

LATIN AMERICAN WOMEN RISING

Long characterized in the minds of many by economic crises, machismo, and traditional Catholicism, Latin America today confidently defies stereotypes. It weathered the US-triggered recession, while many countries – including the United States – floundered. Evangelical Protestantism is gaining ground, winning over legions of the Catholic Church’s flock and challenging its traditional doctrines about gender roles. And women have made dramatic inroads in the traditionally male-dominated halls of congress, judicial benches, and presidential palaces across the continent. Progress for women in the political arena has been so swift as to reach numbers many around the world can only dream of attaining.

Despite impressive gains at the level of elite political leadership, the situation for ordinary women in other facets of their lives is still fraught with challenges that are either gender-based or affect women disproportionately. We will start with the good news in terms of women’s advance into positions of leadership and then highlight areas where important obstacles remain for women in Latin America and the Caribbean.

Women and Political Power¹

Women in Latin America and the Caribbean have made tremendous strides towards achieving leadership in every sphere. Just over a decade ago, in 2000, the Inter-American Dialogue issued a report from a meeting of women political leaders that concluded, in Latin America and the Caribbean, “the highest circles of power still remain largely male dominated.”

Today, that is certainly not the case. By 2007, Michelle Bachelet, Portia Simpson Miller, and Cristina Fernández de Kirchner were elected heads of state of Chile, Jamaica, and Argentina,

respectively. Today, Michelle Bachelet is in a strong position to be reelected, while Cristina Fernández and Portia Simpson Miller are serving their second terms. Dilma Rousseff of Brazil and Laura Chinchilla of Costa Rica now also serve as their countries' first elected female presidents. Across the hemisphere, the number of women legislators in the region has jumped 50 percent, from 16 to 24 percent, between 2000 and 2013. Women lead political parties, serve in executive cabinets, and compete against each other in national and local elections.

The Americas has the second highest regional average of women's representation in the lower houses of congress in the world (at about 24 percent), lagging behind only Nordic Europe (42 percent) and exceeding the world average (20 percent). And women's participation in national cabinets grew over 150 percent between 1990 and 2010 (from 9 percent of total ministers to 22 percent).

[Table 1: Women in lower & upper houses of parliament]

As Table 1 makes clear, women political leaders are doing better in some countries than others. Women's representation in parliaments is highest in Cuba, Nicaragua, Costa Rica, Argentina, Mexico, Ecuador, Trinidad and Tobago, and El Salvador (all over 25 percent). Women's levels are lowest in the Belize, Haiti, Brazil, Panama, Barbados, Uruguay, Colombia, Paraguay, Jamaica, Guatemala, and Chile (all under 15 percent). So we see there is no correlation between level of economic development and degree of women's political advancement.

Women are also being appointed to cabinet posts in record numbers. Since 2000, women's share of national cabinet positions in Latin America grew 100 percent, from 14 percent of total ministers in 2000, to 28 percent today. These increases are due in part to voluntary efforts, like those of President Michelle Bachelet of Chile, who initially appointed equal numbers of men and women to her cabinet, and Colombia, the one country in the region with a quota law that applies

to cabinet positions. In 2000, Colombia adopted a law mandating that 50 percent of political appointments be filled by women.

Increasingly, the posts to which women are appointed are not only in traditionally female ministries, like health, education, and social issues. Since 1985, 22 women have served as foreign minister of Latin American and Caribbean countries, and there have been thirteen women ministers of defense—in Dominica, Nicaragua, Chile, Colombia, Belize, Argentina, Uruguay, Ecuador, Bolivia, and Paraguay. And President Dilma Rousseff of Brazil served as energy minister under President Luiz Ignacio Lula da Silva.

In general, however, women have made more progress in the legislative branch than in the executive. This is true at the local as well as the national level. The key drivers of this discrepancy are electoral quota laws designed to increase the number of women in legislatures across Latin America.

Table 2: Countries with Quota Laws (year adopted, %, whether mandated)

Thirteen Latin American countries have adopted quota laws that establish a minimum of between 20 and 50 percent for women’s participation as candidates in national elections. Eight of the top twelve countries in Table 1 have quota laws in place. To be effective, quota laws must be obligatory, with strong enforcement mechanisms, and a mandate that guarantees women be placed in winnable positions on candidate lists. For this reason, quotas function best in closed list systems. For example, Argentina’s 30 percent quota law requires that every third candidate on a political party list in an election must be a woman, and Bolivia, Costa Rica and Ecuador’s 50 percent quota laws require that every other candidate on the list be female.

Women are gaining ground in the judicial branch, as well. As Sital Kilantriy reported in *Americas Quarterly* (2012), the percentage of women in Latin America’s high courts has risen

dramatically over the past decade, on average increasing from zero in many countries in the year 2000 to 20 to 35 percent of appointments in 2010. As in the legislature, the Latin American and Caribbean (LAC) region ranks second in the number of women judges, topping the world average by nearly 10 percent. At 33 percent representation, LAC is on par with Canada and the United States, which have women holding 32 and 30 percent of federal judicial posts, respectively. Significantly larger increases have been achieved by the Eastern Caribbean Supreme Court (comprised of nine countries), which is made up of 60 percent women.

The increase in the number of women in political power has brought with it a great deal of new legislation affecting issues of concern to women—like laws regarding electoral quotas, domestic violence, family issues, and workplace discrimination. Similarly, with increasing numbers of women in the judiciary we have seen increased sensitivity from the bench to arguments based on women’s rights.

Efforts by women's movements and non-governmental organizations (NGOs) have also been instrumental in fostering implementation of laws affecting women. Women’s movements have served to increase awareness among women of their rights, and many NGOs are dedicated to training lawyers and judges to be sensitive to gender prejudice. Thirteen countries in the region have human rights ombudsmen—Argentina, Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, and Venezuela. In several of these there are specific agencies dedicated to addressing women’s complaints about violations of their rights, investigating cases, and bringing them before courts and other venues.

In addition, international conventions, promoted by women’s movements and used by judges, have helped advance a more progressive legal culture with regard to women’s rights. The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and

the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará) are the most prominent examples. International statements of principles like the Beijing Platform for Action, while not binding, are often referenced by judges in their decisions. And they are used by women's movements to monitor government's adherence to their commitments to women and hold them accountable.

“Del dicho al hecho, hay mucho trecho”

Although Latin America has witnessed unprecedented advances in women's rights and political representation, it is important to remember that significant challenges remain. The improvements cited above are not consistent among countries and are easily reversible. No nation has achieved gender parity in government. In about a third of Latin American and Caribbean countries, women still hold fewer than one-quarter of elected positions in national legislatures. In addition, many Afro-descendant, indigenous, and poor women continue to be excluded from full democratic participation.

A persistent problem in Latin America is the gap between law and practice, and the looming challenge is to implement existing laws. There are still broad areas of inequity in issues such as workplace discrimination, poverty, and marginalization of indigenous and afro-descendent women. While all of these merit extensive attention and action, we will focus on two areas to illustrate the unfinished state of women's rights in Latin America today: domestic violence and reproductive rights. These critical issues demonstrate the formidable obstacles to full equality women still face.

Domestic Violence

Violence against women is a major public health and human rights problem globally, and the crime is especially pervasive in Latin America. From sexual harassment in the workplace to its most extreme form – femicide (also known as “femicide”) – assaults against women occur in both the public and private spheres. As is the case in most of the world, rates of abuse vary within and among countries, as well as across socio-economic strata. But there are no areas, and no populations of women, where some form of gender-based violence is completely absent.

Unfortunately, Latin America ranks among the world’s regions with the highest rates of violence against women. All too frequently occurring in the home, the problem can range from psychological abuse to physical injuries at the hands of a partner, spouse, or family member. Pregnant women are especially vulnerable to abuse, often with severe medical consequences for their children.

Latin American women face two chronic obstacles to escaping violence in their lives: widespread poverty and absence of support from State authorities. Other factors include displacement by armed conflict (and gender-based violence associated with war), specific attacks against indigenous and afro-descendent women, assaults on those in particular professions, and, increasingly, human trafficking. Economic conditions often force thousands of women either to remain in abusive domestic arrangements or to seek work in precarious and dangerous situations. Frequently, as they put their lives at risk in seeking work, women find no protective support from law enforcement authorities.

The most extreme example of such violence has come to light with the murders of hundreds of women along the US-Mexico border since the 1990s. In that decade, a steady stream of mostly young women began to migrate north to work in assembly plants (maquilas). Many fell victim to organized crime, gang and drug trade-related violence, as well as inter-family abuse. It

eventually became clear that their deaths were not random acts associated with a lawless zone: they were gender-based killings. Since the early reports of “femicide” emerged from Mexico, attention has begun to focus on the scope and gravity of this crime throughout the region.

Femicide has been defined either strictly as the murder of women by current or former partners or husbands, or in its most basic sense as “the murder of women and girls *because* they are female.” (Feminist Diana Russell coined the term in a seminal work on the topic, *Femicide in Global Perspective* [2001]). Latin America and the Caribbean represent approximately one-half of the world’s twenty-five countries with the highest femicide rates (with at least 3 per 100,000 of the female population). The disaggregated data show the situation is even more dire: El Salvador tops the list, with 12 femicides per 100,000 between 2004 and 2009; Jamaica and Guatemala are close behind, with 11 and 10 respectively. As the Geneva Declaration Secretariat reported in 2011, there are also areas within nations that report excessively high gender-related murders, such as Mexico’s Ciudad Juarez, where the rate was reported at 19 per 100,000 (2009), and Brazil’s Espirito Santo state which documented 11 in 2008.

Latin American governments and law enforcement officials have begun to recognize the gravity of femicide in recent years, due to advocacy efforts by women’s rights and other non-governmental organizations, the international community, and a growing public awareness of the problem. Several governments have started tracking and publishing statistics on rates of gender-based murders, and there are signs that victims’ denunciations are slowly being taken more seriously – and that perpetrators are being brought to justice.

In general, though, crimes that jeopardize women’s health and safety still do not receive adequate attention in Latin America. While the region has created an impressive array of laws

and policies to protect women, they have not supported these with sufficient financial and human resources, educational tools, or official enforcement at the local or national levels.

Debates over the issues around reproductive rights present similar challenges. The following section addresses the urgency of adequately securing reproductive rights for women in Latin America today, and the need for a public response to this very private matter.

Reproductive rights

Reproductive rights advocacy spans a wide spectrum of issues ranging from family planning and contraception to maternal health and choices surrounding child-bearing. In Latin America – given its historical relationship with the Catholic Church and widespread cultural conservatism – the subject of abortion rights has remained controversial. More and more women terminate pregnancies each year for a variety of reasons, and the vast majority of the procedures take place under illegal and unsafe conditions. While maternal mortality related to illegal, unsafe abortions in Latin America is the highest in the world, the vast majority of the region’s political leaders remain stubbornly opposed to decriminalizing the procedure.

Although the right to choose is widely proscribed, the estimated annual number of abortions in the region has exceeded four million in recent years, and over 95 percent of the procedures were unsafe and/or illegal. In Chile, the Dominican Republic, El Salvador and Nicaragua, abortion is criminalized in every case, with no exceptions – even in situations of rape, incest, or when the mother’s life is in danger. According to the Guttmacher Institute, approximately one million Latin American women are hospitalized each year due to complications from unsafe abortions. It is also known that, although abortion-related morbidity and mortality rates are much higher in areas with restrictive laws than in those with more liberal

abortion policies, the number of women seeking abortions is much greater in areas where the procedure is illegal.

In examining the state of abortion legislation in Latin America, there appears to be little correlation between its legality and the population's level of education, or the country's economic status, or the gender or political ideology of its leadership. For example, in the past decade countries that have had women presidents (e.g., Argentina's Cristina Fernández, Chile's Michelle Bachelet, and Brazil's Dilma Rousseff) have taken no greater steps toward legalizing abortion than have their male-led counterparts. Similarly, "leftist" presidents such as Nicaragua's Daniel Ortega (a former Sandinista comandante) and Uruguay's Tabaré Vázquez (of the Frente Amplio) both took hard-line anti-abortion stances. Ortega won election by promising and implementing a total ban on all abortions, and in 2010 Vázquez vetoed a legalization bill that had been approved by the Uruguayan parliament.

It is Vázquez' successor, José Mujica (also a leftist), who decriminalized the procedure soon after taking office. In October 2012, Mujica signed legislation that waived criminal penalties for abortion in the first trimester, with an extension of up to fourteen weeks of gestation in cases of rape. In taking this step, Uruguay became only the second Latin American nation (besides Cuba) to permit legal abortions with relatively few restrictions. However, while the move does lower obstacles to the procedure, the law establishes a series of complicated roadblocks that continue to make access extremely difficult for women. A 2012 Human Rights Watch report summarizes these obstacles:

The law requires women seeking abortions to inform a doctor of the circumstances of the conception and the economic, social, or family hardships which would prevent her from continuing the pregnancy.... [T]he doctor is required to consult an interdisciplinary team of at least three professionals, including at least one gynecologist, one mental health professional, and one specialist in social support. The interdisciplinary team must meet with the woman to inform her about the law, the process of abortion... and of the

alternatives to abortion and offer psycho-social support and information... After the woman meets with the team the law requires a five-day reflection period before she can reassert her choice to continue with the abortion...

While not absolutely prohibitive, the restrictions are highly burdensome for women, especially those from rural areas or with fewer economic resources. Such onerous requirements also place an undue burden on doctors, who might choose not to offer the service rather than submit to such time-consuming procedures.

In decriminalizing abortion, Uruguay joins a small club of Latin American nations and cities that are slowly moving toward expanding reproductive rights. The region's thousands of pro-choice organizations, grassroots movements, progressive legislators, and reproductive rights advocates have managed to pass pro-choice legislation in a few key areas. Among the most notable of these were the 2006 decision in Colombia, whose Constitutional Court decriminalized abortion in limited cases on the grounds that the country must comply with international human rights treaties to which it is a signatory, and the legalization of abortion in Mexico City in 2007, which built on the momentum gained from the Inter-American Commission on Human Rights' 2006 decision in the case of *Paula Ramírez v. Mexico* that ordered the Mexican government to pay reparations to a rape victim who was denied an abortion and to issue guidelines providing clear regulations on the access to abortion in the case of rape. In every instance, however, such decisions have been met with equal resistance – anti-abortion forces are working in tandem with local church dioceses and parishes, who receive support from global institutions, most notably the Roman Catholic Church. Its representatives, along with increasingly influential evangelical Protestant leaders, have come to play a key role in the hemisphere's politics. strong social and civil society movements—especially from within the Catholic Church and domestic and trans-national NGO community—have arisen subsequent to pro-choice judicial cases to advocate for

the curtailment of reproductive rights. For example, in response to the legalization of abortion in Mexico City, anti-choice supporters led a successful backlash in the rest of the country, with 17 of Mexico's 31 states passing constitutional amendments to protect the fetus. The debate remains similarly unsettled throughout the hemisphere.

The Prospect for Inclusive Women's Rights

The status of women in Latin America and the Caribbean is at a crossroads. Women have made enormous gains in securing political power, due in part to quota laws and the reform of discriminatory civil codes and the passage of other gender-related legislation. At the same time, the gains of those in power remain largely elusive for their less-privileged counterparts – and for many other women regardless of income or social status. Inequalities persist for diverse sectors of the region's women, threatening their health and well-being. For example, the consequences of unsafe abortion, including high maternal mortality and morbidity, have a disproportionate effect on poor and rural women. Such injustices need to be examined through a lens of human rights and equality of opportunity. Resources, education, and political will in law enforcement and public services in support of women continue to be woefully inadequate. As the power of women rapidly rises in Latin America, the next challenge will be to ensure that their considerable accomplishments are shared equitably and employed for the benefit of all.

¹ The analysis of women and political power draws on research and monitoring done by the Inter-American Dialogue's program on women's leadership, <http://www.thedialogue.org/page.cfm?pageID=76>.