

## 2. The Americas

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## 2.1. The Role of the Organization of American States and the Inter-American Commission of Women in promoting women's rights and gender equality in the Americas

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Inter-American Commission of Women

### Introduction

In recent decades, the Americas region has adopted countless binding legal agreements, political statements and declarations of commitment to the human rights of women and gender equality. These constitute a strong legal and normative framework for protecting and guaranteeing women's rights. The main difficulty, however, is implementation of national and international law, as well as constitutional guarantees of gender equality and women's rights, which are a precondition for making the rule of law a reality. Beyond formal or numerical parity, women continue to face limitations when it comes to participation in decision-making under conditions of equality and non-discrimination, as well as their ability to wield influence from a platform of unrestricted human rights and gender equality.

This chapter analyses the current status of issues related to gender equality and the political empowerment of women in the Americas. It concentrates on the work of the Organization of American States (OAS) to promote gender equality as a cross-cutting issue and the efforts of the Inter-American Commission of Women (Comisión Interamericana de Mujeres, CIM) to spearhead this agenda as instrumental to the advancement of democracy in the region. It also highlights the work of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), a systematic and permanent multilateral evaluation methodology based on exchange and technical cooperation between the states parties to the Belém do Pará Convention and a Committee of Experts.

**Box 3.1. The Organization of American States**

Founded in 1948, the Organization of American States (OAS) now has 35 Member States and is the leading governmental forum in the Americas in the political, legal, and social spheres. It has granted permanent observer status to 72 states, as well as to the European Union. The OAS is headquartered in Washington, DC.

<<http://www.oas.org>>

**Background**

The origins of the OAS date back to the First International Conference of American States held in Washington, DC, from October 1889 to April 1890. That meeting agreed to create the International Union of American Republics and thus began a process of weaving together a network of provisions and institutions that came to be called the ‘inter-American system’. The OAS was created in 1948, when the Charter of the OAS was signed in Bogotá, Colombia (OAS 1948). The Charter entered into force in December 1951. The OAS was founded with the purpose of achieving among its Member States ‘an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence’ (see Box 3.1). The OAS relies on four pillars to carry out its essential purposes: (a) democracy, (b) human rights, (c) security and (d) development. All four pillars are mutually reinforcing and horizontally linked through a structure that embraces political dialogue, inclusion, cooperation, and legal and monitoring instruments.

**Gender equality and women’s rights in the Americas: a regional overview**

While gender has traditionally been viewed as a dichotomy between women and men, gender studies in the Americas increasingly reveal a greater diversity and plurality of approaches. In this context, any analysis of gender equality must take account of the multiple realities of women, who cannot be considered as a homogeneous group. Gender inequality intersects with other aspects of identity such as socio-economic status, ethnic origin, age, physical and intellectual capacity, geographic location and migration status to aggravate exclusion. In addition, gender identity and expression, as well as sexual orientation, have become more fluid concepts.

The OAS General Assembly has adopted a number of resolutions on gender and diversity, including, for example, a June 2014 Resolution, ‘Human Rights, Sexual Orientation and Gender Identity and Expression’ (AG/RES. 2863 (XLIV-O/14)). In November 2013 the Inter-American Commission on Human Rights (IACHR) of the OAS established a Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) Persons in recognition of the particular obstacles this community faces in enjoying full exercise of its human rights. The exclusion of women and of LGBTI persons is a multidimensional obstacle to the exercise of their human rights and their full participation in economic, social and political affairs. This exclusion by state institutions with powers over decision-making, political representation and public resources calls into question the legitimacy of democracy and its capacity to represent a plurality of interests and demands.



In most countries in the region, the enrolment rate of women in all levels of education is equal to or greater than that of men, but these rates generally conceal the manner in which the intersection of gender with other aspects of identity continues to pose a barrier to participation in formal education (IACHR 2011a: 65). Specific circumstances—particularly poverty, adolescent pregnancy and violence against women and LGBTI persons in educational institutions—make it difficult to remain in school (CLADEM 2011: 17). Similarly, through their curricular material as well as their teaching practices, the education systems of the region continue to reproduce gender inequality and discrimination by transmitting, or failing to counteract, discriminatory standards and stereotypes concerning men, women and their social behaviour (IACHR 2011a: 65). In addition, although change is coming gradually, there is persistent segregation in higher education, as a preponderance of men pursue subjects such as the sciences, technology, engineering and mathematics.

As an exception to the global trend towards stagnation in women's participation in the labour market, in Latin America and the Caribbean participation has grown by 35 per cent since 1990. According to the World Bank (2014: 8), were it not for this increase in women's participation in the labour market the region's poverty rate would be 28 per cent higher than it is. In comparison to men, however, women continue to participate less in employment, particularly formal employment, and to experience higher rates of unemployment, informal employment in its various forms and precarious employment such as unregistered wage-earning, self-employment in low productivity activities and part-time work, particularly in the informal economy. Their average incomes are also lower under similar conditions of occupation and education (the gender wage gap) and they have less access to social security systems, property ownership and inheritance, land and credit, as well as less control over resources and services (CIM and International IDEA 2013c: 37).

One of the biggest obstacles to women's full economic, social and political inclusion is the persistent lack of shared responsibility between men and women in family life, as well as the failure of the state and the private sector to create a functional and sustainable care infrastructure. The bulk of the burden inherent in the right to care is borne by women, and this is a significant barrier to the full inclusion of women in the political, economic and social life of nations.

The concentration of women in caregiving, related employment and the informal economy has had a particular impact on global migratory flows and the situation of migrant women—a phenomenon known as global care chains (UN-INSTRAW 2007: 4). Global care chains create many jobs for migrant women but the work they perform is not valued either socially or economically, which contributes to the globalization of patterns of inequality and discrimination along gender, ethnic and class lines.

Since the entry into force of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) in 1994, its 32 states parties have made major efforts to build a world that is fairer, more equitable and more egalitarian for women. However, gender-based violence continues to affect one out of every three women. The work of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI) shows that much remains to be done to respect and guarantee the right of women and girls, in all their diversity, to a life free from violence. The high rates of violence and the many forms in which it manifests itself against girls and women—particularly when gender intersects with other factors such as ethnic origin, socio-economic status or physical and intellectual capacity—highlight the need to reinforce those efforts, as noted in the most recent reports delivered to MESECVI by states (MESECVI 2014).

## Democracy and the political rights of women: reflections on progress and the challenges of the Inter-American Commission of Women

The Inter-American Commission of Women (CIM) was established on 18 February 1928 by a resolution of the Sixth International Conference of American States in Havana, Cuba. In 1948, through an agreement signed during the Ninth International Conference of American States in Bogotá, Colombia, the CIM became a specialized agency of the Organization of American States (OAS), a status that it retains today. Since its creation, the CIM has played a fundamental role in promoting the political rights of women. The first goal of the CIM was to extend civil and political rights to women. To this end, the CIM promoted the adoption of the Inter-American Convention on the Granting of Political Rights to Women (1948), among other instruments. Also at the initiative of the CIM, article 4 (j) of the Belém do Pará Convention enshrines a woman's right to have equal access to the public service of her country, and to take part in the conduct of public affairs, including decision-making. Moreover, article 5 recognizes that violence against women prevents and nullifies the exercise of their political rights. The inter-American system has also reinforced the legal framework guaranteeing the full and equal participation of women in political life, as a fundamental element of promoting and exercising democratic culture, through such instruments as the American Convention on Human Rights and the Inter-American Democratic Charter.

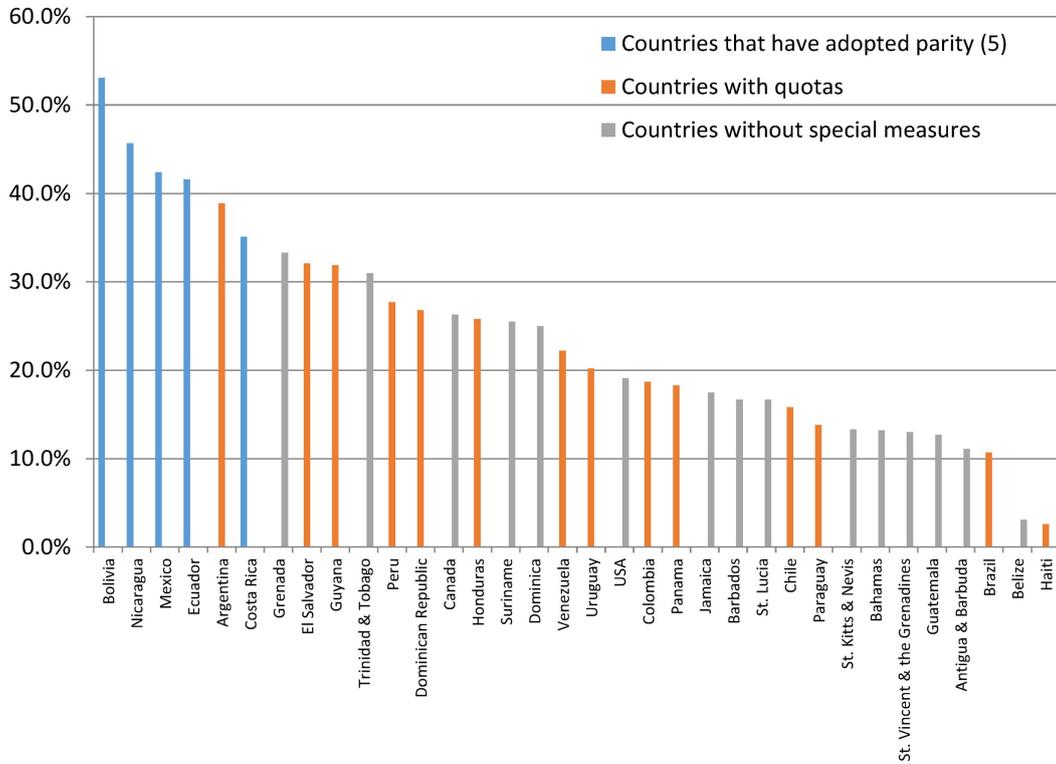
The wave of reforms that has led nearly all Latin American countries to adopt affirmative measures to favour the exercise of women's right to stand for election began in Argentina, which instituted the first gender quota in the region in 1991. Since then, with few exceptions, countries have been adopting gender quotas and, more recently, parity targets (see Figure 2.1). In many cases, quotas have had an important impact on increasing the number of women standing as candidates as well as the number of women being elected. Nonetheless, this mechanism has neither fully nor permanently resolved the problem of women's under-representation in public life. Thus, between 2009 and 2013 five countries in the region adopted parity objectives in their candidate lists: Bolivia, Costa Rica, Ecuador, Mexico and Nicaragua. With the exception of Costa Rica, most countries enshrined parity at the highest possible level, establishing it in their constitutions.

Progress with respect to women's representation in public arenas has been notable in many respects but a closer look shows that achievement has been uneven and in the majority of cases insufficient, and that there has been some backsliding. In all the countries of the Americas, women continue to be under-represented in public life, particularly in the political sphere, and especially in positions of political power. Thus, in the democratic history of the region, only eight countries (Nicaragua, Panama, Chile, Argentina, Costa Rica, Brazil, Jamaica, and Trinidad and Tobago) have elected a woman to the highest position of government. Moreover, the election of female presidents is a recent phenomenon, confined mainly to the past decade.

As a result of quota and parity measures, women's presence in the legislative branch has increased in recent years (see Figure 2.1) and as of January 2017, the average for the Americas region was 28.2 per cent elected to the lower chamber, which means that it is ranked second in the world.



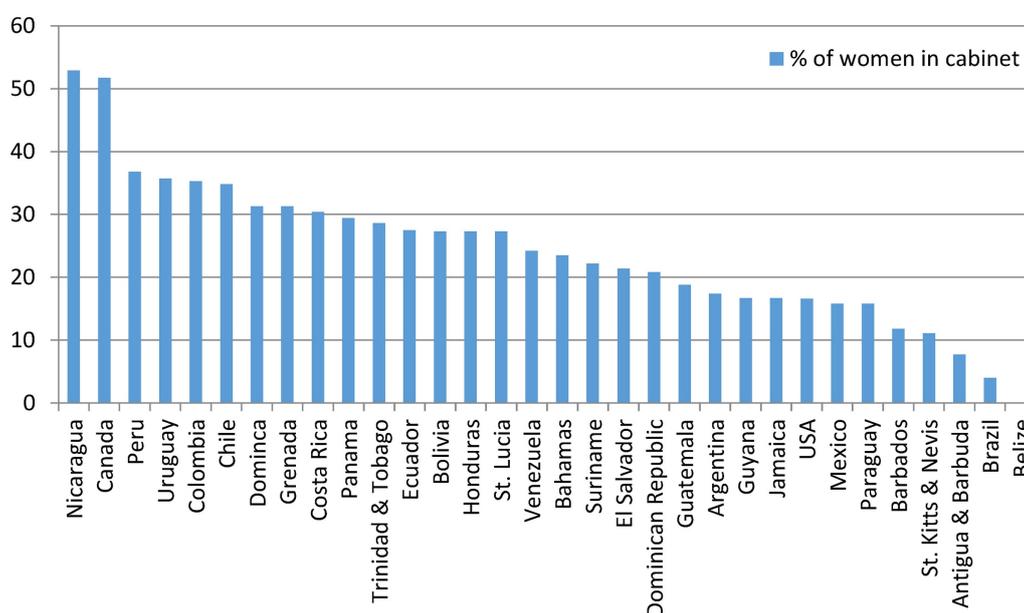
**Figure 2.1. Percentage of women in parliament (lower chamber) in the countries of the Americas, 2017**



Source: Prepared by OAS, based on data from Inter-Parliamentary Union, <<http://www.ipu.org/wmn-e/arc/classif010117.htm>>, accessed 28 March 2017.

The average proportion of women in the executive branch in the Americas is 24 per cent (IPU and UN Women 2017). This regional average conceals differing realities from one country to the next. Thus, in most countries that have adopted parity targets for women in legislatures, there is still a notable gap between these legislatures and the proportion of women in other state institutions.

Figure 2.2. Percentage of women in ministerial positions in countries of the Americas, 2017



Source: Prepared by OAS, based on data from IPU and UN women, 2017 <<https://www.ipu.org/resources/publications/infographics/2017-03/women-in-politics-2017>>.

Notes: No data available for Haiti; data for the USA obtained from <<http://fortune.com/2017/03/10/trump-administration-jobs-women/>>.

At the municipal level, the data shows that women's participation in elected office remains low, especially in 'single-person' positions or those filled by a majority vote. As a regional average, only 12.3 per cent of mayors are women. This percentage has been increasing very slowly but once again conceals wide disparities between countries, from Guatemala (2.1 per cent) to Nicaragua (40.1 per cent). In addition, 27.3 per cent of municipal councillors are women, ranging from 8.8 per cent in Guatemala to 44.1 per cent in Bolivia. Finally, 29.1 per cent of the members of the senior judiciary in Latin America are women. The variation among countries remains important, contrasting countries that have achieved parity or close to it, such as Venezuela (53.1 per cent) or Ecuador (45 per cent), with a country such as Uruguay, which has no female judges in its highest court (ECLAC Gender Observatory).

With few exceptions, governmental or legislative responses to the problem of the public exclusion of women have been confined to the right to be elected to parliaments, and few legislative measures have been adopted to ensure balanced representation of women and men in all spheres of public life and politics, such as the judiciary, the executive branch or public enterprises. The greatest advances in terms of the number of women in parliaments are the result of well-regulated parity or quota laws that include position mandates and effective penalties for non-compliance, but such parliaments exist in tandem with those in which women are virtually absent because of defective regulation of the quota or its incompatibility with the electoral system. Similarly, legislative provisions rarely go beyond ensuring women's access to public institutions, overlooking the fact that women face discrimination and gender violence once they have gained access to public life, preventing the effective exercise of their political rights.

There is a solid consensus on the leading role that political parties must play in promoting greater political participation by women and, despite this, the scant efforts parties have made



to promote women's political participation. Data from International IDEA and the Inter-American Development Bank (IADB) show that on average, women account for 10.2 per cent of political party presidents and 12.9 per cent of general secretaries (International IDEA and IADB 2015). The percentage of women in the highest national executive positions has increased somewhat more, to an average of 20.4 per cent. Moreover, the analysis of functions occupied by women in management bodies indicates that they are absent from the areas of greatest importance, such as the economic and treasury domains or as vice presidents and secretaries of organizations. In other words, the more powerful the position, the less likely it is to be held by a woman, even when women form half the membership of political parties.

With the adoption of parity targets, which has brought unprecedented levels of women's representation to the region, there has been a concomitant increase in discrimination and violence against women in the political sphere. In other words, a greater openness by democracies to the inclusion of women through the adoption of important measures such as parity has gone hand-in-hand with resistance from multiple sectors.

The use of sexual violence against female candidates, the burning of women's campaign materials, the insults and deprecations based on gender stereotypes levelled at even the most senior female authorities, attacks on the integrity of defenders of women's human rights and the violent messages and threats that many women in public office receive through social networks are just some examples of the human rights violations that women face in exercising their political rights. Despite, or perhaps because of, these obstacles, political violence against women is today a problem that features increasingly on the public agenda. In 2012, Bolivia adopted a special law—the first of its kind in the world—after a female municipal councillor was assassinated for political reasons. Legislative initiatives in this area have also been presented in Costa Rica, Ecuador, Honduras, Mexico and Peru. In Mexico—a federal country—the states of Baja California, Coahuila, Campeche, Jalisco and Oaxaca have approved reforms to the laws on violence against women to introduce the concept of political violence, and some have incorporated criminal penalties.

Also important is the scarcity of measures to promote women in all their diversity in the region, particularly indigenous women and women of African descent, whose participation remains one of the great challenges on the agenda of the countries of the Americas.

Finally, there is the problem of the lack of data on participation by women and men in public affairs. This shortcoming constrains the design of realistic policies in this area and hampers efforts to move beyond the electoral field. It also prevents governments from taking stock of the situation of women and men in positions of power in all sectors. In the San José Declaration, CIM delegates called for specific efforts 'to foster and strengthen, at the national and regional levels, the generation of harmonized statistical data disaggregated by sex and other relevant variables that can be used to facilitate comparative analyses of data aimed at shedding light on women's political participation with respect to their male counterparts, women serving in elected office at the federal and local government levels, as well as in public institutions and all branches of government'.

Although, as noted above, most of the measures adopted by states have been limited to promoting the conditions for electoral competition by women as a way of boosting their presence in parliaments, the international and inter-American legal framework on political rights is much broader. This gap highlights the need to continue efforts to harmonize laws and policies at the national level with the provisions of international conventions on women's political rights. Viewed from this broader perspective, there have been notable advances in recent years. Five countries in the region—Ecuador, Bolivia, Costa Rica, Nicaragua and Mexico—have adopted parity provisions on candidate lists and two—Panama and Honduras—are applying parity in the internal processes of political parties. The parity rules of Ecuador

and Bolivia have broadened the scope of parity to other institutions of government beyond the legislative and now include the local level. There is still, however, a regulatory vacuum on governmental positions at the international level. Nine Latin American countries (Argentina, Bolivia, Costa Rica, Ecuador, Honduras, Panama, Paraguay, Peru and Uruguay) have adopted measures to promote women's participation in the senior management bodies of political parties (Llanos and Roza 2015). Costa Rica has legislated for a requirement to observe parity in the membership of the managing boards of trade unions.

On electoral financing, Latin American countries have made progress under three different modalities (CIM and IDEA International 2013c): (a) measures that oblige political parties to earmark a percentage of the public funding they receive for the training and strengthening of women's political leadership (Brazil, Colombia, Honduras, Mexico and Panama); (b) measures that establish incentives for the election of women, whereby political parties receive a bonus geared to the number of women elected (Colombia and Chile); and (c) measures that establish an indirect financing modality through an obligation to allocate a portion of media time to female candidates (Brazil). Costa Rica is a special case in which political parties have a legal obligation to reserve a special fund for training women and men in gender equality and human rights issues.

In Costa Rica and Mexico, rulings issued with a gender perspective have provided effective protection for women's political and electoral rights and strengthened the legal framework on parity through the adoption of the so-called horizontal parity approach of applying sequential ranking of the electoral candidates on party lists.

The commitment of feminist organizations and women from political institutions, including international and regional organizations, and the forging of alliances has been key to explaining progress. An essential role has also been played by women from political institutions who have sponsored the necessary reforms to convert demands into policies or who have been at the forefront of the public agencies responsible for their application. Institutionalized partnerships and informal women's networks have also proved effective. In the first case there have been interesting experiments with the formation of 'women's benches' in parliaments, whereby women from different parliamentary blocs pool their efforts and work towards a common agenda that promotes women's rights and gender equality. The effectiveness of informal networks, although less studied, has also been recognized. One of the few documented experiments is the case of the women's network, *Red de Mujeres en Plural*, which has been and remains a key element in promoting gender parity in Mexico.

In this context, the CIM has addressed the issue of parity in the region from two dimensions: access to power and the conditions of exercise. This comprehensive perspective means, first, parity of access for women and men to all institutions of government, and particularly to positions of power, from the international to the local, and in general all organizations of public and political life, including political parties, trade unions and other social and political organizations. Second, parity must be directed at ensuring that the conditions in which women exercise their political rights and political power are free from discrimination and violence. These conditions refer, among other things, to political violence, the persistence of a culture of *machismo* within political parties, unequal access to political financing, discrimination against women in the communications media, the persistence of gender stereotypes and the difficulties of reconciling public and private life.



## The legal and regulatory framework for gender equality and women's rights

The legal and political framework for women's rights and gender equality in the Americas is the most solid in the world, after that of Western Europe (OECD 2010). Legally, women and LGBTI persons enjoy a broad range of rights under conditions of equality with heterosexual men. Nonetheless, as stated by UN Women:

in all societies, women [and LGBTI persons] are less powerful than [heterosexual] men and the two areas in which women's rights are least protected, where the rule of law is weakest and [heterosexual] men's privilege is often most entrenched are first, women's rights [and those of LGBTI persons] in the private and domestic sphere, including their rights to live free from [discrimination and] violence and to make decisions about their sexuality, on marriage, divorce, and reproductive health, and second, women's economic rights, including the right to decent work and the right to inherit and control land and other productive resources (UN Women 2012: 11).

For women, since the adoption of the Convention on the Nationality of Women in 1933, the Americas region has progressively guaranteed the rights of women in the civil (1952), political (1952) and economic, social and cultural (1966 and 1988) spheres. These guarantees were consolidated at the international level in 1979 through the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Since then, the region has continued its progress towards guaranteeing the full exercise of women's rights through agreements that address specific issues that present particular obstacles. These include treatment of the issue of violence against women in the Belém do Pará Convention or the multiple conventions of the International Labour Organization on such topics as equal remuneration (1951), discrimination in employment and occupation (1958), workers with family responsibilities (1981), the protection of maternity (2000) or decent work for domestic workers (2011).

In the Americas, the great gap in the guarantee and protection of human rights continues to be sexual and reproductive rights. Beyond general protection for physical integrity, health or maternity, people still have no guarantee of their rights to decide, exercise and control their sexuality or their reproductive function under conditions of equality, and free from discrimination, prejudice and violence. Beyond representing a violation in itself, this reality impedes the capacity of many persons, in particular women because of their biological reproductive function, to fully exercise their other rights.

**Box 2.2. Key dates in the development of the international legal framework**

1918: Right to vote. Women in Canada gain the right to vote

1928: Creation of the CIM. Sixth International Conference of American States (Havana)

1933: Inter-American Convention on the Nationality of Women

1948: Conventions on civil and political rights

1979: Convention on the elimination of all forms of discrimination against women (CEDAW)

1994: Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)

2013: Inter-American Convention against All Forms of Discrimination and Intolerance

**The role of the Inter-American Commission of Women**

The CIM was the first multilateral, intergovernmental body created to ensure recognition of the civil, political, economic, social and cultural rights of women. In its 90 years of existence it has become the principal forum for the debate and formulation of policies on women's rights and gender equality in the Americas. The CIM comprises an Assembly of Delegates; an Executive Committee, composed of the President, three Vice Presidents and five representatives of Member States, all elected by the Assembly; and the Executive Secretariat, which performs the Commission's administrative, technical and executive functions. The Assembly of Delegates is the highest authority of the CIM and its resolutions, together with those of the OAS General Assembly, guide the work of the CIM.

According to article 2 of the of the CIM Statute, the central mission of the CIM is 'to support Member States of the OAS in their efforts to comply with their respective international and inter-American commitments on women's human rights and gender equity and equality, so that they are converted into effective public policy, contributing to the full and equal participation of women in the civil, political, economic, social, and cultural spheres'.

Within the OAS, the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP) defines the cross-cutting dimensions of the CIM's role. The IAP stresses the importance of the adoption, in coordination with the CIM, of the measures necessary to ensure that a gender perspective is incorporated into all of the organs, bodies and entities of the OAS in the development of their programmes, projects and activities. It also stresses the need to ensure that a gender perspective is consistently incorporated into the preparation and application of international instruments, mechanisms, and procedures within the framework of the OAS, and particularly on the agendas of ministerial-level meetings; provide support for incorporating the gender perspective into the general programs of the OAS and the inter-American system; and put into practice measures that will ensure full and equal access for men and women to positions in all categories of the OAS system, particularly those at the decision-making level.



## OAS interventions at the regional, national and institutional levels

### Institutionalizing a gender and rights-based approach in the work of the OAS

As a complement to the legal framework, the approval of the IAP by the OAS General Assembly in 2000 represented a political consensus on the part of Member States concerning discrimination against women and the need to take action to advance their rights, to combat all forms of discrimination and to promote gender equity and equality. The IAP recommends that Member States formulate public policies, strategies and proposals designed to promote women's human rights and gender equality in all spheres of public and private life, considering their diversity and lifecycles, by mainstreaming a gender perspective; and it calls for the systematic integration of a gender perspective into all the organs and agencies of the inter-American system.

An internal evaluation conducted in 2010 found that after 15 years of work on incorporating a gender perspective within the framework of the IAP, there has been a discernible impact. The report found a general level of awareness in the OAS of the importance of gender equality and women's rights, and highlighted the growing body of knowledge and institutional expertise in specific areas. It also noted that there was still much uncertainty over the intention to incorporate a gender perspective, how to do so and who would be responsible for this task. Consequently, efforts to take gender equality and women's rights into account are still sporadic and depend to a great extent on the willingness of each employee.

More recently, on 7 March 2016 the OAS adopted the General Secretariat's Institutional Policy on Gender Equality, Diversity and Human Rights. The policy is intended to advance equality in the exercise of rights, equal opportunities and equal treatment in all the work of the OAS by strengthening its management, culture and institutional capacities. An Action Plan for implementing the policy was launched by the Secretary General of the OAS in October 2017, as the result of an organization-wide Participatory Gender Assessment.

Mainstreaming efforts by the CIM in recent years have included:

- Awareness raising workshops and basic and area-specific training for OAS staff on gender and gender analysis, with the participation of OAS officials.
- Preparation of the Handbook on Mainstreaming Gender Equality in the OAS Project Cycle (OAS 2010a).
- Technical assistance and ongoing thematic advice to various bodies of the OAS on the process of preparing and implementing policies, programmes and projects, including those related to high-level meetings and ministerial meetings. This includes coordination with the OAS Planning and Evaluation Department to ensure the integration of a gender perspective and women's rights approach into the project cycle. Greater pressure from donors and a gradual change in OAS staff mentality has led to a considerable increase in the demand for technical advice and support from the CIM.
- Development of capacities in the area of gender and women's rights, targeted at staff of the OAS and other organizations, through the preparation and delivery of online courses, as well as the establishment of the OAS Community of Practice (CoP) on Gender Equality, comprising OAS staff and consultants trained on gender matters.

- Adoption of the OAS Institutional Policy on Gender Equality, Diversity and Human Rights in 2016 (see above) and the subsequent Participatory Gender Assessment on Gender Rights and Diversity in the OAS, the principal objective of which was to identify ways to correct the asymmetries in the Organization in order to strengthen the objectives of equity and equality in policies, programmes and projects, as well as in the human resource management practices and the culture of the OAS and which noted that the OAS has accumulated considerable experience and succeeded in mainstreaming measures and actions to promote equality in programmes and projects, but not in addressing organizational change to the same degree.

An essential part of the CIM's efforts to institutionalize a gender and rights-based approach in the work of the OAS is its ongoing offer of online training for OAS staff, officials of Member States and other interested persons, including virtual courses on the rights and gender equality approach to policies, programmes and projects, strategic planning with a gender perspective, communication, gender and human rights, and public policies and gender justice.

### Box 2.3. Awards promoting gender equality and recognition of women's work

- **The Inter-American Award for Innovation in Effective Public Management** (Department for Effective Public Management) aims to recognize, encourage and promote innovations in public management in the region. It includes as criteria the gender perspective and the categories of social inclusion and innovation in promoting the gender equality and rights-based approach.
- **The Competition on the Use of ICTs to Prevent and Eradicate Violence against Women** (Inter-American Telecommunications Commission) aims to recognize the best contributions and examples of leadership concerning the use of ICTs to help prevent and eradicate violence against women.
- The awards for **Outstanding Women in the Maritime and Port Sectors** (Inter-American Committee on Ports) recognize the professional career of outstanding women in the maritime and port sectors, including their substantive achievements as well as their participation, contribution and leadership for integral development of the peoples of the Americas.
- **The High-Impact Woman Entrepreneur Award** (Young Americas Business Trust) focuses on women's projects that have had an impact in Latin America in the areas of education, decent employment or labour capacities. It highlights criteria such as leadership, and scalable and adaptable business models with an impact on society.
- **The Woman Innovator of the Americas Award** (Young Americas Business Trust) rewards criteria such as leadership, scalable and adaptable business models with a social impact. In 2016, this recognition was part of the 11th Edition of the Talent and Innovation Competition of the Americas (TIC Americas), held in partnership with the World Bank.

### Notable institutional practices for promoting gender equality and women's rights in strategic areas

The annual reports of the Secretary-General on implementation of the IAP in the organs and agencies of the General Secretariat and the autonomous agencies of the inter-American



system reflect their ongoing commitment and activities not only to integrate a gender and rights-based approach—and, more recently, diversity—into their policies, programmes and projects, but also to achieve the full exercise of women’s human rights. This section highlights some, although not all, of the efforts of the OAS, which are noteworthy for their scope, sustainability and capacity for replication.

#### *Strengthening democracy from a gender perspective*

Since 2009, the Department of Electoral Cooperation and Observation (DECO) has been developing and implementing methodologies with a gender focus to collect information on the status of the exercise of women’s political rights in the electoral processes of the region. This has allowed it to deepen its analysis and make recommendations to member countries. Its *Manual for Incorporating a Gender Perspective into OAS Electoral Observation Missions*, applied to date in more than 30 observation missions, has created tools for observing the conditions for the exercise of men and women’s political rights in electoral processes. Quantitative and qualitative data are systematically collected on women’s participation in politics as voters, candidates, polling booth officials, supervisors and officials of electoral bodies. The manual *Observing Political-Electoral Financing Systems: a Manual for OAS Electoral Observation Missions* can be used to analyse the extent to which financing systems favour equity and transparency in electoral processes, both at the pre-and post-electoral stages, and how the components of the financing systems favour or prejudice the rights of women to vote and to be elected. It has been used in 30 missions.

The Methodology to Observe the Electoral Participation of Indigenous and Afro-descendent Peoples in Electoral Processes is geared to identifying the obstacles that these groups face in exercising their political rights, paying special attention to the barriers facing indigenous women’s political participation. The methodology was applied on a pilot basis in the general elections in Bolivia in 2014 and Guatemala in 2015, respectively. In both cases, specific recommendations were made to the electoral body.

DECO is also developing a Methodology for the Observation of Electoral Justice. It is expected to facilitate observation of the processes and mechanisms for the resolution of electoral complaints and pay attention to the degree to which international standards are reflected in the judicial structure, legal system and effective practices that govern the process and resolution of conflicts related to the right to vote, active and passive. In this context, the OAS will be able to observe whether there are in particular demands regarding the impact of women’s political rights and the mechanisms for resolving them.

The recommendations from the OAS Electoral Observation Missions (EOMs) on women’s political participation are focused on the creation and effective implementation of affirmative action measures (initially quota and alternation, and now parity with alternation). Similarly, targeted public funding (direct and indirect) as well as work within political parties to promote women’s leadership and candidacy has also been recommended.

The effectiveness of OAS EOMs has been measured through an independent study within the framework of the Global Integrity Project (OAS 2016). According to this research, which sought to measure the impact of EOMs by evaluating the effectiveness of the recommendations, ‘about half of the recommendations were implemented in whole or in part’. This important number of recommendations voluntarily received by Member States is a clear recognition of the Organization, and of this programme.

As part of its monitoring of OAS mandates to help strengthen peace, the Mission to support the peace process in Colombia (MAPP/OAS) was created in February 2004 to support the process of demobilization and reintegration of armed groups, and to accompany the peace efforts of institutions and communities. It is currently working on post-conflict

issues in the region with the communities and the institutions that have key roles in the post-accord stage and in peacebuilding. The efforts at institutional strengthening relating to gender and women's rights within the MAPP/OAS include approval of the internal manual on analysis with a gender perspective (2012) and the document *Línea argumentativa de enfoques diferenciales* [Argument for differentiated approaches] (2015), instruments that have helped to ensure that in the collection, systematization and interpretation of the monitoring information, special attention is paid to gender roles and relationships, to generate differentiated recommendations and proposals that will help promote gender equity and equality in peacebuilding in Colombia and provide technical and conceptual support for strategic and operational decision-making.

### *Strengthening human rights from a gender perspective*

In 1990 the Inter-American Commission on Human Rights (IACHR), a principal and autonomous body of the OAS responsible for promoting and protecting human rights in the Americas, began to create thematic rapporteurships to address certain groups, communities and peoples particularly exposed to human rights violations because of their vulnerability and the historical discrimination they have faced. Of the nine rapporteurships created, two have special importance in regard to gender and women's rights.

The Rapporteurship on women's rights was created in 1994 to review the extent to which legislation and practices in OAS Member States affect the rights of women and comply with the general obligations of equality and non-discrimination enshrined in international and regional human rights instruments. The Rapporteurship has given priority to two lines of action. The first was implemented in a cross-cutting manner, fostering the development of jurisprudence and legal standards in the context of individual cases in order to illustrate the application of a specific right at the national level. This resulted in approval by the Inter-American Court of Human Rights of a series of reports on the merits, admissibility and friendly settlement of cases where there were allegations of human rights violations with specific gender issues, and litigation of paradigm cases before the Court. The IACHR has also approved a series of precautionary measures in matters related to specific gender issues. The second line of action promotes respect for human rights obligations relating to gender equality and the rights of women in the Americas, with a specialized thematic focus. To this end, the Rapporteur has worked with the IACHR to prepare and publish regional and country reports with a human rights focus.

The Rapporteurship on the Rights of LGBTI Persons began operation in 2014, addressing issues of sexual orientation, gender identity, gender expression and body diversity. Its creation reflects the commitment of the IACHR to reinforce its work to protect, promote and monitor the human rights of LGBTI persons. The Rapporteurship conducts general monitoring of violations of the human rights of LGBTI persons in the Americas and raises the visibility of those violations. The Rapporteur works to address: (a) the prevalence of forms of violence against LGBTI persons, whether physical, psychological, sexual, economic or institutional; (b) compliance with the duty to act with due diligence, including the prevention, investigation, punishment and reparation of violations of human rights that affect LGBTI persons; (c) multiple forms of discrimination and intersectionality; and (d) obstacles to the exercise of the political, economic, social and cultural rights of LGBTI persons.

The Inter-American Program of Judicial Facilitators (IPJF) emerged at the end of the 1990s as a means of support for local judges in isolated communities. Judicial facilitators are leaders elected by their communities and trained by the programme to serve as mediators and conciliators and to lighten the workload and the costs of the justice system. They resolve



many cases more quickly and at lower cost than can be done via the judicial route. The IPJF has 12,433 facilitators serving some 6.3 million people in the Americas. The programme has included gender issues in training and discussion forums for more than 11,000 facilitators and in the degree course for more than 7,500 graduates; 42 per cent of its facilitators are women. The IPJF is implementing a strategy for mainstreaming gender and women's rights which (a) promotes the appointment of women as facilitators; (b) provides training on issues that are of particular interest to women, and on how to address them; (c) offers training on gender aspects to postgraduate justice operators; (d) develops gender equity policies in its technical team; and (e) promotes training of the work team in gender issues.

As part of its efforts to advance the region's commitment to gender equality and equity and the social agenda, the Inter-American Social Protection Network (IASPN) of the OAS Department of Social Inclusion has taken steps in collaboration with the CIM to enhance the capacities of social development ministries to adopt a gender perspective in their social policy, activities, and organizational culture and structure. Participatory Gender Assessments (PGA) have been performed based on lessons from the gender audits conducted in the region's labour ministries under the Inter-American Network for Labour Administration. CIM facilitators trained internal PGA teams to conduct a self-evaluation of their institutions in order to determine the level of gender mainstreaming in various fields, such as project design, human resource management, organizational culture and budgeting (Muñoz-Pogossian et al. 2016).

The OAS Universal Civil Identity Program in the Americas supports Member States to achieve the objectives of the Inter-American Program for the Universal Civil Registry and the Right to Identity. A project to strengthen the hospital registration system in El Salvador, Honduras and Paraguay in 2013–15 was designed to promote immediate registration and bring about a permanent reduction in the under-registration of births. Ten registry offices were established in public hospitals, and mothers and their relatives were made aware of the importance of the right to identity and the registration of births. These civil registry offices located in the hospitals compiled daily statistics, including statistics disaggregated by sex, and notations specifying the reasons for non-registration.

In terms of strengthening the capacity for comprehensive monitoring of the exercise of women's rights, in 2015 an Integrated System of Women's Human Rights Indicators (SISDEHM) was developed to facilitate assessment of women's rights in a given country, in the context of the international and inter-American agreements ratified by that country, and to identify persistent barriers to the effective exercise of those rights and ideally specific legislative, policy or programmatic solutions to eliminate those barriers. The SISDEHM has indicators for monitoring the full exercise of women's rights in seven areas: economic rights, the right to work and social security, education, health, sexual rights, reproductive rights and political rights.

Since 2000, the gender equality and the labour rights of women have been a fundamental part of the agenda of the Inter-American Conferences of Ministers of Labor (IACML), an effort promoted by the OAS, as the technical secretariat of the Conference. In 2006 the IACML and the CIM redoubled their efforts to integrate a gender perspective into the policies, programmes and operations of labour ministries. The outcome is reflected in the consolidation of the perspective of gender and women's rights in the political documents and a series of specific actions pursuant to the Conference, such as the preparation of studies, workshops and dialogues as well as participatory gender audits; as well as other bilateral cooperation between labour ministries, and between them and the national mechanisms for the advancement of women. A key element driving this work was the adoption in 2007 of the 'Strategic Guidelines of the 15th IACML for Advancing Gender Equality and

Nondiscrimination within a Decent Work Framework’ as a general framework for action and a roadmap that can be adapted and replicated in other sectors.

#### *Strengthening development from a gender perspective*

In the context of integral management of disaster risks, the Program for Risk Management and Adaptation to Climate Change (RISK-MACC) of the OAS and the CIM has produced a technical position paper, ‘Mainstreaming a gender and rights perspective in integrated disaster risk management in the Americas’ (CIM/CD/doc. 33/12). Because of discussions on the issue in the context of the 36th Assembly of Delegates to the CIM in Costa Rica in 2012, the first OAS political commitment to integrate gender equality and a women’s rights focus into integrated disaster risk management was adopted. The policy reflects the objectives, action priorities and principles of the Sendai Framework for Disaster Risk Reduction, 2015-2030, and focuses on groups in situations of vulnerability, among which women are frequently over-represented.

#### *Strengthening security from a gender perspective*

The OAS Hemispheric Security Observatory under the Department of Public Security (DPS) disaggregates information by sex in order to produce statistics on violence against women and to respond appropriately to the needs of countries in the region. At least 18 variables are disaggregated by sex, with a view to understanding the prevalence of crime and violence against women and the insecurity that they in particular experience.

Through the pilot project on ‘Preventing gender violence for social inclusion’ in 2013–14, the DPS set out to strengthen the police response at the community level to cases of gender violence by having women participate in the local security agenda. A training workshop on ‘prevention and action against family violence’, in Limón in October 2013, identified the need to reinforce local networks and cooperation among sectors and with the community on actions to prevent family violence and violence against women. As a result, a workshop on networks for family violence prevention in April 2014 (a) mapped existing community resources for joint action to prevent family violence; (b) provided male and female participants with tools for effective networking; (c) generated a plan of action between the police, the community and institutions; and (d) developed a small-scale community intervention as part of the learning process. This project was carried out in cooperation with the CIM and the IACHR, the National Women’s Institute and the police force of Costa Rica, as well as with the participation of male and female community leaders and local institutions.

In the context of the control of drug abuse, since 2010 the Inter-American Drug Abuse Control Commission (CICAD) has had a direct gender mandate flowing from its Hemispheric Drug Strategy (OAS 2010). Principle 3 of that strategy declares that: ‘Policies, measures and interventions to address the world drug problem should take gender issues into account’, while Principle 21 declares that treatment models ‘should consider the needs of different populations, taking into account factors such as gender, age, culture and vulnerability’. Similarly, the CICAD *Hemispheric Plan of Action on Drugs, 2016–2020*, includes among its objectives institutional strengthening, and the formulation, implementation, evaluation and updating of national drug policies and strategies that will be comprehensive, balanced, multidisciplinary and evidence-based—and must incorporate a cross-cutting human rights perspective with a focus on gender and emphasizing development with social inclusion (OAS/CIDAD 2016).

The Program of Alternatives to Incarceration for Drug-related Offenses, which CICAD has been implementing since 2014, seeks to draw on experience in various countries to offer



Member States a broad set of possibilities for designing and implementing policies that are feasible, effective and more respectful of human rights. The programme tries to document the differentiated impact of alternatives to incarceration—one of the clearest impacts is on population groups that are excluded and discriminated against, including women in a situation of economic vulnerability.

In 2013 the CIM organized a roundtable on women and drugs in the Americas, as part of the 43rd General Assembly of the OAS, to raise awareness of the issue, and as a complement published *Women and drugs in the Americas: A policy working paper* as a tool for guiding public policy on drugs (OAS/CIM 2014). The study was later complemented by *Women, drug policies and incarceration: A guide for policy reform in Latin America and the Caribbean* (OAS/CIM et al. 2016), which highlights the abuses of human rights that result from the arbitrary and excessive detention of women for non-violent drug-related offences.

### Mechanisms for monitoring international and regional commitments

The OAS has several mechanisms to support Member States in monitoring the implementation of normative frameworks. Of particular note with regard to women's human rights, gender equality and non-discrimination are the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI) and the Working Group to Examine the National Reports envisaged in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador, WGPSS).

#### Follow-Up Mechanism to the Belém do Pará Convention

The Belém do Pará Convention was adopted in 1994 and has been ratified by 32 of the 34 OAS Member States (excluding only Canada and the United States). It formalizes the definition of violence against women as a violation of their human rights and establishes the development of mechanisms for the protection and defence of women's rights in the struggle to eliminate violence against their physical, sexual and psychological integrity in both the public and the private sphere.

Created in 2004, the MESECVI is a systematic and permanent multilateral evaluation methodology based on exchange and technical cooperation between the states parties to the Convention and a Committee of Experts. It examines progress on the implementation of the Convention by the states parties, as well as the persistent challenges to an effective state response to violence against women. The Executive Secretariat of the CIM functions as the Secretariat of the MESECVI.

Of the 32 states parties to the Convention, 30 have participated actively in the Multilateral Evaluation Rounds of the MESECVI evaluation rounds, providing information to the Committee of Experts on state responses to violence against women. In 2013, the MESECVI published the first *System of Progress Indicators for Measuring Implementation of the Belém do Pará Convention* (OAS/MESECVI 2015), which are used during the evaluation rounds to measure state efforts to guarantee a life free of violence for women. With this information, the MESECVI has produced 100 national reports, 75 'shadow reports' containing information contributed by civil society organizations, three consolidated reports on implementation of the Convention, two reports on follow-ups to the recommendations of the Committee of Experts and one thematic report on sexual violence and child pregnancy. The Committee of Experts has made 152 recommendations to various state actors and others (all available on the MESECVI Webpage).

The states parties to the Convention have adopted a declaration on political violence against women. Similarly, the Committee of Experts has adopted declarations on femicide,

the prevention of violence, and violence against women, girls and adolescents and their sexual and reproductive rights.

Awareness-raising and training tools have been developed, such as the *Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Belém do Pará Convention* (OAS/MESCEVI, 2014); and the *Practical Guide to the System of Progress Indicators for Measuring the Implementation of the Belém do Pará Convention* (OAS/MESECVI 2015). Training has been provided for more than 500 people from different sectors in the region on topics such as the administration of justice from a gender perspective, the application of the Belém do Pará Convention and the use of the system of indicators.

### Working Group to Examine the National Reports envisaged in the Protocol of San Salvador

The Protocol of San Salvador was adopted in 1988 and has been in effect since 1999. It has been signed by 19 Member States, of which 16 have ratified it. As the Technical Secretariat of the WGPSS, the OAS Secretariat for Access to Rights and Equity provides technical assistance to states parties with preparing national reports on the progress made on complying with economic, social and cultural rights. Article 3 of the protocol contains the ‘obligation of nondiscrimination’ on grounds of gender or any other social condition. The presentation of the reports is organized according to a system of progress indicators defined for the seven economic, social and cultural rights, which includes a cross-cutting gender equity focus; and for monitoring the adoption of pioneering legal frameworks in the region. In addition, the states parties to the extent possible provide information disaggregated by sex. General observations and recommendations are made on the basis of this data.

The first round of national reports is now in hand, corresponding to the first group of rights under the Protocol of San Salvador, reported on by the states parties since June 2014. These reports are a key tool for recording progress in areas such as: (a) the encouragement and incorporation of women into paid domestic service; (b) recognition of the time contributed to unpaid domestic and caregiving activities by female heads of households with children; (c) special reparation measures, as in the case of pensions for the orphaned sons and daughters of female victims of domestic violence and for victims of violent offences; (d) the extension of maternity leave and allowances, such as parental subsidies; and (e) the inclusion of women in social security, both to formalize their working relationship and for the effective exercise of the protection that social security implies.

## Conclusions

Despite uneven progress in strengthening existing legislation and constitutional guarantees in the area of women’s rights and gender equality, the gap between policy and practice remains one of the major challenges to making the rule of law a lived reality for women. This implementation gap points to two urgent needs: (a) raising awareness and building capacity of policy makers and justice administration officials on the application of this legal framework; and (b) creating or strengthening mechanisms for monitoring and evaluating policies, programmes and other measures implemented on the one hand, and initiating discussion on this monitoring and evaluation process in regional and international agencies and in other spheres, on the other hand. The list of recommendations from inter-American, international and other bodies on how to meet both of these needs is exhaustive, but there is still a dearth of both the political will and financial and human resources needed to effectively implement these recommendations.



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## 2.2. Recommendations from the Americas consultations

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During the Americas consultation, held in Mexico City on 16 May 2017, participants discussed some of the possible solutions and direction that governments, civil society, and regional organizations should take in order to promote gender equality and women's political participation. Attendees produced the following set of recommendations:

1. Political parties should be at the center of any strategy to promote women's political empowerment, given their central role in candidate selection and policy development. Parties have historically favored men in promoting their candidacies and providing access to leadership positions. Establishing and enforcing quota laws within political parties is a first step in providing women a more equitable opportunity to enter the political realm. However, a cultural shift is also required in order to transform these highly gendered institutions. Cooperation from male political and party leaders will be essential in eliminating these barriers.
2. Quota laws must be strengthened and their requirements made more specific, such that parties are unable to, to exploit loopholes in their design, for example by placing women in secondary or alternative positions on ballots. In addition to policy reform, experiences across the region suggest that electoral bodies—particularly electoral courts—can improve incentives for compliance and impose sanctions for non-compliance in order to ensure the effective implementation of parity standards or quotas at both the national and local levels. In addition, quota laws should be extended to all realms of the political sphere: legislative, executive, and judicial.
3. While quotas laws have resulted in more women entering the political arena, legislation alone is not enough – cultural change is also required. Moving from quota laws to parity laws can help promote this cultural transformation. While quotas focus on the possibility of women being elected by mandating a certain share of female candidates, parity implies equal participation of women and men to all state institutions (legislative, executive and judicial) at all levels of government (national and local). Recognizing and addressing violence and harassment faced by female politicians is also crucial.



4. Targeted campaigns and programs should be developed to promote the leadership of young women, support the training of female candidates for office, and build alliances among key stakeholders, including politicians, civil society actors, and international and regional organizations. Furthermore, dedicated campaigns should also be conducted in rural areas in order to raise awareness among local populations as to the importance of women's political participation.
5. Stakeholders should do more to promote women's political participation at the local level. Such efforts should ensure that they work to incorporate women who experience multiple forms of disadvantage including indigenous women.
6. More work needs to be done to address problems with political financing and media coverage. Gender parity criteria should be applied to develop and strengthen regulations regarding the use of state resources to support the political campaigns of women and men, including access to airtime and other forms of press coverage. Specific funds might also be established to support women's campaigns.
7. Local politics should take greater priority in efforts to promote women's political participation. Systemic evidence needs to be collected to better understand the barriers encountered by women that prevent them from participating in local politics, taking into account different types of municipalities (rural, semi-urban, and urban), different electoral systems, and different income conditions.
8. Parliaments should consider introducing laws on political violence and harassment against women. Such legislation would impose sanctions on perpetrators and their accomplices guaranteeing women's right to participate in politics. Raising broader awareness of this phenomenon will also be important for deterring future violence and harassment.
9. Regional organizations should play a greater role in promoting gender equality and empowering women's political participation. To ensure state compliance with women's rights treaties, regional organizations should mobilize their mandates to pressure governments to complement with their treaty obligations—as well as to fulfil any commitments made in regional declarations. Regional organizations can also facilitate the exchange of best practices across countries, as well as provide crucial technical expertise to governments, politicians, and civil society groups seeking to promote women's political participation.