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## mujer y desarrollo

# **N**ational mechanism for gender equality and empowerment of women in Latin America and the Caribbean region

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UNITED NATIONS



Division of Gender Affairs

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## Abstract

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Since the 1990s, despite some setbacks, Latin American and Caribbean countries, have advanced in the process of setting up national mechanisms for the advancement of women and have managed to carve out a formal space in the state apparatus as part of the democratization process that has transpired in the region in the past few years. In the more developed countries in the region truly significant advances have been accomplished in recent years.

Crucial in this re-structuring of society have been the last four Regional Conferences on Women in Latin America and the Caribbean<sup>1</sup> called upon by ECLAC between 1997 and 2007 that have provided a privileged space for the drafting of a regional agenda and for the generation of new knowledge, perspectives and strategies to meet the challenges of emerging issues.

National mechanisms have shown increased leadership in achieving the gender agenda. However, political will has been uneven and adequate resources generally lacking, which has limited its capacity development and the mechanisms' efforts to impact a critical mass of support.

National mechanisms have emphasized the adoption of law reforms although there are evident efforts towards concrete practices and implementation strategies, capacity building, socialization of information, prevention and efforts towards the empowerment of women. Latin America has registered impressive gains and has been in the last decade the fastest growing region in terms of increase in the number of women in legislative positions.

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<sup>1</sup> Santiago de Chile (19-21 November 1997), Lima, Peru (8-10 February 2000), Mexico, D.F., Mexico (10-12 June 2004); Quito (6-9 August 2007).

The study examines the creation and development of new secondary mechanisms which have come to complement and support the efforts of the principal national machineries which have maintained their normative responsibilities of promoting public policies.

Factors such as state institutionality, respect for the rule of law, economic crisis and violent civil strife limit the effect that national mechanisms can have in transforming conditions and achieving cultural change. In some countries, there does not appear to be yet a clear understanding that gender equality is a matter of basic human rights and an essential element towards democratic development.

## Introduction

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In preparation for the fifteen-year review and appraisal of the Beijing Platform for Action, this study on the Latin American and Caribbean Region provides a critical analysis of the performance of the national mechanisms and other machineries in the region as they have evolved and transformed during the last few years. The study gauges the capacity of mechanisms to promote gender equality and women's empowerment as well as their ability to establish effective and efficient coordinating and collaborative methods with other significant actors from the government and civil society. The study identifies promising practices as well as internal and external factors that have allowed for notable achievements by the national machineries, and the gaps, challenges and constraints that have detoured the mechanisms from their mandates to promote gender equality, focusing on processes, procedures and trends.

The study considers the sociopolitical, economic, cultural and institutional context of the region (including sub-regions), the focus of which is a self assessment, in identifying trends and establishing an analytical framework that can provide ways to strengthen and provide support to the national mechanisms in order to better assure their success, effectiveness and efficiency in the attainment of their goals toward gender equality.

The study analyzed the Beijing +10 and +15 reports, 10 responses to the Questionnaire for collection of Information and Data to Support Regional Studies on National Mechanisms sent to all Members and associate members, and 15 personal and electronic interviews to ministers and heads of national mechanisms, parliamentarians, feminist leaders, heads of networks and organizations in the region as well as representatives from UN organisms. A large number of studies and regional reports, many published by ECLAC, were also analyzed.





## **I. Context: economic, political, social, cultural and institutional**

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Ever since the First World Conference on Women was held in Mexico City in 1975 and its adoption of a Plan of Action which included a statement on the need to establish national mechanisms to promote the status of women, this strategy has been reinforced at subsequent Conferences in Copenhagen, Nairobi and Beijing in 1980, 1985 and 1995 respectively. Although some Latin American and Caribbean countries established some type of mechanism for the advancement of women in the 1970s (Belize, Costa Rica, Mexico and Puerto Rico) and 1980s (Brazil establishing a separate entity, and the Dominican Republic, Nicaragua, Panama and Uruguay as part of a ministry), after the first two of these World Conferences, most of the countries (Chile, El Salvador, Guatemala, Haiti, Honduras, Paraguay and Peru) of the region established their respective mechanisms in the 1990s when the states were preparing for or immediately after the Fourth World Conference on Women in Beijing.. As a result, while most of the European countries created their mechanisms basically since the 1970s, the creation of national mechanisms in Latin America and the Caribbean was a relatively late and unequal phenomenon throughout the region.

The region underwent significant structural transformations that included, in some countries of the Southern Cone, the presence of antidemocratic and authoritarian governments characterized by human rights violations (Argentina, Brazil, Chile, Uruguay), while other countries in the Central American sub-region suffered long periods of internal strife and violent political struggles (El Salvador, Guatemala, Honduras, Nicaragua). This period coincided precisely with the Decade of Women as well as the Second and Third World Conferences on Women

sponsored by the international community in which the feminist and women's movements in the region played a pivotal and fundamental role. It is against this culture defined in many countries by a lack of democratic participation that the establishment of national mechanisms must be gauged.

It is to be noted that the feminist movement played a central role in the constitutional reforms that ensued once democracy was restored in the early 1990s (Argentina, Brazil, Colombia, Ecuador and Paraguay). These processes brought to the forefront of the public debate the responsibilities of the State in addressing social, political and economic inequalities. Together with the international pressures created by the World Conferences during the 1990s, the movement's presence and participation allowed for the creation and development of national mechanisms in that period. It is also significant that while the government exercised dictatorial means, the women's movement continued and externally, participatory processes that allowed for an alternative model of governance to be examined by the citizenry.

As the process of re-democratization and the peace efforts began to take hold, huge pressures from the International Monetary Fund, the World Bank and other financial institutions regarding the payment of enormous national debts and the accruing interests that ensued, forced the countries of the region to take drastic steps and curtail social spending, measures that negatively affected the most vulnerable segments of the population (i.e. women, indigenous peoples, children) and the growth and strengthening of the national mechanisms. These structural adjustments altered the functions, roles and responsibilities of the states, weakening them, privatizing what had been traditional and essential governmental responsibilities and affected the development and actions of the national mechanisms.

Against these difficult social and economic contexts, the mandates of the international conferences and agreements for the establishment of the national machineries for the advancement of women and for gender mainstreaming were a challenging endeavour. The policies of structural adjustments that the countries of the region were forced to adopt plunged many countries of the region deep into poverty and the Latin American region came to be the most unequal region in the world. Nonetheless, it is also to be noted that even in those trying times national mechanisms were able to achieve advances as legislation was adopted in several countries of the region concerning, most frequently, the issue of gender violence.

The national machineries in Latin America in the 1990s thus, were again discussed when many of the countries in the region were discussing the structure, role and functions, not only of the machineries for women, but of their newly re-conquered democratic national state amid a radical redefinition of the nature and function of the states and of civil society. Market economy, globalization, cultural changes and technological development created a new political reality and changed the way public policies were adopted. In this context, the United Nations Third and Fourth Women's Conferences and the women's movements impacted the governments in this transitional period and forced a new focus on those countries that considered irrelevant the government's participation in gender policies.

Nonetheless, since the beginning of the 1990 all the Latin American and Caribbean countries have advanced in the process of setting up national mechanisms for the advancement of women and have managed to carve out a formal space in the state apparatus. In the more developed countries in the region, huge advances have been accomplished during the last five to ten years.

A significant moment for the region in terms of the national machineries came after the Fourth World Conference on Women in Beijing in 1995 and the Platform for Action was adopted as it included, as one of its critical areas that required priority action from the Member States, the existence and strengthening of the national mechanisms for the advancement of women. For Latin America and the Caribbean, this Conference worked as a lightning rod that energized the feminist and women's movement and the governments into action. National mechanisms were created in almost all countries of the region, although much less so in the Caribbean, a sub-region to be discussed separately.

The Beijing Platform for Action changed the previous focus as it addressed "mainstreaming" as the principal task and principal focus of the agenda for the national machineries. Thus, while some

countries in the Latin American and Caribbean Region were still struggling with the basic first steps of establishing the mechanisms in the region as an integral component of the governmental structure, and had not even partially come to institutionalize in the State apparatus the existence and role of a national machinery for the advancement of women, the international focus changed and was no longer to identify the causes of gender discrimination and the formulation of new policies through reform but rather “gender mainstreaming” across and all through the governmental structure, undoubtedly at that moment, a formidable task (United Nations Division for the Advancement of Women (DAW), 2004; p. 9).

In the initial efforts of the 1990s, there were enormous differences between the different countries and sub-regions in terms of the national mechanisms created, not only as to the location and rank within the governmental structure, but more so in terms of the acceptance of their existence as a legitimate governmental entity and the roles, mandates and responsibilities entrusted to them. These differences had historical, cultural, political and economic explanations in the different sub-regions that must be brought to the table in any analysis as to their performance and effectiveness.

Since 1996 national mechanisms in various countries have suffered high degrees of uncertainty relative to their permanency in the Executive power (Plurinational State of Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador and Guatemala). Colombia set aside its Equal Opportunity Plan from its National Development Plan for the period 1999-2002, whereas Guatemala encountered the possibility of a merger. Plurinational State of Bolivia, on the other hand, debated the relevance of a national mechanism for women after the 2005 elections. Many national mechanisms have been able to consolidate their presence in the political spaces but still others exist precariously, threatened continuously by a decrease of resources or mergers with other ministries and political subdivisions. The dismantling of the state structure in some countries in the region, the still weak voice of an active citizenry in the establishment of the public agenda, the legitimacy of other problems such as political stability, development and governability sidestep the gender agenda in the greater national agenda. Moreover, removing gender disparities implied a huge challenge to the State as it meant changing priorities and re-distributing resources, eliminating discriminatory practices, laws, customs that have prevailed for centuries.

Crucial in this fundamental structuring of society have been the four Regional Conferences on Women called upon by ECLAC between 1997 and 2007 that have provided a privileged space for the drafting of a regional agenda that incorporates women’s visions, needs and demands.

This agenda is continuously being revised with shared experiences and with the inputs provided by diverse stakeholders. ECLAC Conferences have raised the gender agenda regionally, contributing significantly to the strengthening of the national mechanisms and for rigorous collective debate relative to women’s common aspirations for political equality and non-discrimination. Additionally, these Conferences generate new knowledge and articulate new perspectives and strategies to meet the challenges of emerging issues that impact women.

Most recently, after a very difficult economic period labeled a lost decade in terms of economic development, Latin America evidenced for the period 2003-2007 a major improvement, with an increase of almost 25% in economic indicators and a reduction of 9% in the poverty level (CEPAL, 2008). Nonetheless, the recent financial crisis (2008-2009) that has affected the markets worldwide threatens these recent gains. The steep increase in the food markets will most surely, again, increase the levels of poverty in the region and could be expected to affect the gender agenda and the stability of the national mechanisms and their plans of action.

Finally, it must be stated that some countries in the region have not adopted the CEDAW Protocol nor have they eliminated discriminatory practices relative to sexual orientation despite a greater universal recognition of human rights. Some heads of national mechanisms have had to resign their positions because of their express opposition to pressures against the ratification of some of these instruments. The ones that have been able to prevail have done so because of the direct support from the

President, the support of a strong women's movement and /or individual leadership from the head of the mechanism. The strong influence of the Catholic Church was and is a major factor in these developments.

## 1. The Central American sub-region

The Central American sub-region merits a closer differentiated analysis. It is comprised of seven countries: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. Except for Belize, which was an English colony up until 1970 when it acquired its independence, the rest are formally Spanish-speaking countries although half of the populations in some countries are indigenous peoples, mixed and/or descendants of Africans. Although independent states since the early 1880s, their modern political history has been impacted by an important presence of the United States in its economic and political processes, a huge influence of the Catholic Church in the establishment of their public policies and thus a weak state institutionalization. Although the influence of the Catholic Church permeates the entire region, there seems to be a greater impact in this particular sub-region.

For the first decades of the twentieth century dictatorships abounded in several of these countries that maintained the population in poverty and with no effective political participation. The effects are still evident today in the fact that voter turnout is extremely low in many countries of this sub-region and women's registration and voting participation are much lower still in countries with a large indigenous population. Guatemala, a country with a majority indigenous population, is a prime example. From an eligible voting population of approximately 13.3 million, 7 million of whom are women, only 6 million are registered to vote and of this total only 3.6 million exercise their right to vote. Men fare only slightly better, evidencing a deep distrust/lack of confidence in the political process. There are even higher levels of absenteeism in local elections as evidenced by the following voter turnout: 70% in Costa Rica, 60% in Nicaragua, 50% in Honduras, 47% in El Salvador (INSTRAW y AECID, 2006).

Several countries such as El Salvador, Guatemala and Nicaragua, as well as Panama to a lesser degree, suffered extended periods of dictatorships and violent civil wars that lasted for decades, with protracted peace processes that extended well into the 1990s. In Guatemala peace negotiations ended in 1996 after 36 years of civil war, whereas in El Salvador, a very small and poor country ended its peace negotiations in 1992 after 20 years of violent political strife. State institutionalization was questioned and government functions reduced dramatically throughout as poverty and unemployment soared, state resources slumped and the economy all but collapsed. Those factors greatly affected the national mechanisms capabilities of complying with its functions and mandates.

Costa Rica, on the other hand, although an integral part of the region, has had a very different history with democratically elected and stable governments, no military force or violent political struggles, thereby accounting for a higher level of economic and social development. These factors have significantly differentiated Costa Rica from the rest of the countries of this sub-region--a fact that allows for a comparative analysis of how political and social factors can and have direct influence in the development, strengthening and legitimacy of the national mechanisms.

International cooperation has been and still is considered by many as a key factor in this sub-region. In many instances UN entities and donors (mainly from some European countries) have been indispensable in the establishment, sustainability and development of national mechanisms and in the strengthening of important women's organizations and projects. National governments enter into cooperation agreements with donors that require the allocation of state funds and the establishment of specific objectives, programs and goals. As national governments perceive these international donors as important partners with significant economic power, priority is given to the compliance with agreements that have thus helped advance the gender agenda. On the other hand, it is a source of constant concern that this essential support also has its drawbacks since programs funded in this manner are always at risk of ending when economic support fails before permanent gains have been achieved.

It merits a special note that the heads of the Central American national mechanisms have been successful in establishing regional spaces that have been instrumental in the process of influencing and advancing the gender agenda. In 2001, the heads of the national mechanisms for women created COMMCA, the Council of Women Ministers for Central America, initially with the purpose of sharing experiences and strengthening their institutional legitimacy. As a second important step in mainstreaming gender issues and in influencing the adoption of gender public policies, the heads of the national mechanisms through COMMCA requested formal participation in the Central America Integration System (SICA), a regional coordinating entity where sectorial ministers from all the countries of the sub-region discuss and agree upon regional agendas and coordinate regional action plans. The results for COMMCA have been astounding in creating a regional spirit of collaboration that has allowed for the strengthening of the respective national mechanisms and noteworthy progress in legal reform, women's caucus and the establishment of a common agenda for the national mechanisms of the region.

## 2. The Caribbean sub-region

The Caribbean sub-region comprises a group of 14 Member States and 9 associate members<sup>2</sup>, all islands that form the arch from Jamaica to Trinidad and Tobago. Due to their history of colonialism they have been called "the imperial frontier" as almost all imperial interests at a given moment in recent history have politically dominated these islands for long periods of time: England, the Netherlands, Spain, France and the United States. The region is thus extremely diverse in terms of language, culture, race and ethnicity.

The larger countries, such as Cuba, Jamaica, Haiti and the Dominican Republic, have long standing political systems although very diverse and with a history that also includes dictatorships, some extended for several decades. Participatory democracies nonetheless are the defining political systems and state reforms have allowed for significant progress in terms of national machineries.

In the 1970s, during a process led by the decolonization efforts of the United Nations Decolonization Committee, many of the smaller islands obtained their complete independence or established diverse political relationships with the former metropolis that allowed for autonomous governments. It is interesting to note that this process coincided with the first World Conference on Women.

Since then, as full participants of the international community, the countries of the Caribbean, with the exception of those that lack international representation in United Nations forums though are associate members of ECLAC, have been signatories of international conventions, including the World Conventions on Women. .

The size, population, and resources of the governments of the Caribbean represent a challenge in terms of the establishment of national machineries as autonomous state entities. Nonetheless, associate members have achieved some level of compliance establishing structures usually as part of ministries and departments. Some have even been pioneers in the establishment of national machineries, such as Puerto Rico which established one in 1975.

Women's organizations, the establishment of formal and informal networks and the assistance from donors have been instrumental for many of the smaller countries in the advancement of the gender agenda and have allowed for significant progress in the drafting of Plans of Action, legal reform, and capacity building by training programs and tools for high level governmental officials. By 2000, even most of the smaller Caribbean countries had national mechanisms of some sort although still ascribed to sectorial ministries.

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<sup>2</sup> Nine non-independent territories in the Caribbean are associate members of the Economic Commission for Latin America and the Caribbean (ECLAC) - Anguilla, Aruba, British Virgin Islands, Cayman Islands, Montserrat, Netherlands Antilles, Puerto Rico, Turks and Caicos Islands, and United States Virgin Islands. See [http://www.eclac.cl/cgi-bin/getprod.asp?xml=/noticias/paginas/7/21497/P21497.xml&xsl=/tpl-i/p18f-st.xsl&base=/tpl-i/top-bottom\\_acerca.xsl](http://www.eclac.cl/cgi-bin/getprod.asp?xml=/noticias/paginas/7/21497/P21497.xml&xsl=/tpl-i/p18f-st.xsl&base=/tpl-i/top-bottom_acerca.xsl).



## **II. Evolution and trends**

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The Division for Gender Affairs at ECLAC has gathered in the last decade information provided by the member states of the region regarding the creation of new types of secondary national mechanisms which together with information from other diverse sources, allow for the identification and assessment of trends and the evolution of mechanisms in the region.

### **1. Trend: in the legal basis and location of the principal national machinery**

The legal basis for the creation of the first national mechanisms varied from one country to another. Some were initially created by legislation, others by presidential decree and still others under equality laws. In some instances, the mechanism was a commission created only for a specific task, such as the drafting of a national action plan in compliance with international commitments or to monitor CEDAW, but eventually became a more accepted fixture of government. Today only eight national mechanisms are not created by Constitution, law or decree, of which seven encompass the smaller countries in the Caribbean region.

The great majority of the national machineries that were first established in Latin America were established as commissions, divisions, bureaux and councils under specific ministries in the 1980s and 1990s. Frequently these were the line ministries responsible for the areas of social policies, such as family and health or education and human development, thereby suggesting a traditional look into women's issues as related to family and thereby motherhood. A significant change has occurred as the

agenda of the women's movement and of the national mechanisms has shifted focus towards a human rights approach that questions roles and policies from a gender perspective, denouncing discrimination, gender stereotypes and promoting structural transformations.

In the smaller, poorer and less developed countries, particularly in the Caribbean region, gender equality is still envisaged together with social policies (Dominica, Suriname, Trinidad and Tobago, Jamaica and Cayman Islands). Some machineries have suffered changes in the course of these last few years that caution as to a shift in priorities that could adversely affect the development of women's rights. In Barbados, the Bureau of Gender Affairs, has been under various ministries throughout its lifetime and from 2000 to 2008 was located under the Ministry of Social Transformation. After the 2008 elections, however, it was relocated under the Ministry of Family, Youth, Sports and the Environment and presently it is located under the Ministry of Youth, Family and Sports. This has prompted concern from some Bureau staff that the location suggested that gender is concerned basically with women's issues and is not seen in relation to economics, finance, and trade.

Still, a trend is evident in the Caribbean as can be seen in the adoption of Action Plans and strategies to mainstream gender across specific areas of work. Economic assistance from the international community and UN organisms has been instrumental in this process.

Some national mechanisms were, since their inception, located high in the governmental hierarchy, ascribed to the Office of the President or as a state secretariat. A few others were created with ministerial rank. The national machinery in Honduras, INAM, for instance, was created by decree in 1999 as a State Secretariat. As such, the Minister participates in cabinet meetings which allowed her theoretically to influence important processes in the design of public policies. In Mexico, the national mechanism, INMUJERES, was created by law in 2001 at the Ministry level and since then has been part of the extended executive cabinet. In Brazil, a full transformation has developed: the gender mechanism was initially located under the Ministry of Justice, and later transformed as a Special Secretariat for Women's Policies ascribed to the Office of the President. The Secretariat was initially created by decree but in 2003, a statute was approved giving it ministry status in the governmental structure. This year the president announced that he proposed its conversion into a separate ministry, a huge step that crowns a process of increased legitimacy.

But economic constraints, amongst other factors, can limit the development of the national mechanisms, notwithstanding rank. In Guatemala, a country identified as one of the poorest in Central America, the national mechanism (SEPREM) is a Presidential Secretariat, located thus at the highest level of the structure. Nonetheless economic limitations provide for the allocation of only a small budget to perform its tasks. The United Nations High Commissioner for Human Rights had to provide funding to SEPREM to revise the penal, civil, and labor laws and identify gender and ethnic discriminatory contents. In Suriname, UNIFEM, UNFPA, UNDP provide essential financial resources to the National Bureau for Gender Policies. Thus, even location at the highest levels of government does not guarantee development or the strengthening of the national mechanisms as some are very small units that painstakingly work to comply with their mandates.

In Colombia, the national mechanism, the Presidential Council for Women's Equality, is part of the Office of the President which provides it with its budget and political support although international donors and agreements with the private sector also provide economic support. In Paraguay, a nation identified as one of the most unequal in the region, the national mechanism was created by law in 1992 with ministerial rank, but such an auspicious beginning has not developed further. Lack of resources, among other factors, has limited its actions and performance, thereby implying that location and rank by themselves do not guarantee that the machinery can execute its mandates. Nonetheless, ministries and organisms with direct access to the presidential office are the evident trend in Latin America (Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Paraguay, Peru, Puerto Rico and the Bolivarian Republic of Venezuela).



Lastly, it is worth noticing that other formulas for equality mechanisms have also been adopted at national levels, and these mechanisms seem to enjoy a certain degree of independence, broader mandates and more significant means of action. Although not a trend, Puerto Rico, for example, adopted a new law in 2001 creating an autonomous entity in the executive branch with broad mandates and functions including the power to impose fines and economic compensations. Still, no information has been provided as to their effective use.

## **2. Trend: in the broadening of mandates**

An important new trend is evident in several countries in terms of changes in their mandates. Since 1995, either by legislation or by other processes in at least eleven countries, there has been a broadening of mandates of the national mechanisms from a more traditional role as the entities in charge of implementing public policy to normative entities that propose and promote policies directed towards gender equality and human rights<sup>3</sup>.

## **3. Trend: in increased civil society participation**

As previously stated the women's movement has had a very active role in the creation of the national machineries in the region and have been instrumental in its permanence and development, the increased participation of a diverse representation of non-governmental entities and individuals in processes previously understood to be exclusive of governmental bodies is a growing trend that has to be acknowledged as a significant trend. Representatives from women's organizations (informally defined as groups that actively lobby and pressure for gender equality policies), non-governmental organizations (those that provide direct services to women and which are funded by the national government or by external donors), academia and research institutes, and a wide variety of wider civil society, participate together with governmental representatives in councils and commissions created for the purpose of drafting legislation, preparing national action plans and monitoring activities. Recently in some countries, their participation has been equaled in number to those of the official governmental representatives and in at least one instance, this parity participation has been even guaranteed in the new Constitution.

While this has been transpiring there is concern that the women's movements in Latin America and the Caribbean have lowered in this later period their energy level and their capacity to mobilize a significant mass. Their efforts have shifted away from street activism and there has been an increase in the presence of women in other areas, such as in: political participation, their significant presence in service organizations and, in academic spaces, as well as in donor sponsored research and programs as paid staff in non-governmental women's organizations. As street activism has evidently lowered, some have labeled the process "organization" (in reference to the women activists' incorporation into NGOs) while others have factored in some type of "mobilization fatigue" after decades of incessant struggles.

On the other hand, in a major development that has risen the expectations of women, for the first time in Latin America, two women have been elected president of their countries in Chile and Argentina by direct popular vote. The significance of these events cannot be minimized nor their effects on the younger generations precisely measured. With a decrease in street activism, it is evident that other social and cultural processes, whereby women are escalating into leadership positions, are in the making.

Whatever the reason or reasons, without the activism of these movements and their strong voices, struggles, denunciations and demands on the State, the national mechanisms that came into existence in many countries of the region not only to comply with international commitments but because women's and feminist organizations demanded their creation, could lose an essential partner and their basic

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<sup>3</sup> (Plurinational State of Bolivia (2009), Brazil (2003), Colombia (2003), Costa Rica (1998), Dominican Republic (1999), Guatemala (2000), Mexico (2001), Panama (2008), Peru (2002), Puerto Rico (2001), and Uruguay (2005).

political base. Without this, national mechanisms can be weakened in their capacity to advocate and negotiate pressure and cajole the governmental structures and the political machineries.

#### **4. Trend: in constitutional reforms**

Profound constitutional reforms during the last five years have affected the structure and location of the national mechanisms. As a result some national mechanisms have been eliminated and/or substituted by councils that work with equality and human rights issues in general. Although these equality mechanisms are now in some of these national constitutions and have formally assured a permanent place in the governmental structure for gender equality and indigenous peoples' access to decision-making forums and political participation, there is concern about the effects of these changes on the mainstreaming efforts and the gender-specific agenda and whether it will be strengthened or diluted in the future by these constitutional changes--if women's issues will again be made invisible from public debate and public policies.

Nevertheless, some changes seem to privilege the gender equality agenda. Ecuador, for example, just recently amended its Constitution to create a new national mechanism, the National Council on Gender Equality, integrated by representatives from the government and from civil society, which will address gender issues and four constitutional mandates regarding the transformation of public policies and gender mainstreaming. The new constitution established that the promotion of equal rights and opportunities between men and women will be achieved through the use of public policies with a gender perspective. This is mandatory in all public policies and that political equality transcends to elective positions, in the Executive Branch, in the administration of justice and in political parties. In the process of reform, the National Council on Women, in existence for thirteen years, was eliminated. As this process is still in the transition period, more time is needed to fully gauge the impact of this constitutional reform.

In Plurinational State of Bolivia, the Vice Ministry for Women, and the Vice Ministry for indigenous people's affairs, was both eliminated in a recent constitutional reform and substituted by two vice ministries under the Ministry of Justice: For Equal Opportunities and For the Defense of Fundamental Rights. Still, the new constitution adopted in February 2009 includes 90 articles on women's rights and the 2009 electoral law also makes a special mention on gender equality. Again, it is too early to tell what the effects of these changes will be for the mainstreaming agenda, however, the changes in location, rank and the elimination of language specifically relative to women have raised enormous concerns on the future of the process of gender mainstreaming and the advancement of the gender equality agenda in particular.

These two constitutional reforms have come about after deep political changes that have re-democratized the Latin American region in terms of the rights to political participation and representation of ethnic groups and the indigenous populations, which were historically excluded from full enjoyment of their citizenship rights. As these more democratic and participatory governments seem to have significant popular support, it is to be expected that these changes will probably endure and will allow for a clearer picture to emerge as to how they will affect women's rights and the advancement towards gender equality

#### **5. Trend: in creation and diversity of secondary mechanisms**

Wide varieties of mechanisms have sprung or have strengthened in the region in this last period. Many have been the result of efforts by the national machineries themselves in their quest for support entities throughout the country. Some have been initiatives of the other two branches of government without specific coordination with the national machineries. Still, they seem to be welcomed by the

national machineries and the women's government as they are understood to be complementary efforts that will strengthen the effects of the programs, projects and policies of the national machineries.

Most of these secondary mechanisms such as observatories, national commissions or councils (including specialized ones), gender units in line ministries, intra-agency task forces, inter-departmental or multisectorial efforts, and decentralization have been precisely the products of the efforts of the national machineries to mainstream the gender agenda and to increase the possibilities of impacting wider sectors of the community while at the same time increasing capacity and incorporating new actors to the gender equality agenda.

Some of these new mechanisms in the region such as the women's caucus in parliaments, or the specialized commissions in the judicial branch, or the gender units in the Ombudspersons' offices, have been initiatives from other branches of government or have been created as a result of outside pressure from women's groups or from the international commitments, although it is evident that in many instances there has been coordination with the principal national machinery before or after their birth. Each one of the above mentioned mechanisms will be further explained in the next chapter.

All these secondary mechanisms created most recently are evidence of a trend to involve all branches of government in the efforts towards mainstreaming the gender equality agenda. They all have in common that they are efforts to incorporate the different units and divisions of the central, and/or regional, and/or municipal governments in order to widen the reach and thereby to multiply its impact on the population.



### **III. Status of national mechanisms, types, mandates, roles/functions, structure, location and resources**

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The last four Regional Conferences on Women in Latin America and the Caribbean sponsored by ECLAC from 1997 to 2007, and the Consensus<sup>4</sup> reached in every one of them included concerns relative to the need to support the existence and strengthening of the national mechanisms. Each Consensus renewed calls to the governments to strengthen national mechanisms with the allocation of sufficient funds, heightened political support, location at the highest level of government and by the adoption of legal statutes that would guarantee their stability in order to enable them to effectively exercise their functions in promoting, managing and monitoring public policies to foster gender equity and equality. The Consensus declarations included a call to the States to increase the promotion and monitoring of gender policies transversally and to encourage heightened collaboration between national mechanisms and regional and international organizations.

It is important to recognize and differentiate the principal national machinery from other national mechanisms that have been created afterwards. The principal national mechanisms are set apart from the others for their responsibility in promoting and proposing public policies and strategies intended to advance gender equality and equity and gender mainstreaming. For purposes of this study, other national mechanisms are defined as those that complement and support the efforts of the principal

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<sup>4</sup> Santiago Consensus (19-21 November 1997) Lima Consensus (8-10 February 2000) Mexico Consensus (10-12 June 2004); Quito Consensus (6-9 August 2007).

mechanism. It can be said that they collaborate and coordinate the implementation of the current public policy. These other mechanisms can be classified as secondary mechanisms. This justifies the presentation of national mechanisms in two subdivisions 1) structure and location of the main national machinery and 2) structure and location of the other secondary mechanisms.

## 1. Types, structure and location of national mechanisms

### 1.1 Principal national mechanisms

Most of the principal national machineries for the advancement of women in Latin America stand out as stand-alone ministries or offices with direct access to the president or to the presidential secretariat. With the exception of seven countries (Argentina, Plurinational State of Bolivia, Cuba, El Salvador, Nicaragua, Panama and Uruguay), the national machineries in Brazil, Chile, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras, Paraguay and Bolivarian Republic of Venezuela are ministries that respond directly to the head of the Executive Branch. Standalone mechanisms have formally a greater visibility and send a stronger political message about the government's commitment to women and gender equity and equality. In Colombia, Mexico, and Peru, although the national mechanisms do not have a ministry or department status, they have the same direct access to top-level decision-making as a dependency of the presidency. This location allows it to implement gender mainstreaming in the various areas of governance. Since 2001, Puerto Rico adopted under statute a new entity: an independent administrative agency whose head, the Women's Advocate, is appointed by the Executive and cannot be removed from office except by cause. The Advocate's appointment, for ten years, exceeds that of the Governor.

Cuba's mechanism is unusual. The Cuban Women's Federation is not a national mechanism as such. Created in the 1960s as a non-governmental organization (NGO) with liaisons in the Cuban government through the People's Health Commission, it has special consultative status in the Economic and Social Council (ECOSOC) of the United Nations. Since 1997, it received a mandate from the Cuban government to elaborate strategies directed towards the achievement of equality between men and women in the country.

On the other hand most of the national mechanisms in the Caribbean are divisions/units/offices/bureaus within other bodies. The mechanisms in Barbados, Belize, Cayman Islands, Dominica, Jamaica, Suriname, and Trinidad and Tobago are units within ministries and Departments, such as Internal Affairs, Social Development, Justice, Cultural Affairs, Family and Youth.

Thus, almost all national mechanisms in Latin America are created by Constitution or by statute or decree as standalone ministries in the highest echelons of government, with access to the highest authority or access to the presidential secretariat (Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Paraguay and Peru, Puerto Rico and Bolivarian Republic of Venezuela) although recent constitutional reforms have lowered the visibility of one mechanism (Plurinational State of Bolivia).

## 2. Secondary national mechanisms

As discussed earlier, there is a myriad of other mechanisms for the advancement of women in Latin America. (See Annex Table II: Other types of national mechanisms). These institutions are located throughout the Executive as well as in the Legislative and Judicial Branches. The types of structures of mechanisms in the region are:

- Committees/commissions/working groups in the Executive Branch
- Committees/commissions/caucus in Parliaments

- Committees and working groups in the Judiciary
- National advisory/consultative councils on gender or women
- Accountability institutions (ombudsperson's and advocate offices)
- Inter-departmental/ministerial bodies/ multi-sectorial/ taskforces
- Intra-agency commissions/committees and
- Decentralized mechanisms (regional /municipal/ local level).

## 2.1 National councils or commissions

National Councils or Commissions, usually of a consultative character and with an enlarged participation that includes not only government representatives but also of representatives of civil society, such as women's NGOs, academics and experts, have a lasting existence in Latin America and continue to be of significant importance. The trend is towards the strengthening of these bodies.. These commissions have provided a wide base of support for the national mechanisms and their work. In Honduras, at some point this close working relationship based on mutual respect even allowed for the defense of the permanency of the mechanisms at a moment when it was threatened.

Nongovernmental organizations in Peru have a very active participation in significant activities and policy design and monitoring. Longstanding NGO such as Flora Tristan and Manuela Ramos, as well as regional advocates such as CLADEM, a human rights watchdog independent entity, participate in the preparation of the national gender equality plans and serve as consultants in important areas due to their experience and expertise and a National Committee on Gender Legislation in 2007 consisting of representatives of government, academia and women's organizations with the responsibility of drafting legislation to address women's priority concerns.

More than half of the countries in the Caribbean sub-region have established these commissions and their work has been essential in the adoption of National Plans of Action and other mainstreaming efforts. In Latin America, almost all governments have established these commissions and some have even increased the participation of civil society establishing parity with the governmental officials (Argentina, Barbados, Belize, Brazil, Costa Rica, Dominican Republic, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Suriname and Uruguay). In Brazil, the National Council for Women's Rights replicates this participatory structure at the provincial and municipal levels. In Belize, the national Women's Commission is an advisory body to the government and is also responsible for monitoring compliance with CEDAW. In the recent constitutional reform in Ecuador, not only was the national mechanism established in the Constitution but it is expressly stated that civil society will have equal representation in the commission that heads the mechanism.

## 2.2 Gender units in line ministries/intra-agency taskforces/working groups

The development of gender units in line ministries has taken place at both central and regional levels in a significant number of countries in Latin America and the Caribbean (Belize, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Mexico, Paraguay, Peru, Puerto Rico and Suriname).

Intra mechanisms are those within an individual ministry usually with a specific task. This development is evidently linked to further the strategy of gender mainstreaming into all policies, programs and projects and plans adopted and executed throughout the executive branch. This type of mechanism is now in existence in almost all member states thus fulfilling one of the necessary conditions for effective functioning of institutional mechanisms with a gender mainstreaming responsibility. In Chile, for example, the state established a gender agenda for the central government

and designed the responsibilities for each ministry. A Council of Ministers for Equal Opportunity guides the process of gender mainstreaming through commissions in each ministry. Each line minister has a special advisor on gender issues as an additional mechanism to guarantee the effective implementations of specific strategies. In Costa Rica, there are ministerial offices and sectorial women's offices to ensure compliance with the gender policies in various institutions of the central government. In the Dominican Republic, working groups have been established in 30 sectorial ministries to coordinate and implement gender policies and gender mainstreaming. Mexico has working groups in over 27 ministries in areas as varied as health, education, labor, the environment, foreign affairs, national defense, public security, agrarian reform, transportation and tourism.

This increase in working groups in different line ministries appears to be a reality both in traditional departments such as health or social affairs but also in new ones such as the Ministry of Justice. Brazil has a National Council on the Rights of Women linked to this ministry in every state and municipal level. An interesting note is the creation of these units in the areas of foreign affairs, a fact that could be understood to mean an increase in the importance awarded to equality matters and to the compliance with international commitments. Argentina, for example, established a Special Representation in the Ministry of Foreign Affairs to identify and design drafts and proposals and prepare reports for international forums. In these efforts it has allowed participation of representatives from women's organizations.

In the face of huge advances it cannot be said, however, that this strategy is a fact throughout the region. Many factors contribute to create obstacles to these gender mainstreaming efforts including lack of political will, lack of gender sensitivity in the political hierarchy and changes in the governmental structure and leadership after electoral processes and others that alter the political context. Lack of adequate resources, weak state institutionality, poor citizenship skills and weak political sensitivity and will at various levels in the less developed countries still represent formidable barriers.

### **2.3 Interdepartmental/interministerial/multisectorial efforts**

Another trend that seems very strong is the establishment of interdepartmental or ministerial bodies. There seems to be a significant number of different types not only at the central or national level but also at municipal, provincial and/or regional levels. An examination of their work demonstrates that mechanisms with varying degrees of permanence, staff, resources and roles have blossomed at these levels in the different Latin American countries. They are usually coordinated by the national mechanisms and appear to be increasing in acceptance and legitimacy. These horizontal entities exist, amongst others, in Argentina, Belize, Brazil, Chile, Colombia (for displaced persons), Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, Peru, Puerto Rico, Suriname and Uruguay with diverse mandates and roles and sometimes with specific areas of action to deal with pressing issues such as violence against women. Multisectorial agreements have facilitated the adoption of regulations relative to protocols for domestic violence in ministries of Justice and Health and the collection of statistical data segregated by gender. In Belize, their mandate shifted to focus to gender and equality monitoring throughout the different governmental units. In Suriname, since 2008, six ministries signed a covenant to work together in proposing policies to the government to combat violence against women.

In Mexico, a National System for Equality between Women and Men, presided by the national mechanism (INMUJERES), composed by 26 ministries and other central governmental entities has been established to monitor compliance throughout the government in the different ministries. In Chile, in 2000, a Council of Ministries on Equal Opportunities was established by presidential decree, adopting gender equality as a formal state policy that is closely monitored for its compliance as are other major state policies. All ministries are thus mandated to comply with the national equal opportunity plan under the watchful eye of the Council of Ministers for Equal Opportunities. The adoption of the gender policy as formal state policy and thus subject to stricter scrutiny seems to have increased the level of legitimacy of the gender agenda and sensitivity as a whole throughout the different levels of government with a distinct effect on the public perception on these specific issues. Still, this trend is not to be found to the



same degree throughout the regions. Less developed countries with huge limitations in their resources and weak state institutionalism show considerably less progress in this area.

## 2.4 Specialized commissions

The issue of violence against women, particularly domestic violence, has been a priority in the feminist and women's movement agenda. Currently at the forefront of the public debate, it has been the catalyst for the creation of different organisms that focus particularly on this issue which now has become a politically legitimate matter. Specialized commissions exist in different countries of the region (Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Puerto Rico, Suriname and Uruguay) with the participation of governmental officials and representatives from civil society and academia.

Mechanisms to deal exclusively with the issue of domestic violence are also noticeable in the Caribbean region where several instances have been created in the last few years to address a problem identified as critical in the region. It is noteworthy that this mechanism is used in the poorer and less developed countries which could suggest that the women's movement has been successful in bringing the issues to the public debate and force itself into the monitoring and advisory roles and that it is a mechanism that is less costly to the government as the human resources came from NGOs and academia on a pro-bono basis.

## 2.5 Decentralized bodies

Mainstreaming has also been adopted in what has been labeled "vertical mainstreaming", as its endeavor is to promote gender equality and mainstreaming throughout the local levels of government—municipalities, departments, or provinces— using the governmental structure. These mechanisms exist all throughout the region: Argentina, Belize, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, El Salvador, Mexico Paraguay and Peru. In Central America these decentralization efforts are fairly recent (last decade) and implementation is at the preliminary stages. Not all countries in the Central American and Caribbean sub-regions have the process structured by law or as a result of constitutional reform as is the case in the largest and more developed countries of the Southern Cone (Argentina, Brazil, Chile, and Uruguay).

In Chile, for example, each region has a Regional Equal Opportunities Commission with the same mandates that the National Council has at the inter ministerial level: to monitor compliance of the Equal Opportunity Plan at regional and local levels. In Mexico, the national machinery, INMUJERES, receives funds to guarantee the strengthening of these state and municipal machineries and monitors the use of the allocated funds vis-à-vis the plans and goals previously established. In addition, states and municipalities across Mexico have mechanisms created under local law. Under the effective direction of the National Institute of Women, different local institutes exist all over the country in over 32 political subdivisions and in over 880 municipalities.

In Argentina, these decentralized units exist in 133 municipalities. In Costa Rica, Gender Commissions on the Condition of Women exist at the municipal levels (and in line ministries since 1994) to promote the design and execution of national gender policies at the local level. In the Plurinational State of Bolivia, the new municipalities law mandates the municipal governments to promote the social integration of all the components of the population under principles of equity and equality in opportunities, with due respect to diversity, and mandates for the incorporation of gender equality goals in all plans, policies, programs and projects.

It must be stressed that Argentina, Brazil, Mexico are federal states and quite possibly this fact makes decentralization efforts towards gender equality less complicated.

A loose association of women municipal council members is reported to exist in several Central American countries although information is scarce and incomplete. Still it is a trend worth examining in the future.

## 2.6 Ombudspersons

In Latin America, for some decades now there has been an institution that deals with discrimination complaints: the Ombudsperson. Created following the example of Scandinavian countries, the “Procuradores de Derechos Humanos” and/or “Defensorías de los Habitantes” have had a permanent space in Latin America. It is an institution that at present exists in almost all states and that solidified its prestige in the past by sometimes being the sole voice denouncing violations of human rights in difficult moments of dictatorship and political repression.

The gender focus of these Ombudspersons, on the other hand, was questioned as women’s issues were not priority areas of their work. This has changed somewhat in the last years as some Ombuds offices have created gender units to specifically monitor and act on complaints received for violations of women’s rights. Since the demands of the women’s movement succeeded in widening the spectrum of human rights so as to include women’s human rights, the Ombuds have definitely advanced in that direction. These women’s advocacy units in Ombuds offices have been reported to exist in Brazil, Colombia, Costa Rica, Ecuador El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Trinidad and Tobago and Bolivarian Republic of Venezuela. Most of these offices are located under the legislative branch, although a few have been located in the executive (Brazil, Colombia, El Salvador, Bolivarian Republic of Venezuela, and Trinidad and Tobago).

The adoption of international covenants for women’s human rights such as CEDAW provide a solid legal base for these claims as do the inclusion of specific gender guarantees and rights in the recent constitutional reforms in the region. Both widen the areas for claims to be made under national and international law. Nonetheless, the filing of formal legal actions against the state for gender discrimination requires two fundamental prerequisites that are lacking in most of the countries of the region: on the one side, the empowerment and legal literacy of women so as to come forth and claim a violation of their rights and, on the other, trust in the judicial system as a venue that will process their claims with due respect for the rule of law. So long as these two aspects are lagging, it is to be expected that gender units in Ombuds offices will continue to have a low profile as an effective tool in the region in terms of gender equality.

## 2.7 National/regional observatories

During the last decade another trend has emerged in Latin America: the creation of gender observatories. These instruments are usually but not always born out of and supported by the national mechanisms themselves as a tool to measure progress and to provide the citizenry with information segregated by gender, by and of itself a powerful educational instrument of empowerment. It also promotes the idea of governmental transparency, whereby the government is open to criticism if indeed it does not perform as promised. The main function of these observatories is to disseminate data on the advancement of women and gaps between men and women in social, political, economical and cultural areas. Other observatories have been created by NGOs and/ or by universities with a significant support of external sources and donors.

Gender observatories have been created in Argentina, Brazil, Chile, Colombia, Mexico, Peru and Bolivarian Republic of Venezuela. There are wide differences between them in objectives and the areas that they are to monitor. All, nonetheless, coincide in the importance of providing information to the citizenry that in turn promotes capacity building as it strengthens analytic capabilities. One of the first models to be established in the region was the Gender and Poverty Observatory in Mexico, a joint venture with universities, several UN organisms and INMUJERES. The national machinery in Brazil established a Gender Equality Observatory on its homepage which has had huge success. In Colombia,

the national machinery established its Gender Affairs Observatory in 2004 with five thematic areas: work, education, political participation, violence and sexual and reproductive health. In 2006 the observatory was granted permanent status by law. In Peru, the national machinery has established observatories in several regions as a tool to monitor specific regional compliance with gender policies and to provide information through its web page on programs, projects and proposals<sup>5</sup>.

These observatories signal an important trend in Latin America. In June 2009, ECLAC joined in the trend with the Observatory on Gender Equality for Latin America and the Caribbean. This new effort will analyze the progress and levels of inequalities that persist in the region using information provided by each government. This way, in addition to national observatories, there will be access to up-to-date regional comparative data in four vital areas: political participation of women, gender differences in income for paid and unpaid labor, sexual and reproductive health issues, and gender violence<sup>6</sup>.

The extension of this important trend, nonetheless, will depend on each state's ability to collect reliable data, and of the resources assigned to the national mechanisms to establish the necessary structure to maintain updated data. It is evident in this regard that poorer, less developed countries in the Central American and Caribbean sub-regions also lag in this area. Still, it seems to be an exciting trend that has broken ground in the region.

Related to this development is the evident increase throughout the region of data gathering using gender perspective. A large number (9) of the machineries in the more developed countries report to have gender units in the national statistics office and still others report as an achievement the fact that several gender indicators have been adopted by national institutes that will allow for comparative analysis on the advancement of women in critical areas. The Gender Statistics Group in the region, composed of national statistics institutes of around 16 countries (headed by Mexico and coordinated by ECLAC's Division for Gender) is key in the collection of the data that will feed ECLAC's Gender Observatory and in providing technical assistance as needed.

Observatories and national mechanisms in the more developed countries have engaged in efforts to develop and improve statistic data collection and support research towards gender equality. There are no observatories in the poorer and less developed countries and data collection is marginal.

## 2.8 Women's parliamentary caucuses

Women-only mechanisms have also been created at parliamentary levels in an increasing number of countries in the Latin American Region. Although caucuses or "bancadas" have existed in some countries for some time (Brazil since the 1980s), there is evidence that a general increase or a strengthening of the coordination between their agenda and those of mechanisms in other levels of the governmental structure has taken place. There are informal or formally established women's caucuses in several parliaments throughout the region such as in Argentina, Plurinational State of Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Guatemala, Peru, Puerto Rico, and Uruguay.

Obviously, if women are present in small numbers in parliament, "bancadas" are a political impossibility. Still, it is interesting to note that there are "bancadas" reported in countries in all sub-regions including the less developed Central American and Caribbean countries. It is of note that the regional meeting of heads of gender machineries in Central America (in COMMCA) reportedly was instrumental in the creation and strengthening of the caucuses in all the countries of this sub-region. The fact that they discuss and agree on a common legislative agenda has produced striking achievements in legislation.

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<sup>5</sup> Other observatories in the region are run by NGOs with funding from international solidarity programs.

<sup>6</sup> This list of areas includes traditional as well as emerging issues in the gender agenda.

## 2.9 Specialized commissions in the judicial branch

Even in the judicial branch there have been mechanisms created lately to promote gender equality and sensitivity. This trend can be attributed directly to the increase in the number of women lawyers that have been appointed judges at all levels of the judicial branch, including National Supreme Courts. In a few countries in the region some have been appointed Chief Judges of the highest courts and as such are the head of the administrative aspects of the judicial system including the continuous education of all the judges (Panama and Puerto Rico).

Associations of Women Judges are another phenomenon born because of the evident increase of women in the legal profession and in the judicial institutions. In some countries, like Argentina for example, these associations articulate actions in conjunction with the national mechanisms, Ministries of Justice, with academia and with women in leadership positions to promote gender equality. In Puerto Rico, the judicial branch created a Commission to Study Gender Bias in the Court System and the findings and recommendations of its report established an agenda for the Judicial Branch for the following decades. In Costa Rica, a Commission on Gender was created in the Judicial Branch in 2002 to promote and strengthen gender mainstreaming. This is a new trend in the region as we can identify such gender Commissions being created in Colombia, Costa Rica, Dominican Republic, El Salvador, Panama and Paraguay with the purpose of guaranteeing equality inside the judicial system, for employee training and sensitizing, and to promote and institutionalize gender in the internal workings of the court system. The opening of such an important space in the administration of justice is a trend that cannot be minimized. Regional meetings of women judges are now a common occurrence in the region and gender equality is a fixed staple in their agenda.

In summary, it can be said that:

- At present many countries in the Latin America and Caribbean region have a national mechanism created by law and located at the highest hierarchy of government.
- There has been an increase in interministerial or interdepartmental structures providing a base for gender mainstreaming across the central structure of government.
- There has been a noticeable effort in the direction of decentralization of the national mechanisms through the creation of structures in municipalities, provinces, departments and localities.
- Women's caucuses in Parliaments and specialized commissions in the Judicial Branch have continued to spread across the region with considerable success considering women are still a minority in the Parliaments and in the Judiciary in the region.
- Gender units in Ombudspersons offices and Observatories have taken in steam and seem to promise development although women's lack of empowerment/legal knowledge and economic resources represent huge challenges. CEDAW and other international instruments have helped boost their importance and scope.
- NGO and women's organizations continue to participate fully in important governmental efforts. National machineries for the most part continue to incorporate civil society, academia and representatives from the women's movements in various institutional spaces such as national councils, and monitoring commissions on specific issues.

## 3. Diversity of mandates, roles and functions

Mechanisms are established with different mandates. At present, most of the mechanisms in Latin America have a gender mainstreaming approach. On the other hand, specific scope of work, like domestic violence efforts, is notable in mechanisms within a Ministry/ Department. It is evident that the

main difference between the principal and secondary mechanisms is in the mandates that are entrusted to them. Except for most of the Caribbean sub-region almost all the principal national mechanisms in the region are of a normative character (Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru, Puerto Rico, Trinidad and Tobago, Uruguay). These machineries are characterized by the fact that they have under their mandates, roles and functions to promote and update public policies and legislation and develop national action plans and strategies for the achievement of goals. They are also responsible for monitoring their compliance throughout the governmental structure.

Operational machineries are those which primarily are entrusted with the responsibility of implementing prevention and intervention programs and projects concerning capacity building, education, and the offering of direct services to the community such as shelters for domestic violence victims, and health services for HIV patients and micro credits as poverty reduction activities. Belize, Plurinational State of Bolivia, Cayman Islands, Dominica, El Salvador, Jamaica, Panama and Suriname can be identified as coming under this category.

Sectorial machineries are generally those that have the responsibility to counsel and advice government as to specific issues or problems such as domestic violence and reproductive health. They are usually secondary mechanisms such as commissions, committees and consultative bodies. Most of the countries of the region have this type of secondary mechanism.

### **3.1 Mandates of principal national mechanisms**

Decrees, executive orders and acts are the legal bases for the mandated roles and functions of the national mechanisms in the region. Argentina, Brazil, Colombia, Haiti, Honduras and Nicaragua, mandates were established by decree. All were mandated a gender mainstreaming and equality work approach in the implementation of their roles and functions. Theoretically, mandates that derive primarily from government policies have greater flexibility but less stability, as these mandates can be altered with changes in government. However that factor can negatively affect the mechanisms agenda and can hinder women's advancement and gender equality.

On the other hand mandates of national mechanisms in Chile, Dominican Republic, Guatemala, Paraguay and Puerto Rico are established by their organic law. Mandates determined by a legal provision enjoy a greater degree of stability and independence in relation to the political pressures, especially if there is a change in government. Examples of this are Chile (1991) and Paraguay (1992) where there have not been fundamental changes in their organic law for more than 15 years.

In Costa Rica, El Salvador, Mexico, Panama and Bolivarian Republic of Venezuela, the mandates include women's advancement from a gender perspective and mainstreaming work approach. Furthermore, it was identified that Costa Rica, Mexico and Panama have a human rights approach explicit in their organic Acts. Although Peru and Uruguay's mechanisms were located by law in the Ministry of Women and Social Development and the Ministry of Social Development, their organic law gives them a broader anti-discrimination mandate, where gender equality is only one element.

### **3.2 Mandates of secondary mechanisms**

Many advisory-consultative types of council that offer policy recommendations to the principal national mechanism and/or the head of the government also receive their mandates in the national mechanisms organic law or decree. These advisory/consultative boards advise executive branches in the development and strengthening of equal rights and gender mainstreaming. In some cases, there are advisory councils that are assigned mandates with a specific scope of work, such as in Uruguay where public institutions and non-governmental organizations advise on domestic violence issues.

Mandates for committees/commission/working groups in the Executive Branch, inter and intra ministerial bodies, accountability institutions and decentralization efforts in the region are established

with either a work approach or scope of work. A case in point is Costa Rica's Network for the Intervention and Prevention of Domestic Violence established by the Domestic Violence Act. Examples of inter-departmental/ministerial bodies created by law exist in Argentina, Costa Rica, Panamá and Puerto Rico. In these countries these bodies are mandated to attend the implementation of gender public policy (work approach), attend teenage mothers (scope of work), promote equal opportunity policies and coordinate efforts in domestic violence implementation policies (scope of work) respectively. In intra-departmental-ministries (in Brazil, Colombia, Costa Rica, Dominican Republic and Paraguay) and decentralization mechanisms (in Dominican Republic and El Salvador), gender mainstreaming work approach is notable.

Many accountability, judicial, budget and data recollection mechanisms have been established by legal provisions. Brazil's ombudsperson unit in the Special Secretariat for Policies for Women of the Presidency is based on a gender perspective approach. Colombia, Dominican Republic and Panama have created units/divisions/offices in the Judicial Branch by internal agreements or resolution for gender mainstreaming approach and guarantee women's rights throughout the judicial system. Lastly, Mexico and Honduras have defined national mechanisms interested in elaborating national budgets from a gender perspective criterion. The inter-institutional table for the elaboration of the budget with the gender Equity Plan in Mexico is an illustration of a budget mechanism. Proposed INMUJERES, it was established in 2006.

Mexico has also established the Network of Institutional Culture Resources (Red de Enlaces de Cultura Institucional) as an inter-institutional mechanism which responds to a gender mainstreaming approach. This program integrating 258 agencies was established in 2008 and is located in the federal executive branch. Its function is to promote change in the institutional cultures of public agencies with an equal opportunity and non discrimination vision in the development of policies and programs from an equal opportunity and non-discriminatory mandate. This effort has had immediate successes. The Secretary of National Defense modified six laws and five military regulations and developed an infant care center for 900 children and lodging for the women in the Army and Air Force Study Center.

Gender offices inside department or institutes of statistics are an example of a mechanism with a specific scope of work, being a specialized unit within another office with a greater scope of work.

Various states have established national mechanisms to deal with specific scopes of work. Four major areas are most frequently established as priorities: violence against women; sexual and reproductive health; women and agriculture development; and indigenous women. Costa Rica has a decentralized mechanism to implement the Operational Plan for the Intervention and Prevention of Domestic Violence in municipal, inter-institutional and inter-sectorial levels of government. National Commissions to prevent and eradicate domestic violence have been formally established in Nicaragua and Guatemala. El Salvador's National Commission deals with human trafficking and gender. Some have inter-institutional mechanisms that focus on areas such as human trafficking, prevent intrafamiliar violence and sexual exploitation (Colombia, El Salvador and Honduras). Dominican Republic has established specialized units throughout the judicial dependencies to deal with violence against women, intrafamiliar and sexual assault in the Department of Justice. Reproductive and sexual health is handled by national mechanisms with the mandates to promote policies in Uruguay and Paraguay. Recently representatives from NGOs resigned from Uruguay's National Advisory Commission on Sexual and Reproductive rights because of the President's veto on a bill presented by the community. Inter and intra mechanisms have been installed to work specifically with gender mainstreaming in agriculture development (Nicaragua, Paraguay and Suriname). Guatemala is only an example of various mechanisms in the region that reaches out to guarantee indigenous women's rights: a division to advocate for indigenous women was created within the General Advocate Department.

### **3.3 Roles and functions of principal and secondary national mechanisms**

An examination of the information available clearly shows that the main function of the principal national mechanism is the promotion, development and updating of public policies. This same function is also observed in advisory councils, interagency, decentralized bodies, and even in accountability mechanisms which is cause for some concern as to which mechanism has the fundamental responsibility for developing and updating public policies. No evidence has surfaced though of this conflict in the countries examined. Apparently it is clear to all that the main national machinery is the normative mechanism and the one with the principal responsibility for drafting the basic main agenda although a wide spectrum of participation is promoted at many levels.

The promotion and monitoring of gender mainstreaming is another function assigned to the principal national mechanism. Similar language can also be found in the functions of a significant number of inter and intra departmental, advisory councils, committees/commissions and even judiciary bodies, evidence that efforts towards gender mainstreaming are being made at every level and branch of government.

There is clear evidence that in most countries, mechanisms have been established to monitor compliance with international and regional action plans and with women's human rights. This function has been primarily assigned to the principal national mechanisms and to advisory councils and working committees that most frequently include representatives from NGO, civil society and women's organizations.

A more orchestrated function delegated to the principal national mechanism is the coordination of activities and fostering of collaboration. This is evident in the increasing number of mechanisms in regional and municipal governments. This is usually combined with gender mainstreaming functions. Coordination and collaboration is also evident in some States with the adoption of formal agreements between different branches. Coordination and collaboration with international institutions is also evident and necessary, particularly in the less developed Caribbean and Central American states.

Promoting legislation and public policies is the fundamental function of the principal national mechanism with the legislative branch most frequently towards legal reforms and specific legislation regarding domestic violence, quotas and human trafficking and others. This function is shared in many countries with secondary mechanisms.

Social and community mobilization and capacity building are functions delegated mostly to the principal mechanisms. Capacity building is implemented through inter-ministerial and committees and working groups where there is wide representation from civil society and very significantly from academia.

Development and implementation of strategic plans and national action plans to advance women's conditions are also delegated mostly to the principal national mechanism. Advisory councils, intra and inter agencies commissions, (specially working with specific issue like human trafficking or equal opportunity plans) receive mandates to develop and implement strategic and national action plans.

Project and program development and the delivery of direct services are functions not often assigned to the principal nor to the secondary national mechanisms. A few principal national mechanisms indicate project and program development as a function in their organic act but this is more frequent in mechanisms that work with specific issues such as violence and job displacement. It is also more frequent in a few Caribbean national mechanisms that provide direct services.

It can be surmised then that gender mainstreaming are the main mandates for the many mechanisms that have been established in countries by laws and decrees and that evident efforts are being made to comply. On the other hand achieving mainstreaming depends highly in economic

resources that allow for the development and growth of technical capabilities in greater dimension that at present.

Although administrative roles and functions are recognized, this study will not address such activities. Examination of the information available from the different Members and associate members shows that the roles and functions that are most frequently assigned to the principal national mechanisms in our region.

- Promote, develop and update policies
- Promote and monitor gender mainstreaming
- Develop monitoring and accountability processes or carry them out
- Coordinate activities and foster collaboration
- Promote legislation
- Mobilize social and community sectors; and
- Offer capacity building (tools and trainings).

The roles and functions least assigned to the national mechanisms are:

- Develop strategic and action plans
- Formulation and implementation of national action plans
- Develop research and improve statistical data collection
- Strengthening of local, municipal, provincial sectors
- Develop and implement programs and projects; and
- Offer direct services to general or specific population.

The principal roles and functions delegated to the secondary national mechanisms include promotion of gender equality, equity and mainstreaming as its approach or scope of work, however they vary in their roles and functions. The principal roles and functions identified are:

- Promote legislation
- Promote, develop and update policies
- Develop strategy and action plans
- Formulation and implementation of national action plans
- Promote and monitor gender mainstreaming
- Develop and improve research and statistic data collection
- Offer capacity building (tools and trainings)
- Develop monitoring and accountability processes or carry them out; and
- Coordinate activities and foster collaborations.

Other roles include:

- Educate and mobilize social and community sectors;
- Offer direct services to general or specific population;
- Strengthen local, municipal, provincial sectors; and
- Develop and implement programs and projects.



In a few cases, they are responsible for:

- Monitoring CEDAW implementation and Beijing Platform;
- Elaboration of national reports, and responsibility over other international commitments of the State in the area of equality.

#### **4. Political support and resources**

Political support and economic and human resources are essential for the compliance of all functions of national mechanisms for the advancement of women and gender equality and equity. It should be emphasized that in so far as political support is concerned, presidential involvement is critical.

Latin America has moved a long way in the direction of elevating national mechanisms by locating most of them directly within the highest hierarchy of the governmental structure. The adoption of national plans for the advancement of women, a fact in almost all countries of the region, is an indicator of political support. Intra and inter ministerial strategies depend also from the political will of the presidency and it has been increasing significantly in the last few years. The adoption of important laws and policies in crucial issues such as quotas laws, gender violence, and human trafficking sexual and reproductive health, paid domestic work are all evidence of an increased political support. Statements by presidency, ministers, mayors, and other high officials of governments have also sent important messages that have advanced the gender agendas. Increase in the budgets of the national mechanisms is definite evidence of political support and these have been uneven in the region.

There is evidence that the national machineries in the larger and more developed countries in the region seem to be increasing in legitimacy as a permanent fixture in the governmental structure, and this fact translates in an increase in budget, influence, and public recognition like Argentina, Mexico, Costa Rica, Brazil, the Bolivarian Republic of Venezuela, El Salvador, and Belize. Argentina, for example, has increased the budget for the machinery in the last years. The increase has been dramatic most recently from a 2.7% budget increase in 2007 to a 5.0% increase in 2008. In Mexico, INMUJERES received an outstanding increase of 243% in their budget for 2008 and another one, although smaller, for 2009.

In Brazil, there has been an increase of 215% in the national machinery's budget between 2003 and 2009. In a possibly related matter, a survey showed that 80% of the population knew about the adoption of the domestic violence law approved in 2007. For a country as large as Brazil, it demonstrates tremendous effort and success by the national machinery to educate the population and to bring this new legal instrument to the forefront of the public debate.

It is to be concluded that efforts such as these and other successes by the larger national machineries (discussed elsewhere in this study) have increased the mechanisms political base. It is then possible that the increase in funding can be thus traced, not only to a personal commitment from the executive as a measure of his or her political will to advance gender equality, but also to the recognition of the powerful political impact of the machinery in the public perception.

An increase in the number of appointments of women at the cabinet level also reflects concrete support from the executive. However, political support does not only come solely from the president's office. Important support also comes from specific constituencies and civil society. Argentina, Brazil, Costa Rica and Mexico are evident examples of strategies that have garnered the support of civil society and of the women's movements.

Some national mechanisms have shown increased leadership in achieving the gender agenda. This is evident in the goals achieved: proliferation of diverse mechanisms to attend women's issues and in gender mainstreaming efforts throughout governmental institutions; by the adoption of legal reforms and national action plans to advance women's condition; and the signature of collaborative agreements between leaders of all three government branches.

Still political will has been uneven and adequate resources generally lacking which has limited capacity development and the mechanism's efforts to impact a critical mass of support.

In summary, it can be said that:

- Except for the Caribbean sub-region, most of the principal national mechanisms in the Latin American region have direct access to the highest echelons of power.
- Principal national mechanisms are normative in character and are primarily responsible for the promotion of public policies and strategies to advance gender equality and equity and gender mainstreaming.
- Secondary mechanisms are mostly sectorial with mandates to facilitate compliance with gender equality and related policies.
- Regulation, monitoring and accountability functions are principal functions of the normative national mechanisms, but are shared with other secondary mechanisms. Monitoring activities as a whole are very limited.
- Political will and resources go hand in hand and are essential to the national mechanisms capacity to fulfill their mandates and functions. Those countries with larger resources have been able to impact significantly the community and this has increased their political base of support.

## **IV. Analysis of main areas of focus (roles, functions versus actual practice and realities)**

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Mandates, functions and roles should guide national machinery actions. National mechanisms, as any other institution, establish main areas of focus or priority issues to respond to established public policies and to women's needs and circumstances as they arise but there are factors that affect and detour their practices. Actual practices of national machineries will be assessed by the following guidelines:

- Specific issues selected;
- Processes, instruments and methods used; and
- Coordination and collaboration (alliances established).

### **1. Issues**

National mechanisms have made theirs and have assumed a diverse number of issues affecting women in Latin America and the Caribbean. Priority areas differ from one country to another but a significant number of common ground can be identified. Some issues are prioritized over others in the different sub-regions (Caribbean and Latin America).

A priority issue adopted by Latin America and the Caribbean is violence against women, especially partner violence. In some countries partner violence is classified as intrafamiliar violence and others as gender violence. Great efforts have been placed in the adoption of laws penalizing

gender violence and in the establishment of direct services throughout the countries for the victims such as shelters and tools for the development of their self esteem and empowerment. Educational campaign efforts from the national mechanisms also illustrate that domestic violence is the top priority in the region.

Mechanisms are also acting on the issue of human trafficking for purposes of sexual exploitation. This is notable in both regions as many states have approved legislation. In addition to the legal framework, mechanisms direct efforts to the preparation of educational materials around this issue.

Poverty and economic development for women is another important priority throughout the region. Mechanisms direct efforts towards the establishment of policies that will allow women to escape poverty through employment and the development of small enterprises. Economic development policies such as access to micro-loans have been established, capacity-building activities directed toward acquirement of technical skills, and the establishment of child care services evidences the efforts in this direction.

The area of labor law has seen heightened activity with the adoption of policies to limit the work day of domestic workers, an issue that has great importance in the region as a significant number of women are domestic workers. Some countries have adopted legislation recently establishing limits to the work day of these workers (Colombia and Guatemala).

Health is another important issue that occupies time and energy from the national machineries. Specific efforts are made to establish policies to lower maternal mortality. The Caribbean sub-region and Brazil direct specific efforts towards HIV/AIDS prevention and attention.

There is evidence of specific efforts in all the region towards issues concerning reduction of gender discrimination; promotion of gender equality; inclusion of gender perspectives in programs and policies; political participation specifically access to decision-making positions; reducing wage gaps and other economic policies. Recently some countries have started to debate women's unpaid domestic labor.

There are others issues such as sexual harassment in the work place, gender perspective in education, masculinity issues, economic issues, democracy and citizenship, especially indigenous women that are addressed by the mechanisms but seen less often in their efforts, achievements and activities. Although women have made enormous strides in increasing their education level, it does not appear that national mechanisms have been successful in achieving significant public policies to incorporate a gender perspective in the formal curriculum, although some efforts are made in that direction (Mexico).

National mechanisms have also participated publicly in national debates specifically in constitutional reforms, civil and penal code reforms, sexual and reproductive health and rights, parity and gender violence policies. There have been significant outcomes on some issues such as parity and legal reforms; however this is not the case with other areas such as sexual and reproductive health.

These priority issues are in accordance with the general mandates of gender mainstreaming that the mechanisms have received. It can be surmised that in general terms they have assumed a dual-track approach, directing efforts toward gender mainstreaming in different policy areas while at the same time directing efforts toward specific areas that need particular attention because they are regarded as urgent and require direct action.

## **2. Processes, instruments and methods**

One of the main strategies that national mechanisms have emphasized is the promotion and approval of law reforms (penal, civil) and in a few cases, constitutional reforms. Violence against women (partner violence and trafficking), work conditions (maternity, domestic paid work), family law issues (custody,

paternity, and child support), electoral policies (parity), municipality reforms and national gender policies are legal provisions regularly emerging in the region. Less often, statutes on abortion (Mexico) and sexual harassment and gender-based budgeting have been adopted. This strategy is essential for the advancement of women in the region. Not having these policies in place makes it more difficult to legitimize gender equality.

As social, political, economical and cultural changes needed for the advancement of women cannot rely only on legal reforms and public policies, there are evident efforts from the national machineries towards concrete practices and implementation strategies, capacity building, socialization of information (rights, resources, and technology), prevention and equity socialization in schools and communities, and efforts towards the empowerment of women. Systemic efforts toward social transformation, gender equity and equality are being implemented in the region, much more so in the more developed countries.

Gender mainstreaming is an essential strategy that has been used and promoted by national mechanisms. It is evident in national action plans, in gender equality and equal opportunity legislation in some states. It is commonly formulated in terms of promotion of gender mainstreaming or its coordination, monitoring or evaluation functions. This is executed through decentralization (regional/local), inter and intra ministry/departmental, committees/ commissions in the executives, legislative and judicial branch efforts, at the same time strategies, implemented for the advancement of women. These efforts have resulted in an increase in services, programs, policies, legislation, and judicial determinations favourable to gender equality.

Effective implementation regarding gender mainstreaming is not easy to assess due to the lack of precise outcome information and because results achieved are not always rendered visible. In spite of this, there seems to be progress as regards to the adoption and implementation of this strategy in the Latin American sub-region.

Another strategy that has been adopted in the region is the use of prevention campaigns, such as infomercials, brochures, posters and web pages, particularly on the issue of partner violence. Capacity building and training efforts with a gender perspective for crucial actors such as law enforcement officials, school teachers, health providers, and personnel of NGO are used regularly by the national machineries as tools to foster cultural change. This effort takes a huge toll on the resources and energies of the national machineries due to continuous turnover of public servants and cultural barriers. Skill training (women in entrepreneurship and empowerment, health prevention programs), and community education such as student workshops on gender equality and prevention of violence against women, fairs and national forums, are some of the most used strategies.

One significant finding in terms of practices of the national mechanisms is that direct services particularly to attend to partner violence are offered by different mechanisms even though they have no specific mandate in their organic law to provide them. This could respond to public or political pressure or from the traditional expectation that government offices should always provide direct services.

Regarding monitoring and accountability mechanisms there is evidence that some have been emerging in the region to gauge progress, implementation and analyze outcomes, though apparently still incipient and uneven. Generally, this strategy is not clearly noticed or emphasized in the State's reports.

Still, there are strategies that are regularly and widely used in the region:

- Use of national action plans.
- Consultative review process.
- Project-program financing (microenterprise, scholarships).
- Lobbying.
- Collaboration agreements and alliances.

- Public notice of bills and policy drafts for debate.
- Technical assistance in the development of tools and instruments like protocol and manuals.
- National surveys and observatories.
- Research.

National mechanisms have also been duty-bound to incorporate new and emerging issues in their agendas, priorities and action plans. Although not considered as priorities in the majority of the countries of the region some emerging issues are: the incorporation of masculinity into debates, state/religion issues, gender versus men/women perspectives, homophobia, and abortion.

To generalize the impacts achieved by the national machineries in advancing gender equality is not an easy task. Each state has different economic, social, political and even cultural differences, and hugely dissimilar resources. Furthermore, achievements are usually due to diverse circumstances such as support by NGOs and the women's movement, leadership of the head of the mechanism, political will, economic and political circumstances.

In general, the practices and processes used by the national mechanisms have mostly impacted and achieved the following:

- Adoption of diverse legal provisions.
- Increase in economic development programs.
- Increase in public consciousness of the issue domestic violence.
- Increase in gender training and sensitivity in public officials.
- Heightened commitment of most Latin American countries in adopting National Gender Plans.

National mechanisms in the region have adopted different instruments to implement policies and strategies. One of the major tools developed and implemented to comply with international recommendations to effectively transform national gender agendas is the National Plan of Action for equal opportunity or gender equity and equality. Some of these plans are based on legal provisions. National plans on specific issues, such as domestic violence, human trafficking and health, have been also implemented. Other tools, including statistic data bases and indicators, gender observatories, research, gender responsive budgeting and campaigns have been adopted.

In Latin America, gender national action plans followed mainly after the Fourth World Conference on Women in Beijing (1995). More than 15 of the 26 Member States have taken up national action plans to establish priorities and milestones to better women's lives in the region. Adoption of such plans has become more common throughout Latin America in the last decade. National mechanisms usually play a central role both in the preparation and in the implementation of such plans. States have assigned this mandate to the principal national mechanisms, however in some cases, ad hoc mechanisms (inter/intra working committees or commissions) have been set up with the specific mandate to elaborate these plans and/or institutionalize them on a more permanent basis. Women's organizations and NGOs usually take an active role in the elaboration of such plans, through concept papers or active participation in the mechanism.

National action plans have proven to be important instruments for the articulation of the advancement of women. Since national action plans have been installed, the region has seen more legislation and policies approved as well as the adoption of more programs and mechanisms for gender mainstreaming. Significantly, some mechanisms have successfully used these plans as monitoring tools to request specific compliance from other governmental entities related to specific issues.

Gender-oriented data bases, sex-disaggregated statistics and gender observatories in the region are instruments for national mechanisms to identify gender gaps and advancements in such areas as poverty,

political participation, violence, education, health and employment at the national level. Mexico for example has used information from the Observatories to propose and develop projects to lessen poverty and propose national budgets with a gender perspective.

Research is used as an important tool in the region. Some mechanisms dedicate great effort in this direction (Costa Rica and Mexico) although partnerships with academia and international solidarity and donor usually support this effort. ECLAC and other international mechanisms have been instrumental in providing support for research and publications.

Gender responsive budgeting, considered a financial policy instrument, is an emerging tool and method of analysis and distribution of states funds from a gender perspective and an equality approach, resulting in a fair distribution between men and women. This has been implemented in various countries in Latin America. Some of them respond to present public policies and others to legal mandates. Mexico's national mechanisms reflect this accomplishment in their increasing budget and other programs in diverse institutions. Lastly, educational campaigns, trainings, modules and protocols have been important tools used by the mechanisms more specifically in violence against women prevention and intervention.

There is a lack of specific instruments or tools to carry the monitoring and accountability mandates. Only the more developed countries have been able to establish instruments with time targets and regular monitoring (Chile, Costa Rica and Mexico).

The Regional Consensus of each of the Regional Conferences on Women in Latin American and the Caribbean, previously mentioned, has been instrumental in the identification of specific regional necessities and strategies for the advancement of women. It is important to note that these efforts go beyond concrete instruments. The Regional Conference on Women in Latin American and the Caribbean turns out to be processes where not only emerging issues are identified but where collaboration and cooperation within the Region can be achieved.

### **3. Coordination-collaboration**

As stated elsewhere, collaboration has been established vertically and horizontally within governmental institutions. Advances in this strategy have depended heavily on political decisions at the executive level and on the support the leadership of the national mechanism has garnered in the political process.

Collaboration with non-governmental entities has basically been established with women's organizations, NGOs and academia by the establishment of inter or intra committees to develop implement and monitor action plans. The inclusion of members of civil society, specifically women's organization in Consultative and Advisory Councils is common. As previously mentioned, most of them have been integrated in these mechanisms by law or decree.

Collaboration efforts have been initiated to deal with specific issues such as violence against women, a common ground issue throughout both Latin America and the Caribbean. Coordination between different governmental institutions and intra agency mechanisms has been found as well in other issues such as health, justice, housing and education. Direct collaboration is found between the mechanisms and women's NGOs in the funding and other technical assistance to shelters (Brazil, Costa Rica, Honduras, Mexico, Panama, Puerto Rico and Suriname).

There are efforts in some countries to agree on collaborative efforts between the different branches of government to deal with women and men's equality in different areas (Colombia, Mexico and Panama). For example in Panama this agreement has produced specialized units of domestic violence in the Judicial Branch. In Puerto Rico, the national machinery was instrumental in the creation of a specialized court for domestic violence as a pilot project in the judiciary. Its success after a year-long evaluation produced a report from the judiciary to the legislature recommending funding allocations for the establishment of similar specialized courts in all judicial regions throughout the country.

New areas have emerged in these collaborative efforts. In Guatemala, for example, there is evidence that the national mechanism has reported having initiated coordinating efforts with other NGOs and some lesbian groups. No information is available as to what has been accomplished.

Another example of regional collaboration in Latin America and the Caribbean are the trainings offered by the Institute of Statistics and Geography in Mexico to promote throughout the region the use of statistics recollection with a gender perspective.

Very few countries report or demonstrate successful efforts in incorporating other non-traditional stakeholders in the gender equality agenda. In some countries collaboration has been achieved through the joint participation of representatives of the national mechanisms in committees that discuss the labor agenda but the processes seem to have been long years in the making and with the intervention of private employers and other state ministries. Collaboration with labor organizations is not reported. On the other hand some collaboration has been reached with political parties (Colombia and Ecuador).

Some alliances have been established successfully with private enterprises directed towards training and the technological development of women. It is interesting to note that some of this collaboration has come about when the number of women as employers has increased significantly. Some countries report partnerships with media consortiums to promote the gender perspective in media products. It is evident that collaboration within and outside governmental structures is still in an early phase and has not fully developed.

Another level of coordination identified is between the principal national mechanisms amongst ECLAC member states. There are only few states that have reported cross-state collaboration. An example of this is Mexico which has signed collaboration agreements with Ecuador and Paraguay and sponsors other regional efforts.

Nonetheless, an important trend that is evident in the region in these last few years has been the creation of sub-regional forums and coordinating instances for the discussion of gender equality issues.

Aside from the COMMCA initiative which brings together the heads of the national mechanisms for women in the Central American sub-region and has proven to effectively promote a legislative agenda and the strengthening of the women's parliamentary caucuses, other initiatives have also positively impacted the gender agenda in the region.

In the Andean sub-region, since 2007 the heads of the national machineries integrate the Network of National Mechanisms for Women for the Andean Region (REMMA), where the national machineries for women and the Ombuds Offices of the Plurinational State of Bolivia, Colombia, Chile, Ecuador, Peru and the Bolivarian Republic of Venezuela come together to establish common agendas and cooperation agreements in the Andean sub-region. Their reports bode well. In 2008, for example, as a result of their collaborative work they were able to have the Council of Ministers for Social Development of the Andean Region adopt a resolution to incorporate gender and equal opportunities as part of all programs and projects in the Integrated Plan for the Andean Region. The Council of Ministers also created, at the urging of REMMA, a Women's and Equal Opportunity Council to recommend and counsel the Council of Ministers on gender equality and to coordinate activities with other councils.

REM, the Specialized Network for MERCOSUR, was created in 1998 as a regional effort of the national machineries of the countries in the Southern Cone to try to incorporate gender into the MERCOSUR agenda relative to how trade agreements impact women and their working conditions. REM has allowed for the widening of participation from women's organizations that initially began as consultants to national delegations and then developed into entities that actively participate in the dialogue in representation of the women's movements. REM's actions and its impact on the sub-region's agenda is interesting as it shows the conflicts, resistance, setbacks and ultimately the advances that these initiatives can achieve. REM, for example, recommended to the MERCOSUR Common Market Group (CMG) the incorporation of the gender perspective in the educational system and in the preparation of the respective national budgets of the member states. The recommendation was rejected due to lack of



consensus on its adoption and REM recalled its recommendation. Nonetheless, some time later REM was successful: CMG did adopt REM's recommendation on gender perspective in education and forwarded an official consensus communication directed to the Ministers of Education of the Member States recommending they take into account gender perspective in their National Educational Actions Plans. REM has continued its meetings and work and as recently as 2005 recommended to CMG that the Regional Parliament adopt the Democratic Parity concept to equalize the number of women and men parliamentarians.

These regional and sub-regional efforts are an exciting new trend that bodes well for the furthering of the gender agenda as it strengthens the national efforts. The experiences of COMMCA, REMMA and REM also show the importance of promoting seminars, high level panels to discuss research and promote debate on issues that then are brought to the agenda of these regional bodies.

Regional and international cooperation is essential for national mechanisms to carry out their task in the Latin American and especially the Caribbean region. This collaboration and coordination has been identified with the following institutions:

- International Organization for Migration (OIM)
- International Women's Organization (OIM)
- International Cooperation Agency of the Spanish Government (AECID)
- Council of Ministers of National Mechanisms for Women for Central America (COMMCA)
- United Nations Children's Fund (UNICEF)
- United Nations Population Fund (UNFPA)
- United Nations Development Fund for Women (UNIFEM)
- International Labor Organization (ILO)
- United States Agency for International Development (USAID)
- United Nations Development Programme (UNDP)
- Organization of American States (OAS)
- Social Sciences Latin American Faculty (FLACSO)
- Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM)

These regional and international entities have supported research and studies on such issues as human trafficking, paid and unpaid domestic work, salary inequality, political participation of women, and migration among others. These collaborative efforts have also enabled gender mainstreaming strategies and projects, training, institutional strengthening; and have produced educational materials, discussion tables or conferences and educational campaigns.

It must be noted that the strongest collaboration within the Region are evident within regional and international organizations and with women's organizations.

Some states have made observations and recommendations on collaboration and coordination efforts. The most common are:

- Limited systematic coordination between governmental and non-governmental institutions and as a result they only meet and respond in critical moments to address crucial issues.
- Need to continue to identify common regional agendas.
- Need to establish mechanisms to systemically follow-up on the different efforts and processes including compliance with action plans between mechanisms.
- Establish better communication systems between the principal and secondary mechanism



## **V. Identification of major institutional, societal, and political factors in achieving breakthroughs and key areas of success**

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It is not an easy task to identify the major factors in the achievement of breakthroughs or key successes that can be attributed exclusively to the workings of the national mechanisms in our region as so many other actors and factors actively participate in and influence the region's complex processes. Nonetheless, there are some specific achievements that can be directly attributed to the intervention by national mechanisms and some where the intervening factors are evident or where there is consensus as to the intervening factors. Finally other significant advances and progresses will be listed where there is consensus, from friends and foes alike that would not have been possible without the existence of national mechanisms as they influence significantly in the general process of bringing the gender equality agenda from invisibility to the forefront of the public debate.

Mandates under statutes, decrees and equality laws are powerful messages of the commitment of the state to achieve gender equality and end discrimination. The rank and location of national ministries has been a powerful tool for the national machinery in Chile, where it has the same hierarchical status as other ministries. In Mexico, the participation of INMUJERES in the wider cabinet allows for important opportunities for input and gives the head of the mechanism political legitimacy and heightened political power.

In Chile, the results of monthly surveys conducted by the government show the Women's Ministry (SERNAM) in third position based on recognition and positive evaluation by the general public. It can thus be proposed that where there is evidence of an increase in the public appreciation of the effectiveness of the work performed by the national machineries, it receives corresponding support from the executive. The challenge is then for the work not only to be effective but to be widely recognized by the citizenry and by women in particular.

In Costa Rica, a national survey on the public's perception of the status of women sponsored by the national mechanisms and the state university showed remarkable public recognition: 70% of women knew about the national machinery and the majority of both men and women valued positively its work. Its budget has increased substantially since 2001. A statute calls for the national mechanism to receive a fixed percentage of the budget from the Fund for Social Development but this was not immediately complied with. When the statutory funding arrived in 2005, the machinery was able to finally push its agenda. The financial allocations for the mechanisms have reportedly increased as in the case of Bolivarian Republic of Venezuela, a more developed state, and in smaller and poorer states such as El Salvador and Belize.

Individual leadership, aside from rank and location, has definitely played a role in the increased legitimacy, public and political acceptance of the mechanisms in some countries. Prior political experience, involvement in partisan politics, prior holding of high-exposure public positions in academia (such as presidents or chancellors of universities) or other line ministries are factors that significantly affect the influence that the heads of the national machineries have inside the governmental structure to achieve the gender agenda.

Most of the governments of the Latin American and Caribbean region have adopted National Action Plans to guide in the establishment of priorities and timetables in the advances of a gender equality agenda. Even though a few countries had adopted some type of national action plan before the 1995 Beijing World Conference, it was just after this paradigmatic event that these plans came to be understood in the region as a necessary instrument. National action plans have provided a valuable monitoring tool of the levels of compliance.

National mechanisms have been the motors behind the adoptions of these plans and it can be plainly stated that there is no country where actions plans have been adopted without the direct intervention of the national machineries. After their adoption, national mechanisms have been the entities in charge of its implementation and monitoring.

Different mechanisms to monitor and guarantee compliance with national gender plans have been established and national mechanisms have been instrumental in their creation such as signed cooperative agreements with ministries that call for the establishment of Monitoring Committees in some ministries. These committees have representation from the specific ministry but also from civil society, and from the respective state and municipal organisms. Reports show significant success in this strategy.

Brazil's national conferences organized by the national machineries to participate in the drafting of national gender plans have been a very successful tool that also has succeeded in mobilizing women, bringing gender issues to the public debate and creating a wider base of support. They are important sources of substantive ideas for the elaboration of national plans that truly respond to women's needs and aspirations. These national conferences have been preceded by municipal and/or state conferences where women participate in the drafting of regional plans of action magnifying the power of civil society. This strategy also increases dramatically capacity building. The conferences at all levels provide privileged access to a vigorous debate, and a forum to reach consensus and trust. These conferences have also allowed for the construction of explicit transparencies in the acts of governments and have opened to dialogue the relations between the state and civil society. They can be considered models of solidarity and of permanent dialogue with the social movements. The Brazil experience shows a significant increase in participation and in local leadership development, an effective blend of both strategies.

National machineries that have not established monitoring strategies have moved much more slowly in the achievement of goals and objectives. For smaller and poorer countries, the adoption of National Policies on Gender Equity and Equality as substitutes of national action plans have been a step forward that the national mechanisms have achieved from the previous Government Statements (the smaller Caribbean countries). These policies provide mandates to the governmental structures and guidelines that allow the small national machineries a firmer ground to monitor projects and programs for some type of gender mainstreaming.

Finally it is to be noted that national machineries have used the public announcements and the signing of national action plans and agreements with ministries and even the Presidents as important media events so as to increase awareness in the citizenry, particularly among women. This has increased public support for the mechanism and brings gender equality issues to the forefront of the public debate. Relations with the media are consequently of significant importance and should be strengthened.

These public announcements, on the other hand, have represented a risk and a challenge as these plans must be geared toward gender equality results and not the traditional direct-aid-to-women-programs that do not alter existing inequality. There is always the risk that the government and politicians see political advantage in the control of the mechanism as it grows in influence. This presents the ever present problem and temptation to pressure national machineries into social services instrumentalities. The adoption of national action plans elaborated with a gender perspective is a valuable aid but still no guarantee to prevent this degeneration. Some reports show a gap between national action plans and the real practice of the mechanisms due to this powerful external pressure.

### **Legal reforms**

This is an area where significant efforts have been made by the national machineries and that show important advances. Latin America and the Caribbean countries have been aware of the need to transform its constitutional and legal framework so as to be able to initiate mainstreaming efforts. Thus, national machineries and the women's movement in general have been forces behind the constitutional reforms to assure that gender equality guarantees be incorporated as we have pointed out previously in this study. In addition great efforts have been geared towards the adoption of specific legislation deemed essential to advance the gender equality agenda.

Two of the main areas of focus and success have been legislation on violence against women legislation and the efforts for the adoption of quota laws to increase access of women to political participation and representation in decision-making.

### **Quota laws**

National mechanisms have been instrumental in the adoption of quota laws in the Latin American region. They are a fairly recent strategy. Although some countries (Argentina and El Salvador) adopted quota laws before Beijing, the great majority were adopted after 1995. Some states nonetheless have not yet adopted them (Chile, Uruguay, and the Bolivarian Republic of Venezuela, Guatemala and Nicaragua). These laws have been adopted in several countries of the region with diverse specific mechanisms due to the difference in their respective political electoral laws. It is to be noted that each and every one of those successes achieved by women in the region in terms of political representation have been the result of alliances by the national mechanisms, the women's legislative caucuses and the women's movement in very different political contexts from democratic openness to periods where democracy was threatened.

It is evident that there has been a widening of public recognition in the region about the need to increase women's political participation and to create conditions favourable to parity between men and women in political participation and representation. In a large measure this increase in awareness is attributed to the efforts of the national mechanism. It is a strategy that has been breaking ground and has received legitimacy as it has been incorporated in international instruments such as CEDAW, the International Covenant for Civil and Political Rights, and the Inter-American Convention on Human

Rights. In an important step for our region in that direction, the Inter-American Commission on Human Rights of the Organization of American States has recognized that affirmative action is compatible with the principles of equality and non-discrimination. The women's movement and the national machineries worked tirelessly in various scenarios to achieve this important statement. (Inter-American Commission on Human Rights, Annual Report, 1999, OEA/Ser.L/V/II.106, Doc.3, April 2000)

It is of importance to note that a recent ECLAC survey between Latin American leaders showed that quota laws in particular have at present extraordinary public backing and support from significant public actors as 75% of those consulted agreed with the said measures and 80% supported that quota laws include sanctions for political parties that failed to comply. (ECLAC, *Igualdad en Democracia y Democracia en la Casa, Hacia un Horizonte Paritario en America Latina*, May 2009) This result shows that there has been a marked reduction in the open opposition to this affirmative action. It is evident that massive access of women to education and to the paid labor force, including professions, has increased women's autonomy and public perception of their leadership capabilities.

Nonetheless, data also warns that quota laws by themselves are no guarantee of an immediate or automatic increase in the number of women in parliaments. Brazil adopted one, however the percentage of women in the legislative branch has not increased. Other factors and weakness in the Brazilian law that allows for non-compliance without sanctions seems to be the crucial factor and a clear direction of what the quota laws must include in order to be effective tools. It is to be noted also that this increase does not mean large presence of women in parliaments in the region. In only three parliaments women do surpass 20 percent of the total members. Many national machineries in the region are at present working to reform their respective laws.

Another significant finding has provided an important push to national machineries in their present efforts towards the adoption of quota laws throughout the region. Research shows that economic prosperity has no bearing with regards to advances in terms of political representation as relatively poor countries such as Ecuador and Honduras have progressed significantly while Brazil and Uruguay, relatively prosperous nations, have not. Interestingly, the fact that a country has a long standing democratic tradition does not necessarily mean advances in political representation. According to available data, the Latin American experience shows that the development of affirmative action measures such as quota laws and parity has not happened either first or only in more mature democracies. Chile and Uruguay, two of the most consolidated democracies of the region, are in the lowest third in the list of countries that includes Paraguay, Guatemala, Brazil and Colombia, where there is the lowest female presence in the legislatures. (ECLAC, Survey, May, 2009)., Nonetheless, Uruguay quite recently adopted a law, lobbied heavily by the women's caucus and the women's movements, that guarantees that at least one candidate for every three elective positions has to be a woman. This new law states that it is "of general interest" to have both sexes represented equally in the legislative power, local autonomous legislative bodies, electoral board and political parties.

National machineries and women's movement's efforts towards the adoption of quota laws have had another direct success. As a result of the adoption of the quota laws women's participation in parliament has increased in almost all countries of the region during the last decade except for Colombia and Guatemala where a reduction was noted. Argentina (with an extraordinary 38%) and Costa Rica are the regional leaders in increasing women's participation. Increases have also been registered in Peru, Ecuador, Honduras and Mexico. These significant increases are undoubtedly due to the quota laws as all the countries with increased women representation have quota laws. Conversely there are no quota laws in the two countries where there has been a decrease.

According to data provided by the Inter-Parliamentary Union, Latin America has registered impressive gains and has been in the last decade the fastest growing region in terms of increase in the number of women in legislative positions. The proportion increased from 8% in 1990 to 18% in 2008 and women took a 26.5% share of the seats in the 12 chambers that were renewed in that period (United Nations, 2008; p.19.). Even if progress has been slow there is a notable increase in the last few years.

There is evidence that national mechanisms have coordinated closely with elected women parliamentarians to create women's caucuses. These caucuses have been a most successful strategy in Latin America for developing gender awareness in national parliaments. Multiparty women's caucuses have not only facilitated progress on specific legislation on women's issues usually brought forth by the national mechanisms, and have made a usually invisible agenda visible, but have gone further on in permeating parliamentary work with a gender perspective and impacting political culture. Women's caucuses have also provided an opportunity for capacity building for women legislators, enabling women to create support networks and develop mutual trust and specific skills to take on their parliamentary responsibilities. Caucuses must deal with the tension of having different ideological and partisan orientation within them and must face the challenge of not confining women parliamentarians to only certain "women's issues" and excluding them from other areas such as economic, fiscal and environmental areas—a task in which some national machineries have been directly involved. There is still much work to be done.

Caucuses have achieved important advances in legal reform especially in areas such as violence against women and the adoption of quota laws. In Argentina, Brazil and Uruguay, countries where women parliamentarians vote in block on gender-related issues, successes have been achieved in the adoption of laws against domestic violence. In Brazil they succeeded in achieving a guarantee that the national budget includes funding for initiatives supported by the national mechanism and some social programs important for women. One of the most notable recent experiences has been that of the Bicameral Women's Caucus in Uruguay which began as a women's caucus in the Chamber of Deputies expanding later to include women in the Senate in 2005. One of its most significant accomplishments was the creation of a Gender and Equality Commission in the Chamber of Deputies. This gave women a formal venue for political debate and analysis, enabling them to have a positive influence throughout parliament. In Argentina the women's caucus is enormously powerful as they comprise 38% of Parliament.

On the other hand, it is a strategy that has been laden with difficulties. Coordination between the executive branch and the legislative branch is full with all sorts of difficulties which range from those stemming from the political process and party politics to those that stem from other factors such as the enormous religious influence in the region over elected public officials including parliamentarians. It is evident that, as one minister expressed, women themselves are divided by some issues. Legislation concerning abortion and sexual and reproductive rights present a special challenge. Quite recently, a constitutional amendment was debated in the lower chamber in the Dominican Republic that would have the effect of criminalizing abortions in all circumstances. The majority of women parliamentarians voted for the proposed amendment and some even lobbied for its approval. The national machinery issued a statement opposing the article but extreme political pressure silenced any other action evidencing the limits partisan political considerations can have on national machineries and on the fulfillment of their mandates.

Advance in terms of legal reform and the adoption of laws in areas important for women is noteworthy. Some issues in particular have been able to garner general support from women parliamentarians and have allowed for effective alliances and collaboration. Violence against women seems to emerge as an issue that unites women parliamentarians. In Guatemala, the women's caucus was instrumental in the recent adoption of a statute criminalizing femicide, a statute regarding responsible parenthood and a third for the prevention and penalization of the traffic of women and children. Next on the agenda is the issue of electoral reform within political parties.

Other legislative committees and/or commissions have existed in the legislative branches of many countries of Latin America. These have been traditionally entrusted with the task of evaluating legislative initiatives "that pertain directly to women" (i.e. traditional family issues still identified as women's issues). These commissions had no gender equality agenda or special sensitivity to women's rights. Nonetheless, a change in focus and scope can be identified in the mandates of some of these traditional commissions in several countries.

In Peru, for example, a separate Commission on Women and Social Development has combined both approaches as it mandates to the Commission responsibility for the drafting of bills regarding women, youth, children and elderly people and in addition to the task of increasing the level of participation of women in all areas and in high level positions in government. In Suriname, in 2006 a Permanent Commission on Women and Children was installed within the National Assembly to discuss gender-related issues within Parliament. In Colombia, there are two commissions, one for the traditional examination of bills that could affect women and another to watch over the human rights of women and to promote a change in the electoral law to include a quota system. In Costa Rica, an interesting different strategy has been adopted. The Legislative Assembly created a Special Commission on Women to examine bills that could “affect women’s rights”, a gendered-perspective, and evidently wider, spectrum of action.

Thus two pronged-approaches seem to emerge from the efforts to incorporate gender analysis to the legislative process: caucuses and a re-conceptualization of traditional commissions on women’s issues. It is to be expected that this trend will continue as the number of women in parliaments increases and as they develop leadership skills and political bases of support on their own. With an increase in women’s educational level and in leadership positions in other countries of the region, and capacity building through vertical mainstreaming, the trend appears to be able to withstand still powerful opposition, resistance and backlash.

The national mechanisms efforts towards the adoption of quota laws have thus succeeded in achieving not only the adoption of such laws all through the region, but in the significant increase of women in parliaments and in the creation of women’s caucuses, an essential instrument that has greatly aided to further law reform in other needed areas for gender equality.

### **Reforms in the area of violence**

National mechanisms are credited, together with the women’s movements, with bringing to the forefront of the public debate the previously invisible problem of gender violence, specifically domestic violence. As a result of their efforts there has been a significant increase of public awareness of the problem of violence against women throughout all the Latin America and Caribbean region. There is more knowledge of the human rights instruments that have been adopted at the international level, and more countries have adopted legislation for the prevention and penalization of intimate partner violence. As a direct result there has been a notable increase in the number of women formally filing charges under recently adopted domestic violence legislation —evidence of empowerment and an increase in their autonomy. Notwithstanding this important legal reform, violence against women continues and the institutional responses have been inadequate. Services are scarce and there is not yet a reaction of the general population against this violence, which has still deep cultural roots that have not been weakened enough. National mechanisms all throughout the region have included this area of work in their national action plans as a first priority. The adoption of laws to penalize gender violence has been a great success for the national mechanisms of the region.

Other important legal reforms have been achieved in the region. Mexico adopted by law that the national budget must be administered with a gender perspective. The national mechanism, INMUJERES, the promoter of this law, also drafted a manual to guide government on how to prepare a gender sensitive budget. The adoption of fixed budgets by formulas and percentages of the budgets of specific ministries by law has also been achieved in Costa Rica where by statute the national mechanism is to receive a specific percentage of the budget of the Fund for Social Development. It has to be stressed nonetheless that there was noncompliance with this legal mandate for several years a fact that indicates the limits of even legal measures.

In a striking achievement, Mexico recently adopted a law legalizing abortion in some circumstances in the federal district, a huge step in the region that evidences the strong leadership and political support that the national machinery garners from various sectors of the population and



the alliances the machinery fostered with diverse groups including significant actors from different political persuasions.

Other significant reforms have occurred in areas such as labor law geared towards the prevention of sexual harassment in the workplace and non-discrimination on account of sex. Equal pay for comparable work, though, is an area that has not advanced significantly although surveys on the use of time (Uruguay) seem to have helped in furthering public debate. Just a few months ago, in Costa Rica, efforts to abolish a 1943 legal code that excluded domestic workers from protective legislation in the workplace were finally successful. The national mechanism INAMU actively participated in the legislative process drafting legislation, lobbying and altogether supporting domestic workers organizations in their demands.

### **Gender mainstreaming and institutional change**

It is not easy to gauge progress in gender mainstreaming as its effects are wide and most of the time invisible and immeasurable. Notwithstanding these difficulties there is evidence of specific advances in the incorporation of gender in public policies. Constitutions are the legal framework where basic and fundamental rights are recognized so it is crucial to include in the language of constitutional documents guarantees on gender equality. It is a necessary first step in transforming the bases upon which specific societies are built.

This setting provides a legal base that national machineries have used to initiate their efforts in mainstreaming gender policies in different governmental units. National machineries have been able to use national plans, their own mandates and other strategies to horizontally and vertically incorporate gender equality policies. Although uneven throughout the region there have been significant advances.

The most important of these have been the creation of interministerial or interdepartmental structures in specific and ministries with a view to introduce gender policies in crucial sectorial areas. Other strategies have included the formalization of agreements or partnerships; still others formal statements by the president himself/herself adopting gender mainstreaming in all governmental policies. Argentina, Brazil, Chile, Costa Rica, Mexico, and Uruguay have been extraordinary success stories in terms of achieving gender policies as formal state policies throughout the governmental structure.

National mechanisms in several countries in the region have been instrumental also in developing vertical mainstreaming coordination and development to bring to the local levels of government the gender perspective. The effectiveness of the decentralization strategy depends nonetheless on several factors: the adoption of local plans, adequate human and technical resources to make formal plans a true mechanism of effective communication and mediation spaces between the interests and demands of civil society, represented by the feminist and women's movement on the one side, and public power on the other. Positive direct effects can be seen in Brazil, where the national mechanism has established secretariats in all states and municipalities of the federation. As a strengthening tool for these local machineries, the national mechanism allocated part of their resources to the machineries at the state and municipal levels and the effects were dramatic. Local machineries increased exponentially from 13 in 2003 to 233 in 2009 in 20 states and 213 municipalities and women's participation in the regional and national conferences also showed a steep increase. In Argentina, the "Consejo Nacional de la Mujer" established a federal council integrated by representatives of all the provinces to whom they provide technical assistance toward capacity building in every region. The national mechanism in the Dominican Republic reported an increase in the number of Offices on Gender Equality and Development created at all central and municipal dependencies, since the mandate by decree was adopted in 2003. In Belize, a step was taken in this direction as six district offices were created although the staff consisted of one social worker with a mandate to focus on gender equality.

The Brazilian experience suggests a successful combination of all these factors: a national mechanism high at the governmental structure, an enlarged budget, and a vertical strategy that combines national conferences with regional and local conferences with effective and direct participation by community and local leaders. These conferences have allowed for the participation of over 300,000

women on a national level and the establishment of stable regional mechanisms that have developed as effective forums for capacity building and leadership development.

In the smaller and less developed countries in the Caribbean region, mainstreaming has also had its share of small successes. Due to lack of adequate resources, Gender Analysis checklists have substituted elaborated national action plans and proved to be useful mainstreaming tools. They were designed and developed by the national mechanisms for use by policy analysts in the public sector who are responsible for policy development and analysis. The checklist helps the analysts to incorporate a gender perspective into their work. Some national machineries participate in the Policy Committee of other sectors of government to ensure that policy formulation and implementation integrate the concerns and experiences of women. This strategy has contributed to gender perspective in specific target areas and has achieved a measure of success in occupational safety acts, educational policy and justice system reform processes. Donor support was and continues to be instrumental in these advances.

In Honduras, an interesting strategy developed between the national mechanism and the judicial branch as legislative efforts, specifically in the areas of sexual and reproductive health, encountered strong opposition even from some women parliamentarian due to traditional religious positions and to the strong grip this still has on elected politicians from the legislative and executive branches. Coordination with the judicial branch for gender mainstreaming efforts in this sensitive area has shown progress as the constitutional and legal framework allows for legal and human rights arguments to be better pondered.

### **Awareness raising, training and capacity building**

National mechanisms in Latin America, together with NGOs, donors and international organisms and European solidarity have been the principal promoters of training projects with a gender perspective for public officials and the community. Training and gender sensibilization for public officials were identified as prerequisites for the implementation of gender mainstreaming efforts in the different ministries and governmental units that needed to incorporate a gender perspective in order to fully comply with the mandate to adopt gender equality in their policies and programs, plans and projects. Although efforts have been made in this direction, in order for a dent to be made in this respect, huge resources have to be invested to provide training to public officers in strategic positions so as to facilitate incorporating the gender perspective in the design, execution and evaluation of public policies. Only the larger and better funded of the national mechanisms have been able to design effective and long-standing training programs that still have a long way to go until significant changes can be made in the institutional cultures.

It is suggested that the debate promoted principally by the mechanisms and the women's movement, in addition to a dramatic increase in women's educational level, regarding the deficit in presence and participation of women in decision-making positions has brought about a slight increase in the number of women in executive positions. In the period encompassing the last three presidential periods, data shows that as a whole, women in ministerial positions increased from 13% to 27% (ECLAC, 2006). Still, at the municipal level, the percentage of women elected varies widely from one country to the next. In the Central American region it is low, generally not surpassing 10%. The highest registered has been Costa Rica with 37.9% in 2002 and the lowest is Guatemala with 2.4% in 2003. In El Salvador the percentage has continuously dropped in all elections since 2000. The Central American region, with a cluster of less developed countries, has not registered any increase for the last two electoral periods (INSTRAW, 2006).

Finally, we might point out as a note of interest, that the Gender Equality Index (0-100) monitored by Social Watch reported in 2007 that the largest increase in the Index for the period 2004-2007 was in the Latin American region. Although it is impossible to gauge the effects that the mechanisms could have had in this important increase, its influence cannot be discarded as irrelevant altogether in this trend towards gender equality in the region.

## **VI. Gaps and external and internal factors that present challenges to the effectiveness and efficiency of national mechanisms**

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Forces inside and outside the State play a significant role and constitute a continuous challenge in the process of institutionalization, recognition and legitimacy of the national mechanisms for women. Factors such as political reform and state institutionality, respect for the rule of law, economic crisis, violent civil strife and civil wars impact and limit the effect national mechanisms can have in transforming conditions and achieve cultural change. This is especially evident in the Central American sub-region where extended civil strife did not allow for a strong state structure or for adequate economic development, thereby severely limiting the ability of national mechanisms to impact policy.

Strong political will is a primary requirement if national gender mechanisms are to be the principal instruments from inside the governmental structure to promote such change. There is a clear and evident difference between the successes achieved by the mechanisms that have strong support from the executive (Mexico, Brazil) and those that struggle isolated in the governmental structure and lack political support from the executive and the political machineries.

In some countries there does not appear to be yet a clear understanding that gender equality is a matter of basic human rights and an essential element that must be factored towards democratic advances

and national development. Most national machineries encounter difficulties in convincing the state that public policies in “traditional women’s issues” are limited in its perspectives and do not disrupt discriminatory societal structures. Some significant actors and public officials still understand women’s agenda to be traditional programs of direct aid to women in their role as primary caretakers of the families and assign to the national machinery the implementation of traditional social assistance programs where women are still seen as vulnerable sectors of the population that need special assistance. This restricted view has proved to be a major obstacle to surpass when lobbying for the inclusion of gender equality policies and access to equal opportunities.

Frequently there is a huge gap between the women’s movement proposals and expected agenda and all other state entities. The national gender mechanisms have to dedicate enormous efforts and resources in order to sensitize public officials and build up political will and their understanding of gender concerns, an indispensable step in the mainstreaming of gender equality public policies. These processes take time, sometimes achieving advances but in others suffering setbacks and backlashes that create tensions within and outside the national mechanisms themselves.

Some national mechanisms in the region have still weak levels of institutionalization as not all have been legitimized by being created by law/constitution or by being located at the highest political level under the direct responsibility of the president or a cabinet minister. Although huge progress has been made in this direction the gender equality agenda can be reversed by this lack of institutionality. Changes in government due to electoral results or other political processes have a direct effect on the priority given to gender equality and women’s issues and on the direction, roles and functions that the machinery will give priority to in the future.

As elsewhere discussed in this report, many national machineries have to struggle to implant their action plans amid great difficulties and limitations while at the same time it is expected that they will be identifying new and emerging issues that arise from social dynamics and can affect women. Thus limited resources represent an insurmountable problem for most.

Gender mainstreaming continues to be a great challenge as the involvement of other governmental units is essential for the achievement of this goal. Gender mainstreaming is still resisted and has not been recognized or accepted as an indispensable state strategy. This in turn depends in a great measure on the political will of the head and members of the executive branch. Evidence suggests this political will can be created by increasing the political power of the mechanism itself, by constructing a powerful base that will support the mechanisms when threatened. Interlocutory links with civil society organizations are an important dimension of the work of the national mechanisms for gender equality. Thus, these channels of communication with feminist groups, the women’s movement and civil society in general are essential for the machineries to develop an autonomous base of political support that can guarantee its defense in moments where the machineries may be in peril.

On the other hand, it seems indispensable that national mechanisms do not isolate themselves. Alliances must be made with other significant civil society groups aside from women’s movement and academia and greater efforts should be made to increase public presence and influence of the heads of the mechanisms. Evidence strongly suggests that these “public relations” efforts are worthy and result in an increase of influence within and outside the government.

Strong personal leadership of the head of the national mechanism has had a large bearing on the success the mechanism has in fulfilling its mandates, most specifically the gender mainstreaming efforts, and in achieving that gender issues be recognized as priorities. The fact that the person appointed comes from another position in government or has political power, or from high positions in academia, or sometimes even from women’s or feminist organizations, has provided a high profile that has empowered the mechanism as an institution to receive the support and political will it needs to comply with its mandates. Rank and mandate aside, the political and partisan relationships that the head of the mechanism can develop with the president and ministers in critical areas have been a substantial factor that has either opened or closed possibilities of influencing the establishment of strategies and the

creation of working groups within the ministries to promote gender mainstreaming policies. This closeness with the political and partisan machineries seems to be a crucial factor in the success of the machinery to receive the support of the governmental machinery. Nonetheless, this political closeness has had its drawbacks as it constitutes a factor of instability and vulnerability when there is a change in the government after an electoral event.

Such closeness also has another important drawback: the historic women's movements' distrust in the dealings of government and their resistance to accept the influence of partisan politics in the gender agenda, which they strongly consider as a human rights issue that has to be above petty party politics. This can establish a distance between the national machinery and its crucial base of support. If the mechanism is threatened and receives no support (or merely lukewarm support) from its base, it is in a most vulnerable position. Experience in the region shows that in these dangerous occasions, the mechanisms have been able to survive directly due to the women's movement's militant defense. It is then a challenge for the mechanisms to walk in a minefield in order to garner support and political will from the two different but essential forces it needs to survive: the state and the women's movement.

Political parties and processes still represent a major obstacle to women's access to political positions. Male politicians perceive that their own political positions could be jeopardized by the presence of more women candidates and resist efforts to widen that offer. Lack of economic support for women candidacies is another major factor as well as the absence of women from the informal corridors of power, both political and economical, where most of these decisions are made. In addition, some women elected to legislative positions have no commitment to women's rights. These factors, some of which are realms outside the limits of legal reform, still represent a major cultural obstacle to women's equal participation in political positions.

Even in the face of significant advances, gaining access to public venues, especially Parliament, does not mean gaining access to neutral spaces as these venues were designed according to the masculine mindset. Women who win political office, regardless of social or ethnic origin, are subject to various forms of discrimination and scrutiny. They must create their own spaces or accommodate into the male-designed environment. Women's caucuses, now all the more frequent in Latin America, seem to provide an important support space. Nonetheless, women heterogeneity is a challenge as their political choices, in some issues more than others, are more determined by other factors such as religious and political affiliation, class and race than by gender.

National mechanisms as a whole seem to be less successful in the establishment of monitoring strategies and when they do frequently there are no time bound targets. There are difficulties in the adoption of instruments necessary to evaluate gender impact of specific plans and policies and to measure their levels of success. Although Observatories have been welcomed by all sectors as a new and valuable tool to gauge advances these are all encompassing and cannot link specific strategies with a significant statistical change.

For less developed and poorer countries, outside funding from various donors is a necessity and the only possibility towards the creation of gender equality plans and/or projects and for capacity building and for the mere existence of a national mechanism. International agencies such as UNFPA, OPS, UNICEF, PNUD, and solidarity programs from Mexico and some European countries sustain diverse initiatives in the region.

The smaller countries have less progress to report on gender-disaggregated data. A principal problem seems to be that there is a lack of recognition of the importance of gathering data and of statistics as a tool for the establishment of public policies and its effectiveness in monitoring progress. Lack of economic resources and technical capacity explain that in some countries there is no quality or periodicity in data collection and thus the data available is not adequate for analysis while more developed countries with strong state stability report the incorporation of gender indicators in their data gathering.

For most of the countries in the region, a lack of adequate financial and human resources is an insurmountable obstacle for the national mechanisms to engage in emerging issues as they have barely been able to respond to the old challenges and problems faced by women. If national gender mechanisms are to be able to play an important role in the design of the new public policies that will be designed to face these issues, they need to be equipped and qualified. There is a permanent deficit of technical capabilities in the mechanisms that can only be surmounted by allocation of adequate resources. Almost all national mechanisms exercise promotional, coordination, regulatory, executive, monitoring and advisory functions although only mechanisms in the more developed countries such as Mexico, Brazil, Chile and Costa Rica that enjoy larger resources, are able to carry them out and seem fully prepared to engage in public debate concerning new or technical issues that require specialization. Still, ECLAC support has to be specially emphasized as it has provided significant capacity building in this regard hosting panel discussions and publications on emerging issues such as migration, unpaid labor, unequal paid labor and sexual exploitation.

Lacks of legal literacy by women who are not aware of their rights coupled with historical difficulties in the enforcement of laws and respect for the rule of law represent a huge handicap in the region and constitute a challenge to empowerment objectives.

Not enough progress has been made relative to stereotypes about women in the media. There is still too frequently presentations of women in very traditional roles in commercial advertisements and popular soap operas that continue to promote gender segregated roles. On the other hand, mechanisms in more developed countries have been able to create educational campaigns in the media, most frequently on gender violence.

Governments in the region still bow to the enormous influence of powerful religious groups particularly the Catholic Church that pressure elected public officials, specifically parliamentarians to resist legal reforms and the adoption of public policies regarding women's sexual health proposed by the women's movement. The liberalization of abortion and other laws relative to sexual and reproductive rights have been particularly resisted. In some countries there has been a backlash and constitutional amendments and statutes have been adopted that penalize any pregnancy termination for whatever reason including rape and risk to the women's lives. In this process even some women parliamentarians have supported such amendments. National machineries, under the same pressure, have been cautious or have been altogether silenced. Abortion, an issue that divides women as a whole and parliamentarians in particular, has worked against any progress in the area of sexual health, including ratification of the CEDAW Protocol.

National mechanisms generally confront roadblocks and hurdles because of the poor political and social development of several of the countries of the region, because of social inequalities and because of the weaknesses of its governmental institutions. In addition there is still scarce sensibility towards discrimination against women, a general lack of a culture of equality and of understanding how gender policies would contribute towards defeating poverty and unemployment and towards increased democracy.

Lastly, it is important to state that there has been a backlash against the advances achieved in the gender equality agenda. Anti-equality perspectives have come to the forefront of this debate, (very well-funded) to resist equalitarian measures and policies and promote a traditional family-values discourse that appeals to significant sectors of our population. These efforts have been partially successful and represent a serious threat to the advances achieved. Reforms invisibilizing gender issues are recent and worrisome examples of their success.

## **VII. Lessons learned, promising practices, and possible future directions in policy and institutional changes (emerging issues)**

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In this the most uneven region of the planet, there can be no fixed models as to how the national mechanisms should work to be effective. Nonetheless, there are evident lessons and practices that have proved their effectiveness and could help direct efforts for the future.

There have been important political openings for women in Latin American that indicate that there is a legitimate expectation in that direction and that there has been an evident increase and development in women leadership. Women have been elected presidents in two of the most developed countries in the region by direct popular vote and both developed their political careers by occupying important positions of power before being elected to the presidency. This is an important element that differentiates these women politicians from previous moments in the region's history where women occupied high governmental positions because of their husband's former position as president or as a frontrunner candidate without any prior political involvement of their own.

Thus stronger efforts should be directed to increase the number of women in political positions and to increase women's empowerment so that they perceive themselves as potential candidates for public office: e.g. electoral laws, laws relative to capacity building inside political parties. Only through a voice in decision-making can agendas be transformed and

gender priorities established. Women must seize the democratic spaces that are opened and the growing strength of civil society and must develop and have proposals ready so as to benefit from moments such as electoral campaigns and other democratic openings.

In the Chilean case, it is especially evident that when gender-sensitive women attain positions of power the legitimacy of gender related issues increases exponentially. The presidency of Michelle Bachelet is a prime example. Her public statements regarding gender issues and the appointment of the first parity cabinet in Latin American history have been followed by actions that have increased the possibilities for the national mechanism to fulfill its mandates.

The election to the presidency of Chile and Argentina of two women by direct popular vote is a historical fact of utmost importance for the advancement of women's participation and presence at the highest political positions. An important level of political maturity in terms of women as legitimate political partners seems to have been achieved in these two countries, characterized by a high degree of state legitimacy and strong political parties. Although it remains to be seen what effect this fact will have on future political campaigns there is no minimizing the dramatic context this creates for adult women and girls in their own perceptions of women's role in society and the possibilities for their own lives.

Strong links to civil society and especially to women's movements are crucial to the effectiveness of national machineries. The integration of different sectors of civil society as active participants in the development of local and national agendas cannot be sufficiently stressed. National mechanisms increase the possibilities of fulfilling their mandates and guaranteeing compliance with equality policies if they establish spaces of interaction with civil society and especially with the women's movement no matter how critical this latter could be or have been in the past. Experience in the region shows that even though at some time some women's groups could have been overtly critical and concerned with the influence of partisan politics in the priorities or focus of the national mechanisms, when these are threatened the mechanisms will be supported by the women's movement as there is still a strong consensus in the region that these mechanisms are indispensable for the achievement of advances towards gender equality. National mechanisms depend in large measure for its advances and progress on the activism of the women's movement.

Recent reduction in activism in the region is cause for serious concern. This, on the other hand, cannot be the only support of the mechanism. The weakening of the women's movements activism is an indication of the need to create a critical mass of support by building alliances and partnerships with other groups and the community. Advocacy has always been an indispensable strategy previous to the adoption of any new gender statute, program or project as these have never been initiated voluntarily by the state.

Exchanges of experiences among national machineries throughout the region and in some sub-regions, as the creation of COMMCA well suggests, have proven to be very useful as similarities of culture and history make exchanges particularly rewarding, learning from the successes and mistakes of other countries in the region. Even exchanges of experiences of machineries from other regions are useful as some can be adapted to the regional context. International bodies and the Regional Conferences sponsored by ECLAC in particular, have been of utmost importance in facilitating these exchanges and signaling emerging issues for the future such as migration, unpaid labor, unequal paid labor and sexual exploitation amongst others. These issues, if not promoted by ECLAC Division for Gender Affairs, would have been relegated to the backburner as most national machineries are overburdened and understaffed and lack the technical resources to address these issues.

Feminist and women's movements in Latin America have achieved a significant feat establishing an important independent voice in the region. They have created strong networks that have strengthened their resolve and allowed for sharing vital information and increased capacity building. Networks in Latin America have been a valuable tool also for gender research, for regional mobilizations and concerted activities that have established a strong bond between the feminists' movements in the region. NGOs and women's movements ability to work together, share information and support their respective



initiatives provides a venue for gender equality efforts. National mechanisms profit from their significant power and should publicly acknowledge their importance providing funding for their specific projects when possible.

Stimulating participatory activities in municipalities, regions and local governments promotes capacity building and the emergence of local political leadership and provide forums where women develop diverse skills that increase their abilities to argue and debate effectively. This capacity building in turn empowers the local machineries and allows for the accommodation of women's needs in different parts of the country. Nonetheless, open participatory processes at the local level must be proceeded with care to avoid that women's pressing individual needs derail the role of the mechanisms to that of a social services provider without the gender perspective needed to promote the transformation that will ultimately bring structural equality.

Experience has demonstrated that possibilities increase for advancement of the gender agenda from the state in a democratic setting and in a wide context of political reform that encompasses increased participation by the different sectors of society. There are increased possibilities for advancement of the institutionalization of mechanisms, when there is more political stability in the state itself. Still, democratic openness does not necessarily imply a transformation into a structure that generates gender equality nor does it mean that the national mechanisms will have access to the resources they need. The moments must be seized and the agendas must be ready.

As the State, and not just the national mechanism, must be made responsible for the achievement of gender equality, there are stronger possibilities of becoming a reality in countries with a high respect for the rule of law. Experience suggests the best moments to advance this strategy is during efforts to modernize the state: labor reforms, electoral reforms, technological and efficiency and result-oriented reforms as gender equality can be understood as a precondition to a more efficient state.

National machineries that provide technical assistance and capacity building tools to public officials in regional/local machineries so as to facilitate gender perspective in the design, execution and evaluation of public policies and to women from civil society to promote their empowerment and increase their legal literacy have seen an increase in participation and support from civil society that accelerates the adoption of gender policies.

It is worth noting that personal leadership or authority- the presence of outstanding figures as heads of the machineries-is a factor that has played an important role. Although for certain institutional processes it has been helpful to have a charismatic leader, the legitimacy of national mechanisms can only be secured if the foundations of the authority they wield are expressed in a system of legally established instrumental norms.

National mechanisms and the women's movements need to bridge the gaps that present hurdles towards alliances with other stakeholders, political actors and the community at large. Public relations efforts have proven effective as increased presence in public debate heighten the legitimacy of the gender agenda and help form and transform public perception and opinion. Mechanisms that have increased their public presence have also increased in their overall importance. Alliances with media and communication groups have also been very effective in socializing the gender agenda.

There seems to be strategic merit in identifying as priorities in the agenda of the national mechanisms specific programs to intervene with those segments of the most vulnerable and needy groups of women (e.g. sole heads-of-households, AIDS victims, poorer women, etc), and with urgent social issues such as health, education, justice, employment while preparing/working with other mainstreaming strategies. Gender mainstreaming cannot be perceived to be an obstacle for the establishment of intersectorial projects as priorities.

There are indications in the last few years, that new issues, agendas and research areas have emerged, although these usually spring from the women's movement, academia or even from ECLAC agenda, and not from the initiative of national mechanisms themselves. Information is being shared

worldwide and allows for new opportunities for the national mechanisms to seize these issues and promote capacity building, establish alliances and exert leadership. Macro-economy has emerged as one of those important issues that has provided for opportunities. A significant example is the Latin American Chapter of the Gender and Commerce Network, a non-governmental entity composed of economists and social activists who study the relationship between gender and commerce and the impact of the regionalization of economic policies on women. This debate, initiated elsewhere, could be an excellent opportunity for national mechanisms to incorporate this research into its agenda and establish close working relationships with these important social actors.

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