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**WOMEN'S RIGHTS
AND OPPORTUNITIES IN LATIN AMERICA
PROBLEMS AND PROSPECTS**

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Issue Brief

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FOREWORD

In July 1997, the Inter-American Dialogue and the International Center for Research on Women (ICRW) convened the first meeting of the **Women's Leadership Conference of the Americas (WLCA)**, a network of 100 women leaders from nineteen countries in North, Central and South America and the Caribbean—including former presidents, prime ministers, business executives, women's rights activists, and other non-governmental leaders. The group has decided to work together toward three goals: expand the number and enhance the contribution of women in top leadership positions, promote policy and institutional changes that will improve opportunities for all women in the region, and strengthen other nongovernmental initiatives that advance women's equality, and facilitate their access to policy officials.

In accord with decisions reached at the first meeting of the Women's Leadership Conference of the Americas, members of the WLCA network formed a task force to monitor the status of women in the hemisphere and the extent of progress being made by governments to fulfill their international commitments to women. We are pleased to present this preliminary report on the status of women prepared under the auspices of the **WLCA Task Force on Monitoring**.

This report provides a snapshot of the condition of women in Latin America now, underlining the advances women have made and the obstacles they still face in the areas of political leadership, legal rights, domestic violence, health, economic opportunities, and education. Over the next six months, building on this report, the Task Force will set out to design a methodology for governments of the hemisphere to monitor, measure, record and report on the progress they have made toward fulfilling commitments to women undertaken at the two Summits of the Americas, in Miami and Santiago, and at other international forums. The blueprint will lay out how existing data on the status of women should be assembled, evaluated, and linked to policy. It will also point out where information is deficient, and call on governments and international institutions to put in place a region-wide system of monitoring that will allow citizens to hold their governments accountable.

On behalf of the WLCA, we wish to thank the members of the Task Force for their guidance in this endeavor. They are Co-Chairs Juliette C. McLennan (United States) and Jacqueline Pitanguy (Brazil), Mayra Buvinic (United States/Chile), Margaret Catley-Carlson (Canada), Lourdes Flores Nano (Peru), Monica Jimenez de Barros (Chile), Clara Jusidman de Bialostozky (Mexico), and Sonia Montañón (Bolivia). We are particularly grateful to Mala N. Htun for her extensive field research and the sustained quality of her writing of the report. Special thanks are also due to Samuel Robfogel for his skillful management of the monitoring project overall, and for the production of this report. We also wish to thank Sandra Forero, Kara Krolkowski, and Ben Smith for their research and editorial assistance. Special thanks go to Co-Chairs of the WLCA, Jan Myers (United States) and Sonia Picado (Costa Rica) for their unflagging leadership. Finally, we wish to express our appreciation to ICRW and the Promoting Women in Development (PROWID) program of the United States Agency for International Development for providing the financial support for this project.

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WOMEN'S LEADERSHIP CONFERENCE OF THE AMERICAS

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INTRODUCTION

This brief analyzes the status of women in Latin America in six thematic areas: political leadership, legal rights, domestic violence, health, economic opportunities, and education. These six areas correspond to the commitments made by governments at the 1994 Summit of the Americas in Miami, and the priorities established by members of the Women's Leadership Conference of the Americas (WLCA). The brief aims to describe some of the legal changes and policy initiatives being introduced in various countries to improve women's position and to study their results.

Although new laws have been passed and new public policies adopted, the commitment of most governments to improving the status of

women is primarily symbolic. Women's participation has increased and there is more official attention to creating equal opportunities, yet, too often new policy initiatives and institutions lack the political will and the resources to carry out their mandate.

The analysis presented here is preliminary. It takes an anecdotal approach, highlighting the experiences of a few countries that may suggest general tendencies in the region as a whole. A more comprehensive report will be published later this year by the Women's Leadership Conference of the Americas (WLCA). In addition, the WLCA will design and promote a strategy for monitoring the status of women throughout Latin America and the Caribbean.

POLITICAL PARTICIPATION, REPRESENTATION, AND LEADERSHIP

Women's presence in power in Latin America and the Caribbean has increased since the 1970s, but is still low. Only about 11 percent of cabinet level posts and seats in the national legislature are held by women (IPU 1998, UN 1998). Women's participation in decisionmaking and leadership lags behind women's gains in education, their contributions to the workforce, and their participation at the middle and bottom of organizations.

Today, women's opportunities to participate in decisionmaking tend to be greatest outside of the main centers of power. The proportion of women in leadership roles is greater at lower levels of the organizational hierarchy and in less prestigious and less powerful government agencies. Women are more likely to succeed in politics outside of major cities. According to a survey of 133 Latin American women parliamentarians published in 1993, 64 percent came from outside of capital cities (Rivera-Cira 1993). In Mexico, data from 1995 show that there were 101 women mayors (4.2 percent of a total of 2,395 municipalities), but that only nine of these governed municipalities with more than 50,000 inhabitants, and none with more than 100,000 residents (Massolo 1995). In Brazil, the wealthier, more developed southeastern region tends to elect fewer women mayors (four percent were women in 1997) than the poorer north and northeastern regions (nine percent) (Martins Costa 1997).

Although it is likely that cultural changes produced by women's presence in the workforce and at the middle and bottom of organizations will help to erode discriminatory barriers, this will happen only in the long term. To help women gain access to power on an equal basis in the short and medium-term, many Latin American governments are experimenting with affirmative action policies.

The most popular affirmative action mechanisms in Latin America today are quota rules establishing a minimum level of women's participation in national elections. To date, Argentina, Bolivia, Brazil, Costa Rica, the Dominican Republic, Ecuador, Mexico, and Peru have passed national laws requiring political parties to reserve 20 to 30 percent of candidacies for women [see box]. No consensus exists, however, that quotas are the best policy tool. Furthermore, the effectiveness of quotas in helping more women get elected depends on additional factors, such as the country's electoral system and the support political parties give to women candidates.

Once in power, women politicians in Latin America have been able to bring about legislative and policy changes when they have united into broad, multi-partisan alliances (called a *bancada femenina*). These *bancadas* are particularly effective when supported by linkages with women's movements and NGOs in civil society. Women's organizing of this nature has led to the approval of domestic violence and quota laws in Argentina, Chile, the Dominican Republic, Mexico, and Peru.

Most countries have created agencies for women charged with proposing legislation, advising other ministries on public policies related to women, and serving as an advocate of women's interests within the state. The power, institutional position, resources, and legitimacy of these agencies varies dramatically among countries. A preliminary analysis of successes and failures reveals that their success depends on several factors: the personal interest of the president and other senior leaders, a favorable relationship with other ministries, stable budgets, and credibility with the organized women's movement. Without these conditions, women's agencies can become ghettos that isolate women's issues away

from the mainstream of state action, or instruments to promote the interests of the ruling party and not of women

Congressional commissions on women have also been established. The structures and powers of these commissions vary. In Brazil, for example, the national commission was created to study legislative implementation of the Platform for Action that emerged from the UN Fourth World Conference on Women in Beijing, and has no other powers. The Peruvian Commission, on the other hand, is a regular commission with powers to propose legislation.

It has sponsored four successful pieces of legislation promoting women's interests, including the quota law of 1997.

At the sub-national level, there are an increasing number of women's agencies in state and municipal governments. One notable example is the state of São Paulo's Council on the Condition of Women, which promoted new policy measures in the areas of violence and women's health, and secured the approval of the Paulista Convention on the Elimination of All Forms of Discrimination against Women.

QUOTAS

One of the most interesting new trends in Latin American democracies is the creation of quota laws intended to increase women's representation in political office. The movement toward quotas is gaining momentum (see table).

The quota debate in national legislation has been spurred by the fact that several major political parties already use quotas in elections for internal leadership posts. Parties with women's quotas include Mexico's PRD (30 percent) and PRI (30 percent), Chile's Partido Socialista (40 percent), Partido por la Democracia (20 percent), and Democracia Cristiana (20 percent), Costa Rica's PUSC (40 percent), Brazil's PT (30 percent), Venezuela's Accion Democrática (20 percent), El Salvador's FMLN (35 percent), Nicaragua's FSLN (30 percent), and Paraguay's Partido Colorado (20 percent) and Partido Revolucionario Febrerista (30 percent).

The case for quotas centers on two themes. First, because discrimination is deeply ingrained in organizational practices and everyday assumptions, more gradualist forms of affirmative action will only produce results in the long-term. Quotas are an effective way of getting women into power in the immediate term. Second, the presence of women in decisionmaking positions is expected to change policy outcomes, since women leaders will be more likely to represent women's interests. The experience of Argentina supports some of the arguments in favor of quotas. One study shows that Argentine women legislators are more likely to sponsor pieces of legislation dealing with women's rights and families than men are (Jones 1996).

Opponents of quotas argue that they discriminate against men, will elevate underqualified women to power, and above all, are unnecessary, since qualified women will rise to power on their own merits. They are also concerned that women beneficiaries of a quota will be stigmatized for owing their position to the quota and not to their own efforts.

The outcomes of quotas are dramatically different depending on a country's particular electoral institutions. In Argentina, national congressional elections are conducted according to a closed party list system, and the law requires that women be placed in electable positions on the list. The results of quotas have been spectacular. Women's representation in Congress was 5 percent before the quota law took effect, and is now 28 percent.

(continued)

In Peru and in Brazil, electoral rules are different, and there is no party list. In national legislative elections, voters vote in huge, multi-member districts for individual candidates. Although quotas require that women be named to 25 percent of party spots, women candidates complain that sex discrimination within parties means that their campaigns receive little publicity and little support. Brazil's first experiment with quotas took place in last year's municipal elections where a quota of 20 percent applied to candidates for city council positions (*vereadores*). Before the elections, women amounted to 8 percent of the total number of *vereadores* in the country, and after, women's representation climbed to 11 percent nationwide, a disappointing result.

COUNTRIES WITH QUOTA LAWS

Country	Date of Law	Requirement for Women's Participation	Women's Representation
Argentina	1991	30% of places on closed party lists for elections to Lower House of Congress	28% (from 5% before the law)
Bolivia	1997	30% of closed party lists used to elect half of Lower House of Congress	8% (from 7% before the law)
Brazil	1995, modified in 1997	25% of candidates in legislative elections (to increase to 30% in 2000) [‡]	11% (from 8% before the law) in municipal councils nationwide
Costa Rica	1996	40% of candidates for internal party elections and among candidates for general elections	19% (from 16% before the law) in National Congress
Dominican Republic	1997	25% of candidates	not used as of 3/98 (in 1997 10%)
Ecuador	1997	20% of candidates	no data
Mexico	1997	30% of candidates in proportional elections	14% in lower house
Panama	1997	30% of candidates for internal party elections and among candidates for general elections	not used as of 3/98
Peru	1997	25% of candidates in general elections	not used as of 3/98 (in 1997 11%)

[‡] In the 1996 municipal elections a women's quota of 20 percent was in effect. In 1997 the law was changed to establish a quota of 25 percent for the 1998 national elections and 30 percent for the 2000 municipal elections.

Data assembled from Jones (1997), Van Cott (1998), Camacho (1998), DGPM (1998), IPU (1998), WEDO (1998).

LAW AND THE JUDICIARY

When it comes to women, Latin America's laws are both progressive and reactionary. On the one hand, Latin American countries have made major advances toward legal equality in recent years with respect to domestic violence, political participation, family law, and basic rights. In the region's labor codes, women have long enjoyed mandatory maternity leave and protection of pregnancy.

On the other hand, laws persist in many countries that are completely antithetical to women's equality. Women in all countries except for Chile, Cuba, Mexico, and Venezuela, are prohibited from certain types of work including working at night, at dangerous or unhealthy jobs, from lifting heavy objects, from working in mines, and/or from distilling or manufacturing alcohol (FLACSO 1995). In some countries rapists can be acquitted by marrying their victims, and rape is considered a crime against custom, not against a person [see box]. A woman commits adultery when she sleeps with any man other than her husband, but a man engages in adulterous behavior only by having a long-term extramarital relationship (UNIFEM 1996).

Yet, the central problem with women's legal rights in Latin America is not always the lack of legislation and regulation, rather, it is its uneven application. In order for the equal rights women enjoy in written law to be put into practice, three factors are important: women must bring suits based on those rights into court, lawyers must base their arguments on women's rights, and judges must be sensitive to such arguments.¹

In the past in Latin America, these three factors combined negatively. Today, however, the scene is different, largely due to the effort of women's movements to increase women's knowledge of their rights and to train lawyers and judges to be sensitive to gender prejudice. Women are also entering into the legal profession in greater numbers. The proportion

of students enrolled in law school who are women is climbing to nearly or above half in many countries. Women's representation among trial court judges in the region is around 45 percent. Nonetheless, women's growing presence at lower levels of the judiciary is not duplicated at higher levels. Regionwide, women comprise 20 percent of appeals court judges, and their presence is virtually zero at the Supreme Court level (FLACSO 1995).

Fifteen Latin American countries have human rights ombudsman offices, and in six of these (Colombia, Costa Rica, El Salvador, Guatemala, Mexico and Peru) there is a specific institution charged with working with women.² The "women's rights ombudsman" agencies receive complaints about human rights violations, investigate cases, work to train and sensitize judges and law enforcement personnel, and have challenged the constitutionality of discriminatory laws in court.

Finally, international conventions, which in theory are binding on member states, have contributed to changing legal culture in the region. The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) has been ratified by all but one of the OAS member states (the United States), and the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belem do Para) has been ratified by all but six OAS member states.

Other international documents such as the Beijing Platform for Action are statements of principles, and not binding on member states. In a legal sense, the documents may influence jurisprudence if judges consider them to be "general principles of law." More importantly, they serve as rallying forces for women's movements seeking reform, and as instruments to measure governmental progress and hold governments accountable to their commitments.

RAPE

In many countries, rape is considered a crime against custom, not against a person. This means that the goal of the law is to protect good customs, not the person who is raped (Linhares 1994, UNIFEM 1996). In all but three Latin American countries, charges can only be pressed against a rapist through a private suit initiated by the victim or her legal representatives, state authorities on their own initiative cannot prosecute rapists (FLACSO 1995). A private suit, however, exposes women to threats by the rapist and pressure from family and peers to drop the charges (Linhares 1994).

In Guatemala, rape and other sex crimes can only be committed against "honest women." According to the law, dishonest women and men (usually prostitutes) are incapable of being raped (Mijangos 1998).

An important advance in some countries has been the definition of marital rape as a crime. Colombia's Intra-family Violence Law of 1996 defined and penalized marital rape. In December of 1997, a political alliance of women in the Mexican Congress and civil society secured approval of a law that defined marital rape as a serious crime. The bill generated enormous controversy and debate, yet was eventually approved due to the pressures and threats advanced against recalcitrant male legislators by a united front of women.³

Even in countries where advances in the formal laws have been made, law enforcement authorities remain insensitive to victims of sexual violence. The Peruvian *Defensoria del Pueblo* (or human rights commission), for example, has been investigating complaints that judges are more favorable toward women who were virgins prior to the rape, and that they frequently blame victims for provoking rape. Rape victims have also complained that medical examiners question them extensively about their sexual histories (US Department of State 1998b). In Mexico City, in spite of the creation of a unit in the public prosecutor's office to receive victims of sexual and domestic violence, the prosecution of rapists has steadily decreased over the last twenty years. In 1971, 37 percent of presumed rapists were prosecuted. This decreased to 24 percent in 1980, 19 percent in 1990, and 14 percent in 1994 (Acosta 1997).

ABORTION

With the exception of Cuba, abortion is considered a crime in all Latin American countries. Many countries permit "therapeutic abortion," or abortions performed to save the life of the mother (Argentina, Bolivia, Brazil, Costa Rica, Ecuador, Guatemala, Panama, Paraguay, Uruguay, Venezuela, and Peru). Some countries also permit abortions if the pregnancy results from a rape (Mexico, Bolivia, Brazil, Panama, and Uruguay) (UNIFEM 1996). In Panama, abortions may be performed in the case of serious fetal abnormalities (Bermudez 1993). In other countries where non-therapeutic abortions are illegal, the penalties for abortion are reduced when the abortion is performed after a rape (Peru, Colombia), to hide a woman's "dishonor" (Argentina), or when there are fetal abnormalities (Peru). In Uruguay, abortions are not punished when performed for reasons of economic hardship or anxiety (UNIFEM 1996).

Legal abortions are rarely performed in public health facilities. Middle class women who can afford private doctors and clinics have safe access to legal abortions, but poor women do not.

Although few women are prosecuted by the state for having an abortion, the fact that abortion is considered a crime pushes the practice underground. The millions of women who undergo abortion every year in Latin America must do so in unregulated and often dangerous circumstances. Women who undergo clandestine abortions are at risk of infection, hemorrhage, damage to the uterus or cervix, and adverse reactions to drugs. Abortion accounts for a high proportion of maternal mortality. In Bolivia, for example, studies show that 27 to 35 percent of maternal deaths result from abortions (Montaño 1998).

VIOLENCE AGAINST WOMEN

Although violence against women is an ancient problem, it has emerged on the political agenda of Latin American countries only recently. This is largely due to the efforts of women's movements to call attention to the problem of violence and demand government action. In the 1990s, lobbying by women's movement groups from civil society and women in elected office has led to the adoption of measures to address violence, including new legislation, police stations for women, shelters

and counseling centers, and training courses for law enforcement officers.

Domestic or intra-family violence is widespread. Surveys show that around one-half of women have suffered violence at the hands of their husbands or partners. The following table, adapted from a 1994 World Bank document, summarizes the results of studies conducted across Latin America on the prevalence of domestic violence.

Results of Studies on the Frequency of Violence Against Women in Latin America

Country and year of study	Sample type	Findings
Chile (1993)	Random sample of 1000 Santiago women, aged 22 to 55 involved in a relationship for at least 2 years	60 percent have been abused by a male intimate. 26 percent have been physically abused.
Colombia (1990)	National random sample of 3 272 urban women and 2 118 rural women	20 percent have been physically abused. 33 percent psychologically abused. 10 percent have been raped by their husband.
Costa Rica (1990)	Convenience sample of 1 388 women at a child welfare clinic	54 percent have been physically abused.
Ecuador (1992)	Convenience sample of 200 low-income women in Quito	60 percent had been beaten by a partner.
Guatemala (1990)	Random sample of 1000 women in Sacatepequez	49 percent had been abused, 74 percent of these by a male partner.
Mexico (n.d.)	Random household survey of 1 163 urban and 427 rural women on DIF register in Jalisco	57 percent of urban and 44 percent of rural had experienced interpersonal violence.
Mexico (1992)	Random sample of 342 women in Mexico City	33 percent had lived in a violent relationship. 6 percent had experienced marital rape.

Source: Heise (1994)

Many women tolerate violence in the home because their unequal position in economy and society allows them few other options. Women have fewer opportunities than men in the labor market, receive lower wages, and are subject to family and social pressures. This makes exiting abusive relationships appear unviable, both to women victims and to their male abusers. In this sense, violence against women is related to women's weaker position in the social structure at large.

The victims of violence are disproportionately poor. A study conducted by the

Inter-American Development Bank in Nicaragua found that 41 percent of non-wage-earning women are victims of violence, compared to 10 percent of women holding salaried jobs outside of the home (IDB 1997).

Twelve Latin American countries have adopted new laws on domestic violence (GPI 1997). Governments have established shelters, launched educational campaigns, and created centers to counsel women victims of violence and offer legal advice. They have also created women's police stations [see box] and given judges and prosecutors increased powers to issue protective orders.

Inadequate resources, however, have resulted in poor enforcement of new laws and incomplete implementation of preventative and treatment programs. Moreover, most efforts to date have focused on urban areas, leaving women in rural areas with little recourse.

One major obstacle to effective investigation and prosecution of domestic violence is obtaining medical evidence. For many women, medical exams are problematic due to scarce facilities, few female personnel at those facilities, and demeaning treatment.

NGOs have led efforts to combat domestic violence, often implementing programs that serve as models for governments. Because of the unevenness of governmental action,

NGOs have been forced to play a crucial role in filling communities' needs.

Data suggest that new laws, women's police stations, and increased public awareness of domestic violence have led to an increase in the number of cases reported to the courts. In Chile, for example, there were 13,834 cases reported to the Court of Appeals of Santiago in 1997, up from 1,419 in 1994 when the new law on violence was introduced (Bilbao 1997). However, the number of prosecutions remains low. In Chile, the government estimates that only one in five suits actually lead to a judgement. Out of the cases that are decided by a court, only one in 20 lead to a sentencing (SERNAM 1997).

WOMEN'S POLICE STATIONS

The first women's police stations in the world were created in 1985 in the state of São Paulo, Brazil. Since then, women's police stations have been established in the rest of Brazil and other countries of Latin America. Created to facilitate reporting, investigation, and prosecution of cases of domestic violence, these stations are largely staffed by women police officers who have been specially trained to handle cases of domestic violence and rape. Today, there are hundreds of women's police stations all over Latin America.

The women's police stations have greatly improved the state's treatment of victims of violence. In Brazil, prior to the creation of the women's stations, police rarely investigated incidents of violence against women and treated victims with indifference. Often, they failed to inform victims of the proper procedures for reporting violence, which involve getting an official medical exam and returning to the station to provide formal testimony (Nelson 1996, Thomas 1991).

The stations have also helped communities to recognize domestic violence as criminal behavior constituting a violation of human rights. Following establishment of the stations, reporting of domestic violence and rape has increased on an annual basis. However, the stations have not created a significant increase in investigations and prosecutions of perpetrators of violence in the region.

In the first half of 1994, roughly one-third (16,219) of a total of 54,472 incidents reported in the state of São Paulo, Brazil, resulted in a police investigation. Far fewer than these actually led to prosecution or conviction (Nelson 1996). Of the 4000 complaints received by the women's station in the northern Brazilian city of São Luis, Maranhão between 1988 and 1990, only 300 ended up in court, and only 2 perpetrators were convicted (Thomas 1991). Out of the 300 cases of domestic violence investigated by the Support Center for Rape Victims in Mexico City, only 15 percent of offenders were sentenced (Acosta 1997).

The fact that investigation, prosecution, and sentencing rates remain low suggests that while victims of violence feel increasingly empowered to seek help, perpetrators continue to enjoy impunity.

WOMEN'S HEALTH

The situation of women's basic health has improved in the region as a whole, although there are still major gaps in the area of reproductive and sexual health. Data on life expectancy demonstrate that women in Latin America have gotten steadily more healthy over the past several decades. In the region as a whole, women's life expectancy was 54 years in the 1950s, 64 years in the 1970s, and is now 71 years. Figures for individual countries range from a high of 79 years in Costa Rica to a low of 61 years in Bolivia (FLACSO 1995). Yet, in some countries there have been alarming increases in rates of breast and cervical cancer, heart disease, and AIDS.

The United Nations Conference on Population and Development held in Cairo in 1994 urged governments to approach women's health in an integral manner. The integral approach represents a major advance over past policies, which tended to treat women exclusively in their roles as mothers and reproducers.⁴

Brazil was a pioneer in approaching women's health from an integral perspective. In 1984, the government introduced a Program for Integral Assistance to Women's Health (PAISM), designed on the recommendations of experts and activists from the women's movement. However, the program has still not been implemented in the vast majority of cities and states around the country. The Brazilian example reveals that women's health programs often lack sufficient funding and the political will to seriously implement them.

Women's access to pre-natal care and obstetric services has increased in most countries. In Mexico, for example, women's access to public and private health care has grown significantly in the past decade. In 1987, 45 percent of women giving birth were serviced by the public sector, and 18 percent by the private. By 1994, public coverage had increased to 64 percent of women giving

birth, and private to 22 percent. Whereas in 1987, 33 percent of mothers gave birth in their own homes, by 1994 this had decreased to 10 percent (INEGI 1997).

Increased access is reflected in lower rates of maternal mortality since the 1970s, although the variation among countries is substantial (see table).

In general, the coverage and quality of health care remains inadequate, a situation reflected in the low frequency of screening for cervical cancer [see box]. Although totally preventable if caught early, cervical cancer remains the greatest cause of cancer death among women. Low access to health care is also reflected in high unmet demand for modern contraceptives.

Maternal Mortality rate per 100,000 live births

Country	1990
Argentina	100
Bolivia	650
Brazil	220
Chile	65
Colombia	100
Costa Rica	60
Cuba	95
Dominican Republic	110
Ecuador	150
El Salvador	300
Guatemala (1998)	248
Honduras	220
Mexico	110
Nicaragua (1996)	198
Panama	55
Paraguay	160
Peru	280
Uruguay	85
Venezuela	120

Source: UNDP (1997), Pizarro (1997), Alvarado et al (1998)

Government-run family planning programs frequently have low coverage, so many women have no access to safe and reliable contraception, or they self-medicate,

without good information and at some risk. As a result, illegal abortions are frequent, and many poor women suffer complications due to dangerous and unsanitary conditions [see box above]

Sterilization is among the most widely used methods of family planning in Latin America, except in countries like Argentina and Chile where it is illegal or access is restricted. High rates of sterilization are common to developing countries around the world: the percentage of contraceptive users who are sterilized is twice as high in developing countries than in developed countries (22 versus 11 percent) (Berquo 1994). Latin America is no exception. In 1990, the percentage of women contraceptive users who were sterilized was 38 percent in Mexico, 44 percent in Brazil, and 69 percent in El Salvador (Ross 1991). Data from Brazil show that there is a high correlation between low levels of economic development and the frequency of sterilization: in 1991 there was a much higher proportion of sterilized female contraceptive users in the poorer Northeast (63 percent) than in the wealthier city of São Paulo (36 percent). This suggests that sterilization is seen as the cheapest option for women who have little money to buy other methods or lack information about their options and proper usage.

Many women are sterilized without receiving prior information about the procedure or giving their consent. A study from Mexico found that one-quarter of women sterilized were not informed about the consequences of the procedure beforehand (UN/CEDAW 1998). Nationwide family

planning targets in Peru have created incentives for public health officials to coerce women into the procedure, leading to widespread abuses that have been documented by women's organizations, members of the Peruvian Congress, and the Roman Catholic Church (Sims 1998).

In Argentina and Chile, while improved economic conditions have led to improvements in women's health generally, there has been a severe lack of attention to reproductive health. This has contributed to a high rate of abortions: in 1990, there were 4.5 abortions per 100 women aged 15-49 in Chile, compared with 2.7 in the US, 2.3 in Mexico and 1.2 in Canada (Alan Guttmacher Institute 1994). The widespread practice of abortion in Chile is in part a consequence of the lack of comprehensive diffusion of information about contraception and lack of access to sterilization. In Mexico, Colombia, and Brazil, where the state has assumed the responsibility for family planning and approved of private suppliers of contraceptives, the rate of abortion is lower.

In many countries, women's NGOs have begun to fill the gap left by inadequate state action in family planning and women's health. The Nicaraguan non-governmental health clinic, SI Mujer, services 18,000 women clients in Managua.

Many Latin American governments hesitate to take measures in the area of women's reproductive health because of pressure from the Roman Catholic Church. Yet, the consequences of this inaction are increasing problems for women's health.

CERVICAL CANCER

One consequence of inadequate health care coverage is the high rate of cervical cancer throughout the region. Cervical cancer is preventable by regular pap smears and effective laboratory analysis, but few women have access to prevention and treatment options. In most countries, cervical cancer is the most common form of cancer death in women. Yet, in Mexico a survey of 4,000 women done in the Federal District and the state of Oaxaca found that 42

(continued)

percent were unaware of the purpose of a pap smear, and that 97 percent had never had one (CRLP/GIRE 1997) In Peru, one study estimated that merely seven percent of Peruvian women had undergone pap smears, another study found that Peruvian laboratories were generating a high proportion of false negatives when analyzing pap smears (Grupo Impulsor 1997)

Women's movement organizations in some countries have provoked state action on cervical cancer prevention Several years ago, upon learning that the Brazilian city of Recife had the third highest incidence of cervical cancer in the world, a women's NGO, SOS Corpo, launched a campaign in prevention Their aim was to enlarge the state's capacity to conduct pap smears and perform laboratory tests, to train medical personnel, and then to educate the public about the importance of regular screening The campaign was so successful that the state health department adopted it as its own, and the experience became a model for a national campaign launched by the National Cancer Institute⁵

WOMEN AT WORK

One of the most salient trends in Latin America over the past several decades has been the increasing participation of women in formal economic activities Women make up one-third of the labor force in the region as a whole Yet, women continue to participate on unequal terms with men

Women are more likely to be unemployed than men In 1990, the rate of unemployment for women in the region as a whole was 8.3 percent, for men, it was 7 percent (FLACSO 1995) Women's rates of economic activity are lower than men's in the region as a whole In 1990, women's economic activity rate was 27 percent while men's was 70 percent (FLACSO 1995)

Access to microenterprise credit has expanded, but there is still much unmet demand Microenterprise credit is widely seen as an effective way to increase women's income-generating capacities Both governments and private organizations offer credit to low-income women at reduced interest rates One promising model is Women's World Banking (WWB) WWB was created in 1979 with support from the United Nations, and has 47 affiliate chapters around the world, including 19 in Latin America In 1990, WWB had 12 million

dollars in loan guarantees outstanding, mostly ranging from \$150 to \$600

Women's salaries are consistently lower than men's In Latin America, women's average wages were between 20 and 40 percent lower than men's in 1992, a gap comparable to those in industrialized countries Since the 1970s, income differentials between men and women have generally decreased, particularly in urban areas The gap is smaller for younger women than for older women In 9 out of 12 countries surveyed by the UN Economic Commission on Latin America and the Caribbean (ECLAC), women aged 25 to 34 earned between 80 and 90 percent of men's income in 1992 (UN ECLAC 1995)

In Brazil, the average income of women employees in 1990 was 60 percent that of men (FLACSO 1995) In Colombia in 1990, women's earnings were 76 percent of men's in the formal sector (FLACSO 1993a), women employees earned 74 percent of male wages in Argentina in 1989 (FLACSO 1993b), in Venezuela, 1989 data show that women's earnings amounted to 78 percent of men's (Winter 1992) In Canada women earn 63 percent of men's salaries, in Switzerland, 68 percent, in the U.K., 70 percent, and in the

United States and Germany, 75 percent (UNDP 1995)

Women are clustered in particular occupations, that tend to offer lower status and lower pay In Brazil, 50 percent of women work in occupations where one finds only 5 percent of the male labor force, equally, 50 percent of men work in areas where only 5 percent of the female labor force works (Lavinás and Penra 1996) More than 80 percent of tailors, primary school teachers, secretaries, telephone or telegraph operators, nurses, and receptionists are women (Ibid)

The need to reconcile work and family often leads women to pick jobs with particular characteristics, such as less demanding hours or proximity to day care This contributes to the segregation of women into less prestigious occupations from which promotions are rare

Gender roles are profoundly consequential for women's opportunities in the workplace Gender roles assign women primary responsibility for raising children, caring for the home, and looking after sick and elderly relatives Expectations about women's gender roles affect their individual choices about family and career, the same expectations inform employer decisions and peer judgments that govern women's mobility in the labor market Women register lower rates of economic activity than men because they tend to work within the home Educational tracking and occupational segregation cluster women into fields such as social welfare, service industries, or communication and client-relations departments that often seem to be a logical extension of their roles as wives and mothers

Much of the discrimination encountered by women can be traced to gender roles Employers seek to justify paying women lower wages than men on the grounds that women's wages serve to complement a male breadwinner's earnings, rather than sustain a family on their own (Bruschini 1996) Furthermore, to many companies, laws protecting pregnancy and maternity serve as a deterrent to employing women and paying them salaries equal to men's [see box]

Many women work in the informal sector, where they have no legal protection and no social benefits In the early 1990s, two of every five women working in urban areas in Latin America were in the informal sector The figures are over 50 percent in Bolivia and Guatemala, and around 35 percent in Argentina, Chile, Uruguay, and Venezuela In Costa Rica and Panama, the figure is less than 30 percent (FLACSO 1995)

Women's presence at the executive level is low, much lower than their representation in political decisionmaking In Chile's 500 biggest companies, there are 50 women in a total of 2,500 decisionmaking positions (two percent) (SERNAM 1997) A 1994 survey of Argentine industrial companies found that only two of a total 83 company presidents, and only 23 out of 291 director generals were women In the financial sector, women held only one presidency out of a total of 42, one vice presidency out of 59, and three director generals out of 164 (Consejo Nacional de la Mujer 1994) In Brazil, 3 percent of executive positions in the 400 largest companies are held by women (Avelar 1996) In Mexico, a survey of the 600 largest companies revealed that women occupy a total of 5.5 percent of executive posts Fully 45 percent of these women executives (88 of a total of 194) are in charge of human resources (Zabludovsky 1997)

Virtually no companies in Latin America have contemplated affirmative action policies to promote more women to leadership positions Even multinational companies that practice affirmative action at home do not replicate these practices in their Latin American offices The reluctance of private businesses to provide information about the gender breakdown of their personnel makes designing and proposing affirmative action strategies doubly difficult Advocates lack the basis upon which to identify and diagnose mechanisms of discrimination A first step in promoting women's leadership in private businesses is therefore to install a mechanism requiring or encouraging companies to collect and publish tabulated data on the presence of women

PREGNANCY, MATERNITY & DISCRIMINATION

The Law

Laws in Latin America in theory demand that employers protect the rights of pregnant women and new mothers to care for their babies and retain their jobs. Labor laws designed to protect women include mandatory maternity leave, protection from being fired for getting pregnant, prohibitions in some countries against the administration of pregnancy tests, and requirements that businesses with a certain number of women workers provide day care services on the premises and allow women to take breaks to nurse their babies. Many countries forbid companies from firing workers during their maternity leave, and others protect new mothers from dismissal for a set period of time following their return to work (ILO 1998). Women are often allowed to take a paid leave to care for young children who are sick.

Businesses avoid costs of hiring pregnant workers and mothers

In practice, however, employers go to great lengths to avoid situations where the law is applied in order to cut costs. Some companies are reluctant to employ women full-time, and resort to strategies like subcontracting, part-time employment, and paying for piece work done at home. Others pay women less than men to compensate for non-salary costs.

In Chile, many executives believe that women are more expensive to hire than men because they are likely to take leaves related to maternity and to be absent from work to fulfill family obligations (Lerda and Todaro 1996). Since such leaves are paid by the social security system, they do not produce direct costs to the business. However, employers claim that the leaves disrupt production and reduce total output (Ibid). Executives also complain of the high cost of creating day care centers.

Even when child care facilities do exist, many women find that commuting to work with children in tow is time-consuming and unpleasant for the child, and prefer instead to use childcare that is close to home. Most mothers working outside the home rely on family members or domestic employees to care for their children.

Measures to facilitate working motherhood, such as flexible scheduling and job sharing to reduce workloads, are rare in Latin American workplaces. In Mexican companies where these practices do exist, the presence of women executives is higher than in other companies (Zabludovsky 1997).

Pregnancy screening

Some companies require a pregnancy test or a sterilization certificate as a condition of employment, or fire women workers once they become pregnant. In Chile, it is not illegal to require that prospective workers take pregnancy tests as a condition of employment, and the practice is common. Pregnancy tests are widespread in the maquiladoras and factories in the export processing zones of Mexico, Central America and the Dominican Republic (Human Rights Watch 1996), in spite of the fact that national laws prohibit them. In Colombia, a 1994 resolution issued by the Ministry of Labor prohibits businesses from requiring pregnancy tests from job applicants. Nevertheless, pregnancy tests are frequently administered as part of the basic medical exams used to evaluate workers' health, in clear violation of the law (National Directorate 1998).

Explicit discrimination against women of childbearing age continues in the maquiladoras of Mexico for several reasons. First, local governments have been unable and unwilling to force businesses to obey the law, even though they are aware of violations. Maquiladoras are valuable sources of foreign currency and generate tremendous employment for local economies (Human Rights Watch 1996). Half a million Mexicans (half of whom are women) work in the sector (Ibid). Second, many women workers are unaware of the rights granted them in the labor laws, and do not know that pregnancy testing, for example, is illegal—often because it is so ubiquitous. Those who do know of their rights are unwilling to seek recourse because they frequently lack other employment options (Human Rights Watch 1996).

EDUCATION

Improving women's opportunities in education and transforming the content of educational materials are critical tools for achieving gender equality in Latin America. Today, there are substantial variations among countries in women's access to the educational system, women's levels of educational attainment, and women's choices in school. Countries have made progress to varying extents on reforming their curriculum to reduce sex stereotypes and emphasizing themes like women's rights and human rights.

Literacy has improved over time, but there are substantial gender differences. Latin Americans have become steadily more literate since the 1970s. Yet, in the majority (approx 60%) of the countries in the region, a greater percentage of women are illiterate than men. The situation is most acute in rural areas (see table) and among older populations.

Illiteracy rates according to sex and zone

<i>Country (year)</i>	<i>Women</i>	<i>Men</i>
Guatemala (1990)	Rural 60 Urban 27	46 17
Bolivia (1992)	Rural 50 Urban 15	23 4
Peru (1991)	Rural 46 Urban 6	10 2

Source: FLACSO (1995)

Although these countries have succeeded in reducing their overall illiteracy rates by as much as two-thirds, the decline for rural women has been less dramatic. Gender inequalities in literacy are particularly acute in Peru. Whereas in 1940, there were approximately two illiterate women for every illiterate man, by 1993 this had increased to a ratio of three to one (Grupo Impulsor 1997).

Women's enrollment in education has advanced. UNESCO reports that in 1995

females were 48 percent of primary level students and 52 percent of secondary level (including vocational and training programs) students in Latin America and the Caribbean (UNESCO 1997). Yet, there is tremendous variation among countries. In Guatemala, in spite of the fact that primary school education is obligatory, only 45 percent of school-age girls are enrolled (Alvarado, et al 1998). In general, women in poor, rural settings are least likely to be enrolled in schools at all levels.

The percentage of women enrolled in universities in the region has climbed steadily. In 1970, women were 35 percent of enrolled university students, in 1980, 43 percent, and in 1995, 49 percent (UNESCO 1997). In Brazil, Colombia, Cuba, Panama, Uruguay, and Venezuela, women outnumbered men in university enrollment in 1990 (FLACSO 1995).

In terms of gender equity, enrollment rates offer some encouragement, but need to be carefully examined among other trends. Women are enrolled at higher rates than men in several countries, and women tend to repeat fewer grades than men. However, because of labor market discrimination, women are in practice required to have higher levels of education than men to compete in the workforce on equal terms. ECLAC found in 1995 that women needed to have four more years of schooling in order to compete for similar salaries as men (Stromquist 1996).

School drop out rates are highly correlated with poverty and maternity. Families who take children out of school generally cite lack of economic resources as the reason. Forced to pick between keeping a son and a daughter in school, families generally choose the son on the assumption that he will be a more profitable investment in the family's future.

Adolescent pregnancies also keep women from completing their education. Data from Peru show that 84 percent of girls attend

school, yet only 72 percent of school-age mothers do. Combined with poverty, the situation gets even worse. Only 10 percent of young mothers from poor homes, and only 7 percent of those from extremely poor homes attend school (Grupo Impulsor 1997)

Certain fields of study remain predominantly masculine or feminine. Women are underrepresented in fields related to science and technology, but overrepresented in lower paying occupations such as education, nursing and library science. However, business administration and law are becoming integrated (FLACSO 1995)

School textbooks and curriculum content tend to reproduce gender stereotypes. Women appear less frequently than men in images and references in school textbooks. A 1995 FLACSO study of textbooks in five Latin American countries found that on average women appeared in only 18% of titles, 23% of figures, and 20% of text. When women do appear in textbooks, they are frequently depicted in traditional roles, cooking or cleaning in the home (FLACSO 1995). A study from Colombia that analyzed 50 school textbooks found that when generic references are made to the human body, illustrations show the male body. The female body only appears when the text makes references to reproduction (National Directorate 1998). These studies show that textbooks reproduce gender ideologies that assign women to private, domestic activities and preserve the public sphere of work and politics for men.

School curricula around the world has historically contributed to sex discrimination by using terms like “men” and “man” as generic references and failing to emphasize women’s

contributions to economic, political, and social development. Topics taught in school generate the impression that men have been the motor of history while women have been passive participants.

Some countries have incorporated material on sex equality and discrimination into school curriculum. In Peru, the secondary school course on “Family Education” discusses sex roles and equality comprehensively (Grupo Impulsor 1997). However, in spite of general acknowledgment that a problem exists, gender equality has not been adopted as a matter of general educational policy. Educational officials say that without strong political will and outside pressure, it is unlikely that current practices will change (Ibid).

Women and gender studies programs are increasing in number, but have made few inroads into university curriculum. Women and gender studies have slowly consolidated into a reputable field of study and research. Brazil was one of the first countries in the region to develop women’s studies programs and today there are more than 20 university centers dedicated to the field around the country (Navarro and Barrig 1994). These programs and institutes have spearheaded the production of knowledge about women and spawned new research agendas.

The field of gender studies has made fewer inroads into university curriculum at the undergraduate level, although post-graduate courses and certificates are offered (Ibid). Yet, teaching courses in women and gender studies to undergraduates is a crucial mechanism for passing values about women’s rights and equal opportunities to future generations.⁶

CONCLUSION

The analysis presented in this brief suggests that women's rights and opportunities are increasing in Latin America. Some progress is attributable to governmental efforts in reforming laws, creating new mechanisms for the representation of women's interests, and adopting gender-specific public policies, particularly in the areas of health and violence prevention. These advancements, however, have been brought about only by steady pressure from women politicians, women's movements, and international organizations.

In a global climate where discourse on women's rights and equal opportunities is gaining momentum, governments have been compelled to assume the goal of promoting women. In some important cases, constant vigilance and monitoring by women's movements has succeeded in translating formal goals and commitments into policy moves with concrete results for women's lives.

The central objective of the Women's Leadership Conference of the Americas (WLCA) is to increase the capacity of individuals and groups in civil society to continue with their vigilance. The WLCA's monitoring project is elaborating a system of quantitative and qualitative indicators to measure progress in individual countries and to compare across countries. The monitoring will focus particularly on the implementation and results of formal policies.

In the final analysis, the current configuration of international norms, formal commitments, increasing women's participation, democratic consolidation, and an increasingly active civil society provides an unprecedented opportunity for women to make gains in the economy, society, and politics. The WLCA aims to help women capitalize on this opportunity.

Notes

- ¹ I am grateful to Comba Marques Porto for making this point.
- ² Based on conversation with Gilda Pacheco Oreamuno of the Inter-American Institute for Human Rights. March 12, 1998.
- ³ Interview with Senator Amalia Garcia Medina, Mexico City. January 27, 1998.
- ⁴ I am grateful to Bonnie Shepard for helping me to see the importance of this point.
- ⁵ Interview with Ana Paula Portella, SOS Corpo. Recife. November 1997.
- ⁶ I am grateful to Sonia Alvarez for making this point.

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WOMEN'S LEADERSHIP CONFERENCE OF THE AMERICAS (WLCA)

The Women's Leadership Conference of The Americas is a hemispheric network of 100 outstanding women leaders who have decided to work together to (1) expand the number and enhance the contribution of women in top leadership positions in Latin America and the Caribbean, (2) promote policy and institutional changes that will improve opportunities for all women in the region, and (3) strengthen other nongovernmental initiatives that advance women's equality, and facilitate their access to policy officials. The members bring experience in politics and government, business, civic organizations, and scholarship. The WLCA is co-sponsored by the Inter-American Dialogue and the International Center for Research on Women.

INTER-AMERICAN DIALOGUE

The Inter-American Dialogue is the premier center for policy analysis and exchange on Western Hemisphere affairs. The Dialogue's select membership of 100 distinguished private citizens from throughout the Americas includes political, business, academic, media, and other nongovernmental leaders. Seven Dialogue members served as presidents of their countries and more than a dozen have served at the cabinet level.

The Dialogue works to improve the quality of debate and decisionmaking on hemispheric problems, advance opportunities for regional economic and political cooperation, and bring fresh, practical proposals for action to governments, international institutions, and nongovernmental organizations. Since 1982—through successive Republican and Democratic administrations and many changes of leadership in Latin America, the Caribbean, and Canada—the Dialogue has helped shape the agenda of issues and choices on inter-American relations.

INTERNATIONAL CENTER FOR RESEARCH ON WOMEN (ICRW)

The International Center for Research on Women is a private, nonprofit organization dedicated to promoting social and economic development with women's full participation. ICRW generates quality, empirical information, and provides technical assistance on women's productive activity, their reproductive and sexual health and rights, their status in the family, their leadership in society, and their management of environmental resources. ICRW advocates with governments and multilateral agencies, convenes experts in formal and informal forums, and engages in an active policy communications program, through electronic and print media, and through collaborative efforts with other non-governmental institutions to advance women's rights and opportunities. ICRW was founded in 1976 and focuses principally on women in developing and transition countries. It is supported by grants, contracts, and contributions from international and national development agencies, foundations, corporations, and individuals.