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Priority policies to reduce gender inequality

C. Priority policies for reducing gender inequalities

POLICY PROPOSALS



High-priority policies for narrowing gender gaps include:

- To enable women to achieve economic autonomy, steps have to be taken to ensure the more widespread application of the types of labour laws and policies that the countries of the region have been adopting in such areas as land ownership, access and control; social protection for paid domestic workers; and care systems.
- To ensure women's physical autonomy, laws and public policies on violence, harassment and women's sexual and reproductive rights have to be reinforced and broadened in the countries of Latin America and the Caribbean.
- Headway has been made in strengthening women's decision-making autonomy, especially in terms of legislation for boosting women's participation in political affairs, but implementation of related actions still needs to be stepped up.
- In addition to bolstering women's autonomy, further gender mainstreaming is needed so that the implications for men and women of any planned initiative, whether in the form of legislation, policies or programmes, can be assessed in all areas and at all levels.

Within the conceptual framework of these various forms of autonomy, this section will review and provide examples of replicable advances made in the formulation of laws, plans, strategies, public policies and programmes for achieving equality between women and men in Latin America and the Caribbean in keeping with the 2030 Agenda, the Montevideo Strategy⁹ and the main international and regional standards on the human rights of women.¹⁰

Before looking at specific public policies that fit within this conceptual framework, it is important to emphasize that the countries of the region have made important inroads in the area of gender equality, especially in terms of legislation and the formulation of plans for supporting equality. For example, between 2016 and 2019, Uruguay, Costa Rica, Chile, Argentina, Ecuador, Paraguay, Peru and the Dominican Republic developed equality plans that incorporate the approaches, pillars and measures of the Montevideo Strategy, and at least six other countries defined 2030 as their policy horizon, thereby aligning their plans with the 2030 Agenda for Development and the Sustainable Development Goals (ECLAC, 2020b).¹¹ Progress in the area of public policy for gender equality in the region has been more uneven, however, as will be seen in the following sections.

1. Women's economic autonomy

In order to enable women to achieve economic autonomy, action has to be taken to promote women's involvement in gainful employment, narrow gender pay gaps in the labour market,

⁹ The Montevideo Strategy (ECLAC, 2017a) sets out 5 interrelated approaches based on the principles of equality and non-discrimination which serve to guide public policy and 10 pillars for policy implementation that establish the conditions and provide the means for their full, effective application.

¹⁰ For examples of the three dimensions of autonomy presented in this section, along with other examples of public policies that have been designed and implemented for the purpose of closing the equality gaps separating women from men, see ECLAC (2019b and 2019c).

¹¹ See the report on the Montevideo Strategy presented at the fourteenth session of the Regional Conference on Women in Latin America and the Caribbean (ECLAC, 2020c).

provide protection for motherhood and breastfeeding rights, regulate the labour market for paid domestic work and create integrated care systems, financial services and land ownership for rural women. This will entail efforts to do the following:

- Ensure *that businesses do not discriminate against women*. For example, article 151 of the Guatemalan Labour Code prohibits employers from stating that candidates for a job opening must be of a particular sex or of differentiating between single women and married women or women with family responsibilities. Argentina's Employment Contract Act (1976) establishes the presumption, unless proven otherwise, that the dismissal of a woman employee within seven and one-half months before or after she gives birth has been motivated by her pregnancy and makes employers subject to a very stiff penalty for unjustified termination of employment.¹²
- *Guarantee maternity (and paternity) leave in line with the international standards established by ILO (2021) (a minimum of 14 weeks of maternity leave and at least 2 breastfeeding breaks per day or a reduced workday for 6 months after a woman gives birth)*. For example, in Cuba¹³ maternity leave can be extended up 18 weeks, and in Ecuador¹⁴ a reduced workday for 12 months is guaranteed after a woman gives birth. In addition, depending on the number of female employees, employers must either provide a space for breastfeeding at the workplace or allow women to leave the premises to breastfeed their babies.
- *Strengthen policies on mandatory social security coverage for persons engaged in paid domestic work, most of whom are women*. For example, Argentina's 2013 Act No. 26.844, which deals with the special employment contract regime for workers employed in private homes,¹⁵ sets out the system for counting workdays for the purpose of domestic workers' coverage by the social security system regardless of whether they have more than one employer. Both workers and employers pay into the social security system. Most of the Latin American countries are moving towards mandatory social security registration, although in some cases, such as in El Salvador, Guatemala and Honduras, registration is voluntary or there are special regimes for domestic workers that afford less coverage than to other formal-sector workers (ILO, 2016).
- *Promote the creation of public care systems*. For example, in order to overcome the sexual division of labour and the imbalanced way in which society organizes its care systems, Uruguay established the Integrated National Care System by Act No. 19.353 as the fourth pillar of its rights-based social protection system (Uruguay, 2015). Under this system, if care centres are full or there is none near a person's place of work, special allowances are provided to pay for access to private care centres.¹⁶ In Costa Rica, National Childcare and Child Development Network Act No. 9.220 links up a number of different facilities that provide comprehensive childcare so that women can enter the labour market (Costa Rica, 2014). This system also includes the Progressive Integrated Care Network for Older Adults.¹⁷
- *Increase access to credit and promote women's entrepreneurship*. One of the vanguard initiatives in this area is the Women Who Lead Programme of the Banco de Inversión y Comercio Exterior. This programme, which was launched in 2018 in Argentina, grants loans to small and medium-sized enterprises (SMEs) in which at least 51% of the stock is held by women or in which at least 25% of the

¹² Chapter II, art. 178.

¹³ Decree Law No. 339, art. 10 (see Cuba, 2016).

¹⁴ Labour Law, art. 155 (see Ecuador, 2013).

¹⁵ See Argentina (2013).

¹⁶ See Uruguay (2021).

¹⁷ For further information, see IMAS (2021).

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Economic autonomy is fostered by ensuring that labour practices are non-discriminatory and that they are coupled with public care systems.



equity is held by women and at least one woman is on the board of directors or in a senior management position. In Mexico, Nacional Financiera S.N.C. has developed a credit product called *Crezcamos Juntas* (“Let’s Growth Together”)¹⁸ for women entrepreneurs who are signed up with the Fiscal Inclusion Regime (RIF). There is a ceiling on these loans, which carry market interest rates, but they do not have to be secured by real property and no joint and several co-signer is required. A total of 1,691 loans were granted between November 2015 and December 2018.

- *Strengthen job skills training programmes for women.* In Chile, for example, the *Chile Solidario* (“Chile in Solidarity”) programme provides women with job skills training, vocational training and training for microentrepreneurs in the production and services sectors. In Uruguay,¹⁹ the Integrated National Care System includes four training modules involving more than 180 instruction hours that award graduates with certification as caregivers. The first of these courses provides 90 hours of instruction in how to care for persons who are unable to live independently. The second provides 90 hours of training in childcare for children between the ages of 0 and 3. The third is designed for people who already have five or more years of documented caregiving experience and provides professional skills certification. The fourth module is intended for people with professional caregiving training and furnishes credentialing verification services. This training programme enables many women to improve their caregiving skills and to be paid for their work.
- *Set up programmes to encourage more girls and young women to secure degrees in science, technology, engineering and mathematics (STEM subjects).* One example of an initiative in this area is the *Más Mujeres en Ciencias* (“More Women in the Sciences”)²⁰ campaign being run by the Government of Chile. This intersectoral effort to ensure that more young women receive professional training in STEM fields is being carried out by the Ministry of Women’s Affairs and Gender Equity and the Ministry of Science, Technology, Knowledge and Innovation.
- *Promote land ownership by women.* In Nicaragua, for example, Act No. 717 authorizes the creation of a gender equity fund to finance the purchase of land by rural women, while Honduras passed a law establishing a national solidarity credit programme for rural women,²¹ along with its accompanying implementing regulations,²² in 2018. Meanwhile, in the Plurinational State of Bolivia, the Institución Financiera de Desarrollo (IFD) runs a rural education and credit programme known as *Crececer* (“Grow”)²³ which furnishes financial services, including loans, and integrated educational development support aimed at empowering rural women and improving their quality of life in six key areas of daily life: economic activity, food and diet, health, education, housing and social security (ECLAC, 2019b).

2. Women’s physical autonomy

In order to combat gender-based violence against women, progress has to be made on two different fronts at the same time: the development of comprehensive laws for the eradication of violence against women, and the establishment of mechanisms for preventing such violence, furnishing the necessary treatment and assistance, punishing perpetrators and providing redress. Coordination across sectors within each country is clearly necessary, but so is international cooperation in cases involving, for example, the trafficking of women and girls.

¹⁸ See [online] <http://m.sat.gob.mx/RegimenDelIncorporacionFiscal/crezcamosjuntas.htm>.

¹⁹ See Uruguay (2021).

²⁰ See Ministry of Women’s Affairs and Gender Equity (n/d).

²¹ Decree No. 110-2015, Honduras (2016).

²² Executive Order No. 014-2018, Honduras (2018).

²³ See *Crececer* IFD (2021).

(i) *The right to a life free of violence and discrimination*

Important lines of action in this area include:

- Developing stronger *legislation to eradicate violence and put a stop to the harassment of women*.²⁴ In Ecuador, for example, the issue of violence against women is now addressed in the Constitution and will therefore figure on the government's agenda on an ongoing basis regardless of which party is in office.²⁵ In Mexico, all 31 states and the Federal District have a general law on the access of women to a life free of violence (and 29 of them have already promulgated the associated implementing regulations) and have set up their offices of the National System for the Prevention, Punishment and Eradication of Violence against Women.²⁶ In Peru, the Act for the Prevention and Punishment of Sexual Harassment in Public Places²⁷ provides for prison sentences of up to five years in the most serious cases of this type of violence. Femicide has been defined as a specific criminal offence, and sexual harassment and the dissemination of images and audiovisual materials having a sexual content are an offence under the Criminal Code (ECLAC, 2019b). Argentina also has a comprehensive law on the protection of women which covers harassment in the streets and other public places, violence and discrimination, and the defence of their physical, psychological and sexual integrity and their economic and financial well-being.²⁸
- *Strengthening the institutional framework for the advancement of women*. Antigua and Barbuda, for example, have a Sexual Offences Model Court, while Grenada's Division of Gender and Family Affairs runs a Gender-Based Violence Unit. In June 2017, the Ministry of Justice and Police of Suriname established the National Council on Domestic Violence, which has been given a three-year mandate (ECLAC, 2019b).
- *Promoting intersectoral coordination mechanisms for programmes designed to assist victims of violence and set up specialized investigation and justice systems and units to tackle gender-based violence and the trafficking of women*. These mechanisms should include redress for women victims of violence and their families. In Chile, for example, a protocol for providing preferential access to housing for victims/survivors of violence is in place that is administered as a cooperative effort by the National Service for Women and Gender Equity and the Ministry of Housing and Urban Affairs. In Uruguay, pursuant to Act No. 18.850 of 2011, the State provides a non-contributory pension and special family allowance to the children of persons who have died as a result of domestic violence (Uruguay, 2011).

(ii) *Sexual and reproductive rights*

These rights include access to quality sexual and reproductive health services, comprehensive sex education, guaranteed access to a safe abortion in cases where abortions are allowed by law and the deterrence of child marriage. Important lines of action in this area include:

- *Moving toward the elimination of penalties for the voluntary termination of pregnancies*. In Chile, for example, Act No. 21.030 of 2017 does away with penalties for the voluntary termination of a pregnancy on any one of three legal grounds and provides for institutional assistance and support services for the mother (Chile, 2017). Mexico

²⁴ Since October 2016, 10 countries have passed at least 28 laws on the prevention and eradication of gender-based violence against women, in addition to other laws that define the criminal offences of femicide, sexual abuse and harassment, and human trafficking, among others.

²⁵ Article 66 of the Constitution guarantees women's right to physical, psychological, moral and sexual integrity and to the enjoyment of a life free of violence in both public and private affairs. Article 155 defines violence as any and all forms of physical, psychological or sexual ill-treatment. (National Council of the Judiciary, n/d).

²⁶ See Secretariat of the Interior (2020).

²⁷ Act No. 30.314, Peru (2015).

²⁸ Act No. 26.485, Argentina (2009).



Physical autonomy should be promoted by regulatory means. Laws need to be enforced, and action has to be taken to ensure their enforcement.

modified its Official Mexican Standard on Domestic and Sexual Violence and Violence against Women in 2016 to give rape victims the right to a legal termination of pregnancy (ECLAC, 2019b). In order to remove obstacles to women's access to abortion services, directives have been issued that require health-care providers not to delay the provision of these services.

- *Deterring the harmful practice of child marriage.* In Mexico, for example, amendments to the Federal Civil Code entered into effect in June 2019 that set the minimum age for marriage at 18 years and that repealed various dispensations and exceptions that had allowed local authorities and family members to permit people to enter into marriage before reaching that age.²⁹ In Honduras, people must be 21 years of age to marry unless they have the consent of their parents, guardians or a public authority, in which case they may marry upon reaching 18 years of age (*Criterio.hn*, 2017).
- *Designing or strengthening plans, programmes and strategies, ideally on an intersectoral basis, for the prevention of unwanted teenage pregnancies and establishing or reinforcing agencies to deal with this issue.* Argentina, for example, has developed its National Plan for the Prevention of Unwanted Teenage Pregnancy, while El Salvador has the National Intersectoral Strategy for the Prevention of Child and Adolescent Pregnancy 2017-2027. Guatemala has the National Plan for the Prevention of Teenage Pregnancy 2018-2022.
- *Putting in place institutional practices, plans and public policies with a focus on sexual diversity, non-discrimination and inclusion.* The National Sexual Diversity Plan of Uruguay is aimed at incorporating a sexual diversity, equality and non-discrimination perspective into public policies and institutional practices (Ministry of Social Development, 2018). This plan is underpinned by various laws, some of which are at the leading edge of legal developments in Latin America, such as the Child and Adolescent Code (Act No. 18.590 of 2009), which provides for the adoption of children by cohabiting homosexual couples in consensual unions, and Act No. 18.620 of 2009 on the right to a gender identity and to have one's name and sex designation changed on identity documents, which enables transgender persons to obtain documents that are in accord with their gender identity whether or not they have undergone surgical or hormonal interventions.
- *Modifying and strengthening sex education in the regular curricula of the public school system using an approach based on scientific knowledge and human rights.* The Government of Argentina, for example, has established that all students have the right to receive comprehensive sex education in public, government-run and private educational establishments at all administrative levels of the State, thereby doing away with the provision under which each school was allowed to adapt the content of sex education courses to conform to its "institutional ideology".

3. Autonomy in decision-making

Measures to promote women's autonomy in decision-making include high-priority public policies for supporting women's autonomy that call for the passage of laws, the adoption of policy measures and the establishment of programmes to promote their entry into decision-making positions in the political arena (through the use of parity regulations or representational quotas), in the private and public labour markets, in academia, in trade unions and in community organizations at all levels. Some of the options are as follows:

²⁹ See Secretariat of the Interior (2019).

- Using *affirmative action to increase women's participation in political parties, election campaigns and the three branches of government*. In Chile, Act No. 20.840³⁰ has replaced the binominal electoral system with a flexible parity system under which, starting with the parliamentary elections of 2017 and continuing on until 2029, at least 40% of the candidates from each political party who stand for election must be men and at least 40% must be women. In Argentina, a national law on gender parity in political representation (Act No. 27.412)³¹ was passed in 2017 that affirms the country's commitment to the concept of parity in democracy. The National Women's Institute (INAM) and the Association of Argentine Ombudspersons (ADPRA) have undertaken to monitor the law's enforcement. Meanwhile, Mexico amended its Constitution in 2019 to guarantee gender parity in public posts of all types in all three branches and all three levels of government (ECLAC, 2019b).
- *Incorporating mechanisms into labour laws to ensure greater access for women and greater participation by them in State institutions, organizations and associations*. In Chile, for example, Act No. 20.940³² modernizes the labour relations system and requires organizations to incorporate mechanisms into their bylaws to ensure that women will have seats on their boards of directors, while Act No. 20.881³³ ensures the representative composition of the membership.
- Taking steps to build a robust institutional structure for gender affairs. In the Dominican Republic, for example, the Chamber of Deputies and the Senate have set up gender affairs committees; local governments now have gender affairs offices; and gender equality policy committees are in place in the Central Electoral Board and the Supreme Electoral Court. The country also has the Women's Political Participation Observatory, which is run by the Central Electoral Board.

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Affirmative action to promote women's participation in all spheres of activity is essential.

4. Tools for gender mainstreaming³⁴

In addition to measures aimed specifically at promoting gender equality, it is also important to mainstream gender equality in other sectors and spheres by means of such measures as the following:

- *Setting up mechanisms for providing information and guidance and rolling out programmes to raise the awareness and build the capacity of civil servants whose duties involve dealing with women victims of violence or women who are seeking to exercise their sexual or reproductive rights*. In Chile, for example, the judicial branch of government has worked to make judges more aware of the different types of violence perpetrated upon women so that the courts will be in a position to provide appropriate assistance to victims. In Mexico, the Comprehensive Model for Adolescent Sexual and Reproductive Health Care of the Ministry of Health (2016) provides for the development of training workshops designed to ensure that all health-care institutions in the country base their work on a conceptually and operationally standardized model for sexual and reproductive health care.
- *Continuing to develop and refine national and subnational budgets that incorporate a gender perspective and undertaking analyses and assessments to bolster these efforts* (ECLAC, 2019c). For example, El Salvador's Legislative Assembly approved a 13.6%

³⁰ See Chile (2015b).

³¹ See Argentina (2017).

³² See Chile (2016).

³³ See Chile (2015a).

³⁴ In the words of the Economic and Social Council: "mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels [...] The ultimate goal of mainstreaming is to achieve gender equality" (ECOSOC, 1997, cited in ILO, 2017).

increase in the budget of the Salvadoran Institute for the Advancement of Women (ISDEMU) for fiscal 2019. An effort should be made, however, to lock in these budgets as much as possible because, in times of crisis of any sort, such as the present COVID-19 health emergency, the tendency is to cut back the budgets of gender affairs agencies, as has recently occurred with the budget of the National Women's Institute in Mexico.

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