazadas que necesitan protección internacional y a las desplazadas internamente.**

At general level, there are no effective public policies regarding comprehensive repair, protection, assistance and training for women victims of armed conflicts. In Peru, once the armed conflict finished, in 2005 the Comprehensive Plan of Repair, which according to the International Center for Trans-National Justice has not been fully implemented, for example the government has not given the compensations to the victims of the most serious crimes (ICTJ - Centro Internacional para la Justicia Transicional, 2013). Officially, “only one out of five victims have received economic compensations” (ICTJ - Centro Internacional para la Justicia Transicional , 2013 b).

In Guatemala, there is a National Compensation Plan targeted to victims of armed conflicts; according to the reports of the total of beneficiaries, 83% are women.

In El Salvador, no measures have been identified regarding compensation offered especially to women victims of sexual violence. In fact, the Report of the Commission of Truth for El Salvador (1993) does not show the number of cases of women victims neither the cases of sexual violence; this type of violence does not appear as a collateral fact to the claims (CLADEM, 2007, pág. 66). However, the Institute of Legal Medicine indicates that “between 1992 and 1996 assisted 3.695 victims of sexual violence. In 1996, 824 out of the 906 cases represented women victims and 82 represented men”. (Ibíd.)

Regarding women refugees, Ecuador, being one of the main countries receiving the displaced population as result of the internal armed conflict in Colombia, at international level, ratified the Convention of 1951 on the Statute of Refugees in 1958 and its Additional Protocol 1967, in 1969, instruments regulated by Presidential Decree 1182 of 2012 and, moreover, in the Constitution of 2008, it included the rights of asylum and refuge.

Undoubtedly, one of the most difficult rights to put in practice is the access to land and housing, which in the case of women is aggravated due to different factors based on the pre-existence of structures of discrimination and inequality. According to the report carried out on “Access to land and housing for women in need of international protection and refugees in Ecuador” (NRC, 2013), although the Constitution establishes the right to refuge, it also provides for the restriction for the acquisition of land in areas of national security by refugees, that is, in border areas.

According to the report, the “Immigration Law, and Executive Decree 1182, which are rules containing contradictory provisions with the aim of guaranteeing the rights of the Constitution and the international instruments of human rights and asylum, impacts on a restrictive way on the exercise of rights of refugees, whether it be in the access to the protection system or the economic and social rights of refugees and people requesting for refuge/asylum” (NCR, 2013: 84). Regarding access to housing, women refugee face serious obstacles such as high rent prices, which they cannot afford because they do not have income. This obstacle makes women settle in marginal zones, which implies new risks for their situation, especially if they are alone with their children.

In general terms, there are neither state programs which guarantee the right to land or housing nor comprehensive protection for women refugee. In this way, it is essential that states recognize the situation of women refugees in their territories and mainly, that they understand what their obligations are in terms of protection to this population.

Mechanisms of state adaptation which provide services and resources for the care, assistance, comprehensive repair and access to justice for women victims are needed. In this way, it is the duty of the States to create training plans for officials and public servants from all the sectors, especially information, communication and monitoring systems that allow the adaptation in the implementation of policies. The most important aspects to change the reality of women are political will and technique of the States to investigate punish and repair all the violations to women’s rights Regarding the access to justice, legal operators should include gender perspective and international standards in their resolutions.

In the case of Latin American countries, the ones who suffer violence from the counter-insurgency were mainly the indigenous peoples, as in the case of armed conflicts which have taken place in Peru and Guatemala, where indigenous women were victims of humiliations; sexual violence and mutilations before being assassinated; or if they survived, they were used as slaves in the domestic and sexual service of their own aggressors. In Colombia, among the sectors that are more at risk there are the Afro-descendent, indigenous, displaced, rural and sub-urban women, many who were forced to emigrate from their places of origin. It cannot be denied that violence is also associated to the exclusion and discrimination processes that have put indigenous and poor women in conditions of more vulnerability.

## **F. WOMEN AND ECONOMY**

*Editing: Nicole Bidegain, DAWN and Corina Rodríguez Enríquez, CIEEP*

The strategic goal F.5 of eh Beijing Platform of Action, urges the governments to “eliminate segregation at work and all forms of discrimination in workplaces”, while strategic goal F.6 suggests “promoting the standardization of the responsibilities of women and men regarding work and family”. Both goals integrate key aspects for the economic participation of women in equal condition, and result an inevitable principle to guarantee women’s economic autonomy and rights.

The Platform suggests, in paragraphs 178 and 179, among other things, the following actions: i) implement and enforce laws and regulations and encourage voluntary codes of conduct that ensure that international labour standards; ii) eliminate discriminatory practices by employers on the basis of women’s reproductive roles and functions; iii) develop and promote employment programmes and services for women entering and/or re-entering the labour market, especially poor urban, rural and young women, the self-employed and those negatively affected by structural adjustment; v) increase efforts to close the gap between women’s and men’s pay; vi) facilitate the productive employment of documented migrant women; vii) guarantee, through laws, incentives and stimuli which provide adequate opportunities for women and men to obtain parenthood leaves and benefits; promote that the distribution of responsibilities of men and women regarding families, even through laws, incentives and stimuli; and to promote also the possibility to allow women workers to breastfeed.

## The facts

Over the last decade, women have continued to increase their participation in the labor market. In fact, considering Latin America and the Caribbean as a whole, while the male participation rate stayed steady (around 80%), women's increased from 40,7% in 1990 to 52,6% in 2010 (ECLAC et al, 2013). Of course this level of participation in the labor market is not similar for all women, and is strongly associated to age, education level, race, urban or rural location, and socio-economic status. For example, the participation rate of young women (younger than 24 years old) decrease to 35%, while that of rural women reaches 47,5%<sup>70</sup>. Likewise, while women living in households of quintile 5 (20% of higher income households) have a labor participation rate of 61,5%, it decreases to 37,8% for women living in households in quintile 1 (the poorest) of the income distribution.

ECLAC (2014) points out that indigenous women are the least represented in the economic participation rate in 8 out of 11 countries, while the opposite is true in Uruguay, where Afro-descendent women show a higher unemployment rate, Ecuador and Bolivia, where rates not only are higher compared to indigenous women of other countries (53,4%, 54,6% y 67,9% respectively), but also regarding women who are not indigenous.

The increase in the labor participation in the last years occurred along with an increase in employment opportunities. In fact, employment rate of women in urban areas of the region increased between 2002 and 2012 from 40,2% to 44,1%. Likewise, the gender employment gap was reduced, mainly due to the relative impact the global economic crisis had on male employment.

However, structural gender gaps still persist in the labor market. The unemployment rate is still higher in women (9,1%) than for men (6,3%). Likewise, indigenous and Afro-descendant women face more difficulties than their male peers to enter the labor market. In fact, their unemployment rates was 85% more than for men, while it is reduced to 60% for non-indigenous and non-Afro descendant women (ECLAC et al, 2013).

The concentration of women's employment in the business and service sector and the reduction of employment in the primary sectors of agriculture and fisher and manufacturing sector is consolidated. In the region, 72,9% of women were working in the third sector in the year 2000, a figure which increased to 75,5% in 2010 (ECLAC et al, 2013).

In fact, most of women work in the service sector: public administration, teaching, health and social services (39%) and business (30%). The importance of these two main sectors for women is seen in all countries (see graphic III.23), except for Bolivia and Peru, where agriculture is the second most important sector and concentrates more female employment than business (ECLAC 2014). Male's participation is still diverse. Although there has also been an increase in their participation in the third sector, their participation is still high in agriculture and manufacturing sectors.

Women participate often in occupations with low (especially in services and business) levels of productivity, income and social protection. This implies that women are still overrepresented (compared to men) in informal jobs. In the region, while 47,8% of men are employed in the informal market, this goes up to 53,7% for women (ECLAC et al, 2013)<sup>71</sup>. In fact, paid household work, one of the historic expressions of the most paradigmatic informality, is still the most important occupation for active women (around 15,3% of the economically active female population is employed in the sector) and the door the labor market of the most poor women.

There are also gaps in the hours worked between men and women. While the former work 47 hours weekly, women work only 37,8 hours weekly. Women devote more time to domestic and care work. In

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<sup>70</sup> It is worth mentioning that the participation gap between urban and rural because the gap among the latter increases faster than the gap among the former.

<sup>71</sup> The persistence of informality is still in the context of a reduction of it. For example, in Brazil, the proportion of formal workers went from 44,6% to 56,9% between 2002 and 2012. The formality of women also improved, but to a lower level, with women employees who have work card signed from 24,2%, in 1999, to 30,3%, in 2009 and to 35,1%, in 2011 (According to the Country Report).

fact, while women devote an average of 27,4 hours weekly to these activities, men only do 9,3 hours<sup>72</sup>. It is worth noticing that the gap of hours devoted to domestic work and care tasks surpasses the hours devoted to work in the labor market, what shows the higher intensity in the use of time by women whose work days are longer.

There is still an income gap, although it is decreasing. For the regional average, women earned in 1990 59% of what men earned, while this percentage increased to 67% in the year 2000 and to 78% in the year 2010. However, at this pace, we'll need 75 more years to completely close the gender income gap (ILO, 2011)<sup>73</sup>. Additionally, it is seen that in most of the countries of the region, no improvements in the participation of salary income in the GDP, that is, the improvements in the income for the job of paid workers did not imply "a more egalitarian distribution in terms of appropriation of capital and work" (ECLAC, 2014: 77).

## The policies

Meanwhile in the countries of the region have practically derogated all the discriminatory norms harmful for women regarding access to employment, in terms of labor relation and conditions (ECLAC et al, 2013) were derogated. However, there are still some occupations especially relevant for poor women, where discriminatory legislation persists. This is particularly true in relation to domestic service.

It is worth mentioning the approval of Agreement 189 and Recommendation 201 in 2011 on Domestic Workers by the ILO, which promotes the equal treatment for people in those jobs. Several countries in the region have ratified the agreement<sup>74</sup>, and some have even promoted changes in the national legislation to equal the labor rights of workers in domestic service with general laws that regulate labor relations<sup>75</sup>, although in most of the countries some norms are still in force which legally set poorer labor conditions for people working in those activities, as for example, a lower level of minimum wage, the possibility of receiving payment in kind or the absence of the right to maternity leave.

On the other hand, there are still laws that regulate specific issues for women workers that do not still achieve the regulatory standards internationally set. In fact, in most of the countries of LAC maternity leave is under the minimum limit of 14 weeks established by the Agreement (183). Almost all legislation includes at least 12 weeks, according to the last agreement (103) of ILO. The exceptions are Antigua and Barbuda with six weeks of leave and Honduras with 10 weeks. The minimum of six weeks of post natal leave is fulfilled in most of the countries, while the longer leaves take place in Brazil (180 days)<sup>76</sup>, Chile, Cuba and in Venezuela (18 weeks) (ECLAC et al, 2013). A significant advance in countries' jurisprudence in the region is the incorporation of clauses that protect women from discrimination

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<sup>72</sup> Both estimates (time of paid work and time of domestic and care works) are based on the information of the Gender Equality Observatory. The estimate average based on the information available for the following countries with surveys on the Use of Time of wide territory coverage: Costa Rica, Brasil, Colombia, Mexico, Panama, Ecuador, Peru and Uruguay. <http://www.cepal.org/oig/ws/getRegionalIndicator.asp?page=13&language=spanish>

<sup>73</sup> The average data of the gender gaps regarding salaries hides the existing differences when other determinants are considered, as race. For example, in Brazil, while the salary for a white woman with 12 or more years of education was BRL 19,30, that for a colored woman was BRL 15,00, a difference of BRL 4,30 (according to the Country Report).

<sup>74</sup> Countries of the region which have ratified the Covenat 189 are: Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Guyana, Nicaragua, Paraguay and Uruguay, according to the ILO web site ([http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460)).

<sup>75</sup> The countries which have advanced in these type of legislation are: Uruguay (law 18065 of 2006), Bolivia (law 2450 of 2003), Peru (law 27986 of 2003), Colombia (Decreto 0721 of 2013), Brazil (Amendment 72/3013), Paraguay (Decree by Social Prevision Institute 2009), Ecuador (Law of Labor Rights of 2012), Costa Rica (Ley 8726 of 2009), Argentina (Ley 26844 of 2013), Venezuela (Decreto 8938 of 2012).

<sup>76</sup> In Brazil, decree 6690/2008 extended the paid maternity leave for the public officials to 180 days. The measure was applied by public administration of some Brazilian states and municipalities that also extended the fatherhood leave of 5 days, provided in the Federal Constitution of 1988, to 10 days, valid only for public officials. With the aim of encouraging an analogous measure in the private sector, the Federal Government created the Program Empresa Ciudadana, in force since 2010, which provides a tax encouragement for the companies which extend maternity leave from 120 days to 180. According to the information included in the Country Report, in 2012, 15.735 companies have implemented the program.

based on their pregnancies, forbidding the request for medical tests to determine the pregnancy as a precondition to be hired<sup>77</sup>.

Another advance is the slow, but progressive incorporation of relevant issues for women workers in the Collective Employment Agreements, as well as the reestablishment of this negotiating mechanism between the parties in the labor relation. As stated by CSA-CSI (2014: 84) "the conventional contents have barely advanced towards the gender issue, with clauses on parenthood, family responsibilities and working conditions, being non-discrimination and promoting equal opportunities treated in collective negotiations".

However, the advances in legislation issues are still limited as they operate effectively only on the labor conditions of formally hired women. This means in practice, and give the level of informality in female employment, that more than half of the women workers are not included under these protections.

As mentioned in the chapter on Women and Poverty, policies on a minimum wage are a key element to explain the improvements in the gaps of labor income. The establishment of this law and the update of the value of the salary threshold, affect mainly the segments with lower income, where women predominate. As pointed out for the case of Brazil<sup>78</sup>, "the redistribution impact of the minimum wage, in particular for specific groups which are in a position of social and labor disadvantage, such as women, Afro-descendant people and young people, is shown by the increase of women's wages, especially of household workers, mainly Afro-descendant. Their salaries per hour have increased 76,4% between 2004 and 2011 (from 2,49 reais to 4,39 reais), while for those working per day the increase has been 92,8%." (ECLAC et al, 2013: 140).

According to data from ECLAC and ILO, the minimum wage has registered actual increases in most of the countries of the region. For 2013, "the regional average of minimum wages show an increase of 2,2% (while the increase in the weighted average according to the economically active population was 2,3%) , a percentage inferior to the one of 2012, which was 5,0% (while the weighted average in 2012 was 6,3%)" (ECLAC – ILO, 2014: 11).

The countries that experienced more declines in salary inequalities by sex were those in which the minimum salary was closer to the average salary. For example, out of the 8 countries where the urban salary gap per sex was reduced more than 10%, the minimum wage has increased compared to the average salary for the same period. "The minimum wage tends to have a positive effect in women's employment in the region, probably because it makes more profitable the participation of women, even in the informal economy. The increase effect in the minimum ratio on the average salary is bigger for women than for men. The fact that women tend to earn the minimum wage more than men also impacts." (CEPAL et al; 2013: 60)

The advances on employment's active policies of employment have been weak regarding gender. The same are designed with the aim of preserving the general employment rate and even if in some cases they aim at assisting a group of population with specific difficulties of employment (for example, young people or people with long term unemployment situations) in few occasions they take into account the specific needs of women.

As ECLAC et al (2013) points out, the actions regarding employment policies have concentrated on the following aspects: i) offices of labor mediation, ii) actions which tend to train and professionalize; iii) direct creation of employment; iv) keeping the income of unemployed population.

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<sup>77</sup> Such is the case of Mexico, that according to the Country Report, in 2012 amended the Labor Federal Law to incorporate the provision including the prohibition to employers (or their representatives) to request a woman worker a medical certificate at moment of hiring, in order to stay in the company, to be promoted or dismissed to force her directly or indirectly to quit if she is pregnant, changes her marital status or is in charge of her minor children.

<sup>78</sup> According to data from the Ministry of Employment and Work, mentioned in the Country Report, the minimum wage registered an increase of more than 200% in the last years, going from BRL 200,00, in 2002, to BRL 465,00, in 2009 and to BRL 724,00, in 2014.

Regarding the offices of labor mediation, they have expanded to several countries of the region in the last years. The evidence shows women register in the same proportion as men do (which shows how difficult is for women to find a job). However, men find jobs more easily than women. This is the result of the jobs offered, the occupational profile of registered people, and it proves that the offices of mediation do not resolve the essential problems of discrimination (as the fact that employers specifically request men). Likewise, it is evidenced that the allocation of jobs reproduce the labor traditional segregation. (ECLAC et al, 2013).

Professionalization and training programs have been promoted in the region since the 90s, and are kept in the assumption that the unbalance in the labor market or the unemployment problems for specific groups of the population, are based in the offer, that is, associated to the characteristic of the people offering their jobs and searching for them, as the minimum education level or their scarce labor experience in the region. Programs devoted to unemployed population and young population are spreading. Often, they are implemented through agreements with educational institutions or civil society organizations which offer these training.

For example, Bolivia implemented in 2008 the program "My First Decent Job", which provides technical training for women and men between 18-25 years old. This program includes a special bond for young pregnant women. In Bolivia, the National System of Labor Training carries out a special training for women workers. In Dominican Republic, the Program Youth and Employment offers theoretic and practical training in classrooms and a first labor experience through internships in companies for young low-income people. In Ecuador, the Ecuadorian Service of Training offers training on crafts and professions to young people, elderly people, people with disabilities pregnant women, victims of domestic and sexual violence and people deprived of their liberty.

There is a strong tendency towards gender segregation both in offer and demands of these training options. Women are generally educated to learn a trade related to domestic tasks, low productivity and little expectations in an overcrowded market which no longer demands these qualifications. Generally, they take cooking, hair styling, care giving and primary aid courses, that provide basic knowledge on these subjects, insufficient to apply for formal jobs (ECLAC et al, 2013). Some programs (in particular those that offer brief and low specialization courses oriented to a population in situation of social vulnerability) offer a subsidy for mobilization and nurturing, as well as child care services for mothers who cannot attend with their children.

This option is also present in cases of programs that promote the completion of school. For example, in Argentina, as mentioned in the section Women and Poverty, the program Progresar (program to support students), oriented to people between 18-24 years old who do not work, work informally or have a minimum wage, aims at supporting the completion of school and the training in professions and includes the provision of care services for the children of the people who participate through the Children's Development Center managed by the Ministry of Social Development.

On the other hand, almost all countries of the region have established programs of creation of employment in cases of economic crisis, seasonal factors and natural disasters (ECLAC et al 2013). They are based in the promotion of intensive activities of labor which demand low qualification and productivity tasks (such as cleaning public spaces, construction and other support to infrastructure maintenance). Some are programs for the creation of public employment, others to support the creation of low scale entrepreneurship and the promotion of entrepreneurship of women, others to motivate private contracts. Several of these programs have survived to the crisis and are a permanent tool for the maintenance of the employment level. For example, and as shown in the country reports, Colombia implemented "Women entrepreneur Head of Household Program", which provides micro-financing, business training and support for the generation of a saving and payment business culture. Uruguay is leading since 2010, the Employment Goal Program, which provides support for people who have been unemployed for a long time, prioritizing the reinsertion of women head of families, through training, socio-labor support and the encouragement of enterprises to hire them. Likewise, they also have the program Uruguay is working, which provides through the maintenance of public works favors the creation of occupational projects and the program Social Cooperatives, which promote job collectives. Argentina incorporated a complement to the program Argentina is working, called Women

work, for vulnerable women with 3 children or more. This program aims at promoting the participation of women in their work cooperatives, offers training and assistance on gender violence.

Moreover, Chile has launched the first business incubator focused on entrepreneurship led by women (FOCO, in Spanish), and it has created an exclusive tool for women, Capital Abeja, to support companies and small companies led by women. Likewise, in 2007, the National Service of Women (SERNAM) started implementing the Women Workers and Women Head of Household programs which combine the strengthening and development of working capacities and skills of women, articulating with the offer of institutional networks of support. In Costa Rica, the project Undertake seeks for the strengthening of business skills of women through the incentive, development and maintenance of small business led by women, mainly in rural areas. Formujeres supports productive activities and the organization of women through a non-reimbursable financial fund.

Paraguay has been implementing the program for temporary jobs called “Ñamba’apo”, which includes training and money transference. In Dominican Republic, the program Undertake, within the Program of Support for Women which promotes the business development of women with knowledge or experience to undertake a new business. In Mexico, the program Productive Options supported productive projects of people living in poverty, prioritizing those driven by indigenous women or young people. Venezuela created in 2001 the Bank of Women’s Development (BanMujer) which supports the creation of small businesses and the development of women in the production of goods and services and their commercialization through the provision of micro-credits.

This type of programs have an assistance profile and many are managed by Social Development Ministries. The types of employment they offer are mainly temporary, and provide low salaries (below the minimum wage) and do not cover social security. In general, these programs are designed with no gender perspective (a clear example is that most of the care services to combine labor activities in the program and care responsibilities), although the beneficiaries are mainly women.

Finally, the organization of care and its impact in the opportunities of women and men have gained ground in the political agenda in the region. For example, Ecuador has incorporated in its new constitution the recognition of unpaid work as productive labor and an obligation of the State to promote the conditions for an adequate care to the needs of human care, as well as the encouragement of co-responsibility and reciprocity between men and women on the domestic work and family obligations<sup>79</sup>. Colombia and Peru have passed legislation which establishes the need to promote elements that allow the visibility and value of unpaid care giving works mainly done by women at home.

The advances are also acknowledge, although they are slow and incipient, regarding parenthood and fatherhood leaves and the provision of care services. Regarding leaves, many countries of the region entitle fathers to a paid leave due to the birth of a child<sup>80</sup>. However, they are still limited (they go from 2 to 14 days) and in practice there is a low rate of usage and some resistance due to fear and pressure to make use of the leave. It is worth highlighting that the recent approval in Uruguay of law 562/2013, which extended maternity leave to 14 weeks and added 10 days to fatherhood leave, established a part time schedule from the end of maternity leave through the following 6 months, which can be used by the mother or father in fractions or by alternating turns.

Regarding care services, the discussion on the importance to extend them has increased in the region, in particular regarding the care of children. More advanced countries are Uruguay, with its proposal to the National System of Care and Costa Rica, with its proposal of a National Care Network, and Ecuador, which has suggested the universalization of care services for the early childhood. The concrete advances in these countries, although they are valuable, are still slow and subjected to tax adversities and comprehensiveness problems. They are an invaluable background and model that can guide the discussions and policy proposals in the region. In some countries, such as Uruguay, these programs leave out low-income, single women with few relatives.

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<sup>79</sup> Article 333 of the Constitution of Ecuador.

<sup>80</sup> The countries that support this recognition are Argentina, Bahamas, Brazil, Chile, Ecuador, Colombia, Guatemala, Dominican Republic, Uruguay and Venezuela (ECLAC et al, 2013).

Regarding ethnic groups, the access to economic participation is higher in non-indigenous rural and urban women.

Regarding the place of residence, the participation rate of indigenous women are notably lower in rural areas than in urban. Therefore, there are still migration processes of indigenous women. When indigenous men and women migrate from their territories in search of better opportunities, the situation of vulnerability increases because they have a lower level of formal education which prevents them from meeting the demands of the urban labor market.

The transformations of the economic models have impacts on the indigenous peoples and women. From a farming family economy, based on self-sustainability, they moved to paid economies, which can take place with migration or by staying in the primary sector as hand labor in agro-exporting industries. In this way, the proletarianization process increases with unequal options among indigenous men, women and young people, being the latter the ones who mainly work in the household service. Here are also significant inequalities regarding other ethnic groups, as they have lower incomes and work in worse conditions. Summing up, there are different situations regarding the magnitude, itineraries, causes and consequences of migration of indigenous women in the region, a phenomenon which should be addressed by public policies along with indigenous peoples and women (ECLAC 2013).

### **The challenges**

The increase in the labor participation of women and its positive implications for their economic autonomy are an inevitable fact in the countries of the region. This positive advance however, brings to light the persistence of structural problems of discrimination and the need to go deep in the range of public policies.

In particular, work should be done on the persisting structural gaps. Starting by the own macro-economic dynamics and the patterns of development promoted by governments. They cannot be supported on the over-exploitation of women. In this regard, patterns of sustainable productive specialization on quality work should be encouraged.

But at the same time, this is a necessary condition, but not enough, for social and gender equality. Studies on the sectors linked to ICTs show that although women have the same level of training and academic studies, they do not have the same job opportunities, neither the same professional careers nor salaries as men do because the patterns of gender occupational segregation tend to be reproduced (ECLAC 2013). On the contrary, actions to eliminate the androcentric bias of labor markets of the region, which allow the reduction of gender gaps as well as the existing inequalities between women of different socio-economic position, age, race and location (urban/rural). In order to achieve that, first a system of relevant indicators should be consolidated to analyze the impacts of gender in the economic and labor policies. Likewise, a systematic application of a monitoring and evaluation framework of these policies should be carried out to detect the ability to create (or eliminate) quality jobs for women and men.

In this regard, the advances in anti-discrimination regulation, social protection of workers and promotion of leaves (maternity, parenthood and fatherhood) should be strengthened and reach everyone in the countries of the region, taking as guidelines the existing examples which show the possibility of driving these changes. In this regard, it suggested: i) ensure the 14 weeks of maternity leave established by the Covenant 183 of ILO; ii) promote the gradual extension of fatherhood leaves, guaranteeing the sufficient extension for men to carry out their care responsibilities on the first days of their children; iii) promote the implementation of fatherhood leaves that allow mothers and fathers to share the care responsibilities on the first years of their children; iv) design mechanisms that allow the extension of these leaves beyond the limited space of registered paid work.

Likewise, active work policies and productive strategies of diversification should be linked, starting by reviewing the scarce or ambiguous impacts of the type of policies they now propose, in particular, the assisting characteristic of labor policies, especially devoted to women and the risk of consolidating segregation. In this regard, it is suggested the strengthening of training instances in non-traditional



jobs as well as the support (through different incentive mechanisms) the participation of women in non-feminized sectors of the economy.

It is important to strengthen the presence of women and relevant issues for women workers in places of union representation so as to facilitate the inclusion of them in the mechanisms of negotiation of labor conditions.

Finally, the existing process of incorporation of the organization of care and the combination of family and working life in the public policy agenda should be strengthened and expanded. The extension with universalizing criteria of care services (early childhood, elderly people and disabled people) is essential to face one of the most resisted obstacles to achieve the full participation of women. In this regard, it is suggested the promotion of the advance in the design and implementation of integrated forms of provision of care services for the pending population, which are accessible and adapted to the different population needs. Therefore, it is important to advance in the thorough diagnosis on the current configuration of social organization of care in countries with the aim of detecting the main tensions between the existing needs and offers; promote the estimates of tax cost for implementing the different schemes of integrated and gradual extension of offer, showing the economic and social cost of not doing it; build possible alternatives for a progressive financing of the extension of the offer of services; include effective actions for the transformation of gender stereotypes, reviewing the curriculum content in basic education, regulating the content of media and promoting awareness-raising campaigns that allow the consolidation of the concept of care as a right and need to share.

## G. WOMEN IN POWER AND DECISION-MAKING ROLES

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### **Introduction**

In 2015 marks the 20th anniversary of the 4th World Conference on Women (Beijing, 1995) and the approval of the Platform of Action unanimously adopted by 189 governments.

The importance of the participation of women in the all the spheres of social and political life was enshrined in the Beijing Declaration, in which the States recognized:

Strengthening the role of women and the full participation of women in equality conditions in all spheres of society, including the participation in the decision-making processes and access to power are essential for the achievement of equality, development and peace.

Therefore the States decided to:

Adopting measures needed to eliminate all forms of discrimination against women and girls, and eliminating all the obstacles to gender inequality and the advancement of women and strengthening the role of women.

Specifically, in the Beijing Platform of Action two strategic objectives and a set of measures were agreed on women exerting power in decision-making roles, such as the State, trade unions, women's organizations and the United Nations:

**Strategic goal (G.1):** Adopting measures to guarantee women the equality of access and the full participation in the structures of power and in the adoption of decisions

**Strategic goal (G.2):** Increasing the capacity of women to participate in the adoption of decisions and in hierarchical levels.

In order to achieve these goals, the Plan of Action describes a series of measures that should be taken by governments, political parties, the private sector, national bodies, trade unions, employers'

organizations, research and academic institutions, and regional and sub-regional institutions, and NGOs and international organizations.

In this report, the achievements by the States in Latin America and the Caribbean are listed in relation to the goals proposed by the Beijing Platform of Action, twenty years after the commitments assumed. Taking as sources of data the Gender Equality Observatory of ECLAC<sup>81</sup>, as well as the reports submitted by the States to ECLAC in the follow-up framework of Beijing+20<sup>82</sup> and other documents elaborated by international organizations, the presence and participation of women is analyzed in the executive, legislative and legal contexts in the spheres that encourage or allow their participation.

### *The relevance of women in politics: advances and challenges*

The participation of women in public issues and the equality in the access to public positions have been recognized as fundamental rights in the Inter-American Human Rights Systems and the universal human rights protection system. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention "Belém do Pará"), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Political Rights of Women and other international consensus documents as the MDGs, the International Conference on Women ("Beijing Conference") and the International Conference on Population and Development ("Cairo Conference"), have highlighted the importance of ensuring equality of opportunities of women and men to actively participate and be represented in a democracy. In order to achieve this aim, the special temporary measures (generally used in legislative spheres) are a key input.

The participation of women in political life and in the access to public positions has considerably increased in the last years. The executive and legislative powers have been the spaces where these changes have more frequently occurred. In particular in the case of legislative powers, there is a remarkable advance in the political participation of women in the framework of the processes encouraged for the implementation of temporary special measures, such as quota laws and other active policies for the incorporation of a minimum number of women.

However, as it is seen in the report by the Inter-American Commission on Human Rights (ICHR)<sup>83</sup>, there is still a considerable gap between the formal recognition of the political rights of women in the region and their level of participation and political representation. Women are still a minority when we consider who are participating in the decision making processes in the civil, political, economic, social and cultural spheres of the national states. The report of the ICHR shows that some advances in the political representation of women in different government environments are unequal and slow, and some changes are even hard to maintain in time due to the way in which historic discrimination suffered by women works as well as the structural obstacles that involve the socio-economic disadvantages, the limited access to adequate financing for the electoral campaigns, the great ignorance of women regarding their political rights (especially in rural areas) and the different forms of violence that impede or limit the exercise of women's rights. There are obstacles in several countries of the region which affect disproportionately indigenous or Afro-descendent women, as well as rural.

### *Women in the Executive power*

In the last decades, the election of women as presidents or prime ministers in several countries of the region as Violeta Chamorro (Nicaragua), Mireya Elisa Moscoso (Panama), Michelle Bachelet (Chile), Cristina Kirchner (Argentina), Laura Chinchilla (Costa Rica), Kim Campbell (Canada), Janet Jagan

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<sup>81</sup> The Gender Equality Observatory gathers the indicators providing information on the three dimensions of the autonomy of women: physical (analyzing the sexual and reproductive rights and violence against women); economic autonomy; and autonomy in the making of decision. The data in this last item is analyzed, available at <http://www.cepal.org/oig/adiciones/>. Visited on September 20th, 2014.

<sup>82</sup> Available at <http://www.cepal.org/cgi-bin/getprod.asp?xml=/mujer/noticias/paginas/3/51823/P51823.xml&xsl=/mujer/tpl/p18f.xsl&base=/mujer/tpl/top-bottom.xsl>. Visited on September 20th, 2014.

<sup>83</sup> "El camino hacia una democracia sustantiva. La participación política de las mujeres en las Américas (2011)". Available at <http://www.oas.org/es/cidh/mujeres/docs/pdf/MUJERES%20PARTICIPACION%20POLITICA.pdf>.

(Guyana), Portia Simpson Miller (Jamaica), Kamla Persad-Bissessar (Trinidad and Tobago), and Dilma Rousseff (Brazil) shows that the political leadership of women in this sphere is increasing in the region.

However, the fact that the highest hierarchical position in the state is in charge of a woman does not necessarily mean a substantive presence of women in other spheres of the national executive power.

In the cases of Argentina and Brazil, even when a woman is president of the republic, the percentage of women in the ministries is still low (19% for Argentina and 20,6% for Brazil). The states of the region with more women in the ministries (Bolivia, 30%; Colombia, 31,1%; Puerto Rico, 31,2% and Nicaragua, 57,1%) have been appointed by a male president.

On the other hand, a qualitative analysis requires identifying to what extent there is a greater presence of women in ministries which are traditionally in the hands of men, as the Internal Affairs, Defense, Economy, Production and Industry ministries. A study by the ICHR (2011:27) highlights that up to that date in Argentina, the Ministries of Defense and Production were under the direction of women; and in Bolivia women directed the Ministry of Justice, Productive Development and Economy, Rural Development and Land, and Transparency and Fight against Corruption. Likewise, in Colombia from 2002 to 2006, the National Ministry of Defense was under the hands of a woman and in Peru, the heads of the Ministry of Justice and Ministry of Employment and Promotion of Employment were women.

The report of the ICHR points out that although there is an increase in the female representation in the executive branch, this increase has not been homogenous in the region. While Peru, Bolivia and Ecuador designated 20 women each in ministerial positions in the last eight years, other big countries, as Mexico, Argentina and Brazil had designated (up to the date of the report) less than 16.

A phenomenon characteristic of the democratization processes in many countries of the region has been the increasing role of local governments for participation from interesting decentralization initiatives and the inclusion of citizens. The proposals and mechanisms implemented, such as development of participatory budgets, have increased the direct interest of citizens in local power defined in municipalities. However, in spite of the remarkable community mobilization and participation of women in the democratic transition processes in several countries of the region, this has not translated into a significant participation in the power space of local governments. A study carried out in 15.828 local governments of 16 Latin American countries between 1998 and 2002 showed that only 5,3% of the municipalities were governed by women<sup>84</sup>.

In the last decade, data shows significant advances regarding the participation of women in local spaces of highest hierarchical executive responsibilities, duplicating the figure for the period 1998-2002. However, they are still far below a significant representation in the highest hierarchical positions at local level.

Regarding the data by the Gender Inequality Observatory, in average, only 12% of the elected women mayors in Latin America are women. While in the Caribbean, countries like Trinidad and Tobago and Dominica do not register any women mayor elected; in thirteen countries of the region women mayors do not represent 10% (Guatemala, Honduras, Peru, Puerto Rico, Mexico, Ecuador, Portugal, Paraguay, Dominican Republic, Bolivia, St. Kitts & Nevis, Panama and Colombia). Just 6 countries surpass 20%: Belize (22, 2%), Uruguay (24, 7%), Surinam (26, 7%), Cuba (28,6%), Jamaica (28,6%) and Nicaragua (40,1%).

### ***Women in legislative powers: from legislation to its implementation***

For over 20 years, with the reform of the National Electoral Code of Argentina, the region started implementing different systems through which the presence of a minimum percentage of women in

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<sup>84</sup> Massolo, A. (2007) "Participación política de las mujeres en el ámbito local en América Latina". Santo Domingo, INSTRAW. Available at <http://www.artemisanoticias.com.ar/images/FotosNotas/particip%20polit%20munic%20instraw4-08.pdf>

legislative spaces is guaranteed.<sup>85</sup> In the subsequent years, other countries implemented different measures to establish quotas (through reforms in their legislative frameworks, voluntary or both types) which tend to achieve a similar goal: a critical mass of women in decision making spaces who could provide more diversity and plurality of voices to the democratic processes.

In this process, Mexico and Paraguay (1996) adopted legislation similar to that of Argentina. One year later, the quotas were incorporated in the election legislation of the seven democratic governments of the region (Bolivia, Brazil, Costa Rica, Ecuador, Panama, Peru and Dominican Republic). In the following decade, Honduras (2000) and Uruguay (2009) included gender quotas in the framework of election legislation and other countries reformed their legislation whether to improve existing mechanisms or to extend the established quota. Brazil and Peru (2000) took their quotas from 25% to 30% and Ecuador to 45% (2006) de of the seats. Mexico reformed the federal legislation (2008) to take the quota from 30% to 40%, and Dominican Republic increased the quota to 33% in 2002.

Table 1 shows the uneven impact of these measures in the different countries of the region. Apart from the stipulated percentage of women, few times such percentage is achieved, due to several factors. In few cases the legislation establishes a clear position of women in election lists and, even in those cases, the sanctions for unfulfillment (if they exist) are not duly applied or do not have the expected impact.

**Table 1. Latin America and the Caribbean. Countries with gender quotas. Unique or low chamber.**

Country	Year the measure was adopted	Minimum quota percentage	Position of women in lists	Sanctions in case of unfulfillment	% of women in low or unique chamber (2010)
Argentina	1991	30	Yes (1 woman per 3 candidates)	Yes	38,5
Bolivia	1997	30	Yes (1 woman per 3 candidates)	Yes	25,4
	2009	50	Yes (sequential alternance)	Yes	
Brazil	1997	25	n/d	n/d	8,6
	2000	30	No	No	
	1996	40	Yes	Yes	
Costa Rica	2009	50	Yes (sequential alternance)	Yes	38,6
Ecuador	1997	20	Yes	Yes	32,3
	2000	30	Yes	Yes	
	2006	45	Yes	Yes	
	2008	50	Yes (sequential alternance)		
Honduras	2000	30 (progressive until equality is achieved)	No	Yes	18
México	1996	30	Yes	Yes	26,2
	2008	40	Yes (in each segment of 5, 2 should be from different gender)	Yes	
Panama	1997	30	No	No	8,5

<sup>85</sup> Law 24.012, passed in 1991, established a mechanism to ensure a minimum of 30% of women in the election lists. This law was successively reformed to ensure its effective application, in particular, as consequence of the friendly agreement of the case *Merciadri de Morini v. Argentina* (ICHR, case 11.307). Available at <https://www.cidh.oas.org/annualrep/2001sp/Argentina11307.htm>. Visited on September 20th, 2014.

Paraguay	1996	20	Yes (1 woman per 5)	Yes	12,5
Peru	1997 2000	25 30	No Yes	Yes Yes	27,5
Venezuela	2005  2008	50  50	Yes (sequential alternance) Yes (sequential alternance)	No Yes	17,0
Dominican Republic	1997 2002	25 33	No Yes	No Yes	20,8
Uruguay	2009	33	Yes (include people of both sex in each position to be elected)	Yes	15,2

Source: Archenti (2011)

The difficulties for the full implementation of the quota due to several cultural barriers (a political culture which allows little participation of women), socio-political (for the contexts in which quota legislation was passed) and regulatory (the design of norms which in occasions do not include sanctions in case of unfulfillment, as well as interaction with election systems that many times impede its application), fostered a trend towards the complaint for gender equality in decision making spheres. This principle was incorporated in the National Constitution of Bolivia (2009), in Ecuador (2008), and the National Election Code of Costa Rica (2009) and in the Federal Constitution of Mexico (2014), where 11 federal bodies have included equality in their state election frameworks.

A study by the Inter-Parliamentary Union<sup>86</sup> points out that in 2013 all the records of participation of women in parliament were surpassed, reaching 21,8% (an increase of 1,5%, the double of the average increase of the last years). According to this study, women in Latin America and the Caribbean still lead the world by increasing their presence in the parliamentary sphere, with a participation average of 25,2% in 2013.

The data provided by the ECLAC Gender Equality Observatory shows a better scenario. According to this information, eight countries would surpass 30% of women in the national parliaments (Guyana, Costa Rica, Grenada, Argentina, Mexico, Ecuador, Nicaragua and Cuba). According to the same source, only four countries have the presence of at least 10% of women in the national Parliament (Belize, Haiti, Saint Kitts & Nevis and Brazil); while fifteen countries have between 10% and 20% of women in the parliament (Antigua and Barbuda, Surinam, Jamaica, Dominica, Saint Vincent and the Grenadines, Uruguay, Bahamas, Guatemala, Paraguay, Chile, Barbados, Saint Lucia, Venezuela, Panama and Colombia).

In Bolivia, a first essential moment in which the indigenous people and women are visible as political actors is the legislative Assembly, when the Special Law of Legislative Assembly Summon (2006) addresses the alternation of men and women and it opens the door for the participation of women, in particular, indigenous women. The equality and alternation is consolidated through two essential laws: Law N° 018 Plurinational Electoral Body (2010) which includes equality and alternation as governing principles, and Law N° 026 Electoral System (2010) which enshrines among its principles the access to political rights in equal conditions for men and women.

In Uruguay the participation of women in Parliament is around 10%. In order to increase this figure, in 2009, law 18.476 was passed, establishing that in all the positions in the list of candidates in the lists people of both sex must be included. This measure will be implemented in two stages: in June 2009 for the authorities of the political parties and from 2014 onwards for the national and department elections therefore, it is expected that in this opportunity the new legislation has an important impact in the composition of the Uruguayan Parliament.

<sup>86</sup> "Las mujeres en el parlamento en 2013. Perspectiva Anual". Available at [www.ipu.org/pdf/publications/WIP2013-s.pdf](http://www.ipu.org/pdf/publications/WIP2013-s.pdf)

In the case of Chile, a different strategy was followed: the quotas are applied voluntarily by political parties. Consequently, the increase in the number of women in parliament has been slow, but steady:

15,8% of women in the lower-chamber and 18,4% in the higher chamber (which represent increase of +1,7 points and +5,3 points, respectively).

The case of Brazil shows the problems often stemming from the implementation of quota legislation in the legislative elections. In September 2009, in order to revert the lack of women's representation in the power and decision making instances, the Parliament passed Law N° 12.034 reforming the Political Parties Law and the Electoral Code, establishing a variety of measures: a minimum of 5% of the party's funds for programs of promotion and dissemination of political participation of women ; a minimum of 10% of time of the program of the party for the promotion and dissemination of the participation of women in politics; and the compulsory allocation of 30% to 70% of available seats for each sex, with established punishments for the party which does not abide by such measures. However, the expectations of that this law would positively influence the 2010 elections, allowing more participation of women, was not fulfilled. The political parties did not comply with the legal rules and in general there were no punishments. In the municipal elections in 2012, the Regional Electoral Courts carried out a more strict control of the lists of each party, demanding the fulfillment of at least 30% of each sex. These initiatives led to legal processes against the parties that did not comply with the current laws<sup>87</sup>.

The design of an applicable electoral system in each case, along with the monitoring of electoral processes and the implementation of effective punishment in cases of violation of the current laws to guarantee gender equality in the elections, are essential elements to take into account in the evaluation of the ongoing processes in the region.

Finally, in a similar way to what has been seen in the local executive powers, in the election of women representatives there is also a steady inequality in the opportunities of the women to access those decision making spaces.

### *Women in the judicial power*

In the judicial power the presence of women is more encouraging because relevant advances have been registered in particular after the drive given in some countries for the incorporation of a gender perspective in the work of the Judicial Power.

While the report elaborated by the ICHR in 2011 showed a marked inequality in the hierarchical levels occupied by women and men in the justice (pointing out that women are occupying position in courts of first, second and third instance as well as in administrative positions and with less frequency in the supreme courts of justice), the data from the Gender Observatory tend to indicate a change in this trend.

In fact, while three countries of the region do not have any woman in the national supreme court (Panama, Uruguay and Caiman Islands), there are thirteen countries with 50% or more women in the national supreme courts (Ecuador, Barbados, Venezuela, Saint Lucia, Virgin Islands, St. Kitts & Nevis, Saint Vincent and the Grenadines, Grenada, Anguilla, Antigua and Barbuda, Montserrat, Dominica and Surinam).

Significantly, 18 countries have between 20% and 49% of women members of the Supreme Court of Justice. In this regard, countries of the Iberian Peninsula (Spain, Andorra and Portugal) are in clear disadvantage.

### *The challenges ahead*

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<sup>87</sup> It is interesting noticing that in Argentina, where female quota laws have been in force for more than two decades, there is still legal controversy, due to the attempts to violate quota laws in the different political parties. See Canaves, Violeta (2011) "Participación política de las mujeres y acceso a espacios de decisión. Algunos argumentos de sentencias judiciales para recurrir y reflexionar". Available at [www.ela.org.ar/a2/index.cfm?aplicacion=app187&cnl=87&opc=10](http://www.ela.org.ar/a2/index.cfm?aplicacion=app187&cnl=87&opc=10).

In most of the countries there challenge of passing legislation establishing certain minimum participation quota are still valid, with the aim of finding tools that ensure the presence of women in decision making positions. However, in those countries in which legislation has been passed, it is unavoidable the establishment of mechanisms for the active control and citizen monitoring in order to ensure its accomplishment and the implementation of punishment. The road to equality requires renewed efforts, in a process that is already taking place in some countries of the region. Meanwhile, the participation of women in power and decision making spheres in political parties and unions, is still a pending debt.

However, even in those countries where legislation on affirmative action for the participation of women in decision making spheres has been passed, it is essential to set active monitoring mechanisms of its implementation, improving the design of the regulation when it allows its vulnerability in a systematic way.

In these lines, setting up rapid and public mechanisms to access information on current legislation and the conditions for its application will facilitate the efficient monitoring to guarantee its fulfillment.

Violation of affirmative action norms form women's participation in decision making spheres should create consequences, establishing the corresponding institutional and political responsibilities, guaranteeing not only the corresponding sanctions, but also the repair mechanisms and guarantees of non-recurrence.

In view of the difficulties affecting the effectiveness of quota laws, the debate on political gender equality was launched demanding the creation of candidates with 50% of each sex in a sequential and alternate way. Several countries of the region have adopted legislation in this regard: Bolivia, Ecuador, Costa Rica, Mexico and Venezuela, while other countries promote bills with similar goals.

It is clear that achieving an equal number of women and men participating in political spaces is the following goal in the struggle for gender equality. However, although the legal provisions establishing rules in this regard would allow overcoming many difficulties found in the quota laws, they also face similar barriers such as those imposed by election systems (Archenti, 2011). Moreover, other political barriers identified draw the attention to the need of articulating different strategies from the civil society, political and political party actors to support the full participation of women in politics, beyond legal regulations promoting equality (Krook y Norris, 2014).

The road to equality requires renewed efforts, in a process that some countries of the region are already undergoing. Meanwhile, the participation of women in power and decision making spaces of political parties and trade unions, is still a pending debt.

Moreover, a new great challenge is appearing in politics: violence against women in elections and in the exercise of power. The report of the IPU (2013) warns the following:

In 2013, violence, sometimes associated with certain cultural norms and behaviors, was a deep-seated barrier for women trying to enter political life. Perhaps as a result of greater focus on combating gender-based violence in every region, gender-based electoral violence is now receiving greater attention. Electoral violence includes threats, verbal intimidation, hate speech, physical assault, destruction of property, and other acts intended to influence or delay an election. Women candidates, politicians and voters are speaking out in greater numbers about gender-based electoral and political violence, including intimidation, physical assault and threats. They have drawn the attention to other forms of intimidation that use text messages or websites to exploit vulnerabilities and undermine their right to compete.

In Latin America and the Caribbean different strategies to ensure the protection of women in politics have been launched, among them, the approval of a legislative framework protecting women who participate in politics from violence.

In 2012, Bolivia passed the Law against Harassment and Political Violence towards women as result of the actions taken by the Association of Women Municipal Representatives of Bolivia (Asociación de

Concejales de Bolivia, ACOBOL), because violence is more frequent a local level. The aim of the law is to defend and “guarantee the exercise of political rights of women candidates, elect, designated or in office” and establishing punishment in cases of individual or collective harassment and political violence. Recently, Mexico passed (2013) amendments for the electoral law and the law of violence against women, with the aim of including cases of violence against women in politics and during the electoral process.

The participation of women in political and social spaces is still a challenge, among other reasons, because

The issue is not given enough relevance in the debates on the quality of democracies in the region. Apart from the political ideas supporting it (representation, inclusion, representation of opinions, politics of presence or politics of ideas<sup>88</sup>), the shared goal behind greater social and political participation of women is to improve the quality of democratic debate, ensuring the plurality of voices in the discussion of the public agenda. From this point of view, the participation of women in decision making spheres should be a shared goal among all people committed with democracy.

In the search to improve the participation of women in social and political spaces, the following recommendations are suggested:

- ✓ Designing and developing **public awareness-raising campaigns** to promote a broader participation of women in power spheres, in social and political life at local, national and regional level.
- ✓ Establishing **mechanisms to broaden the participation of women in the decision making processes** at regional, national and local level by the adoption of necessary and adequate measures.
- ✓ Establishing **adequate mechanisms for the monitoring** of the fulfillment of the current laws to ensure the participation of women in decision making spaces, not only at the moment of elections, but also through mandates in which women would have been elected. In this way, actions that tend to avoid the fulfillment of laws through the manipulation of current laws will be prevented.
- ✓ With the aim of promoting gender equality in the public sphere (in all State powers) **reviewing the selection mechanisms**, by popular vote or other mechanisms (as competitions), analyzing the impact of formal and informal requirements for men and women.
- ✓ Encouraging **regulatory frameworks useful for the promotion of gender equality in political parties and trade unions**, in different levels of decision-making, with the necessary mechanisms to allow their monitoring and the fulfillment of their dispositions.
- ✓ Adopting measures to **promote and guarantee the representation of all the diversity of women** in decision making spheres.
- ✓ Promoting **active campaigns and policies aiming at changing socio-cultural patterns that reproduce several forms of violence and discrimination** against women, which are also manifested in the exercise of decision-making positions.
- ✓ Ensuring the **monitoring mechanisms of the current laws and the application of sanctions in cases of violation of them**, including repair measures and guarantees of no recurrence.
- ✓ Ensuring the existence of adequate systems to guarantee **equal access of women to available resources for the financing of elections**, in particular in relation to the use of public funds.
- ✓ **Promoting opportunities for the reflection of women in politics**, from the production and broad dissemination of public information on women in power spaces in different levels and spheres, favoring spaces of exchange of experiences and lessons learned.

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<sup>88</sup> Un breve recorrido de las distintas teorías en ELA, 2009.



## H. INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN

*Editing: Rocío Rosero, AC Democracia/REPEM Ecuador*

### Strategic goal H.1. Creating or strengthening national mechanisms and other governmental bodies

b) Creating, on the basis of a strong political commitment, a national mechanism, whenever there is none, and strengthening, if applicable, the national existing mechanisms for the advancement of women in the highest spheres of government; the mechanisms should have mandates and attributes clearly defined; availability of enough resources and the capacity to compete in order to influence on political issues and formulate and examine the legislation should be decisive elements; among other things, it should analyze the policies and promote, communicate, coordinate and monitor the implementation.

The creation of institutional mechanisms in favor of gender equality in the region took place over the last thirty years, in the framework of political changes at national level in the different countries, in contexts in which democracy was reset, process of modernization took place and peace was re-established after armed conflicts. In these contexts there was more receptivity to the demands of women's civil society organizations which strongly pushed for the fulfillment of the commitments assumed in the IV Conference on Women, Beijing (1995).

The feminist movement burst into the political scenario, questioning the traditional paradigm: the sexual division of labor, the concept of political representation of liberal democracies, incorporating the body and sexuality as a dimension of power and public debate<sup>89</sup>; but also addressing specific demands and defending different forms of active political participation all over the Latin American region, advocating, questioning and pushing for the inclusion of human rights, sexual and reproductive rights, environmental rights and the recognition of inequalities in regional and global conferences (Idem).

Between 80s and 90s, the first generation of institutional mechanisms was set, under the form of commissions, divisions, offices and councils in specific ministries responsible for the social areas of policies such as family, health and education (Fernós, 2010).

In the second generation, inspired in the Beijing Platform of Action, 1995, mechanisms at the level of the Executive Power were set, as legislation and they were in charge of coordinating gender policies. There different hierarchies in these institutional mechanisms: secretariats, councils, deputy ministries, divisions, offices and institutes.

In most of the countries gender instances were created in the ministries, such as mechanisms facilitating the inter-ministry relations. Additionally, structures for the mediation between the State and the civil society were created: Tripartite Commissions on Equal Opportunities, Tripartite Commissions for the Follow-Up of Beijing Agreements, Social Organizations Councils, Academic Councils and Task Forces.

Municipal and departmental mechanisms were also created, linked to the local power in charge of promoting public policies with gender perspective. Likewise, institutional mechanisms were also created in other spheres of state power: the Women's Public Defense Office or the Gender Defense Offices within the Ombudsman's Office and Parliamentarian Commissions. Other instances of political coordination were created in charge of promoting legislative initiatives against discrimination and in favor of gender equality such as the Political Women Forum or multi-party parliamentarian groups.

Institutional mechanisms specialized on Judicial Power were also created with the aim of guaranteeing the access of women to justice: women's police station, courts and care services for victims of violence.

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<sup>89</sup> Desafíos Feministas para la Agenda Regional y Nacional: entre Cairo+20 y Post 2015. June 2014. <http://www.mujeresdelsur-afm.cotidianomujer.org.uy/joomdocs/cairo20/AR05EI%20momento%20es%20ahora%20final.pdf>

The institutional network, created in countries at central level and sub-national levels was expanded to sub-regional and regional level. Specialized mechanisms were created, such as the Special Women's Meeting (REM - MERCOSUR); the Council of Ministries of Women in Central America (Consejo de Ministras de la Mujer en Centro América, COMCA) in the Central American Integration System (Sistema de Integración Centroamericana, SICA) and the Network of National Mechanisms for the Advancement of Women in the Andean Region (Red de Mecanismos Nacionales para el Adelanto de las Mujeres de la Región Andina, REMMA). These articulation and advocacy spaces for the integration of gender equality undoubtedly allowed the advancement of regional agendas.

At regional level, the Regional Conference on Women in Latin America and the Caribbean has become the most important forum for the institutionalization of the gender agenda oriented to strengthening the autonomy of women. The agreements adopted in the eleven regional conferences, the periodic meetings of their directive tables, the research and studies have been legitimized as support of the regional agenda of governments and civil society (ECLAC: 2012<sup>90</sup>).

### **The hierarchical level of the institutional mechanisms**

According to the information of the Gender Equality Observatory, the hierarchical level of the institutional mechanisms for the advancement of women in the region is the following: in the countries of Latin America<sup>91</sup>, 45% of the WAMs are ministries or entities in which the head has a ministerial level; 20% are under the presidency or mechanisms in which the head is directly responsible before the President (offices, secretariats, national institutes and other bodies linked to the presidency); while 35% of the mechanisms are bodies depending from a ministry (deputy ministry, undersecretariat, institutes, councils and other bodies)<sup>92</sup>.

In the Caribbean<sup>93</sup>, 10.5% of the institutional mechanisms have ministerial status; 5.3% have ministerial status and are directly responsible before the Prime Minister; and 84.2% have a low status, in charge of a head of department or other entities responsible before a minister.

In countries such as Brazil, Chile, Costa Rica, Spain, Guatemala, Haiti, Honduras, Paraguay, Venezuela and Dominican Republic, these mechanisms have ministerial status, in smaller countries, especially in the Caribbean, they are part of social ministries, associated to assistance or family programs, in these cases, they are not autonomous for management and legislation (Fernós, 2010 – quoted in ECLAC: 2012)<sup>94</sup>.

### **Strategic goal H.2. Integrating gender perspectives in the legislations, policies, programs and state projects:**

- a) Facilitating the formulation and application of governmental policies on equality between men and women, elaborating strategies and adequate methodologies and promoting the coordination and cooperation within the central government with the aim of achieving a gender perspective that normally integrated in all processes of policy formulation;
- b) Promoting and establishing cooperation relations with the corresponding government bodies, study and research centers on women, academic and education institutions, the private sector, the media, NGOs, especially women's NGOs and all the other agents of civil society;

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<sup>90</sup> <http://www.cepal.org/publicaciones/xml/7/48257/SPoliticaspUBLICASEINSTITUCIONALIDAD.pdf>

<sup>91</sup> Latin America: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Dominican Republic, Uruguay, Venezuela

<sup>92</sup> <http://www.cepal.org/oig/ws/getRegionalIndicator.asp?page=11&language=spanish>

<sup>93</sup> Anguila, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belice, Dominica, Granada, Guyana, Haiti, Virgin Islands, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Surinam, Trinidad and Tobago.

<sup>94</sup> [http://www.cepal.org/publicaciones/xml/1/47381/2012-259-EL\\_Estado\\_frente\\_autonomia\\_mujeres\\_WEB.pdf](http://www.cepal.org/publicaciones/xml/1/47381/2012-259-EL_Estado_frente_autonomia_mujeres_WEB.pdf)

c) Starting up activities focused on the legal reform in relation to the family, employment conditions, social security, income tax, equality of opportunities in education, positive measures to promote the advancement of women, among other things, and the perception of attitudes and a culture favorable to equality and also promoting a gender perspective in the legal reforms and programs.

### Equality policies

Most of the countries of the region have advanced regarding policies, legislation and institutionalism in favor of gender equality. However, there are important gaps in related to those gender inequalities that require more action of the States for the protection and guarantee of the rights of women: access to productive resources, decent employment, autonomy to decide over their sexual and reproductive lives and on maternity, professional care during pregnancy and childbirth, as well as the right to lives free of violence.

The persisting gaps in these environments set a situation in which *women are deprived from the basic well-being thresholds* (ECLAC: 2012). It is important to highlight the organization of social reproduction is not yet integrated to the public policy agenda on gender equality, and that the policies and mechanisms of affirmative action in most of the countries are not comprehensive policies.

On the other hand, the gaps on gender equality policies are related to the persisting State model that limit the public investment due to the impacts of the crisis, which produces a vicious circle that affects "the employment of the most vulnerable, the fiscal resources for social protection and the conditions to drive greater economic dynamisms" (ECLAC: 2012).

Part of the gaps are also the weak democratic institutions of the countries: inefficiency in public management, resistance to change, organizational culture rooted in patriarchal values and forms that impede the development of experiences on gender policies and the more permanent presence of qualified people. All gives place to situations in which the institutional mechanisms in favor of gender "*advance against the deregulation*" and constitute spaces or mechanisms of "*low intensity*"<sup>95</sup> in the action of the States.

From the feminist movement perspective at regional level, there are two areas especially sensitive and which are part of the priorities of women in all countries of the region: the first is related to the right to a life free of violence's and the second, sexual and reproductive rights.

The Advisory Committee of Civil Society Organizations of LAC to the CSW points out that there are few countries in the region which have introduced legislation to prevent and punish all forms of violence experienced in the public and private sector and it also points out that several countries have legislation addressing VAW only in the domestic sphere, as in Brazil, Chile and Uruguay. Also, the in the legislation in several countries there are other types of obstacles related to the treatment of sexual crimes in the penal legislation because they do not punish certain aggressions against sexual integrity, as in marriage rapes and sexual harassment<sup>96</sup>.

Likewise, it points out the difficulty in obtaining data on VAW in the countries of the region due to the lack of unified registers; the available data shows a significant increase of all forms of violence, especially the most extreme one: femicide, the assassination of a woman for being woman, based on gender, perpetrated not only by their current intimate partners, but by any perpetrator.

Regarding the policies and legislation on sexual and reproductive rights, the Regional Articulation of Cairo+20 points out that although Latin America has policies, programs and actions on sexual and reproductive health, there are still serious violations to the sexual and reproductive rights. "The lack of accomplishment of the States accounts not only for the omissions of policies and programs, but is

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<sup>95</sup> [http://www.cepal.org/publicaciones/xml/1/47381/2012-259-El\\_Estado\\_frente\\_autonomia\\_mujeres\\_WEB.pdf](http://www.cepal.org/publicaciones/xml/1/47381/2012-259-El_Estado_frente_autonomia_mujeres_WEB.pdf)

<sup>96</sup> Document of the Committee of NGOs on CSW from LAC .CSW. Febrero de 2013. <http://feim.org.ar/pdf/csw57.pdf>

also related to the practices that threaten sexual and reproductive rights in the design of policies and the implementation of norms and policies”<sup>97</sup>.

Regarding legislation on abortion, except for Cuba, Guyana and Uruguay, abortion is completely forbidden in some of the countries and is formally authorized in others due to one or more causes, although this does not guarantee the access to safe health services. The prohibition is part of the practices devoted to controlling sexuality of people, in particular, women. In the countries of the region, the political class is strongly influenced by the Church, therefore, abortion is one of the rights most ignored by politicians (La República de las Mujeres. 28/09/2014).

### **Programs on equality of opportunities, plans against violence and budgets**

According to the official reports on the accomplishment of the Beijing Platform of Action<sup>98</sup>, 17 countries of the region<sup>99</sup> launched national plans on equality of opportunities which allows the establishment of policies coordinated with the different roles of the State, international cooperation and civil society. The national plans of equality of opportunities encourage gender cross-cutting policies and establish guidelines for the alignment of the set of public policies. IN fact, “the plans on equality of opportunities express the transformations in the norms that structure the relations between State, market and society and represent political and institutional options that presuppose changes in the social organization of gender which prevails in the social, political, cultural and economic institutions”<sup>100</sup>. Chile has had 3 equality plans, while most of the countries have had two, and Cuba has had the Plan of National Action for the Follow-Up of the Beijing Conference” (PAN, in Spanish) since 1997.

Five countries of the region have plans for the prevention and eradication of violence: Bolivia, Colombia, Ecuador, El Salvador, and Uruguay. Nicaragua had a plan during 2001-2006.

On the other hand, it is worth mentioning the increase in the number of countries that have equality laws: Colombia, Costa Rica, Honduras, Panama, Venezuela, Mexico, Nicaragua, Peru and Uruguay, where new institutional, public policies and institutional mechanism agendas are developed, as well as legal reforms and new legislation in favor of gender equality<sup>101</sup>.

In the country reports, five countries show the implementation of budgets with a gender perspective and the increase of the amounts of investment on gender equality<sup>102</sup>: Costa Rica, El Salvador, Guatemala, Mexico and Paraguay. In the case of Mexico, the Expense Labeled for Women and Gender Equality (Gasto Etiquetado para las Mujeres y la Igualdad de Género, GEMIG) became official norm in 2008 with its incorporation in the Decree of Expense Budget of the Federation for the Fiscal Year 2013; a process which had initiated 12 years before.

10 countries did not report on budgets: Argentina, Bolivia, Brazil, Cuba, Ecuador, Honduras, Nicaragua, Panama, Peru, and Uruguay. Chile reports a decrease of 2.13% in 2013; only Dominican Republic reports lack of resources as one of the obstacles identified by the State.

### **Strategic goal H.3. Collecting and disseminating data and information for the planification and evaluation disaggregated by sex**

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<sup>97</sup> Desafíos Feministas para la Agenda Regional y Nacional: entre Cairo+20 y Post 2015. June 2014

<sup>98</sup> <http://www.cepal.org/cgi-bin/getprod.asp?xml=/mujer/noticias/paginas/3/51823/P51823.xml&xsl=/mujer/tpl/p18f.xsl&base=/mujer/tpl/top-bottom.xsl>

<sup>99</sup> Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala. Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela

<sup>100</sup> Idem.

<sup>101</sup> [http://www.cepal.org/publicaciones/xml/1/47381/2012-259-El\\_Estado\\_frente\\_autonomia\\_mujeres\\_WEB.pdf](http://www.cepal.org/publicaciones/xml/1/47381/2012-259-El_Estado_frente_autonomia_mujeres_WEB.pdf)

<sup>102</sup> Costa Rica (from 5.000 million of Colones in 2005, to 11.500 million de Colones in 2012), El Salvador: 159.08% from 2008 to 2014; Guatemala reports “that the budget allocation for gender was 26% in 2011, for 2012, 13%, was allocated and for 2013, 61% of the budget was allocated”; Mexico: “In 2002, 2.15% of the federal budget was allocated for programs in favor of women while in 2006, this reached 23.24%; from 2008 to 2014, the budget labeled for equality between men and women was three times more, increasing from 553.3 million dollars in 2008 to 1,697.4 million dollars in 2014; from 2008 to 2012 the increase was 138% for 75 public programs.; Paraguay reports that the budget for the Ministry of Women is 0,0344% of the General National Budget for the Fiscal Year.

a) Ensuring the periodic preparation of a publication of statistics on gender which relevant data on women and men is presented and interpreted in a useful way for a wide range of non-technical users.

d) Using in the formulation of policies and the execution of programs and projects, data better reflecting gender issues.

### **Gender statistics at official level**

Important efforts were made from the mechanisms on women and the statistics offices of the countries of the region to use gender-sensitive data in the design, follow-up and evaluation of public policies. The specialized organizations of United Nations at regional level: ECLAC's Gender Division, UN WOMEN, CELADE and UNFPA supported these processes.

An important part of the work done was oriented to the technical revision of the tools for collecting information so they include a gender perspective; the creation of specific information on key issues to measure gender inequalities and discrimination; violence against women, the use of time an unpaid jobs, poverty.

During the X Regional Conference of Women, through the Quito Consensus (2007), the Member States of ECLAC requested the creation of the Gender Equality Observatory<sup>103</sup>, as a tool for monitoring the advances of gender equality in three vital areas for the empowerment of women: physical autonomy, autonomy in the making of decisions and economic autonomy.

The OIG offers a wide range of gender indicators that allow the recognition of country profiles, as well as studies and research on priority issues and on good practices of equality policies.

### **Citizen enforceability and monitoring from the civil society**

The active participation of civil society organizations in the follow up of the application of the commitments of the States and governments with the international instruments of women's human rights, as well as the implementation of regional agreements on gender equality, gave place to different experiences on citizen enforceability and monitoring from women; we will refer to two of the most important ones in this area.

The Fulfilled Commitment Rate (Índice de Compromiso Cumplido – ICC) is a political and technical instrument that aims at measuring the accomplishment of the national and international commitments on gender equality. The ICC was created as a tool for political negotiation for the demand of women to the State for transparency and advance for the public management in these areas.

The ICC is based on the indicators that collect official data produced by governments and/or international agencies on three areas: participation and access to power, economic autonomy and poverty. This is an instrument created for the dialogue with institutions of government for the advance of women with public policies and programs and with the different actors committed to equality.

The Latin American ICC<sup>104</sup>, created by FLACSO Chile, with the participation of civil society organizations and the support of UNIFEM, includes the measurement of the fulfillment of the countries to the international commitments on women's rights from 1995 to 2003 in 18 countries of the region. As pointed out in the publication, "this marks the end of eight years of work in which NGOs and the women's articulations have participated from the countries that assumed the mandate of the Platform of Action agreed in Beijing" (ICC:2003)<sup>105</sup>.

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<sup>103</sup> <http://www.cepal.org/oig/>

<sup>104</sup> <http://www.upnfm.edu.hk/bibliod/pgenero/hanavanzado.pdf>

<sup>105</sup> [http://americalatinagenera.org/newsite/images/cdr-documents/publicaciones/doc\\_340\\_hanavanzadolasmujeres.pdf](http://americalatinagenera.org/newsite/images/cdr-documents/publicaciones/doc_340_hanavanzadolasmujeres.pdf)

The ISOQUITO is a follow-up, monitoring and enforceability tool on strategic issues for women in the region. This rate creates a structure for the different countries, taking official information available in the Regional Gender Observatory<sup>106</sup>.

The final tool is a rate composed by a set of indicators gathered in three dimensions, associated with the concept of autonomy:

- Social well-being of women (% of women living in poverty conditions, illiteracy between women from 14-24 years old and maternal mortality)
- Economic and labor equality rate: level of equality between men and women through the economic participation in the labor market, the availability of their own income, social security coverage; unemployment, the urban and rural salary gap and the poverty incidence in women and men.
- Equality rate in the decision making processes that measures the equality level in the participation of women and men in the three powers of the State.

## I. WOMEN'S HUMAN RIGHTS

*Susana Chiarotti and Zobeida Cepeda, CLADEM*

**STRATEGIC GOAL I.1. Promote and preserve women's human rights through the full application of all the human rights instruments, specially CEDAW.**

This goal implies the commitment of the countries which signed the Beijing Platform of Action to create a national legal framework which provides women citizens with the entitlement of their human rights. Along with this challenge of formal equality, obligations are set to create ministries, programs and policies with an adequate budget and evaluation processes and periodical follow-up, which enable women to fully exercise these rights, that is, guaranteeing real equality between men and women.

The evaluation of the region shows that most of the reported advances belong to formal equality. In fact, all the countries in Latin America and the Caribbean ratified the Convention of Belem do Para as well as CEDAW, but the implementation mechanisms are still scarce; not all the countries applied equality plans; others did, but without allocating funds or enough budget. In fact, the political commitment towards equality between men and women is shown, to a great extent, with specific budgets from the national treasuries and that was the least answered section in the Beijing+20 reports provided by countries. Moreover, the lack of data and statistics as well as the difficulties above mentioned, shows to which extent the fact that women can enjoy their human rights enshrined in those conventions is a difficult task.

### a) Ratification of Human Rights Treaties, including CEDAW and its PROTOCOL

All Latin American and the Caribbean countries have ratified CEDAW convention, however, a considerable number have not ratified its Optional Protocol, especially in the Caribbean region: **Bahamas, Barbados, Cuba, Dominica, Haiti, Trinidad and Tobago, Saint Lucia, Saint Vincent and the Grenadines.**<sup>107</sup>

From Central America, **El Salvador, Nicaragua and Honduras** have not ratified it. In South America only **Chile** has not yet ratified the CEDAW Optional Protocol.<sup>108</sup>

Regarding the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará, it has been ratified for all the countries of Latin America and the Caribbean.

### b) Level of accomplishment of the Final Observations of the Treaty Monitoring Committees

<sup>106</sup> <http://www.mujeresdelsur-afm.cotidianomujer.org.uy/iso-quito>

<sup>107</sup> [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx)

<sup>108</sup> Idem

As Member States of the CEDAW Convention, the Latin American countries through the revision of periodic reports submitted to the CEDAW Committee, have received the suggestions for the effective accomplishment of the Convention, along with the General Observations issued by the Committee.

The Final Observations to the States, reaffirmed by the CEDAW Committee in many opportunities, highlighted are the following, among others:

- the need to compile sex-disaggregated information;
- the need to increase the budget for public policies with gender perspective,
- adequate policies on violence against women to the General Observation No. 19 on Violence against women;
- reinforce programs for the elimination of gender stereotypes, including the media;
- take effective measures to promote equality in the work place;
- review legislation on abortion, urging the decriminalization in cases where there are no exceptional circumstances, or the non-punishment, guaranteeing the access to safe and free services.

These observations are also shared by the UN Commission on Human Rights. The Committee on Racial Discrimination has called the attention on the multiple discrimination on gender and ethnic-racial basis.<sup>109</sup>

The main **advances** are evidenced in the formulation of laws at constitutional level, especially of those on domestic or inter-family violence, and the creation of legal mechanisms for the attention of victims. However, the impact of these measures is still not seen, especially the reduction of violence, including femicides.

According to the information provided in this report and the indicators considered, the Latin American States face enormous pending debts for the full exercise of rights by women in equal conditions, according to the binding mandate of the international treaties on human rights.

### c) Situation of the women defenders of women's human rights

The women defenders of women's human rights face specific situations of violations of their rights because the act of defending represent challenges to the gender stereotypes<sup>110</sup>, especially the ones associated to the non-traditional family patterns and to sexual and reproductive rights<sup>111</sup>. The intersection of the variable of gender and ethnic origin, as in the case of women Afro-descendent and indigenous women aggravates the situation of vulnerability due to the multiple discriminations they suffered.

The Iniciativa Mesoamericana de Defensoras and the National Networks of Mexico, El Salvador, Honduras and Guatemala carried out in 2012 the diagnosis "Violence against Women Defenders of Women's Human Rights in Mesoamerica"<sup>112</sup>, in which 414 aggressions against women defenders in Mesoamerica were reported, of which 118 occurred in **Mexico**, which stands for 28,5%<sup>113</sup>.

At regional level, the three main type of aggressions registered against women defenders and women are: threats, warnings and ultimatum (14,3%), intimidations or psychological harassment (10.1%) and the excessive use of forces (10,1 %). According to the diagnosis, even though these types of aggres-

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<sup>109</sup> CERD/C/GC/34 del 30 de Septiembre de 2011, "Discriminación Racial contra Personas de Descendencia Africana".

<sup>110</sup> Women Human Rights Defenders. Our right to safety: Women Human Rights Defenders' Holistic Approach to Protection. Association for Women's Rights in Development. 2014

<sup>111</sup> Merecen atención en Nicaragua ante acusaciones de "apología del delito de aborto" dirigidas contra las organizaciones y militantes feministas defensoras de la despenalización.

<sup>112</sup> [http://www.awid.org/esl/Media/Files/Violence-against-WHRD\\_update\\_2011\\_SP\\_ENG](http://www.awid.org/esl/Media/Files/Violence-against-WHRD_update_2011_SP_ENG)

<sup>113</sup> Tomado del Informe de la Audiencia Regional sobre defensores y Defensoras de Derechos Humanos en la Américas, realizada el 24 de marzo de 2014 en el marco del 150º periodo de sesiones de la Comisión. Coalición Internacional de Organizaciones por los Derechos Humanos en las Américas.

sions are also faced by defenders, when carrying out the gender analysis, there are differentiated characteristics and impacts which require attention and special protection mechanisms<sup>114</sup>.

Amnesty International claimed in 2012 that more than a third of the cases included women defenders as victims. These cases included murders, kidnappings, death threats to women and other types of violence against women, including sexual violence.<sup>115</sup>

The claims on the violation of rights of women defenders are characterized by a pattern of impunity and lack of due diligence of the States to prevent and punish the violations<sup>116</sup>.

#### d) Maintenance or retreat of reservations to treaties and documents (Beijing, Cairo)

Nine countries of the region have submitted reservations to the CEDAW Convention. The great majority opposes to the application of article 29, paragraph 1, in which the International Court of Justice is the reference for the dispute between two or more States in the framework of conflict in the interpretation of the Convention. They accept in this way the option offered in the same Convention in item 2 of such article. Among them are: **Argentina, Bahamas, Brasil, Cuba, and Venezuela**<sup>117</sup>. Other reservations have been: **Bahamas**, to article 2 (a)<sup>118</sup>, article 9 (2)<sup>119</sup> and 16(1) h<sup>120</sup>; **Brazil**, Arts. 15(4)<sup>121</sup> and 16 par. 1-a, c, g, and h<sup>122</sup>; and **Jamaica** Art. 9(2)<sup>123</sup>.

In the session in which Cairo Action Plan was approved, many countries of the region submitted oral declarations and reservations.

At the time when the current report was written, **Argentina** and **El Salvador** has been the two Latin American countries which has retreated the reservations formulated<sup>124</sup>. In the case of Argentina, the decision aligns with the advances in terms of the interpretation on the basis of jurisprudence regarding abortion, quality of sexual and reproductive services<sup>125</sup>, and the respect to sexual diversity with the passing of the same-sex marriage law.

The delegation of **El Salvador** in an oral intervention had expressed: *“Moreover, as our countries are predominantly Christian, we consider that life is given by the Creator and it cannot be interrupted unless there is a reason that justifies its extinction...”*

They also opposed to the “diverse concepts of family”, assimilating “reproductive rights”, “reproductive health” and “family planning” to abortion.

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<sup>114</sup>Idem. En Honduras, la Relatora Especial de NNUU mostró preocupación sobre los informes que señalaban que el femicidio había aumentado enormemente. En varias ocasiones ha reiterado que las defensoras están más expuestas al peligro de ciertas formas de violencia y transgresiones como prejuicios, exclusión y repudio, que sus colegas varones. En Guatemala, del total de agresiones registradas el año 2013, 142 fueron contra mujeres. Durante los años 2008 y 2011, el 31,96% de las agresiones se perpetraron contra este grupo.

<sup>115</sup> “Amnistía Internacional. Transformar dolor en Esperanza. Defensoras y defensores de derechos humanos en América, diciembre de 2012. pág. 17.

<sup>116</sup>Comisión Interamericana de Derechos Humanos (CIDH). Segundo informe sobre situación de defensores y defensoras de derechos humanos en las Américas. Pág. 93 <http://www.oas.org/es/cidh/defensores/docs/pdf/defensores2011.pdf>

<sup>117</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en)

<sup>118</sup> “Consagrar, si aún no lo han hecho, en sus constituciones nacionales y en cualquier otra legislación apropiada el principio de la igualdad del hombre y de la mujer y asegurar por ley u otros medios apropiados la realización práctica de ese principio”.

<sup>119</sup> “Los Estados Partes otorgarán a la mujer los mismos derechos que al hombre con respecto a la nacionalidad de sus hijos”.

<sup>120</sup> Los Estados Partes adoptarán todas las medidas adecuadas para eliminar la discriminación contra la mujer en todos los asuntos relacionados con el matrimonio y las relaciones familiares y, en particular, asegurarán, en condiciones de igualdad entre hombres y mujeres: h) Los mismos derechos a cada uno de los cónyuges en materia de propiedad, compras, gestión, administración, goce y disposición de los bienes, tanto a título gratuito como oneroso.

<sup>121</sup> “Los Estados Partes reconocerán al hombre y a la mujer los mismos derechos con respecto a la legislación relativa al derecho de las personas a circular libremente y a la libertad para elegir su residencia y domicilio”.

<sup>122</sup> “Los Estados Partes adoptarán todas las medidas adecuadas para eliminar la discriminación contra la mujer en todos los asuntos relacionados con el matrimonio y las relaciones familiares y, en particular, asegurarán, en condiciones de igualdad entre hombres y mujeres: a) El mismo derecho para contraer matrimonio...”.

<sup>123</sup> “Los Estados Partes otorgarán a la mujer los mismos derechos que al hombre con respecto a la nacionalidad de sus hijos”.

<sup>124</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Argentina\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Argentina_Beijing_20.pdf) Pág.49, and

[http://www.elsalvador.com/mwedh/nota/nota\\_completa.asp?idCat=47655&idArt=7828719](http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=47655&idArt=7828719)

<sup>125</sup> Ver CLADEM. “Balance del cumplimiento del Plan de Acción de Cairo en trece países de la región”.

[http://www.cladem.org/pdf/CLADEM\\_BalanceCairo+20.pdf](http://www.cladem.org/pdf/CLADEM_BalanceCairo+20.pdf)



**Honduras** also presented reservations to the right of life from the moment of conception “*on the basis of moral, ethical, religious and cultural principles that should govern all human beings, and in accordance with the human rights internationally recognized*”.

**Dominican Republic** recognized the right to life from the moment of conception, equaling terms such as “reproductive health”, “sexual health”, “safe motherhood”, “reproductive rights”, “sexual rights” and “fertility regulation” to abortion and interruption of pregnancy.

**El Salvador, Honduras and Dominican Republic**, in legislative terms they absolutely punish abortion and the poor quality of sexual and reproductive care services<sup>126</sup>. In **Honduras**, by means of a presidential decree, since 2009, the emergency contraception pill is forbidden.

The same group of countries, to which **Venezuela** has now joined, expressed in the same terms the approval of the Beijing Platform of Action<sup>127</sup>. The latter claimed “*The concept of family planning, sexual health, reproductive health, safe motherhood, fertility regulation, reproductive right and sexual rights are accepted when they do not involve abortion or the voluntary interruption of pregnancy*”<sup>128</sup>.

#### e) Establishment of reparation mechanisms in cases of violations to human rights

Latin American and the Caribbean women face multiple difficulties in accessing justice. The legal system is still a foreign institution for most of the people, mainly for those with few resources, those living in rural areas, indigenous women and Afro-descendant. The difficulties to the access are also associated to the cost of the legal proceedings in order to achieve reservation or punishment, the free sponsorship, which is mainly reserved to people accused of infringing the law, and not to the victims<sup>129</sup>.

Through a regional report, the Inter-American Commission on Human Rights highlighted the state differences for not having vision and a institutionalized comprehensive policy to prevent, punish, research and repair act of violence against women<sup>130</sup>.

The following are among the differences highlighted in the research: unjustified delays in the diligences needed by the parties in charge of carrying out the investigation and gaps and irregularities in the diligences *per se* which block the judgment and eventual punishment of the cases. *These two variables contribute to the lack of economic and human resources to carryout effective investigation and to prosecute and punish the cases*<sup>131</sup>.

Indigenous women experience obstacles in the access and reparation, as in the case of **Bolivia**, in view of the recognition of the legal traditional systems in its Constitution, on the basis of its principle of cultural diversity, legal plurality and intercultural interpretation, in which the value of community and family unit is praised as well as the subordination of women under the male authority Likewise, in **Peru** where justice of the indigenous community has a special jurisdiction, many cases of rapes to women and girls on the basis of “social peace”, are not resolved<sup>132</sup>.

In the case of Afro-descendent, the no recognition and/or disrespect for their human rights is crucial, because they are victims of discrimination for ethnic-racial reasons, this put them in positions of vulnerability in many of the countries of the region.

Twenty years after the adoption of Beijing Platform of Action, women still face violations to their human rights based on the principle of cultural valuation.

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<sup>126</sup> Idem.

<sup>127</sup> <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20S.pdf>

<sup>128</sup> <http://www.un.org/popin/icpd/conference/offspa/sconf13.html>

<sup>129</sup> CIDH. Acceso a la justicia como garantía de los DESC.

<http://www.cidh.org/pdf%20files/ACCESO%20A%20LA%20JUSTICIA%20DESC.pdf>

<sup>130</sup> CIDH. Acceso a la justicia para las mujeres víctimas de violencia en las Américas.

<http://www.cidh.org/pdf%20files/ACCESO%20A%20LA%20JUSTICIA%20DESC.pdf>

<sup>131</sup> Idem

<sup>132</sup> CLADEM. La administración de justicia desde una perspectiva de derechos humanos de las mujeres. Consulta sobre observación general del Comité CEDAW. <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessstoJustice/CLADEM.pdf>

## STRATEGIC GOAL I.2. Guaranteeing equality and non-discrimination before the law and in practice

When the countries signed the Beijing Platform of Action, they promised to provide constitutional guarantees or to pass adequate laws to forbid gender based discrimination for all women and girls. It was a way to reaffirm that women's human rights are inalienable and they are an indivisible part of universal human rights.

Therefore, it was considered that governments should adopt measures according to such condition and among them, express in their political charts the right to equality and non-discrimination. In item a) we'll review if the clauses were incorporated in the constitutions of the countries. With this indicator we'll look to the advances in formal equality, while in item b), thorough the implementation of equality plans, we'll look if the adequate measures to achieve real equality are being taken.

### a. Equality clause and non-discrimination in the National Consitution

Most of the countries of the region have included in their legislation clause guaranteeing equality between men and women. Such are the cases of **Argentina**<sup>133</sup> and **Bolivia**<sup>134</sup>. **Brazil** included the principle of equality between men and women, particularly within the family and it forbids all forms of discrimination.<sup>135</sup>

The Constitution of **Colombia** included the principle of equality between men and women in the public and private spheres.<sup>136</sup> **Chile** guarantees equality between men and women before the law<sup>137</sup>. **Costa Rica** guarantees equality of all people before the law (art.33), but it holds special protection laws for women and minors regarding work, with an approach that "protects the people who is considered vulnerable" which is the one Beijing Platform is trying to change.<sup>138</sup>

In **Cuba**, the Constitution amended in 1992 includes the principle of equality between men and women and forbids discrimination. Moreover, the Penal Code penalizes with imprisonment the infringement of this law.<sup>139</sup> The Constitution of **Ecuador** in 2008 includes the principle of equality between all citizens and forbids discrimination in all its forms, including gender and sex based discrimination.<sup>140</sup>

**Jamaica's** Constitution, although it forbids discrimination, it only penalizes religion and race based discrimination. It does not include a gender equality clause. Since 2010, there is project of Fundamental Right Chart which suggests the inclusion of gender as a cause for discrimination.

**México** amended its Constitution on June 10th 2011 and included in its article 4 the equality between men and women. In **Nicaragua**, the 1987 Constitution guarantees equal rights for all the citizens and forbids gender-based discrimination. In 2011, the Penal Code was amended introducing punishment for those who commit discriminatory acts.

The equality between genders is incorporated in article 19 of the Constitution of **Panamá** and some laws were passed promoting gender equality in the field of voting, working, education and violence against women. In **Paraguay**, the Constitution endorses the principle of equality between all he individuals and forbids discrimination.<sup>141</sup> In **Perú**, the Constitution endorses the principle of equality between men and women and in the year 2000, it passed the law that penalizes discrimination and sentence people with 30-70 days of community service.<sup>142</sup>

In **El Salvador**, the Constitution provides men and women with the same rights in the family sphere as well as in the property field. The Constitution of **Guatemala** endorses the principle of equality between

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<sup>133</sup> En su reforma adoptada el 22 de agosto de 1994.

<sup>134</sup> La nueva Constitución entró en vigencia el 7 de febrero de 2009.

<sup>135</sup> Constitución de la República Federativa de Brasil, adoptada el 5 de octubre de 1988, artículo 5.

<sup>136</sup> Artículo 13 de la Constitución Política de Colombia, adoptada en 1991.

<sup>137</sup> Constitución Política de la República de Chile, artículo 19, inciso 2.

<sup>138</sup> Constitución Política de Costa Rica, art. 71.

<sup>139</sup> Constitución de Cuba de 1992, art. 44 y artículo 295 del Código Penal.

<sup>140</sup> Constitución de Ecuador, aprobada en Setiembre de 2008, artículo 11, sección 2.

<sup>141</sup> Constitución de la República del Paraguay de 1992, artículos 47 y 48.

<sup>142</sup> Constitución de la República de Perú, 1993, artículo 2. Ley No. 27270 del 29 de Mayo de 2000.

people and in the year 2002, it included the legislation penalizing discrimination in the Penal Code.<sup>143</sup> In **Haiti** the Constitution guarantees equality of rights between all the citizens of both sex.<sup>144</sup> The Constitution of **Honduras** forbids all forms of discrimination and the legislation passed later explicitly refers to equality between men and women.<sup>145</sup>

In **Dominican Republic**, the Constitution of 2010<sup>146</sup>, while recognizing women as citizens, it does not include an equality clause regarding men. However, they have a specific law that forbids discrimination between sex, law 24-97, enforced on January 27<sup>th</sup> 1997.<sup>147</sup> **Trinidad Tobago** constitutionally bans gender-based discrimination<sup>148</sup>, but this only applies to the State and does not protect women against discrimination in the private or non-state spheres. Tampoco se aplica el artículo si surge un conflicto con otras leyes existentes con anterioridad.<sup>149</sup> The Constitution of **Uruguay** guarantees equality between all the citizens in its article 8.

In **Venezuela**, the Constitution of 1999 guarantees equal rights for men and women in many spheres, such as family, work, community and political and economic issues, while it bans all forms of discrimination, and acknowledges the economic and social value of household work and the sexual and reproductive rights of women.<sup>150</sup>

#### **b. Existence of national plans providing equality between men and women:**

This section will focus on the political commitment of the countries of Latin America and the Caribbean to reduce the gap between the legislation and the women's daily reality. Unfortunately, the results of this revision show that the gap between formal equality enshrined in the laws and the real equality is still significant.

In fact, not all the countries have national plans providing equality between men and women, neither do they have specific funds specifically allocated to implement them.

**Argentina** neither have a national plan nor it has a special budget to promote equality between men and women. It has not created the national plan to prevent and penalize violence against women provided since 2009 by law 26.485. In its Beijing+20 regional report, it does not answer the question on the estimated percentage of the national budget invested in the promotion of equality between men and women and women's empowerment.<sup>151</sup>

**Bolivia** has a National Plan for Equal Opportunities - Women building the New Bolivia in order to ensure the elimination of gaps and inequalities, if there is any (PNIO)<sup>152</sup>, which is part of the planned "de-patriarchization" based on the concept that "women represent half of each town, therefore, they are not "vulnerable groups", they have been made vulnerable due to the neoliberal system, which pretended to ignore them as force and power of its peoples". Regarding the budget, even if they don't answer the questionnaire on specific funds devoted to promote gender equality, it has included in their legislation a framework of Autonomies and De-centralization (Ley 031), a clause which tends to include the autonomous territorial entities, the legal provisions, the guidelines and the budget classifier issued by the central national State, which will include gender categories to ensure the elimination of the gaps and inequalities, if necessary.<sup>153</sup>

**Brazil** has the National Policy Plan for Women (PNPM, 2013-2015) in the "Agenda of cross-cutting policies for women" of the Pluri-annual Plan 2012-2015 (PPA). The latter incorporated as innovation new cross-cutting agendas: 1) colored people, black people, traditional communities 2) indigenous

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<sup>143</sup> Constitución de la República de Guatemala de 1985, artículo 4 y Decreto N.57 del año 2002 de Reforma del Código Penal.

<sup>144</sup> Constitución de la República de Haití, del año 1987, artículos 17 al 19.

<sup>145</sup> Constitución de la República de Honduras, adoptada en 1982, artículo 60.

<sup>146</sup> Constitución de República Dominicana, vigente desde el 26 de enero de 2010, Artículo 21.

<sup>147</sup> Constitución de El Salvador, adoptada el 15 de Diciembre de 1983, Artículos 3, 32, 37, 71 y 72.

<sup>148</sup> Constitución de la República de Trinidad Tobago, artículo 4.

<sup>149</sup> Constitución de la República de Trinidad Tobago, artículo 13.

<sup>150</sup> Constitución de la República de Venezuela, adoptada en 1999, artículos 21, 76, 88.

<sup>151</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Argentina\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Argentina_Beijing_20.pdf)

<sup>152</sup> Aprobado mediante Decreto Supremo No 29850 de 10 de diciembre de 2008.

<sup>153</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Bolivia\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Bolivia_Beijing_20.pdf)

people 3) women; 4) young people; 5) children and adolescents; 6) the elderly; 7) disabled people; 8) LGBT population, and 9) homeless people. Regarding the assigned funds, although the allocated percentage from the total budget is not specified, the budget of the Secretariat for Women's Policies has progressively increased and in 2014, the estimated budget is around BRL 200.000.000 (two hundred million Reais).<sup>154</sup>

In **Chile**, the SERNAM has elaborated three Equal Opportunities Plan (PIO) which are the guide of public policy towards women's equality. Likewise, they incorporated a gender element in the Management Enhancement Program (PMG), which allows the inclusion of strategic goals in public policies oriented to gender equality. Moreover, the Gender Agenda was implemented, and its first version was applied during the "presidential period 2006-2010 and then for the 2011/2014 period. The 2014 – 2018 Gender Agenda is currently being designed". Regarding the percentage of allocated budget to promote gender equality, in terms of total budget of public sector, it has decreased from 2,24% in 2009 to 2,13% in 2013.<sup>155</sup>

In September 2012, **Colombia** issued the Guidelines of National Public Policies on Gender for women and the Comprehensive program to guarantee a life free of violence. In the governmental report the specific funds allocated for the period 2013-2016 are detailed, but the percentage it represents in the national budget is not provided.<sup>156</sup>

**Costa Rica** implemented the I Action Plan of the National Gender Equality and Equity Policy (PIEG) for 2008-2012. After its assessment, the II 2012- 2014 Action Plan was implemented ;the Unities for Gender Equality are created, linked through a national network.<sup>157</sup>In the 2010 – 2014 period, the National Network of Child Care and Development was launched, as one of the main proposals to the social policy of the government. Regarding the budget for gender equality, the State does not answer about the percentage from the general budget, but it clarifies that the budget of INAMU (Women's national mechanism) increased from 5 billion colones in 2009 to 11.5 billion colones approximately in 2012.

**Cuba** has the "National Action Plan of the Follow-Up of the Beijing Conference" (PAN), since 1997.<sup>158</sup> It was evaluated in May 2013, from which the advances and obstacles were identified as well as the new challenges. The State does not answer on the percentage of the general budget allocated to achieve equality between men and women.

**Ecuador** has a National Agenda on Women and Gender Equality, elaborated by the Commission of Transition and passed by the National Secretariat of Planning and Development (SENPLADES), which complements in a specialized way the approach to assume in order to overcome inequality and gender based discrimination , by applying the National Plan of Good Living (2009 – 2013 / 2013-2017).<sup>159</sup> Likewise, it has a National Plan for the Elimination of Gender Based Violence towards Children, Adolescents and Women-PNEVG, since 2007. The State does not provide information on how much budget devotes to gender equality.

In **El Salvador**, in 2012, the National Plan for Women's Equality in El Salvador [PNIEMS] was launched, it will be enforced for five years [2012-2017] and it represents the main instrument of public policy of El Salvador regarding women's equality, with national scope as well as the National Policy for Substantive Equality. It also has a National Policy for Women's Access to a Life Free of Violence, designed after the passing of the comprehensive law on violence.<sup>160</sup> The State does not answer on the percentage allocated for gender equality and women's empowerment from the national budget, but it highlights the budget on the mechanisms for the advancement of women has increased 159.08% from 2008 to 2014.

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<sup>154</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Brasil\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Brasil_Beijing_20.pdf)

<sup>155</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Chile\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Chile_Beijing_20.pdf)

<sup>156</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Colombia\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Colombia_Beijing_20.pdf)

<sup>157</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Costa\\_Rica\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Costa_Rica_Beijing_20.pdf)

<sup>158</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Cuba\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Cuba_Beijing_20.pdf)

<sup>159</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Ecuador\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Ecuador_Beijing_20.pdf)

<sup>160</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_El\\_Salvador\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_El_Salvador_Beijing_20.pdf)

**Guatemala** has a National Plan of Comprehensive Promotion and Development of Women, PNPDIM. This tool is the guideline for the institutionalization of the gender and ethnic perspective within the governmental system. Such document incorporates in its 12 axis the concerns of the Platform of Action, the SDGs; the Declaration of the Indigenous Peoples and the commitments contained in the Agreements of Peace. Later, the Articulated Agenda of Indigenous Women was included to this document, while it had previously been an annex. Regarding the percentage of the budget allocated for actions related to gender equality, the State answers “*the budget allocation for gender for 2011 was 26%, for 2012 13% and for 2013 61% of the budget.*”<sup>161</sup> We understand a careful revision should be carried out on the distribution of the budget declared by the State, in order to exactly determine the real percentage devoted to the promotion of equality between men and women.

**Honduras** has designed a National Policy on Women (2002-2004), as well as the Fist Plan on Equal Opportunities (2002-2007) and the Second Gender Equality and Equity of Honduras (II PIEGH, 2010-2022). It also has two national plans against violence against women. We do not have data on the budget devoted to implement them.

**México** has programs on equality and anti-discrimination against women since 2001. It later implemented

the National Program for the Equality between Men and Women 2008-2012 (Proigualdad), which had funds for actions of mandatory compliance. In 2013, the National Plan on Equal Opportunities and Non-Discrimination against Women was approved (Proigualdad) 2013-2018). In 2009 the Equal Employment Legislation was enforced and the also the Official Legislation on Family, Sexual and Gender-based Violence. Regarding the budget, this country is the one which has identified more specific funds. “*In 2002, a 2.15% of the federal budget was allocated for programs in favor of women, while in 2006 this percentage reached 23.24%, from 2008 to 2014, the budget devoted to equality between men and women was three times more, by increasing from 553.3 million dollars in 2008 to 1,697.4 million dollars in 2014; from 2008 to 2012 the increase was 138% for 75 public programs.*”<sup>162</sup>

**Nicaragua** implemented between 2006 and 2010 a National Program on Gender Equity (PNEG)<sup>163</sup> and

During a period it had a National Plan for the prevention of inter-family and sexual violence

(2001-2006)<sup>164</sup>. No current plans are identified and we neither have data on the percentage of general budget to promote gender equality.

**Panamá** has a Public Policy of Equal Opportunities for Women (PPIOM), created through the presidential decree 244 on December 18<sup>th</sup>, 2012. Currently, such policy is elaborating the Action Plan for which public consultation were carried out at national level. The little budget allocation devoted to gender issues is one of the challenges the State assumes, but it does not specify the percentage it represents within the general budget.<sup>165</sup>

**Paraguay** reports the formulation and implementation of 3 National Plans on Equal Opportunities between Men and Women (1997/2002; 2003/2007; y 2008/2017), designed on the basis of 12 spheres of concern of the PAM. They still don't have a mechanism to measure the funds allocated in gender equality, but the budget from the Ministry of Women represents 0,0344% of the federal budget for the year 2013.<sup>166</sup>

**Peru** launched the First National Plan on Equal Opportunities for Women and Men in 2000. The second was implemented between 2006-2010 and its approval decree was endorsed by several ministries (Supreme decree No 009-2005-MIMDES). The current National Plan on Gender Equality (2012-2017) is part of the third stage of public policies which include the gender perspective and it framed

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<sup>161</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Guatemala\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Guatemala_Beijing_20.pdf) (página 11)

<sup>162</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Mexico\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Mexico_Beijing_20.pdf) (página 11)

<sup>163</sup> [http://americalatinagenera.org/es/documentos/centro\\_gobierno/Nicaragua\\_Programa\\_Nacional\\_equidad\\_Genero.pdf](http://americalatinagenera.org/es/documentos/centro_gobierno/Nicaragua_Programa_Nacional_equidad_Genero.pdf)

<sup>164</sup> <http://servicios.uimunicipalistas.net/biblioteca/data/redes/redgenero/1360915939531.pdf>

<sup>165</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Panamá\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Panamá_Beijing_20.pdf)

<sup>166</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Paraguay\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Paraguay_Beijing_20.pdf) (página 11)

within the law of Equal Opportunities (LIO, Law 28983 March 16th 2007).<sup>167</sup> Peru did not answer the Beijing + 20 questionnaire, therefore, we do not have information on the percentage of the national budget devoted to equality.

**Dominican Republic** does not have a National Plan of Equality between men and women. The percentage of the budget invested in the promotion of equality decreased from 0,0013 in 2008 to 0,0008 in 2014. The lack of resources is one of the obstacles identified by the State.<sup>168</sup>

In **Uruguay**, in 2007, the parliament passed the law of promotion of Equal Opportunities and Rights between men and women (law 18.104 of 2007) and the regulatory decree that the First National Plan on Equal Opportunities and Rights passed (PIODNA). It also has a National Plan to Fight Domestic Violence. The percentage of the budget devoted to promote equality is not provided, although the State says they are working in the design of public budgets with gender perspective.<sup>169</sup>

**Venezuela** has already had three Plans on Equal Opportunities. In the review period, the Juana Ramirez "La Avanzadora" 2009-2013 Second Plan on Gender Equality and the "Mama Rosa" (2013-2019) Third Plan on Gender Equality were designed. The amount of funds allocated to promote equality is not provided, but they answered "for the year 2014, the MPPMIG was given 600.000.000 USD approx., three times more than in 2010, on which approx. 246.000.000 USD were allocated. Moreover, INAMUJER had approx. 39.000.000 USD, for BanMujer approx. 13.000.000 USD were assigned and for Madres del Barrio some 53.000.000 USD".<sup>170</sup>

### STRATEGIC GOAL I.3. Encourage basic legal knowledge.

This aspect of the PAM has two strategies: a) Dissemination of Human Rights instruments in the official and indigenous languages; and b) Translators of indigenous languages in the legal system.

In spite of the importance it has for the empowerment of women, it was not included in the questionnaire sent to governments to report on Beijing+20. We understand that the advancement towards equality in a context of respect for the plurality of cultures requires that these issues be included in the next evaluation.

## J. WOMEN AND THE MEDIA

*Editing: Liliana Hendel and Silvia Molina, Red Internacional de Periodistas; Dafne Plou, APC y Gisela Grunin, FEIM*

**Strategic goal J.1. Increase the number of women accessing the media and participating in the expression of their ideas and the adoption of measures in the media and through it, as well as regarding ITC.**

The media are considered privileged spaces for socialization, for the contraction of cultural representatives and the reduction of sexist patterns. However, **this area of concern is the least addressed by governments and one in which there are more pending debts.** The lack of access of women to the elaboration of media content and their participation in decision-making processes, as well as the dissemination of discriminatory and stereotypical messages, and some digital "illiteracy" still strongly predominate in the region.

Even if the countries have advanced in laws for equality, **there are no comprehensive public policies on gender and communication as strategic area.** Neither are there **actions to encourage the inclusion of women trained in gender** in decision-making spaces and/or the production of media content, informative and entertaining, according to a survey by the International Network of Journalists with Gender Perspective in Argentina.

<sup>167</sup> Plan Nacional de Igualdad de Género 2012-2017, en: [http://www.mimp.gob.pe/files/planes/planig\\_2012\\_2017.pdf](http://www.mimp.gob.pe/files/planes/planig_2012_2017.pdf)

<sup>168</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Republica\\_Dominicana\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Republica_Dominicana_Beijing_20.pdf) (página 18)

<sup>169</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Uruguay\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Uruguay_Beijing_20.pdf)

<sup>170</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Venezuela\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Venezuela_Beijing_20.pdf) (página 8).

The structure of the media systems in most of the Latin American countries has a **commercial logic**, and **they are concentrated** the hands of few people, which tends to “unify the editorial lines”<sup>171</sup>, sources of information, genres and formats, and directly impedes women exercise their right to communication. In the last years, some countries (Venezuela, Argentina, Bolivia, Ecuador) started **regulating the property of traditional media** (graphic, radio and TV) and strengthening public media for the production of contents (Chile, Argentina). At the same time, some experiences on monitoring of journalistic and advertising content are taking place with the aim of sanctioning discriminatory messages.

**The base of the labor pyramid in media companies** is mainly female –producers, reporters and even photographers, camerawomen and editors; however, that does not imply they are trained in gender perspective, therefore many times the presence of more women in the media does not necessarily ensure a better address of certain topics. As we move up in the hierarchy of media companies, decisions on how and what is disseminated, published and broadcast are mainly taken by men.

Women are sub represented in the media of the region, according to the **Global Report on the Status of Women in the News**, carried out in 2011 by the IWMF<sup>172</sup>, which analyzes 121 companies in 13 countries of the region (Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Jamaica, Mexico, Puerto Rico, Peru, Venezuela, Canada and United States). There are two men every woman in newsrooms (Argentina, Chile, Costa Rica, Dominican Republic and Ecuador), the report states and it highlights the difficulties faced by women in the access to hierarchical and decision-making positions. The position in which women are less represented are CEO (21,5 %) and Journalistic Direction (30,4 %)<sup>173</sup>. The report highlights an advance in some countries: “in spite of the glass ceiling, (women) are advancing towards equality in the highest hierarchical roles”.

The **Regional Report of the Media Global Monitoring Project 2010**<sup>174</sup>, carried out every five years by the World Association for Christian Communication –WACC- agrees that the “world of news is a male one, with **more presence of men than women both as subjects of news and journalists**”. News anchor people are mainly male: just 36% of the news are presented by women, the report revealed. “Men are the expert voice in the TV news” and “women are present in the topics and roles socially assumed for women”, it concluded.

The study “Public Policies on Communication and Gender in Latin America: A Long Way to Go,” - conducted in 2014 by the Civil Communication Association for Equality and the Friedrich Ebert Foundation - notes that of the six intervening countries (Argentina, Brazil, Colombia, Uruguay, Mexico and Venezuela) no government has measures aimed at promoting women’s access to the media or to improve their participation. The study highlighted the governments’ lack of public policies to address communication and gender issues; although in many countries there were programs to promote gender equality in the media (the programs had varying degrees of implementation and articulación).

Contrary to past decades, **the presentation of TV news** is shared by men and women, and now women also take about relevant topics, such as economy or politics, according to a survey done by the International Network of Journalists with Gender Perspective in Argentina. In general, women anchor **are not trained on gender** therefore, the comments on the topics regarding such agenda perpetrate misinformation, for example, when violent men are referred to as “seek” people and victims are treated without the duly care, many times even accusing them for being responsible of the violence they have suffered.

We must also highlight the efforts of associations and networks of journalists in the region in drafting and generating good communication practices, including the International Press Federation Protocol for media coverage of violence against women (2008) and decalogues of the Argentina PAR Network (Argentina Journalists Network-for non-sexist communication) on violence and trafficking: Decalogue

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<sup>171</sup> Becerra, Martín. Medios de comunicación: América Latina a contramano, Revista Nueva Sociedad No 249, enero-febrero de 2014, ISSN: 0251-3552

<sup>172</sup> <http://www.iwmf.org/our-research/global-report/>

<sup>173</sup> <http://www.wim-network.org/2011/09/situacion-de-las-mujeres-en-los-medios-de-comunicacion/>

<sup>174</sup> [http://cdn.agilitycms.com/who-makes-the-news/Imported/reports\\_2010/regional/América\\_latina.pdf](http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2010/regional/América_latina.pdf)



for press coverage of violence against women (2008) and Decalogue for press coverage of trafficking and sexual exploitation (2012).

The PAR Network promoted in 2012/2013 - following Argentina's new regulatory framework on media violence and gender discrimination in the media- promoted a campaign against Media Violence that included conducting open forums in different regions of the country in which participants discussed gender inequality in the media.

### Access to information and communication technology

The traditional media are dramatically changing due to the convergence of telecommunications and information networks; therefore, we need to analyze the **access, use and capacities of women regarding ITCs**.

It is evidenced that there are practically **no Latin American and Caribbean countries with public policies on the development of the society of information including gender perspective**. Although there have been advances in the creation and setting up of infrastructure and access to computers and better connection services (average connected population reaches 40%, some 231 million people), such as ECLAC states it in a report called "Women in the digital economy"<sup>175</sup>, **it is the process of advance of ICTs what implicitly leads to a slow reduction of the gaps regarding Internet use**, whether it is by gender, race, social situation or age, although this is not true in absolute terms.

There are no statistics disaggregated by gender in the region which allow us to see the complete picture of the situation of **Internet connectivity of women** in all the countries. However, the International Telecommunication Union -ITU- provides general data comparing the connectivity of men and women in developed and developing countries<sup>176</sup>. At global level, this difference is 4% (41%-37%), in developed countries, it goes up to 6% (80%-74%) and in developing ones, the figure is the same as the global, 4% (33%-29%). The ITU has recently published a report<sup>177</sup> with data of a group of Latin American and Caribbean countries confirming this trend. The lack of information, however, shows that in most of LAC countries **more men than women use Internet**, highlighting the cases of **Jamaica, Venezuela and Panama**, where this trend changes.

Regarding the access to ICTs, **only Guatemala and Dominican Republic** report they have data on the homes with access to media and ICT disaggregated by sex of head of household. Other countries such as **Brazil** report data on Internet access which shows differences between urban and rural areas, being the increase of the total access a challenge, particularly in rural areas.

Finally, the indicator of **digital illiteracy of Ecuador** is relevant, showing a national level of 31,1% for women and 24,4% for men. There are differences in the rural and urban area, because the indicator goes up to 43,2% of rural women, while in urban areas it is 24,7%. This shows that rural women account for the highest rate of digital illiteracy.

### Education and ICT

In most of the countries, the amount of women enrolled in universities surpasses that of men, mainly in programs related to educational sciences, social sciences, medical science, law and administration. But the **participation of women in programs related to science and technology is still low**, around 20%, although the cases of **Mexico** (31% in undergraduate courses) and **Uruguay** (30% in engineering postgraduate courses). Moreover, **Brazil, Mexico and Ecuador** have national scholarship programs to encourage the participation of women in research programs on engineering, technology and hard sciences. The situation does not seem to be the same for the area of science and technology research.

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<sup>175</sup> <http://www.cepal.org/publicaciones/xml/3/51083/Mujeresenlaeconomiadigital.pdf>

<sup>176</sup> <http://www.internetworldstats.com/usage.htm>

<sup>177</sup> <http://www.itu.int/en/ITU-D/Statistics>



The implementation of **programs introducing the use of computers from primary school**, as Plan Ceibal (**Uruguay**) and the program “Computadores para Educar” in **Colombia**, or in secondary school as “Plan Conectar Igualdad” (**Argentina**) can open possibilities for greater insertion of women in university programs in which technology are at the core; however, **they do not include a gender perspective** that reorients patriarchal patterns in the use and appropriation of technologies.

Training programs on ICTs are very recent in all countries and there is little data on the participation of women and girls in them, and there are few studies and evaluations on their results. There have been some efforts to **train adult women** conducted by civil society organizations, but these are few and far between. Moreover, most do not have a gender-based approach that addresses specific issues to promote the use of ICTS by women from all walks of life.

Few governments have **implemented ICT plans or policies that attempt to expand this industry and field of knowledge to women**. Most government reports do not specify whether governments actually prioritize advancing women’s employment in this area.

A report published by ECLAC, “**The software industry and IT services: a sector of opportunity for economic empowerment of women**,”<sup>178</sup> states that programs wishing to improve women’s integration in the ICT field must include a gender perspective to recognize sexist social structures and discriminatory practices in business and society at large. It is not enough to have more female graduates of or computer science programs. **Rather, it is necessary to transform the field by improving job opportunities and ensuring a work environment free of discrimination and similar wage benefits.**

It is also necessary to recognize the importance of working in the fields of ICT-related tool design, content creation, and system documentation. These jobs are often completed by women and are less valued both financially and socially.

#### **Women and ICT public policy – PDAs**

A study published by ECLAC in 2012, “Analysis of mainstreaming gender in digital agendas and policies in Latin America and the Caribbean”<sup>179</sup>, analyzed 11 popular PDAs in different Latin American countries and the Caribbean region. This report included a mapping of public policies related to information and communication technologies. In the conclusion, researchers cautioned that while gender equity is included in the discourse of Latin American PDAs and reflected as an important aspiration, most countries have not actually taken concrete actions to promote women’s inclusion.

**Mexico, Ecuador, Brazil and the Dominican** have programs that provide ICT public policy for women’s advancement. However, it is not clear whether there are officials making decisions in these areas. In the case of Brazil, the Secretary of Women’s Policies is involved in implementing these measures, but in other countries the programs are run by different ministries. Consequently, it is unclear whether these programs include gender and women’s empowerment perspectives. Moreover, they do not disclose statistics on how many women participate in the development and implementation of these policies.

#### **ICT indicators with a gender perspective**

The range and limited availability of data makes it difficult to offer a consolidated regional overview of the sector. Therefore, it is important to make the most of the minimal information we have and get countries to commit to regular data collection in the future.

In order to measure and compare the development of information and communication technologies in our region, the ITU developed the **ICT Development Index (IDI)** which is subdivided into three sub-indices: Access, Use, and Skills. Interestingly, **between developed and developing countries there is larger a gap in the use of ICT than access, showing that there is a greater lag in the use of technology than in its installation.** It is important therefore that the gender and ICT indicators cover these three

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<sup>178</sup> <http://www.cepal.org/publicaciones/xml/2/53332/LaindustrisdelSoftware.pdf>

<sup>179</sup> <http://www.genderit.org/sites/default/upload/analisisdelaintegracion.pdf>

areas in order to identify strengths and weaknesses to maximize the use of these technologies by women.

Particularly, we must highlight **the need for indicators that measure skills**. These indexes should measure the participation of women in higher education related to technology, as well as and labor force participation in the field of ICT. They should also consider other trades and professions often performed by women that make intensive use of ICT. Such professions include design, communications, content creation, etc., and form an important part of our information society.

It is also worthwhile to collect data on violence against women using ICT. This is a new phenomenon that should be considered and followed in order to provide a rapid response to new types of gender violence.

## **Strategic objective J.2. Promote a balanced and non-stereotypical portrayal of women in the media.**

The presence of **sexist and stereotyped content** about women is another major concern for our region. According to studies of media observatories in the region, women's bodies are often turned into objects of desire or molded to unrealistic ideas of thinness and beauty, with preferences for certain ethnic and physical traits that vary depending on the region.

There are different types of observatories, Public Defenders, and civil society organizations that monitor and report sexist images that perpetuate subordinate roles for women, sometimes disguised as "humor".

The representation of men and women in the news is not equal, according to various reports from the Monitoring Global Media Project, conducted every five years by the Association for Christian Communication (WACC). The latest report, from 2010<sup>180</sup>, states that "women are primarily responsible for reporting on social and health issues, thereby reinforcing a social imagery that sees these areas as belonging to women." The report adds that "women are mainly presented in traditional roles or occupations that are socially assigned to females." The project concludes that "the contributions of women are still largely invisible. They are presented as stereotypes, and this strengthens social images and perceptions that keep women in positions of inequality and discrimination."

When represented women are Afro-descendant or indigenous women, there is both discrimination on a gender and ethnic basis. Tarcila Rivera Zea, President of CHIRAPAQ explains this: "Communities and indigenous organizations have been reflecting on the role of mass media in shaping social imaginary, or in other words, the images of indigenous peoples that are formed and formulated into society. And we found that all of them are primarily negative and intended to ridicule our culture. This does not contribute to building an affirmative and representative image of our social being. Instead, it merely reproduces stereotypes that encourage discriminatory practices. "

**Argentina** has the highest regional rate according to the WACC report in relation to the presence of women in stories **about crime and violence**. While the Latin American average is 24%, Argentina's average is 37%. This may indicate the presence in the media agenda of gender violence. This statistic was confirmed in the first report on gender violence on TV, produced by the Observatory on Television and Radio Discrimination<sup>181</sup>. The report concluded that television newscasters include gender violence in their programming, **but they do not position it as a social problem**. In such stories, news programs rarely consult specialized sources, and most news stories lack a gender and human rights focus, tending to justify the abuse and the abuser.

The way in which many media companies address the issue of violence is another challenge. In cases of femicide, media often publish examples of "research" that focus on the "reputation" of the victims instead of condemning violence outright. Of the 13,029 stories surveyed by the Public Defender of Audiovisual Communication Services in **Argentina** in 2013, only 37 took a gender-focused approach. However, nearly 80% were on violence against women, including femicide. The agency considered this

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<sup>180</sup> [http://cdn.agilitycms.com/who-makes-the-news/Imported/reports\\_2010/regional/America\\_latina.pdf](http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2010/regional/America_latina.pdf)

<sup>181</sup> <http://www.observediscriminacion.gob.ar/wp-content/uploads/2013/11/INFORME-FINAL-MONITOREO1.pdf>

coverage as "spectacles laden with sensationalism, with no relevant social information, treated as if they were an isolated incident and not a social problem. They often contain sexualized photos of victims and almost never an offender, with little or no data about phone hotlines for victims."<sup>182</sup> Similarly, in **Brazil**, a 2011 study found that the news about violence against women tends to focus on individual cases rather than a more extensive discussion of the phenomenon and related public policies.

The media **constructs ideals and imposes ideas** about how women should be. The region shares a strong idealization of "natural" a maternal ideal of individual responsibility, and a reaffirmation of expected behaviors for **romantic love** portrayed in soap operas (especially Colombian and Venezuelan telenovelas) and so-called love magazines. These shows and magazines are extremely popular across the continent. Additionally, advertising in all media tends to reproduce and reinforce gender stereotypes, while promoting unattainable and unhealthy expectations of beauty and youth.

For this reason, the **training and sensitization** of media personnel is essential. Women's participation in the enrollment of new students in **Journalism and/or Social Communication schools** has increased, but curricula do not include gender studies in basic training. Across the region, except for isolated incidents<sup>183</sup>, the opportunity for students to reflect on gender issues is voluntary and postgraduate level. To the extent that there is no graduate training and journalists and communication specialists do not actually make decisions, the media product that reaches the public is tinged with androcentrism, misogyny, and machismo.

There are efforts in communication and gender training that rely on civil society organizations and networks of journalists (in Colombia, the National Network of Journalists, in Mexico, Cimac, in Argentina RIPVG and RedPAR), but no there are not training and awareness courses for staff of media companies.

In recent years in postgraduate training, there were efforts both from civil society, public universities and state agencies. In Argentina, the Communication Civil Association for Equality awards, since 2011, a Diploma of Communication and Gender in virtual format, co-certified by the Federal Authority for Audiovisual Communication Services (AFSCA). The Office of the Public Communication Services provides scholarships for students to participate in this program. Moreover, the National University of La Plata has offered a specialization in Social Communication, Journalism and Gender since 2013; and in 2014, the National University of Buenos Aires issued the Upgrade Program in Communication, Gender and Sexualities with support from the Office of the Public Audiovisual Communication Services. There have also been agreements between the national government and the provincial with public and private media to promote equality.

Finally, it fits to highlight the the debates that emerged in several countries in response to reforms to laws on media and second generation violence. In Uruguay, for example, in the context of the 2013 reform of the Law on Audiovisual Services, the Association of Journalists of Uruguay (APU) approved a code of ethics, which includes a chapter on "Gender and Discrimination."<sup>184</sup>

## Recommendations:

As long as the States ignore the situation of women in the elaboration of content and the decision making processes in the media, as well as their access to ICTs, structural inequalities in the region will not be eliminated.

1. Generating actions to guarantee the access of women to hierarchical decision-making positions in companies related to media, technology and research on ICT.

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<sup>182</sup> [http://www.andi.org.br/sites/default/files/resumo\\_executivo\\_mulher\\_violencia\\_ANDI\\_2011.pdf](http://www.andi.org.br/sites/default/files/resumo_executivo_mulher_violencia_ANDI_2011.pdf)

<sup>183</sup> In Cuba, gender content have been included for three years now in journalistic courses of study. The UNCuyo from Argentina has recently approved the inclusion of an obligatory course on gender and diversity in the Social Communication course of study.

<sup>184</sup> Celiberti, Lilián. "El debate sobre la Ley de Servicios Audiovisuales en Uruguay. Un aporte a la democratización de los medios" en *Políticas públicas de comunicación y género en América Latina: Un camino por recorrer*. Asociación Civil Comunicación para la Igualdad y Fundación Friedrich Ebert. Edición en papel: Defensoría del Público de Servicios de Comunicación Audiovisual de Argentina. Buenos Aires, 2014.

2. Sensitizing and training on gender perspective people working in the field of media, marketing and advertising.
3. Promoting information and awareness raising campaigns on the benefits of producing non-discriminatory, free of stereotypes and non-sexist content. Promoting creativity in media products – information, entertainment and advertising- to build other models of family, love relationship, physical beauty, which respects age, ethnic origin, body size and shape, etc.
4. Encouraging, strengthening and publicly disseminating the results of the monitoring of content reproduced through the media, as well as generating effective punishment mechanisms that reinforce stereotypes or cause symbolic and/or media violence towards girls and women. Incorporating gender perspective in the Rights of the Audience and Ombudsman Protocols.
5. Creating mechanisms of gender and equality inclusion in policies of ICTs to create and strengthen the abilities and knowledge of women and equal opportunities of social, education, cultural and economic development.
6. Generating statistics and information with sex-disaggregated data which allow the inequality situation to build approaches for equality and identifying gender gaps in media access, use and capacities.
7. Developing policies and incentives for equality of opportunities and equality in scientific and technical studies for women and men, with scholarships, equal salaries for the same job performed and social benefits. Promoting the participation of women in post-graduate studies and research activities related to ICTs, identifying barriers that prevent greater participation of women in such areas.
8. Encouraging the participation of women in the labor field related to ICTs, valuing professions that they usually perform. Considering alternative ways of employment facilitated by ICTs to encourage the participation of women in the labor environment.

## K. WOMEN AND THE ENVIRONMENT

*Editing: Marcela Ballara and Patricia Jaramillo Guerra, REPEM*

Human beings are the core of the concern when it comes to sustainable development because they have the right to a healthy and productive life which is in harmony with nature.

The ***Fourth World Conference on Women was held in Beijing***, China, in September 1995, and adopted the Declaration and Platform of Action with 12 areas of concern, one of them being the environment and within it, climate change.

According to the Declaration, women usually do not participate in an equal manner to in the decision-making processes; whether it is on the corporate management or financial stages that significantly affect the environment. Moreover, often, they are not represented in formal institutions in charge of designing and implementing policies at national, regional or international level.

As was recognized in the UN Conference on Environment and Development and the International Conference on Population and Development as it is reflected in the Program 21, women play an essential role in the development of consumption patterns, sustainable production and methods for managing of natural resources.

In general, women work in the health, care or service sectors. Professions linked to the industrial sector are generally performed by men. The same applies for energy, transport and technological development sectors, which are vital for the environment and the management and development of policies. Women and indigenous women, in general, are absent at all levels of decision-making within enterprises, and very few lead companies related to environmental issues. Moreover, women and indigenous women of the region almost do not enroll in technical schools or institutions which provide scientific education.

If we look at human rights focusing on the rights of women, the effects in relation to climate change threaten the enjoyment of a series of the human rights, as the right to safe and sufficient water, to food, health and adequate housing.

In order to face these problems, national governments agreed on the implementation of the following strategic goals:

### I Strategic Goals

Strategic goal K1 is on the achievement of active participation of women at all levels in the adoption of decisions related to the environment and strategic goal K2. is on integrating the concerns and the gender perspectives in the policies and programs that favor sustainable development. Both analyze the impacts and suggest strategies to prevent women from being the victims of the negative effect of climate change.

Strategic goal K3. Is about strengthening or establishing mechanisms at national, regional and international level to evaluate the effects of the development and environmental policies on women and the guideline to take into account regarding public policies at national and local level, as well as programs and projects.

This goal is aligned with the international legislation on human rights which guide the measures to fight the problems related to the environment, climate change and the prevention of natural disasters, which highlights the moral and legal obligations key to protect and promote the full enjoyment of the rights enshrined in the Universal Declaration on Human Rights and the key agreements on universal human rights.

### II Latin America and the Caribbean: A vulnerable region

According to some estimates, Latin America and the Caribbean is one of the most vulnerable regions and within it the phenomenon forecasted from estimated climate variables surpass even the most cautious expectations. The region contributes very little to the CO<sub>2</sub> emissions, but it also affected and "it is among the most vulnerable areas because it is located in the hurricane strip and it has insular states and low coastal areas, it depends on the melting of Andes for water supply to urban and rural areas and it is exposed to flooding and forest fire"<sup>185</sup>. The survey by Tierramérica —which included several authors and collaborators of the Intern-Governmental Panel on Climate Change (IPCC) and the study by ECLAC— concludes that the most evident and negative effect on the region is the increase of climate variation and a higher frequency of extreme events<sup>186</sup>.

According to the World Bank, Latin America and the Caribbean (LAC) has the greatest average availability of water in the world, around 24.400 cubic meters per person. However, water availability and safety highly vary within countries and among them. In some parts of the region the current water usage is unsustainable<sup>187</sup>; however, the Andean countries host almost 10% of the total world's fresh water (CAN, Becerra, M.; 2009). Among the main sources of fresh water, we find rivers, lakes, water wells and continuous currents of natural water and glaciers mainly located in the Andes Cordillera. The increase of temperature is already strongly affecting the glaciers and its role as sources of water and regulators of the runoff in fragile ecosystems. Since the mid 70s, the glaciers have been rapidly melting, putting the fresh water availability at risk. The increase in world temperature has already given place to the loss of snow in several peaks, as the disappeared glacier Chacaltaya, located at 5.200 m (2009).<sup>188</sup> Also the proliferation of insects and other unknown plagues in the area, which re-

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<sup>185</sup> CEPAL ( 2012) LA SOSTENIBILIDAD DEL DESARROLLO A 20 AÑOS DE LA CUMBRE PARA LA TIERRA Avances, brechas y lineamientos estratégicos para América Latina y el Caribe

<sup>186</sup> CIGAR, CCAF, MICCA FAO, ( 2013) Investigación de Género y Cambio Climático en la Agricultura y la Seguridad Alimentaria para el Desarrollo (segunda Edición) Disponible en <http://www.fao.org/docrep/018/i3385s/i3385s.pdf> [Accesado el día 24 de Junio de 2014]

<sup>187</sup> [http://web.worldbank.org/WBSITE/EXTERNAL/BANCOMUNDIAL/EXTSPPAISES/LACINSPANISHEXT/0,,contentMDK:21873341-pagePK:146736-piPK:146830-theSitePK:489669\\_00.html](http://web.worldbank.org/WBSITE/EXTERNAL/BANCOMUNDIAL/EXTSPPAISES/LACINSPANISHEXT/0,,contentMDK:21873341-pagePK:146736-piPK:146830-theSitePK:489669_00.html)

<sup>188</sup> [http://www.notiboliviarrural.com/index.php?option=com\\_content&view=article&id=2282:chacaltaya-estacion-medira-danos-del-chaqueo-a-glaciares&catid=300:medioambiente&Itemid=551](http://www.notiboliviarrural.com/index.php?option=com_content&view=article&id=2282:chacaltaya-estacion-medira-danos-del-chaqueo-a-glaciares&catid=300:medioambiente&Itemid=551)

sults in the need of diversifying their products, therefore, they were in need of experimenting in their territory with special seeds and other techniques that reduce their vulnerability.

Women have a direct relation with natural resources, this is because in all societies most of the household tasks are the responsibility of women, due to the distribution of the differentiated roles and established on a gender basis.

Women, especially those in the most deprived areas of our region, are affected differently than men. They are among the most vulnerable people in view of the depletion of the environment and the effects of climate change, as in the case of rural women and indigenous women, because they represent most of the labor force in the fields and they have fewer opportunities to receive an income.

Droughts and rain force women to work harder in order to obtain food, water and energy for their homes. Girls drop out from school to help their mothers in the domestic tasks, creating a perverse chain that determines women's lives by limiting their education, health care and personal self-improvement.

The effects in the environment and climate change are multiple: social, political, economic and cultural. The depletion of the environment directly impacts on the vital possibilities of women and of the dependents on them, threatening their lives, health and development opportunities.

This cycle of deprivation, poverty and inequality perversely undermines the human right of women to a decent life, putting at risk the preservation of human species. The flooding suffered by indigenous people in the indigenous territory of Masetén (Bolivia) in February 2014, are a good example of this situation because strong rains have impacted the livelihood of around 58.000 families, forcing them to reorient their ways of living, relocate their houses to higher places, change the plantation areas, protect themselves from diseases arising from the flooding. Indigenous women of this area are facing an uncertain reality, especially because they have lost their homes and plantation areas which contribute to food security. Climate change, dams in the neighbor country (Brazil) and the intense deforestation are the main responsible for these flooding.

In spite of the important role women develop in water management, gender perspective is still absent in the legislation, public policies and programs related to water resources. The national programs with bilateral and multilateral support in the region neither take into account the differentiated water usage and the specific needs of women and men, nor the need to guarantee their equal representation in the decision making processes to guarantee the governance on water and, consequently, they do not allocate funds for that.<sup>189</sup>

New technologies force people to resettle. The promotion of new technologies, such as enhanced seeds, fertilizers and chemical pesticides and the introduction of commercial crop plans and plantation pools have caused the environmental depletion and destroyed the self-sustainable ecosystems, which has affected many indigenous communities, forcing them to resettle in another place (<http://undesadspd.org/indigenouses/Portada/Cuestiones/Medioambiente.aspx>). The extraction industries as mining are more and more present in indigenous territories, leading to militarization, traffick, use of pesticides, sexual violences of indigenous women and girls. It is important to highlight the relation of impact between extraction industries on the communities, environmental violence and sexual and reproductive health of indigenous women. [Political position and plan of action of indigenous women in the world adopted in the global conference of indigenous women, Lima 2013].

### **III Environment and Climate Change: roles de género en toma de decisiones dentro del hogar<sup>190</sup>**

The differences in the impact on men and women lead to a series of different decisions according to their reality and this will lead them to adopt new agriculture and environmental practices, with different implications in the well-being of each of them. At domestic level, the decisions related to adaptation are around preparing for climate change or responding to it. The division of labor a gend-

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<sup>189</sup> Op. Cit CEPAL 2012

<sup>190</sup> Op. Cit . CIGAR, CCAF, MICCA FAO, ( 2013) \_[Accesado el día 24 de Junio de 2014]

er-basis has different perspectives on what is at stake and how it can be protected and how the means for survival are guaranteed. In rural areas, men are often responsible for livestock and women of domestic resources such as water, energy, health, and subsistence agriculture, and that implies that they have to prioritize, changing many times their survival strategies.

The greater dependence of indigenous people regarding natural resources make them more vulnerable to the loss of biodiversity, however, they have traditionally selected and preserved seeds. They are "The guardians of the seeds". "Experiences with potato sees in the community of Chetilla in Cajamarca in the North Mountains in Peru are an example of the exclusive domination they have exerted since the pre-Colombian period (Tapia y De la Torre, 1997). The genetic material of potatoes they have gathered and preserved over time are the base of the genetic wealth in the Andean production systems and constitute the origin of new varieties in the germplasm banks<sup>191</sup>.

### **Women's strategies for survival: environment and climate change**

Latin America is not exempt of innovations, because the region's climate has been subjected to a series of contingences since pre-Hispanic times, as for example the El Niño, for which there are many answers encoded in the ancestral traditions and cultures. They along with the implementation of measures or new technology will lead to better results when it comes to an answer to the problems arising from climate change.

In view of the depletion of the environment and the effects of climate change, women use a series of survival strategies, such as the reduction of home expenses, the withdrawal of children from schools, the sale of properties, the saving in the use of resources such as the consumption of different food products, because they need less time for preparation but which contain less nutrients. In some cases, they use mechanisms to save energy or resources, and the time they devote to this is even more than usual.

One of the hardest problems they face today is the access to water, a critical situation in rural aéreas. As expressed by a woman in Oaxaca: *"We feel there is a lack of water because there is not enough to consume, because rivers and streams are dried, I think because trees are cut off; right now there's water because it has been raining, but we need to do something or in a short time we won't have water"*.

Although it is true than in the fields women participate in the water management as users, mainly for its collection for domestic use: cooking, cleaning and growing small animals, they do not always take decisions and often men decide on this issues, although there are some communities in which women are empowered on the issue of water management. And they are fighting for the right to water, against pollution and privatization of urban areas as for example the Association of Salvadoran Women, which fights for the defense of water and against the setting up of factories in San Salvador "because they bring lead to the water", which has already been reported in other cases.<sup>192</sup>

Many times, women are organized in self-help groups to face environmental issues and can carry out specific activities to have more natural resources available, for example, planting trees and reforesting or they engage in activities of forest preservation. When the situation is extremely difficult they often migrate as last resort in search of better economic possibilities.

An area in which women have been outstanding is in the management of urban waste (methane form dumpsites and methane and nitrous oxide from the sewage) which contributes with 5% of the greenhouse gasses. One experience to integrate women in this process has been the Bolivian Society of Environmental Management which implemented education projects and support for people living from this activity in the project "Focal Cities of Cochabamba". One of these groups, formed mainly by women, works in a dumpsite in a hereditary family activity, another part of urban collectors work in the waste containers and is basically formed by women from single homes. Most of them are immi-

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<sup>191</sup> Mario E. Tapia/Ana De la Torre. (1997) *Mujer Campesina y las Semillas Andinas*.FAO/IPGRI.

<sup>192</sup>[http://www.biodiversidadla.org/Principal/Secciones/Documentos/Ser\\_mujer\\_indigena\\_campesina\\_y\\_luchadora\\_en\\_un\\_conti\\_nente\\_machista](http://www.biodiversidadla.org/Principal/Secciones/Documentos/Ser_mujer_indigena_campesina_y_luchadora_en_un_conti_nente_machista)

grants. The Society of Environmental Management tries to give them legal status and train their members for the creation of crafts from these products. A center for stockpiling products to which recyclers can easily access was established<sup>193</sup>.

In Brazil<sup>194</sup>, a recycling cooperative "Cooperativa de Reciclagem Unidos Pelo Meio Ambiente", CRUMA, founded in 1997 to preserve the environment and create jobs through the collection, sorting and transport of recycling material. This activity concentrates a significant percentage of women and children in sorting recycling material in the cities of Curitiba, Sao Paulo, Porto Alegre, Santos, Sao José dos Campos and Sao Sebastião. These types of programs have been very popular in Brazil and today this country has one of the greatest sorting programs in the region.<sup>195</sup> In Curitiba, the municipality employs unemployed women and men and drug addicts in rehabilitation for the collection of materials. This program has been so successful it was awarded by the UNEP in 1990.<sup>196</sup>

Cempre is another organization with strong participation from private sector on the issue of recycling. It has elaborated recycling manuals (Cadernos de Reciclagem), in which the different forms of collection of recyclable materials from different sources, such as offices and schools; it carries out the National Survey on Recycling Programs; and it provides an educational package for informal recyclers<sup>197</sup>.

Colombia is the most advanced country regarding recycling in Latin America thanks to the efforts of foundations and private organizations. The foundation "Fundación Social" (FS) is one of the more active organizations in the world working in favor of informal recyclers, which has started its National Recycling Program in 1991, which currently has more than 100 cooperatives gathering more than 4500 families of recyclers all over the country.<sup>198</sup> Like Brazil, the percentage of women and children working in these activities is significant. The activity of FAS also extends to counseling of cooperatives and recyclers interested in affiliating to the National Program of Recycling of the FS and/or the National Association of Recyclers (ANR in Spanish). The ANR has education programs regarding the importance of recycling and the social benefits of the activities of informal recyclers. Moreover, it works to dignify and legalize informal recycling. Two of the regional associations have created Comprehensive Care Centers for Recyclers (CAIR in Spanish) in Bogotá and Cali. These centers offer child care to the babies and children of the recyclers and provide education, medical care and recreational activities for all the members of the families.

Some of these proposals that can help women adapt to the effects of climate change is support them in the negotiations, carry out actions to have power in the decision making processes, have access to the exchange of information through related groups and participate in the risk management. In this framework, community radio and television can play a very important role to keep the community informed and especially women. Both media are useful to address key issues concerning women and also to disseminate their knowledge and legends. That is, traditional community "media" are the window through which can also share their culture.

#### **IV How to strengthen public policies on natural resources and climate change in supporting rural women: perspectives and responses from the governments**

In the region **the predominant approach in public policies for development is modernization without gender perspective**, achieve development through economic growth without considering women's

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<sup>193</sup> Bifani Patricia- Richard ( 2012) , Desafíos Del Siglo XXI: Cambio Climático y Género Tesis Doctoral Servicio de Publicaciones de la Universidad de Córdoba, Campus de Rabanales, Cordoba, Espana

<sup>194</sup> <http://www.informeavina2009.org/espanol/reciclaje.shtml>

<sup>195</sup> Ch. Wells, "The Brazilian Recycling Commitment: helping stimulate recycling in a developing country", en UNEP Industry and Environment, abril-junio de 1994.

<sup>196</sup> Op cit. Ch. Wells.

<sup>197</sup> Op cit Ch. Wells.

<sup>198</sup> M. Medina, "Supporting Scavenger Cooperatives in Colombia", en BioCycle, junio de 1997



profiles. As ordered by UN Women (2011)<sup>199</sup> it is essential to make an analysis on gender that considers the gender gaps, especially in the division of power and the access to resources by rural women.

The environmental situation of our continent aggravates the development models proposed to escape poverty, especially because the latter focuses on rural areas and peripheral urban areas in big cities.

It is fundamental to have the profile of women and indigenous women in which the information we have developed herein can be collected. Also an updated study on it should be carried out in which real results are shown, not only statistics or indicators, but also the experience of women. With this data, countries and governments can design public policies for the environment and climate change on the adaptation and mitigation, considering updated data. Gender equality in the rural and urban sector should be maximized in a way in which women have autonomy and are empowered in all the areas and that they are able to perform their lives as men do. The mitigation, adaptation and risk management strategies and policies must include a gender perspective considering the differences in the social relations between men and women in different social contexts.

### **Countries of the region and their commitment with the environment<sup>200</sup>**

In all societies women and men have different responsibilities, knowledge and needs which are essential to address the effects of the environment and climate change. Historically, women have been in a disadvantaged position because they have restricted access to natural resources and information, and limited access when making decisions. These make them more vulnerable to the impacts of climate change.

The serious environmental issues of the region are a challenge for sustainable development and poverty reduction and in the last years in almost all countries legal and political frameworks were implemented to manage the environment but their effective implementation is still of great concern.

Currently, there are several environmental laws and their approval is being considered- However, their fulfillment has not been effective. Also, obligations enshrined in the diverse environmental instruments and international treaties and not yet reflected in the national legislations, for example the integration of traditional knowledge of rural and indigenous women in the development of environmental management programs.

Currently, there is legislation on the environment in different countries of the region and their approval is being considered. However, the fulfillment of them has not been effective. Also, the obligations of the diverse environmental tools and international agreements are not explicitly reflected in the national legislation as for example the integration of traditional knowledge of rural and indigenous women in the development of environmental management programs. This situation is referred to in detail in the revision of all the countries of the region that sent to UN Women following the 12 goals of the Beijing Platform of Action in the context of the 20<sup>th</sup> Anniversary of the Fourth World Conference on Women and the approval of the Declaration and Platform of Action of Beijing 2015. In the report of the different countries, it is mentioned in many occasions the situation of women is considered under programs and specific actions, except in countries such as Uruguay, Mexico and Costa Rica, where legislation do not address the gender issue.<sup>201</sup>

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<sup>199</sup> ONU Mujeres (2011). "Áreas focales" en ONU Mujeres, *Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres*. Disponible en: [http://www.unwomen.org/es/focus-areas/?show=Empoderamiento\\_Econ%C3%B3mico](http://www.unwomen.org/es/focus-areas/?show=Empoderamiento_Econ%C3%B3mico) [Accesado el día 10 de abril de 2014]

<sup>200</sup> La información de este apartado se basa en una revisión de todos los países de la región que enviaron a ONU Mujer la "Respuesta al Cuestionario enviado a los gobiernos para la Aplicación de la Declaración y Plataforma de Acción de Beijing (1995) y los resultados del vigésimo tercer período extraordinario de sesiones de la Asamblea General (2000) en el contexto del 20º aniversario de la Cuarta Conferencia Mundial sobre la Mujer y la aprobación de la Declaración y Plataforma de Acción de Beijing 2015" Disponible en <http://www.unwomen.org/en/csw/csw59-2015/preparations> [Accesado el día 3 de Julio de 2014]

<sup>201</sup> EL Salvador cuya Estrategia Nacional para el Cambio Climático base para la construcción del Plan Nacional de Cambio Climático, incluyen cinco temas críticos: y no tiene perspectiva de género, de igual forma se puede mencionar el caso de Chile con la Ley de base de medio ambiente (19.300). o Plan de Adaptación al Cambio Climático en Biodiversidad.

The approval of new laws is a requirement but it is not enough for the protection of the environment. In order for them to be effective, public institutions in charge of protecting the environment should go on the re-orientation and re-adaptation process of their activities to increase their scope and effectiveness.

Few countries of the region have adopted national strategies of sustainable development, in which gender is almost absent (except for Costa Rica, Uruguay and Mexico). One of the main barriers to achieve these goals is financial, because it requires the allocation of funds and more investment in the protection of the environment. The success in the key achievements in this area depends on the development of capacities for the implementation, increase in the awareness and political and financial support for environmental management.

Another situation most countries face is the lack of legislation and regulation for the control of production, transport, storage and disposition of substances and toxic products, as well as the ban of the import of toxic and radioactive waste to the region. Additionally, most of the projects implemented in this framework are strongly linked to the presence (and financing) of international cooperation and private investment, which changes the role of the State in these activities, making it a regulator more than a direct effector, which is a role the governments of the countries of the region have not well developed. Some of the international sources: cooperation or multilateral banks of development are the Global Environment Fund (GEF), the Climate Investment Fund (CIF), integrated by the Strategic Climate Fund (SCF), the Special Climate Change Fund (SCCF) operated by the GEF, the Adaptation Fund as the main financing instrument under the CMNUCC, the Least Developed Countries, the Green Climate Fund which has not yet been enforced and which aims at financing the needs of adaptation and mitigation of climate change in the developing countries.<sup>202</sup>

Governments should recognize and support the contribution of women and indigenous women to the preservation and management of natural resources and promote an active policy in which gender perspective is included in all the policies and programs on the environment. It is especially important that a study on the different impacts on women and men is carried out before decisions are taken.

## V Conclusions

- In order to understand the reality of women, their relation to the environment should be taken into account and recognize the climate change is not neutral regarding gender. Addressing climate change requires an equal approach that protects and promotes human rights of women and achieving gender equality with the aim of guaranteeing sustainable livelihoods.
- Environment and climate change should focus on issues directly related to the activities of women affected by climate change, as access, supply and availability of water and food sovereignty, as well as alternative, renewable and sustainable, low-cost sources of energy.
- The revision of the information indicates that there is a lack of political will in the countries of the region to achieve the commitments with the aim of reducing emissions and stabilizing the global average temperature. Policies on the environment and climate change should value and include the potentiality of women in finding answers and achieving transforming changes to impede their development and the full exercise of their rights.
- The implementation of specific actions or projects without a legislative framework and public policies with gender perspective do not guarantee that the needs and specific situations of women are taken in the planning for the mitigation and adaptation as well as financing their activities. Strategies and policies of adaptation, mitigation and risk management must include gender perspective considering the differences in the social relations of women and men in different social contexts.
- The role of women should be considered taking into account their strategic role in the construction of real solutions in face of a climate crisis from the adaptation point of view as well as from the mi-

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<sup>202</sup> <http://cambioclimatico.minam.gob.pe/la-gestion-del-cc/financiamiento/fuentes-de-financiamiento-y-mecanismos-de-acceso/>

tigation. The costs and benefits suggested by the adaptation strategies as well as the mitigation strategies should take into account a gender approach so the costs and benefits are assessed in terms of being favorable or not for women.

- The indigenous, Afro-descendent and rural communities that are facing impacts of climate change are adjusting their ancestral traditions and knowledge to find solutions for which they need to take into account the scientific facts and combine them with the aim of developing new technologies as a way more concrete possibility to achieve a real change. The existing inequality gaps delay the planning of timely and relevant solutions, therefore, it is necessary to achieve a real empowerment of women where they have the tools needed to reduce their vulnerability and to guarantee a long term decent life.
- The goals should focus on the inclusion of women in key activities and guaranteeing women have the necessary information, the adequate technology and the resources to address these challenges. This implies strengthening and supporting the general framework for the planning of contingencies and provisions for the preparation and response to disasters, improving the capacity of resistance to economic challenges, natural disasters and climate change, and providing emergency and evacuation help to vulnerable groups and women.
- It is necessary to develop a vulnerability rate that goes beyond the economic and environmental indicators to include other vulnerability variables, including gender inequality.

In view of this situation and as a way to ensure the integration of gender in the processes supporting climate change, we suggest the following INDICATORS on the environment:

**Indicator K 1. Proportion of men and women in the decision making institutions at national level in the countries of the region**

This indicator will provide information on the percentage of women and men represented at decision making levels at national level in key institutions. This includes the different ministries entitled to address environmental/climate change, disaster prevention, energy, transport, and water issues.

The information of this indicator will show and measure the place women have in the decision-making level. The statistical information should refer to all the sectors above mentioned.

**Indicator K2. Proportion of women and men participating in the commissions and groups on environment in the parliaments**

This indicator will measure the participation of men and women at the decision making level regarding the environment and climate change issues at national public policy level.

**Indicator K3. Proportion of men and women at international level participating in the decisions on climate change**

This indicator will provide information on the participation of men and women in the different instances of decision on climate change at international level. It should provide information on the percentage of women participating in the Convention on Climate Change (UNFCCC), as part of the delegations of other instances related to this process such as the COPs, SBs and the SBSTA.

**Indicator K4. Proportion of women and men graduated from tertiary education: natural and technological sciences**

This indicator measures the proportion of women and men graduated from tertiary education on natural sciences, technology, physical sciences, engineering,

This indicator measures the proportion of women and men graduated from tertiary education within the domain of natural sciences, technology, physical sciences, environmental protection, engineering,

and other relevant for each country. Also, including post-graduates and researchers in these issues who are working in public institutions and eventually, those in the private sector.

## L. GIRLS

*Editing: Susana Chiarotti, CLADEM*

This area of concern which addresses the situation and condition of girls in the Beijing Platform of Action has nine strategic goals, oriented to the Elimination of all forms of discrimination against girls (L 1); Elimination of cultural attitudes and practices that damage girls (L 2); Promote and protect the rights of girls and raise awareness of their needs and potential (L 3); Eliminate discrimination against girls in education and in professional training (L 4); Eliminate discrimination against girls in the health and nutrition spheres (L 5); Eliminate the economic exploitation of child labor and protect girls who work (L 6); Eradicate violence against girls (L 7); Encourage the raising of awareness of girls and their participation in social, economic and political life (L 8); and Strengthen the role of families in improving the condition of girls (L 9).

On each of these goals, the States had to report (a) the progresses and follow-up carried out, along with examples of the measures taken, with figures, statistics and concrete data; (b) the obstacles, differences and challenges found since 2009 and (c) if they have introduced austerity measures/policies in their countries by increasing taxes, cutting on public expenditure or reducing public sector due to the economic crisis in 2007/2008; if they had, to what extent it has affected such measures/policies in each area of concern.

**The indicators suggested to the States were:**

- a) **Marital status of adolescent women between 15-19.**
- b) **Regarding education, the primary school teaching net rate, the gross primary school teaching rate and the gross secondary school teaching rate** will be measured. School attendance in population of 6-12 years old will also be measured, according to poverty condition, rural and urban areas; and school attendance of 13-19 year-old population, according to poverty condition, urban and rural areas.
- c) Child mortality rate for population under 5 years old and adolescent fertility rate.
- d) Regarding poverty of girls, the population living in poor households will be taken into account, according to age, urban and rural areas, and the fertility rate of the poor population by age, urban and rural areas.

The States of Latin America and the Caribbean, in general, did not strictly follow the suggested guide. The governmental reports are partial and in general, only refer to some of the goals of the area on girls. Some of the indicators were not answered, as the first one, which would allow measuring child adolescent marriage, except for

**Surinam and Guatemala**, the only countries which provided data on this issue. Most of the reports lack statistics. Another generalized trend is the provision of general information on childhood without disaggregated data or not specifying the situation of girls. The lack of specific programs for the fulfillment of the goals of the Beijing Platform of Action is alarming.

Some States, as **Costa Rica**, did not report on this area, but referred to it in along the report. **Cuba and Barbados** directly omitted the area without explaining why. **El Salvador** briefly explains that girls as "group in a situation of vulnerability" benefit from several programs "but not in a specific way". **Cayman Islands** did its report in two paragraphs without including gender perspective, addressing children in general, as well as **Dominica**. Other countries, such as **Honduras, Nicaragua and Peru**, did not submit their revision reports on Beijing+20.

On the other hand, when comprehensively reviewing governmental reports, the area of girls is the least developed. This is alarming because the conditions in which they live in their childhood will determine their lives and development, and their empowerment and education free of discrimination depends on the construction of a more equal society.

### Advances made

Several countries reported on the policies and programs that represent advancement in this area. However, we should highlight that most of the advances are on the legal framework and the statement of policies and programs, but the impact on girls' lives cannot be measured due to the lack of statistics.

In **Antigua and Barbuda** strategies were developed, such as presentations in schools and campaigns to eliminate harmful cultural attitudes and practices against girls. The Project Innocence is campaign targeted to victims and their families to denounce child abuse and reduce stigma and embarrassment it causes.

**Argentina** passed laws to punish violence against women including girls and also a Law on Grooming, which includes that criminal classification in the Penal Code.<sup>203</sup> It also has a law promoting the incorporation of women in Technical Training. In 2011, the vaccine against HPV was incorporated, and it is currently available in all the public health centers of the country for free. Another law forbids that in public or private schools adolescents who are pregnant or breastfeeding do not face obstacles to attend school. In 2013, Law 26.847 on Child Labor Exploitation was passed, which incorporates article 148 bis to the Penal Code by which the person who violates the national law forbidding child labor with 1-4 years of imprisonment, as long as the event do not imply a more serious crime.<sup>204</sup>

In **Bolivia**, the implementation of the Juancito Pinto Bond increased the percentage of the female school attendance rate to 83.45%, being the male rate 83.63%. Several programs implemented to fight malnutrition resulted in the reduction of the percentage of the population under 3 years old with chronic malnutrition from 41, 7% in 1989 to 18, 5% in urban areas and 25, 9% in rural areas, in 2012. The year 2012 was declared "Year free of violence against childhood and adolescence in the State of Bolivia", and in this context, many raising awareness actions to eradicate violence took place.<sup>205</sup>

**Brazil** created the Inter-Ministerial Commission to Fight Sexual and Commercial Exploitation of Girls and Adolescents, with the mandate of supporting the construction of a fighting policy of sexual and commercial exploitation. May 18th was declared National Day to Fight against Sexual Violence against Girls and Adolescents, established to promote a high sensitization on the issue. There is also a free line, *Disque 100*, to denounce sexual abuse and exploitation against girls and adolescents. The campaign "true love: a gesture against sexual exploitation" was launched, with the support of artists, business people, athletes and other personalities. In 2013, the National Plan to Fight Violence against Children and Adolescent was launched. The Federal Government has mobilized the productive sector into actions to fight the sexual exploitation of children and adolescents, promoting the "Declaration of the corporate commitment to fight sexual violence against children and adolescents", which was supported by almost 150 companies in the campaign "Companies against exploitation" and the creation of the National Committee of the convergence agenda against the sexual exploitation of children and adolescents in big undertakings.<sup>206</sup>

In **Chile** a hot line to assist girls victims of violence was created by the National Service on Minors (SENAME). In 2013, the First Service Advisory Council of Boys, Girls and Adolescents was created, to provide direct counseling to the National Director in charge of protecting the rights. It is composed by 24 boys and girls, out of which 58, 3% are women, two being part of the board. 4 out of 8 spokesper-

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<sup>203</sup> Código Penal Argentino, artículo 131: "Será penado con prisión de seis (6) meses a cuatro (4) años el que, por medio de comunicaciones electrónicas, telecomunicaciones o cualquier otra tecnología de transmisión de datos, contactare a una persona menor de edad, con el propósito de cometer cualquier delito contra la integridad sexual de la misma."

<sup>204</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Argentina\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Argentina_Beijing_20.pdf)

<sup>205</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Bolivia\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Bolivia_Beijing_20.pdf)

<sup>206</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Brasil\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Brasil_Beijing_20.pdf)

son from the regions are girls. In 2009, SENAME along with the Ministry of Internal Affairs, the National Police and Gendarmerie and the Women's National Service signed an Inter-sector Agreement for the adequate attention to the collateral victims of femicides. In 2011, 21 girls were assisted for this cause; in 2012, the figure increases to 96 and in 2013 to 98, an extension of the policy which included the children under legal age of the women victim of a frustrated femicide and the aggressor. In 2011, the Penal Code included the crime "Grooming" or cyber-harassment to protect boys, girls and adolescents surfing the Web and another law was passed, forbidding and punishing bullying in the legislation of the Ministry of Education.<sup>207</sup>

**Colombia** states that chronic malnutrition has been reduced but it does not support the statement with figures. It also highlights the Comprehensive Care Program of the First Infancy in the framework of the national strategy "From zero to forever", but it does not include any specification on to what extent it impacted on girls.<sup>208</sup>

In **Ecuador**, the care model in Childhood Centers Buen Vivir (CIBV) and Creciendo con Nuestros Hijos (CNH) aim at guaranteeing equality of rights for girls and boys, encouraging gender policies promoting equality of rights, by making boys and girls perform the same activities, enjoy and use the same spaces, materials and games, and learn to share activities and spaces free of exclusion and sexist games. October 11 was declared the National Day of Girls. From the Council of Boys, Girls and Adolescents (CNNA) along with the International Plan the campaign "Por ser niña" was promoted, which aims at raising awareness to the fact that girls are more prone to not attend school, they devote more time to household work and care giving tasks; they are more exposed to adolescent pregnancy, among others. Over the time, the inclusion of girls in schools is prioritized. The National Survey on Child Labor carried out in 2012 was able to diagnose the conditions and circumstances that force girls to actively participate in the labor market and in household tasks.<sup>209</sup>

**Guatemala** reports advances in the education of girls, because there is an increase in their presence in pre and primary school; in the basic cycle, school drop-out has decreased. On the other hand, the rate of approval of girls has increased in primary school and the gap between girls and boy has decreased. Guides for teachers and social actors for the prevention of human trafficking with labor exploitation and forced labor purposes, in coordination with the Secretariat against Sexual Violence, Exploitation and Human Trafficking. It has elaborated the documents: Analysis on the situation of girls adolescents; Statistic compilation on the situation of girls adolescents and the Manual for the calculation of indicators of adolescent girls.<sup>210</sup>

**Guyana** submitted an extensive report on girls, along with statistics disaggregated by sex, although not all the programs mentioned are specifically on girls. Since 2007 there is a Clinic on Legal Help for children.<sup>211</sup>

**Jamaica** passed a law in 2009, on the Prevention of Child Pornography, which criminalizes the production, import, export and distribution of child pornography and establishes punishments of up to 20 years of prison and high fines to ensure the protection of girls who are the main victims of this crime.<sup>212</sup> The Institute of Gender and development Studies conducted the study on sexual safety and HIV/AIDS in three university campuses and four secondary schools, which identified special risk factors for girls, mainly early abuse, gender violence and unplanned pregnancies.<sup>213</sup>

In the case of **México**, there is a fairly extensive report but very general on childhood, mentioning in one line that some work has been done on adolescent pregnancy, but no more specifications are provided. However, these limitations are replaced by annexes with statistics which seem fairly complete. Among them, we can see that girls receive the same school breakfast as boys and the program for

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<sup>207</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Chile\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Chile_Beijing_20.pdf)

<sup>208</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Colombia\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Colombia_Beijing_20.pdf)

<sup>209</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Ecuador\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Ecuador_Beijing_20.pdf)

<sup>210</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Guatemala\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Guatemala_Beijing_20.pdf)

<sup>211</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Guyana\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Guyana_Review_Beijing_20.pdf)

<sup>212</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Jamaica\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Jamaica_Review_Beijing_20.pdf)

<sup>213</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Jamaica\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Jamaica_Review_Beijing_20.pdf)

under 5 years old in risk who do not attend school. The number of employed adolescents who are not poor increased while the number of employed poor adolescents decreased;

How the motherhood impacts on economic participation or the time devoted by women and girl to provide care to others (which in women doubles the rate of men). Unfortunately, in most of the statistics tables, the age category 14-44 or 16-44, do not allow the adequate identification of the impact of girls and women on these indicators. An important data is that the budget allocated for equality between men and women increased more than 300%.<sup>214</sup>

**Panamá** reports several programs oriented to childhood and adolescence in general, without differentiating girls. One of them is the campaign "I'm not a toy", which aims at warning travelers who enter the country or transit passengers in the International Airport of Tocumen on the legislation against sexual exploitation of children and adolescents in Panama. There is no data or statistics that allow the verification of results.<sup>215</sup>

**Paraguay** implemented in 2010, the program "Hug", which aims at the progressive decrease of child labor in the streets, protect 8982 children (0-14 years), out of which 4247 are girls, which means 47,3% of the total and 2815 adolescents (14-17 years) out of which 1283 are women, which means 45,6% of the total. The Direction of Promotion of Well-Being of the Indigenous People of the National Secretariat of Childhood and Adolescence protects 343 children and adolescents in the framework of its Community Development Plan out of which 109 are girls, which represents 31, 8% of the total, and 16 women adolescents, which represents 4, and 7% of the total. Household work performed by minors or the exchange of house and food for domestic work, called "criadazgo", is considered as "dangerous child labor" according to the Presidential Decree # 4951/05, which establishes the list of dangerous child work. Legislation has set 14 years as the general age to access the adolescent labor market and 18 for dangerous work (there is no data on the effective implementation of this legislation). Moreover, there is a National Plan of Prevention and Eradication of Sexual Exploitation of children and adolescents (2012- 2017) passed by the National Council of Childhood and Adolescence by Resolution N° 02/2011 and a National Strategy of Prevention and Eradication of Abuse, Exploitation, Sexual and Labor Maltreatment 2010 - 2015.<sup>216</sup> The Ministry of Women has a register of adolescents (adult women) who were assisted for labor and sexual exploitation in different departments of the country, who were given shelter and comprehensive care.

The report of **Dominican Republic** do not provide information differentiated between boys and girls; it describes a series of programs oriented to childhood in general, except for adolescent pregnancies, for which a program for the prevention of it was launched through CONAPLUVI, with the support of the Ministry of Women, of Health, Education and Youth, the Office of the First Lady and the Vice-Presidency of the Republic, which received RD\$388 millions from the government for 2014. Likewise, a national literacy plan was implemented "Quisqueya Aprende Contigo", with the aim of reducing the illiteracy rate in the country from 9.7% in 2012, to 4% in 2014 and 3.5% in 2016, in people of 15 years old and more.

**Surinam** provided data on disabled children and the discrimination they suffer, as inadequate care or difficulties in accessing education and leisure. In 2008, a hot line was established to help children (123). The Ministry of Education has developed policies to eradicate the physical punishment in schools, as well as the exclusion of pregnant adolescents from school. Comprehensive sexuality education was included in the curricula and efforts were made to incorporate gender in education.<sup>217</sup>

The British colony **Turks and Caicos Islands** reports works done by NGOs, as the main responsible for promoting the rights of women and girls.<sup>218</sup> The Gender Unity coordinates with them and receives support from DFID Overseas to hold workshops on sexual abuse of children.

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<sup>214</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Mexico\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Mexico_Beijing_20.pdf)

<sup>215</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Panamá\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Panamá_Beijing_20.pdf)

<sup>216</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Paraguay\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Paraguay_Beijing_20.pdf)

<sup>217</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Suriname\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Suriname_Review_Beijing_20.pdf)

<sup>218</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Turks\\_and\\_Caicos\\_Islands\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Turks_and_Caicos_Islands_Review_Beijing_20.pdf)

The report from **Venezuela** makes no difference between boys and girls. Among the policies for childhood, it is worth mentioning the promotion of non-sexist language and the human right to good treatment through the Organic Law for the Protection of Children and Adolescents (LOPNNA) passed in 2007, apart from guaranteeing the full and effective enjoyment of rights and guarantees of children and adolescents. This new human right implies a non-violent raising and education, based on love, mutual understanding, reciprocal respect and solidarity. Unfortunately, there is no data to measure the result of policies for girls.<sup>219</sup>

In 2013 **Uruguay** established the same age to get married for women and men (16) through the Equal Marriage Law. Sexuality education was included as a cross-cutting axis in formal and informal education in all levels. There are different programs and law for childhood in general, specially law 2013 on healthy nutrition which monitors food at schools. There is no specific data of programs for girls and adolescents any statistics on girls.<sup>220</sup>

## Obstacles

By reviewing the governmental reports, we have observed that, although the problems stemming from discrimination suffered by adult women are listed, the situation with girls is not. The paradigm of childhood is in general male. Most of the countries reported on childhood, without identifying data on girls and boys. It is urgent that childhood be addressed from a gender-perspective. The consequences of this situation are the lack of specific policies for girls and the persistence of barriers to overcome inequality. For example, it is not the same to be a boy living in the streets than a girl. Girls are in the street for different reasons, they suffer the lack of protection in the same way, but they have different risks, however, girls are not included in the figures of childhood living in the streets.

The identification of obstacles to guarantee girls' human rights by the State is an unavoidable exercise and a first step for their removal. Many of the States did not report obstacles. This does not mean they do not exist. They might not have been detected or States might not want to reveal them. However, some countries have informed on them, which means an important effort that must be highlighted.

Regarding the first indicator: The marital status of adolescent women between 15 and 19 years old, which is related with early marriage, we could evidence in several countries of the region, the minimum age to get married is still 14 to 16. Regarding the second indicator: c) childhood mortality rate in people under 5 years old and adolescent fertility rate, we observed that Latin America is the only region in which some countries show adolescent fertility rates which instead of decreasing remain steady or increase. Currently, the adolescent fertility rate is 15-19 years old is 70,5 per 1000 live births.<sup>221</sup>

In **Antigua and Barbuda** despite of the efforts, discrimination against pregnant adolescents by their peers and school authorities persists. This situation forces them to change schools or to drop out for it after giving birth. Girls under 16 cannot access sexual and reproductive health services if they are not with one of their parents or guardian. Although this measure was taken to postpone the initiation age it has led to unconventional sexual methods to be sexually active<sup>222</sup>

In **Grenada**, the State recognizes that the patriarchal rules and traditions continue to limit the potential of girls that they represent a larger group among the children affected by sexual violence perpetrated mainly by male adults. Adolescent pregnancy is still an alarming problem.<sup>223</sup>

**Guatemala** shows figures of child marriage (under 15 years old: 513) and adolescents (15-19 years old: 6.733). At the same time, the number of malnourished girls is higher than malnourished boys, which could be the result of cultural stereotype that should be reviewed. The number of girls between 13-19 years who did not study or work is 280.913 while boys are 62.500. The inequality persists (and it could

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<sup>219</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Venezuela\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Venezuela_Beijing_20.pdf)

<sup>220</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe\\_Uruguay\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Uruguay_Beijing_20.pdf)

<sup>221</sup> "Mi vida, mi derecho, poner fin al Matrimonio temprano". ONU Mujeres, UNFPA, UNICEF y UNITE. 2012.

<sup>222</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Antigua\\_and\\_Barbuda\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Antigua_and_Barbuda_Review_Beijing_20.pdf)

<sup>223</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Grenada\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Grenada_Review_Beijing_20.pdf)



be partly the reason of the previous data) in the statistics on girls adolescents with unpaid work, which reaches to 242.310.

**Guyana** could still not eliminate the physical punishment which also affects girls, although in 2011 a law forbidding them in Childhood and Development Care Services. In a public survey, half of the society was in favor and the other half against physical punishment. Moreover, despite the preventive measures, more girls (60%) than boys (40%) experience or witnessed some type of abuse at home or in the community between 2009 and 2013.<sup>224</sup>

**Surinam** reports that while male adolescents are mainly victims of child labor, violence in the streets or drug abuse; girls and young people are victims of sexual abuse (90% of the reported cases, being abuse prevalent in the age range 0-14 years old), traffic, HIV transmission, domestic violence and early pregnancy. The problems of sexual and reproductive health, gender inequality and poverty are inter-linked. The only shelter for children sexually abused is always on the brink of closure due to the lack of funds. In the last 3 years a new trend on child sexual abuse was detected, through new information technologies. One of them is pornography through cell phones. Although punishments for child abuse have increased, there are no programs for the early detection and treatment of the victims. There is also an increase in adolescent motherhood from 15% to 17%; the majority of the pregnancies are unwanted and many end in unsafe abortions. Most of the adolescent mothers are out of school, they have little education, are unemployed and single. The difference in marriage age persists (15 years old for women and 17 for men). 11% of women between 15-19 are married or are in a civil union. Indigenous women or marron from the interior of the country go less to school than girls living in the coast. One of the causes might be early marriage or discrimination against young pregnant women or mothers at school, which in the end leads to school drop-out.<sup>225</sup>

The British colonies **Turk Islands and Caicos** show an increase in adolescent pregnancies and poverty rate of adolescent mothers. Many of these young girls do not go to school due to a discriminatory and strict administrative and bureaucratic rule.<sup>226</sup>

In addition to what countries report, we have reports and studies of the inter-governmental bodies and reliable sources.

The Committee on the Right of the Child (CDN) showed its concern to **Paraguay** due to the persistence of some practices that involve girls in pornography, which are culturally accepted, such as the participation of girls in the beauty contests, the publication of photographs of girls in the media and the realization of homemade videos showing sexual intercourse involving adolescents, which are sold in the streets without any legal restrictions.<sup>227</sup> Likewise, it recommended establishing and applying a legislative efficient framework to prevent and eliminate sexual infant tourism and punishing the social practice of "criadazgo" that should be compared to that of selling children.

The CDN also expressed its concern to **Panama** for the disparity in the minimal age to get married, which is 16 years old for boy and 14 years old for girls, and recommended to increase the age up to 18 for both sexes, in alignment with the recommendations of the CEDAW Committee. Likewise, it called the attention on a great number of adolescent pregnancies, especially among indigenous and Afro-Panamanian girls. They are also concerned about the lack of access children have to information on sexual and reproductive health and the lack of formal education in schools. On the other hand, the Committee expresses its deep concern by the changes proposed to the current legislation which aims at sending pregnant girls to institutions of special education, which is a serious violation to their rights.<sup>228</sup>

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<sup>224</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Guyana\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Guyana_Review_Beijing_20.pdf)

<sup>225</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Suriname\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Suriname_Review_Beijing_20.pdf)

<sup>226</sup> [http://www.cepal.org/mujer/noticias/paginas/3/51823/Turks\\_and\\_Caicos\\_Islands\\_Review\\_Beijing\\_20.pdf](http://www.cepal.org/mujer/noticias/paginas/3/51823/Turks_and_Caicos_Islands_Review_Beijing_20.pdf)

<sup>227</sup> Comité de los derechos del niño. Concluding observations on the initial report of Paraguay submitted under article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Committee at its sixty-fourth session (16 September-4 October 2013).

<sup>228</sup> Comité de los derechos del niño- CRC/C/PAN/CO/3-4-21 de diciembre de 2011

In the case of **Costa Rica**, the CDN expressed its concern on the high rate of early pregnancies (one out of five childbearing by mothers 19 years old and under); the risk of maternal death among adolescents (four times higher than adult population); the lack of access to legal abortion, the lack of guidelines to report physicians on when they can legally perform an abortion; the high rate of abortions performed in risky situations and the lack of adequate care after an abortion; the lack of emergency contraceptives in the official health system, even for the victims of a rape, in spite of the high incidence of rapes and the intra-family sexual violence; and the very low rate of condom wearing; the lack of sexuality education programs and the limited access of adolescents to sexual and reproductive information and health services.<sup>229</sup>

It is worth mentioning the concerns of the CDN on sexual abuses perpetrated by members of the Catholic Church worldwide under the authority of the Holy See<sup>230</sup>. In the Second Periodic Report by the Holy See (2014), the CDN pointed out that the denunciations of sexual abuse of children were not given the due priority as it has systematically preserved the Church and protected the perpetrators, even in some countries the Church representatives have impeded the efforts to let the denunciations be submitted before the civil authorities and extended the deadline for the prescription of child sexual abuse. The Committee expressed its concern in the case of a 9-year-old Brazilian girl who suffered an emergency abortion in 2009 to save her life after being raped by her stepfather and the Archbishop of Pernambuco punished his mother and the doctor who performed the abortion with excommunication. The Committee suggested the Holy See to review its position on abortion because it threatens the lives and health of girls.

In addition to the obstacles and challenges listed above, we'd like to highlight two situations that are also a mirror of other multiple underlying problems. We are referring to migrant girls and girls with disabilities.

### **Migrant girls**

The States, in compliance with the Beijing Platform, have the following goals, among others: eliminate the cultural attitudes and practices that harm girls; eliminate the economic exploitation of child labor and protect girls who work; and eradicate violence against girls. These obligations are infringed in the case of **migrant girls**, especially, when **they are alone**. Girls can migrate driven by their own will or they can be sent by their families. In the first case, the decision of migrating is driven by factors such as family reunion, being victims of persecution by organized crime (gangs, or drug or human trafficking networks); violence and exploitation; natural disasters; or maltreatment and abandonment of places of origin. From Central America, hundreds of girls arrive to **Mexico**, in order to stay there or to move forward to the **United States**.<sup>231</sup>

The second case occurs when families send their children abroad to work. A common example is that of rural families in **Guatemala**, which send their children abroad to work in the border state of Chiapas (Mexico) to support their families by sending money. They work in conditions of high vulnerability, generally as informal trade, household activities or they are victims of sexual exploitation. As migrant boys and girls who are alone cannot access to migration procedures, they always work in irregular conditions.<sup>232</sup>

Migrant girls, especially when they are alone, are more exposed to sexual abuses and human trafficking for sexual exploitation purposes by government officials, migratory authorities and organized criminals. When they are identified by migration officials and are under 12 years old they are kept in closed-door shelters, arbitrarily being deprived of their liberty. Young girls, whether alone or with someone, are arrested in the migration stations in Mexico. In general, there is no effective proceeding

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<sup>229</sup> Comité de los derechos del niño- CRC/C/CRI/CO/4- de agosto de 2011

<sup>230</sup> Comité de los Derechos del Niño- CRC/C/VAT/CO/2- 25 de febrero de 2014

<sup>231</sup> OEA- CIDH- Derechos Humanos de los Migrantes y Otras personas en el contexto de la Movilidad Humana en México. 30 de diciembre de 2013, página 98.

<sup>232</sup> Centro de Derechos Humanos Fray Matías de Córdova y Centro de Derechos Humanos de la Universidad de Lanús – Los derechos humanos de niños, niñas y adolescentes en la frontera México-Guatemala, 2012. Citado por op. Cit ut supra.

to protect migrant girls; there is a limited –and in some cases there is no– access to adequate health and psychological care or other judiciary support services.

Ixtepec (Oaxaca), the Delegation of the ICHR saw the arrival of a train from Arriaga (Chiapas) and was able to observe “the roofs and coaches crowded with migrants, including boys and girls in situations of high risk for their lives and personal integrity. The same situation was observed by the Relator in Tierra Blanca (Veracruz), where boys and girls waited lying on the side of the rails the arrival of the train without any type of protection”.<sup>233</sup>

Between October 2013 and July 2014 (10 months) a total of 61,581 Central American children and adolescents would have been apprehended in the **United States** out of which 14,591 would have been Salvadoran. In this context, at least 5,411 Salvadoran children and adolescents would have been deported from the US and Mexico between 2012, 2013 and 2014. This issue should be addressed from multi-cause perspective which puts emphasis on the causes that push children to migrate. Likewise, it is necessary to give steps towards an international protection in the journey and destination of migrant children through bilateral and regional agreements that also guarantee the family reunification without risks. Public policies should also be oriented to those children who are deported from **El Salvador**.<sup>234</sup>

The same report points out that only in 6 months, between November 2013 and June 2014, 13,282

Children from Honduras were apprehended in the South-East border in USA; and in January 2014, 4,557 deported children came back to Honduras, many of them coming from Mexico. The ICHR suggested **Belize** to adopt measures to protect the rights of migrants and avoid their criminalization, as well as addressing the serious condition of children who are alone.<sup>235</sup>

Apart from the obstacles and challenges listed above, we want to highlight two situations that are also a mirror of other multiple underlying problems. We are referring to **disabled and migrant girls**.

### Girls with disabilities

Around 12% of the population in Latin America and the Caribbean suffer a disability (12, 4% in Latin America and 5, 4% in the Caribbean). According to a study carried out in Brazil, Colombia,

Costa Rica, Ecuador, El Salvador, Mexico, Panama and Uruguay, Afro-descendant girls, followed by indigenous girls, account for the majority of children with disabilities.<sup>236</sup>

The barriers and obstacles girls face for a real inclusion are many: architectural, communicational, legal and attitudinal. In general, in the case of girls, they are aggravated because in addition to the disability, there are also discriminatory gender stereotypes.

*“In English speaking countries in the Caribbean, boys and girls with disabilities face the same challenges as in the rest of the world: problems in access to buildings, to information; stigma and negative stereotypes; discrimination and social exclusion, and lack of enough human and community resources for their rehabilitation and recreation. Many also suffer abandonment and rejection of their peers and of society. Usually, parents and guardians of children who do not suffer disabilities do not want their children to share the room with those who does. In all the countries of the Caribbean, there are special education programs and segregated schools are the rule. However, in Jamaica and Trinidad and Tobago there are projects that include children with visual and audition disabilities in secondary schools. These efforts will help them prepare for the real world”.*<sup>237</sup>

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<sup>233</sup> OEA- CIDH- Derechos Humanos de los Migrantes y Otras personas en el contexto de la Movilidad Humana en México. 30 de diciembre de 2013, página 99.

<sup>234</sup> CIDH, Comunicado de Prensa 86/14- CIDH culmina el 152º Período Extraordinario de sesiones. 15 de agosto de 2014.

<sup>235</sup> CIDH, Comunicado de Prensa 86/14- CIDH culmina el 152º Período Extraordinario de sesiones. 15 de agosto de 2014.

<sup>236</sup> CEPAL – UNICEF – Boletín Desafíos N° 15- noviembre 2012.

<sup>237</sup> Entrevista a la Dra. Inette Cambridge, Coordinadora de la Unidad de Estudios sobre Discapacidad de la Facultad de Ciencias Sociales de la Universidad de West Indies, Saint Augustine en Trinidad y Tobago, en op.cit nota 32.

When these girls are institutionalized, they also face other risks. In a recent report published by the OAS,<sup>238</sup> it is stated that in several countries *“the ratio hospitalized people/personnel in the institutions for children with disabilities could be of up to a hundred per employee. In these conditions, children are often left without supervision during long periods; by night there are full pavilions without monitoring or under the responsibility of one person. In such cases, physical and sexual abuses are frequent. The personnel not sufficiently trained can easily react violently. Overwhelmed officials can recur to violent measures to keep discipline, particularly when there is a lack of monitoring personnel.”*

Moreover, as there are no clear and disseminated protocols on denounce mechanisms, the professionals who work all day and verify signs of violence, do not have clear guidelines to denounce or are persecuted for doing it, which leads to the impunity of many abuses.

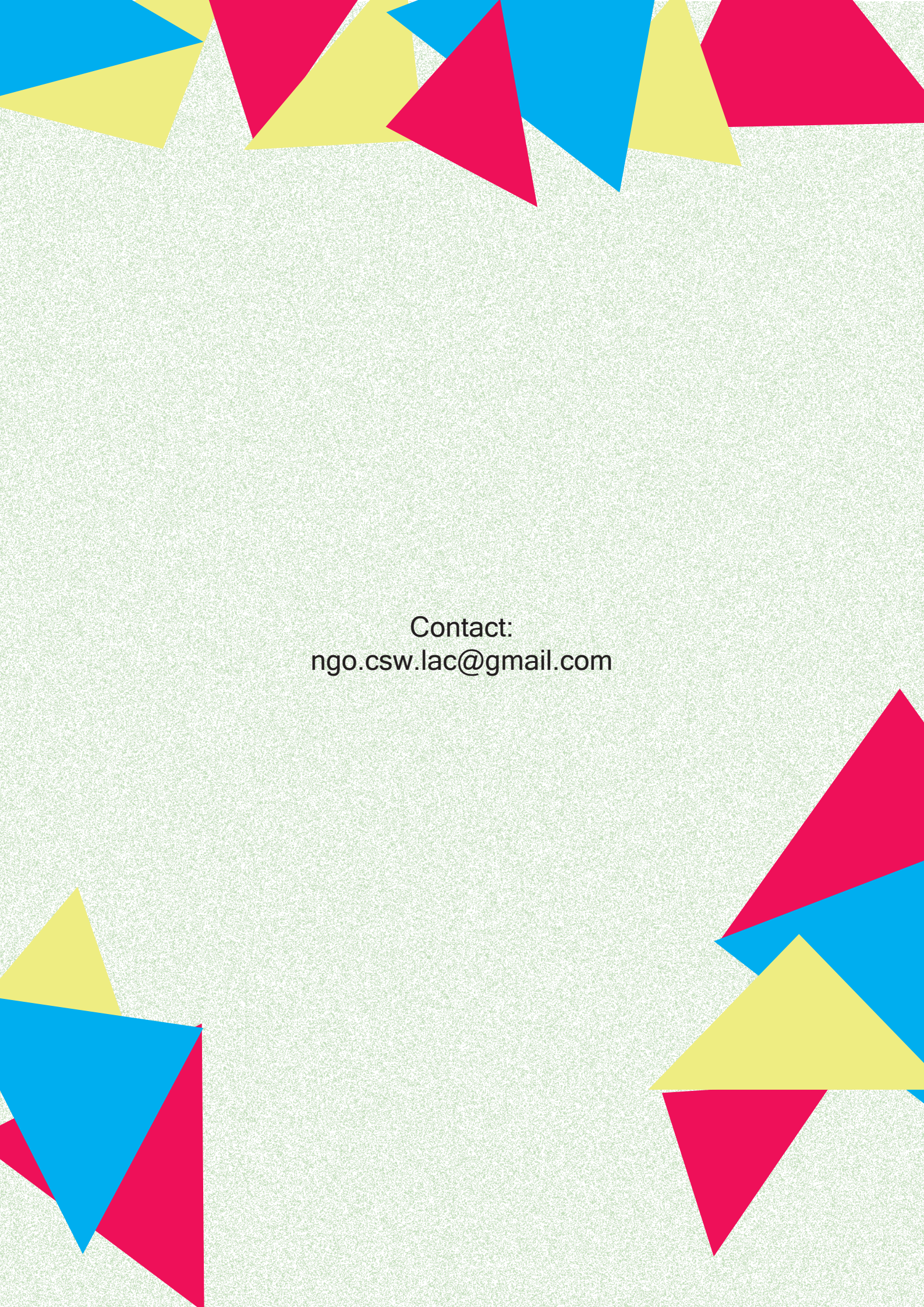
## Recommendations

- **Identifying the obstacles** that impede the normal development of girls, with a full exercise of their human rights, the right to education and of a life free of discrimination and violence in the family environment. Among other challenges, the gender perspective in policies for childhood should be included.
- Implementing **statistics systems disaggregated by sex** that allow knowing the real situation of girls.
- Designing **specific policies** to guarantee the elimination of all forms of discrimination against girls protect their physical and psychological integrity.
- Guaranteeing the **access to justice for girls who suffer incest sexual abuse** and other forms of violence.
- Setting the minimal **age for marriage at 18 years old** for both sexes, as recommended by the Committee on the Rights of the Child, and encourage policies to avoid early marriage and allow comprehensive education for girls.
- Implementing **protection measures for migrant girls** and studying and eradicating the causes that expel girls from their homes and communities, especially repeating the proposal of the ICHR, guaranteeing the international protection of migrant children in their journey and destination, through bilateral and regional agreements that ensure the reunification of families without risks and implementing public policies oriented to assist deported children.
- Comprehensively implementing the **Convention on the Rights of the Child and the Convention on the Rights of People with Disability**, given special attention to the protection of girls due to their situation of multiple discrimination.

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<sup>238</sup> OEA- Derecho del niño y la niña a la familia. Cuidado alternativo. Poniendo fin a la institucionalización en las Américas / [Preparado por la Relatoría sobre los Derechos de la Niñez de la Comisión Interamericana de Derechos Humanos. OEA/Ser.L/V/II. Doc.54/1, 2013.





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