Social Institutions and Gender Index

SIGI 2020 Regional Report for Latin America and the Caribbean

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Preface

A truly inclusive society is one where all women and men, girls and boys enjoy the same rights and opportunities in all spheres of life. Yet, 25 years after the Beijing Platform for Action, pervasive gender-based discrimination in social institutions around the world still constrains women and girls' opportunities for empowerment, creating barriers to gender equality and missed opportunities for economic development. Dismantling discriminatory social norms and practices – such as those restricting women's decision-making power or limiting their access to economic resources and assets – can deliver significant economic benefits. In Latin America and the Caribbean (LAC) alone, it can translate to an additional 3.6 percentage points in annual gross domestic product (GDP) growth.

The LAC region has been a pioneer in promoting women's rights through strong feminist movements that have sparked an ongoing public discussion on achieving inclusive and gender-equal societies. Additionally, in 2016, all LAC countries demonstrated their commitment to Sustainable Development Goal 5 (SDG 5, "Achieve gender equality and empower all women and girls") with the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the adoption of the Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030. However, major challenges to transforming social norms and practices that hinder gender equality remain. At this pace, it will take another 200 years to achieve SDG 5 across regions. Furthermore, the current coronavirus (Covid-19) crisis is compounding pre-existing problems and creating new ones through its disproportionate socio-economic consequences on women across the LAC region. It is urgent that governments take action now.

Since the first edition in 2009, the OECD Social Institutions and Gender Index (SIGI) has shed light on the multiple structural barriers affecting women and girls' lives in LAC countries. The *SIGI 2020 Regional Report for Latin America and the Caribbean* provides new evidence-based analysis on the setbacks and progress in achieving gender equality in the region.

The report makes a strong case for investing in gender equality and calls on governments and all relevant stakeholders to work towards the eradication of gender-based discrimination in social institutions. Specifically, it makes recommendations towards i) updating and harmonising legal frameworks, ii) strengthening enforcement mechanisms, iii) applying a holistic and intersectional approach, iv) investing in data collection and dissemination and v) promoting communication and awareness campaigns.

Gender equality and women's empowerment can only be achieved and sustained if countries take action now to tackle and eliminate discrimination in their legal frameworks, social norms and practices that leads to changed behaviours and incentives and to truly equal opportunities for all.

Mario Pezzini

Director, OECD Development Centre

Special Advisor to the OECD Secretary General on Development

Foreword

Since 2009, the OECD Development Centre has shed light on the structural and multiple barriers affecting women's and girls' lives in developing and developed countries through the Social Institutions and Gender Index (SIGI). The SIGI measures discrimination against women in social institutions across 180 countries. By taking into account laws, social norms and practices, the SIGI captures the underlying drivers of gender inequality, with the aim of promoting gender-transformative policies that are built on data and evidence. The SIGI is also one of the official data sources for monitoring Sustainable Development Goal (SDG) indicator 5.1.1.

The *SIGI 2020 Regional Report for Latin America and the Caribbean* provides new evidence-based analysis of the setbacks in, and progress towards, gender equality since 2014 across the region. It provides regional and sub-regional analysis on how discriminatory social institutions – including formal and informal laws, social norms and practices – continue to constrain women's empowerment and restrict their access to opportunities and rights. The report also provides policy recommendations that aim to reshape gender norms, promote women's empowerment and build a truly inclusive society, especially in the current context of the coronavirus (Covid-19) pandemic.

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Reader's guide

The Social Institutions and Gender Index 2019 conceptual framework2

The Organisation for Economic Co-operation and Development (OECD) Development Centre's Social Institutions and Gender Index (SIGI) is a unique cross-country measure of discriminatory social institutions, which include formal and informal laws, social norms and practices that restrict women's and girls' rights, access to empowerment opportunities and resources. The SIGI comprises four components that provide policy makers with facts and evidence in order to enhance governments' efforts to deliver their gender equality commitments (Box 1).

Box 1. The SIGI components

The SIGI comprises four components:

- country profiles containing comprehensive, qualitative information on legal frameworks and action plans to protect women's rights and promote gender equality (for 180 countries)
- the Gender, Institutions and Development Database (GID-DB), comprising variables measuring the level of discrimination in laws (categorical variable), social norms (attitudinal data) and practices (prevalence rates) for 180 countries
- a cross-country ranking classifying 120 countries according to their level of discrimination in social institutions
- a policy simulator allowing policy makers to scope out reform options and assess their likely effects on gender equality in social institutions

The SIGI and its dimensions look at the gaps that legislation, attitudes and practices create between women's and men's rights and opportunities. The SIGI covers four dimensions, spanning major socio-economic areas that affect women's and girls' entire lifetimes (Figure 1):

- The "Discrimination in the family" dimension captures social institutions that limit women's decision-making power and undervalue their status in the household and the family.
- The "Restricted physical integrity" dimension captures social institutions that increase women's and girls' vulnerability to multiple forms of violence and limit their control over their bodies and reproductive autonomy.
- The "Restricted access to productive and financial resources" dimension captures women's restricted access to and control over critical productive and economic resources and assets.
- The "Restricted civil liberties" dimension captures discriminatory laws and practices restricting women's access to, and participation and voice in, the public and social spheres.

Figure 1. Composition of the SIGI 2019

Source: (OECD, n.d.[1]), Social Institutions and Gender Index, www.genderindex.org.

Each dimension builds on four indicators combining qualitative and quantitative information. In theory, each indicator builds on a combination of three variables:

- **law** variables, which are discrete variables, and aim to measure the level of discrimination in formal and informal laws
- **attitudes** and **practices** variables, which are continuous variables, and aim to measure the level of discrimination in social norms.

The variables used as proxies for each indicator depend on data availability, reliability and country coverage. For example, some variables are not available at all (such as information on inheritance practices), and some variables are only available for a few countries (such as the time spent on unpaid care work). Consequently, discrepancies exist between the theoretical framework and the variables effectively included in the *SIGI 2019 Global Report*. Overall, the SIGI framework builds on 27 core variables.

The conceptual framework for the fourth edition of the SIGI in 2019 was entirely revised, which renders comparison over time impossible at the aggregate level (index, dimensions and indicators). Nevertheless, some comparison over time is possible at the variable level for the attitudes and practices variables. For more details on the SIGI methodology, refer to Annex B.

Geographical coverage

The data collection process for the fourth edition of the SIGI in 2019 covered 29 countries in the region of Latin America and the Caribbean (LAC), which is divided into three major sub-regions: the Caribbean (10 countries), Central America (8 countries) and South America (11 countries) (Table 1).

Table 1. Countries included in the SIGI analysis, by LAC sub-regions

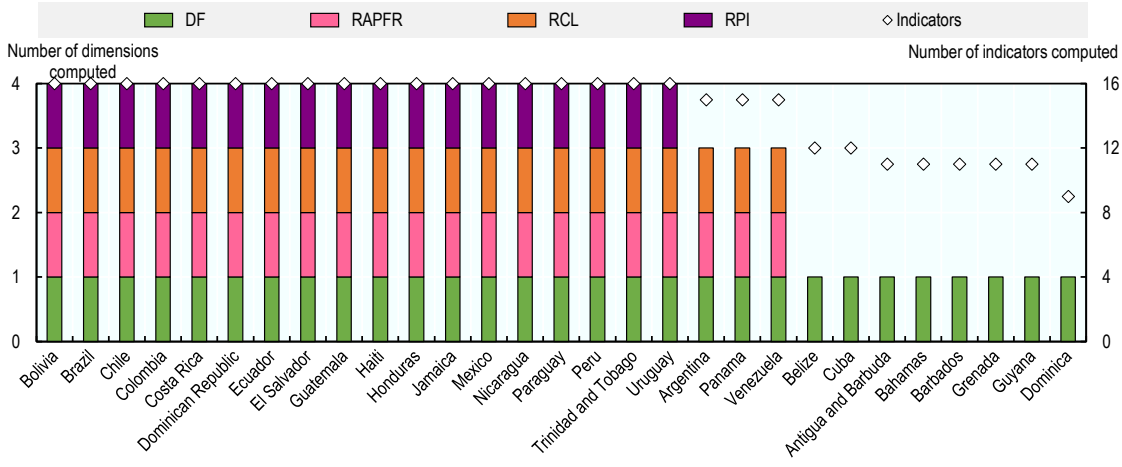
The Caribbean	Central America	South America
Antigua and Barbuda	Belize	Argentina
Bahamas	Costa Rica	Bolivia
Barbados	El Salvador	Brazil
Cuba	Guatemala	Chile
Dominica	Honduras	Colombia
Dominican Republic	Mexico	Ecuador
Grenada	Nicaragua	Guyana
Haiti	Panama	Paraguay
Jamaica		Peru
Trinidad and Tobago		Uruguay
		Venezuela

Source: (OECD, n.d.[1]), Social Institutions and Gender Index, www.genderindex.org.

StatLink https://doi.org/10.1787/888934136231

Due to data limitations and the fact that an overall SIGI score can only be computed for countries with data points in every single indicator and variable composing the index, only 18 countries in the LAC region were given a SIGI score in 2019 (Figure 2).

Figure 2. Number of SIGI dimensions and indicators computed, by country



Note: The SIGI framework comprises a total of 4 dimensions and 16 indicators.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, https://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136250

Three countries – namely Argentina, Panama and the Bolivarian Republic of Venezuela (hereafter "Venezuela") – have enough data to compute scores in 15 SIGI indicators. In Argentina and Panama, the critical missing data point is the lifetime prevalence of domestic violence. In addition to this data point, Venezuela is also missing data on attitudes towards violence against women. Consequently, scores can be calculated for these countries in three of the four SIGI dimensions, with the exception of the "Restricted physical integrity" dimension. Finally, in the remaining eight countries – namely Antigua and Barbuda, the Bahamas, Barbados, Belize, Cuba, Dominica, Grenada, and Guyana – the number of variables with available data ranges from 18 in Dominica to 23 in Belize and Cuba (Table 2). In these eight countries, only one dimension score was computed ("Discrimination in the family").

Table 2. Number of SIGI variables available, by country

		Bolivia	Brazil	Chile	Colombia	Costa Rica	Dominican Republic	Ecuador	El Salvador	Guatemala	Haiti	Honduras	Jamaica	Mexico	Nicaragua	Paraguay	Peru	Trinidad and Tobago	Uruguay	Argentina	Panama	Venezuela	Belize	Cuba	Barbados	Bahamas	Guyana	Antigua and Barbuda	Grenada	Dominica
Child marriage	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Household responsibilities	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Divorce	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Inheritance	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Violence against women	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Attitudes	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	-	+	-	-	-
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-	-	-	-
Female genital mutilation	Attitudes	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Missing women	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Reproductive autonomy	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Land assets	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Non-land assets	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Financial services	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-
Workplace rights	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Attitudes	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-
Citizenship rights	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Political voice	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Freedom of movement	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	-	-
Access to justice	Laws	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
	Practices	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	-	-	-	-	-	-
Number of variables available		**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**26**	**26**	**25**	**23**	**23**	**22**	**21**	**21**	**20**	**20**	**18**
Number of variables missing		**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**1**	**1**	**2**	**4**	**4**	**5**	**6**	**6**	**7**	**7**	**9**

Source: (OECD, 2019[3]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019

StatLink https://doi.org/10.1787/888934136269

Timing and data sources

Qualitative data

The qualitative information for the 29 LAC region country profiles was developed through a multiple-stage internal drafting and reviewing process. First, legal consultants responded to a questionnaire comprising 311 questions on social institutions and fully referenced country profiles, following a standardised structure to ensure comparability across countries/territories. Second, gender experts and/or government representatives with knowledge of the policy and legal landscape for gender equality and women's rights at a national level validated the responses. The cut-off date for the qualitative information was 31 July 2017. All country profiles can be retrieved from the website www.genderindex.org.

A coding manual was created to quantify the level of legal discrimination based on the qualitative information collected. The coding manual ensures consistency across variables, guarantees objectivity in the selection criteria for scoring, and allows for comparability across countries as well as over time (see Annex B). Of the 311 questions, 144 were used to assign a discrete value to each of the 14 legal variables. The coding manual is based on all applicable legal frameworks, including civil, as well as customary, religious or traditional practices or laws. When information is missing or insufficient, variables do not receive a value. A five-level scale (0, 25, 50, 75 and 1) serves as the basis for encoding the categorical variables and reflects the level of discrimination in formal and informal laws (Table 3).

Table 3. Scoring methodology for legal variables

	Score
The legal framework provides women with the same rights as men, with no exceptions, and applies to all groups of women. There are no customary, religious or traditional practices or laws that discriminate against women.	0
The legal framework provides women with the same rights as men, with no exceptions, and applies to all groups of women. However, some customary, religious or traditional practices or laws do discriminate against women.	25
The legal framework provides women with the same rights as men. However, it foresees exceptions, or does not apply to all groups of women.	50
The legal framework restricts some women's rights.	75
The legal framework fully discriminates against women's rights.	1

Source: (OECD, n.d.[1]), Social Institutions and Gender Index, www.genderindex.org.

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Quantitative data

Quantitative information, such as attitudinal and prevalence data, was collected from various secondary data sources according to the country and variable. The OECD Development Centre's Gender Team used international data sources – such as Demographic and Health Surveys (DHS), the World Values Survey (WVS), and the National Household Survey (NHS) – and then proceeded to harmonise the data in order to ensure comparability across countries. The cut-off date for the quantitative information was 31 December 2017.

SIGI scores and classification

The SIGI is a composite index. The scores for the overall index, the dimensions and the indicators range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination against women. In order to facilitate the analysis and presentation of results, countries are classified into five categories at the index level, as well as at the dimension and indicator levels. Table 4 summarises the

categories and the cut-off points of the different categories based on the SIGI scores on the one hand, and on the dimension and indicator scores on the other hand.

Table 4. Classification of countries based on SIGI scores and dimension/indicator scores

Level of discrimination	SIGI scores	Dimension/indicator scores
Very low	[0-20]	[0-10]
Low level	[20-30]	[10-25]
Medium level	[30-40]	[25-50]
High level	[40-50]	[50-75]
Very high level	[50-100]	[75-100]

Note: Both SIGI scores and dimension/indicator scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, n.d.[1]), Social Institutions and Gender Index, www.genderindex.org.

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Glossary

Table 5. Glossary and definitions of terms

Term	Definition	Reference
Child marriage	Any formal marriage or informal union between a child under the age of 18 years and an adult or another child	(UNICEF, n.d.[4])
Customary, religious or traditional practices or laws	Customs, religions and traditional practices observed among a specific community	(OECD, n.d.[5])
Discrimination against women	Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women	(CEDAW, 1979[6])
Domestic violence	Violence that occurs within the private sphere, generally between individuals who are related through blood, intimacy or law	(CEDAW, 2017[7])
Equal access	Equal opportunities to have access to resources, assets, services, training and education opportunities, markets, sources of income, and decent employment opportunities	(FAO, 2016[8])
Equal opportunity	Equality in employment regardless of race, skin colour, sex, religion and so forth; non-discriminatory practices in hiring employees	(United Nations, n.d.[9])
Female genital mutilation	All procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons	(United Nations, 2008[10])
Femicide	Intentional killing of females (women or girls) because they are females	WHO, 2012
Forced marriage	A marriage that takes place without the free or valid consent of one or both of the partners and involves either physical or emotional duress	(OHCHR, n.d.[11])
Gender-based violence	Any harmful act directed against individuals or groups of individuals on the basis of their gender or sex	(United Nations, 1994[12]) (UN Women, n.d.[13])
Gender gap	Disproportionate difference between men and women and boys and girls, particularly as reflected in attainment of development goals, access to resources and levels of participation	(UN Women, n.d.[13])
Gender norms	Ideas about how men and women should be and act. Most of such "rules" are learned and internalised early in life, which creates an inter-generational cycle of gender socialisation and stereotyping.	(UN Women, n.d.[13])
Gender-responsiveness	Creation of an environment that reflects an understanding of girls' and women's realities and needs, and that addresses them by paying attention to the unique needs of females; valuing their perspectives; respecting their experiences; understanding developmental differences between girls and boys, women and men; and ultimately empowering girls and women	(UNICEF, 2017[14])
Machismo	Form of hyper-masculinity, which valorises dominance and violence	(Nuñez, 2016[15])
Marianismo	Valorisation of submissive hyper-femininity, which prizes women's ability to endure the suffering inflicted upon them	(Nuñez, 2016[15])

Missing women	Concept first introduced by Amartya Sen in 1990. He hypothesised that more than 100 million women were missing due to the excess mortality of women from inequality and neglect. The "missing women" phenomenon is captured by the shortfall in the number of girls aged 0-4 years, relative to their expected survival rate in the absence of sex-selective abortions and female infanticide, and with similar levels of health and nutrition to boys, correcting for natural biological and physiological differences.	(Sen, 1990[16])
Sexual and reproductive health and rights	Right for all to make choices regarding their own sexuality and reproduction, providing they respect the rights of others to bodily integrity. This definition also includes the right to access information and services needed to support these choices and optimise health.	(UN Women, n.d.[13])
Sexual harassment	Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature Unwelcome behaviours, advances and practices of a sexual nature that may include, but are not limited to sexual suggestions or demands; requests for sexual favours; and sexual, verbal or physical conduct or gestures that are or might reasonably be perceived as offensive or humiliating	(United Nations, 2018[17])
Unmet need for family planning	Gap between women's reproductive intentions and their contraceptive behaviour, defined as the proportion of currently married or in-union women of reproductive age (15-49 years) who want to cease or delay childbearing but are not using any method of contraception	(United Nations, 2014[18])
Violence against women	Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life	(United Nations, 1994[12])

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Abbreviations and acronyms

AFI	Alliance for Financial Inclusion
BAU	Business as usual
BPfA	Beijing Declaration and Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEPAL	*Comisión Económica para América Latina y el Caribe*
CSO	civil society organisation
DHS	Demographic and Health Surveys
ECLAC	United Nations Economic Commission for Latin America and the Caribbean
FAO	Food and Agriculture Organization of the United Nations
GDP	gross domestic product
GEO	Gender Equality Observatory for Latin America and the Caribbean
GID-DB	Gender, Institutions and Development Database
IDB	Inter-American Development Bank
IFC	International Finance Corporation
ILO	International Labour Organization
INEC	*Institut National de l'Économie Circulaire*
IPPF/WHR	International Planned Parenthood Federation/Western Hemisphere Region
ISIC	International Standard Industrial Classification of All Economic Activities
LAC	Latin America and the Caribbean
MESECVI	Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women
NFIS	National Financial Inclusion Strategy
NGO	non-governmental organisation
NHS	National Household Survey
NSOs	National Statistical Offices
OECD	Organisation for Economic Co-operation and Development
PAHO	Pan American Health Organization
PPP	Purchasing Power Parity
SDG	Sustainable Development Goal
SIGI	Social Institutions and Gender Index
STD	sexually transmitted disease
STI	sexually transmitted infection
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
WHO	World Health Organization
WVS	World Values Survey

Executive summary

Since the early 2000s, countries in the Latin America and the Caribbean (LAC) region have experienced remarkable socio-economic development. Many LAC countries are in transition to higher income and development levels. Yet, inequalities remain pervasive in all aspects of life, including those between men and women. Behind gender inequality, discriminatory social institutions constrain women and girls from fully enjoying their rights and opportunities. Indeed, discriminatory formal and informal laws restrict women and girls from accessing basic rights such as comprehensive health services and assets. Social norms and practices that stem from patriarchal models continue to create disproportionate expectations for women and men, which often lead to undermining women's capacity to participate as equal actors in the household and society. By lowering total factor productivity and reducing the level of education and labour force participation of women, among others, discrimination in social institutions also has economic consequences: it reduces global income by 7.5%, and throughout the LAC region, before the coronavirus (Covid-19) pandemic, it already induced a loss of USD 400 billion, or USD 1 135 per capita. In this context, the *Social Institutions and Gender Index 2020 Regional Report for Latin America and the Caribbean* identifies progress made and remaining challenges since the third edition of the SIGI in 2014. In addition, it calls for adequately addressing the forms of discrimination against women that are deeply embedded in social institutions.

Progress highlights feminist movements and governments' political commitments towards gender equality

According to the *SIGI 2019 Global Report*, the LAC region performs better than Africa and Asia but still trails behind Europe and North America. The region is characterised by strong feminist movements which have advocated for gender equality and women's empowerment over the years. On International Women's Day on 8 March 2020, hundreds of thousands of women across the LAC region rallied for gender equality. In Mexico, this was followed on 9 March by 'A Day Without Us' to protest against gender-based violence and women's restricted rights. Efforts led by women's organisations in the region have attracted attention and have sparked public discussions on the paths towards inclusive and gender-equal societies in many spheres.

Newly introduced gender-responsive legislative frameworks and holistic approaches also demonstrate the region's political commitment towards Sustainable Development Goal 5 (SDG 5) on gender equality and women's empowerment. Since the third edition of the SIGI in 2014, seven countries have passed legislation setting the minimum legal age for marriage at 18 years for boys and girls, with no exceptions. Countries in the LAC region have also introduced new legal frameworks protecting against more types of violence against women, including femicide. Moreover, many countries have taken measures to recognise, redistribute and reduce women's unpaid care and domestic work. In a move aimed at improving the protection of women's workplace rights, progress has been made regarding introducing or extending maternity and paternity leave schemes. The LAC region has also strengthened the legal framework to promote women's political participation at national and local levels. The proportion of women in parliaments in the region was 30% in 2018, which is higher than the global average of 24% and the Organisation for Economic Co-operation and Development (OECD) member country average of 29%.

Legal loopholes and uneven enforcement of laws, coupled with discriminatory social norms and practices, impede progress towards achieving SDG 5

Weak legal frameworks with loopholes in some areas still restrict women's access to rights and empowerment opportunities. The persistence of legal loopholes, coupled with discriminatory practices, still allow girls to marry before the age of 18 years. The LAC region is the only region in the world with no significant reduction in child marriages since the mid-1990s. Every year, one in six girls in the LAC region gets married or enters an informal union before the age of 18 years. Furthermore, no country in the region has yet introduced a comprehensive legal framework protecting women from all forms of violence against women, including rape, domestic violence and sexual harassment in the workplace, in educational institutions and in public spaces. Legal frameworks also largely fail to protect women in workplaces. Nine LAC countries continue to prohibit or restrict women's access to certain professions. Many countries also do not legally guarantee equal remuneration for work of equal value. Moreover, laws in some Caribbean countries continue to define women's citizenship rights in relation to their marital status.

Discriminatory social norms and practices frequently offset the effect of policies aimed at achieving gender equality and women's empowerment. Across all LAC sub-regions, the most challenging area is the family sphere, revealing the presence of deep social discrimination governing intra-household dynamics between men and women. SIGI data show that women in LAC countries are often confined to their reproductive and caring roles. More than one-half of the LAC region's population believes that children will suffer when a mother is in paid employment. In addition, women spend three times as long as men on unpaid care and domestic work. A disproportionate burden of household chores on women hinders their advancement in other spheres of life. Social norms also contribute to the gendered segmentation of occupations and sectors, often amplifying existing gender pay gaps. Discriminatory attitudes and violence against women in politics hinder women's full and uninterrupted political participation. Violence against women often stems from gender norms – especially *machismo* – which also justify this behaviour. About 27% of women in the LAC region have experienced domestic violence in their lifetime (16% in Central America, 21% in the Caribbean and 33% in South America). Yet, 11% of women aged 15-49 years believe that a husband is justified in beating his wife under certain circumstances.

Women in vulnerable situations and minority groups suffer more from discriminatory social institutions

Different individuals and groups of women experience different forms of discrimination based on their socio-economic status, race and other factors. Discriminatory norms and practices can sometimes exacerbate the discrimination certain groups of women face, particularly in the case of indigenous, afro-descendant, migrant, rural and low-income women. For instance, indigenous women often face a double burden in access to land and non-land assets. Evidence shows that increasing global demand for products such as quinoa generates intense pressure on agricultural development and threatens indigenous women's access to their traditional and customary lands due to their lack of formal land titles. Women from rural areas or ethnic minorities also face additional challenges in the area of civil liberties, such as registering the birth of their children, accessing the justice system and participating in political life.

Women who are at the intersection of multiple forms of discrimination face various challenges and additional obstacles, which create further marginalisation and inequality. Child marriage is more prevalent among poorer income groups: 39% of underage marriages take place in the poorest quintile, whereas the comparable figure in the richest quintile is 8%. Women in the poorest income group also spend more time on unpaid care and domestic work than those in higher income groups – approximately six hours a day, compared with two-and-a-half hours for women in the highest income group. This reveals that access to home technology or paid care services can ease the burden of household responsibilities. Society's

marginalised groups of women also face more barriers in accessing healthcare systems. The use of modern contraceptive methods is 20% lower among indigenous women than the general population. In addition, migrant women often face double discrimination by being both immigrants and women.

A path towards gender equality: Key policy recommendations

Gender equality and women's empowerment cannot be achieved unless further attention is paid to discrimination in laws, social norms and practices. While the current coronavirus (Covid-19) crisis can put a hold on existing gender-transformative policies and programmes, this is also the time to gear up the efforts towards SDG 5 and put women at the centre of the crisis' policy responses. The following table describes the most urgent actions to be taken by governments in the LAC region.

Legal frameworks	• Update laws according to the best international standards in order to remove discriminatory laws and/or legal loopholes. Reforms are needed across all SIGI dimensions, but policy makers in the LAC region should particularly focus on the laws covered by the following SIGI indicators: ○ "Child marriage": set 18 years as the minimum legal age for marriage for girls and boys with no exceptions. ○ "Violence against women": build legal frameworks that cover all forms of violence – sexual harassment, domestic violence, rape (including marital rape) and honour crimes. ○ "Workplace rights": remove all legal barriers that restrict women's labour force participation, develop parental leaves and mandate equal pay for work of equal value. ○ "Political voice": put in place transitional or corrective measures to promote women's equal political participation in all LAC countries, such as legal or voluntary quotas (preferably at both national and subnational levels), parity laws, or alternating the sexes on party lists, as well as providing financial incentives for political parties.
Enforcement mechanisms	• Build public and legal capacities to ensure adequate enforcement of the law and guarantee legal redress. Make sure that administrations, companies, organisations, associations, etc. abide by the law and cease any gender-based discriminatory practices. • Develop infrastructure and service provision in remote areas in order to ensure that all women, including rural women and poor women, have access to services and benefit from public programmes. • Design and scale-up programmes, training and workshops aimed at: ○ helping girls and women claim their legal rights ○ creating free spaces and support networks to discuss the various forms of discrimination and violence that women and girls experience ○ developing community-level initiatives to address discriminatory social norms.
A holistic and intersectional approach	• Systematically include a holistic approach in the programmes developed, as most of the challenges women and girls face in the LAC region cannot be dealt with in isolation. This also goes for the socio-economic measures taken to address the consequences of the coronavirus (Covid-19) crisis, since it disproportionately affects vulnerable women. • Systematically adopt an intersectional approach when designing and implementing laws and programmes in order to ensure that all women are considered, especially the most vulnerable (indigenous, afro-descendant, rural and low-income women). • Engage men and boys as positive agents of change in order to transform discriminatory social norms that are harmful to everyone.
Data collection and dissemination	• Invest in critical capabilities to produce more and better sex-disaggregated data. In particular: ○ Ensure that reliable data are produced at various geographical levels: local, sub-national, national and regional levels. ○ Ensure that reliable data are produced in order to capture intersectional discrimination. • Design national and subnational dissemination strategies to raise awareness of the most pressing issues and to keep policy makers well informed. • Ensure the comparability of data across the LAC region and the accurate monitoring of SDG 5 through increased statistical co-ordination among countries.
Communication and awareness	• Increase awareness through campaigns to sensitise all stakeholders to gender inequality and gender-based discrimination, insisting on the human, social and economic consequences of these inequalities and discrimination for the society as a whole. • Develop communication and awareness campaigns to inform women and girls about their rights and the opportunities offered by non-discrimination law.

Special section: The impact of the coronavirus (Covid-19) crisis on LAC women

This special section explores the consequences of the coronavirus (Covid-19) crisis for women in the LAC region across five main areas. It focuses on the exposure of women to the pandemic as healthcare frontline workers, both in medical facilities and in households. The section also highlights women's vulnerability to the economic downturn caused by the crisis, as well as the additional burden they bear in unpaid care and domestic work. It then analyses the critical risk that arises owing to increased episodes of violence against women. Finally, the section discusses the potential consequences of the disruption of health services and supply chains on women's access to sexual and reproductive health services and products.

Infographic 0.1. The impact of the Coronavirus (Covid-19) crisis on women in LAC

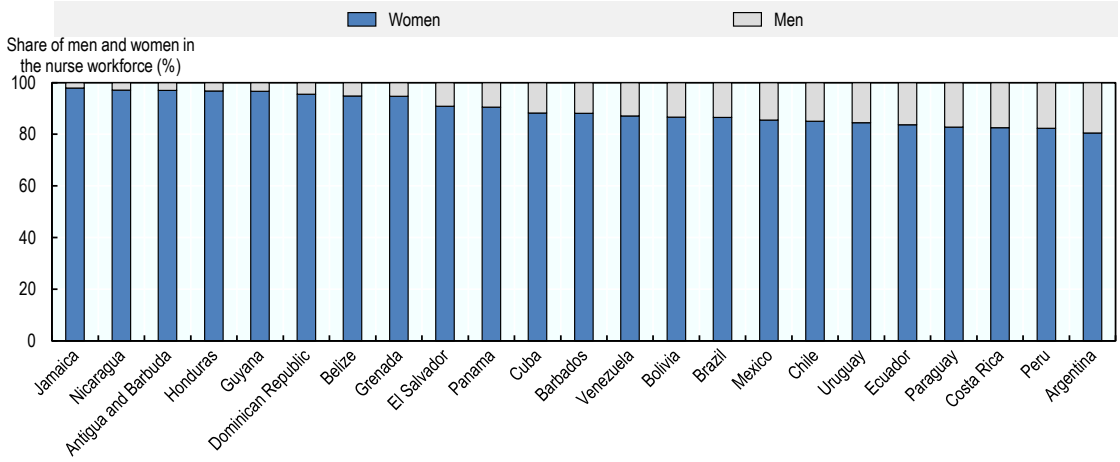
As the current coronavirus (Covid-19) global pandemic unfolds, the socio-economic consequences for LAC women and girls could jeopardise some of the progress accomplished to address gender-based discrimination, and worsen the situation in other areas of concern, such as violence against women. The full scale of short-term and long-term implications of the coronavirus (Covid-19) outbreak for women and girls in the LAC region remain to be seen. Yet, early reports and evidence from past sanitary crises – such as the Ebola outbreak in West Africa in 2014-16 and the Zika crisis in 2015-16 – suggest that the coronavirus (Covid-19) outbreak will likely disproportionately affect women and girls across a wide range of areas.

Women in the LAC region are particularly vulnerable to the economic consequences of the outbreak. Their overrepresentation in the informal sector – women's non-agricultural informality rate in LAC stands at 52%, compared to 47% for men –, the potential impact on remittances, and the additional unpaid care burden will likely combine to worsen women's economic situation, particularly for the poorest ones. At the same time, confinement measures and their psychosocial consequences could result in an increased number of episodes of violence against women. Similarly, reproductive and personal health will be affected as healthcare capacities become overwhelmed by the rapid spread of the disease and all available health resources are diverted towards the fight against the coronavirus (Covid-19).

The majority of front-line healthcare workers are women

Women in the LAC region are at the forefront of the battle against the coronavirus (Covid-19), as they make up the vast majority of the healthcare workforce, which exposes them to a greater risk of infection. Globally, women account for around two-thirds of the healthcare workforce. Moreover, they are underrepresented among physicians, dentists and pharmacists, and overrepresented in occupations such as nurses and midwives, which are overwhelmingly in direct contact with patients (OECD, 2020[1]). Data show that the Americas – which, in this instance, include Canada and the United States – are no exception: the World Health Organization (WHO) estimates that women account for 46% of the physician workforce and 86% of the nurse workforce (Figure 0.1) (Boniol et al., 2019[2]).

Figure 0.1. Women account for the vast majority of the LAC region's nurse workforce



Note: The figure presents the share of men and women in the nurse workforce in 23 LAC countries for which data are available. All data are from 2018, except for Bolivia, Brazil and Panama (2017), Argentina (2016), Nicaragua (2014), and Uruguay (2006).
Source: (World Health Organization, 2020[3]) The Global Health Observatory, https://www.who.int/data/gho/data/indicators/indicator-details/GHO/nurses-by-sex-(-).

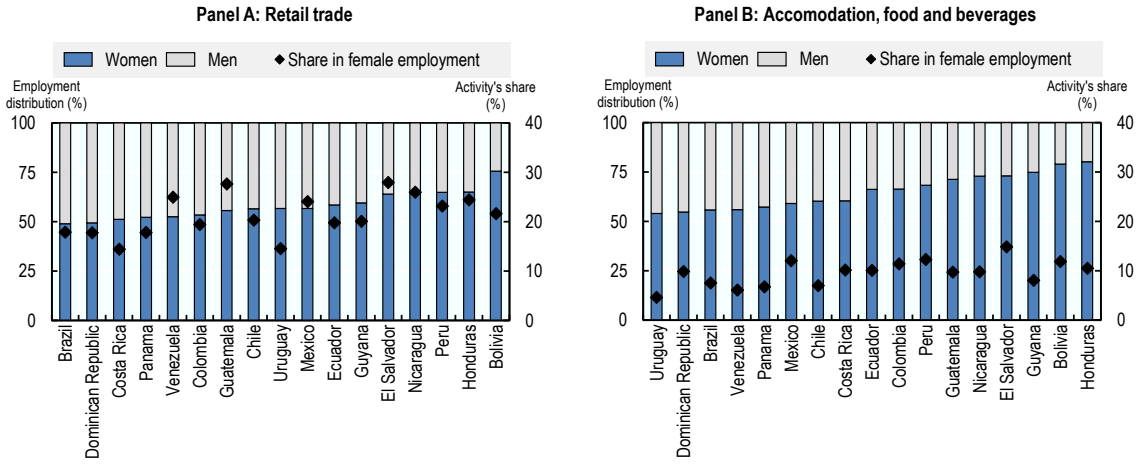
StatLink https://doi.org/10.1787/888934136326

Moreover, as the crisis deepens in LAC countries with limited healthcare capacities, most of the care roles – which include caring for the sick and people who have the coronavirus (Covid-19) – will likely fall on women's shoulders, greatly increasing their risk of infection. While the coronavirus (Covid-19) infection mechanisms are still unclear, preliminary reports and statistics show that men's mortality rate is higher than that for women. Early medical hypotheses and anecdotal evidence suggest that a combination of behavioural factors (for instance, men's higher smoking rate and men's lower likelihood of washing their hands, wearing a mask consistently or seeking medical advice) and biological factors (mainly women's stronger immune systems and the potential role played by female hormones) may explain why men are at higher risk of dying from the coronavirus (Covid-19) (Devlin, 2020[4]; Rabin, 2020[5]). Yet, the fact remains that women's unpaid care and domestic workload puts them at more risk of being infected. This is particularly the case in developing countries with limited healthcare capacities, where women will likely need to care for members of their households who are suffering from the coronavirus (Covid-19). Past evidence from the West African Ebola outbreak in 2014-16, for instance, suggests that women's care responsibilities were a major contributor to the disproportionate rate of female infection (OECD, 2020[1]).

Women are highly exposed to economic vulnerability, loss of income and risk of poverty

The economic downturn in the LAC region could disproportionately affect women, as they are more likely to work in the informal sector and in activities that will suffer the brunt of the crisis. For instance, in Mexico, 56% of women are employed in the informal sector (excluding agricultural activities), compared with 49% of men. In Costa Rica and Nicaragua, the proportion of women employed in the informal sector is 6 percentage points higher than the proportion of men, while it is even 12 percentage points higher in Peru (ILO, 2020[6]). In addition, women are more likely to work in activities that will be severely affected by confinement measures, with limited or no options to telework, thus resulting in a complete loss of income. For instance, in Costa Rica and Uruguay, 17% and 14% of women, respectively, work as private household workers and account for 89% and 90%, respectively, of the workers in this sector. In all LAC countries except Guyana, women account for more than 80% of private household workers. Similarly, women are overrepresented and highly concentrated in sectors such as the retail trade sector and the accommodation, food and beverages sector, which are likely to suffer the most from a general lockdown (Figure 0.2) (ILO, 2020[7]).

Figure 0.2. Women are overrepresented and concentrated in economic activities highly exposed to general lockdown measures



Note: Each panel presents: 1) the distribution of employment in the economic activity by sex; and 2) the share of the economic activity in female employment (right-hand axes). For all countries, employment by economic activities is based on the ISIC-Rev.4 framework (United Nations, Department of Economic and Social Affairs, 2008[8]), except for Chile, Colombia, Nicaragua and Venezuela, for which employment in economic activities is based on the ISIC-Rev.3.1 framework (United Nations, Department of Economic and Social Affairs, 2002[9]). Panel A presents employment in "Retail trade, except of motor vehicles and motorcycles – code 47" (ISIC-Rev.4) and "Retail trade, except of motor vehicles and motorcycles; repair of personal and household goods – code 52" (ISIC-Rev.3.1). Panel B presents employment in "Accommodation – code 55" and "Food and beverage service activities – code 56" (ISIC-Rev.4), and "Hotels and restaurants – code 55" (ISIC-Rev.3.1). The latest available data used are from 2019 for Brazil, Colombia, Costa Rica, Ecuador, Mexico and Peru; from 2018 for Bolivia, the Dominican Republic, El Salvador, Guyana, Honduras and Uruguay; from 2017 for Chile and Guatemala; from 2014 for Nicaragua and Panama; and from 2012 for Venezuela.
Source: (ILO, 2020[7]), ILOSTAT: Employment by sex and economic activity - ISIC level 2, https://ilostat.ilo.org/data.

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At the same time, the economic downturn in Europe and the United States will severely affect economies in the LAC region through indirect channels such as remittances, and will have long-lasting impacts on the poorest people in the region, including women. For instance, in Mexico, nearly 8% of households in the poorest 40% of the population receive remittances that represent more than 30% of their total income (INEGI, 2018[10]). Additionally, more than 56% of the individuals in these poorest 40% recipient households are women. The loss of additional sources of income for the poorest households in the LAC region will disproportionately affect women and will put many of them at risk of falling into poverty.

The crisis will likely increase women's unpaid care and domestic work burden

The coronavirus (Covid-19) outbreak and its subsequent lockdowns will likely exacerbate and amplify pre-existing inequalities in terms of unpaid work burdens. Prior to the coronavirus (Covid-19) outbreak, women already spent three times more time on unpaid care and domestic work than men in the LAC region (see Chapter 3). Travel restrictions, the widespread closure of school and childcare facilities, at-home quarantines, and the increased risks faced by elderly relatives can be expected to impose additional burdens on women. Lockdowns and confinements are also likely to increase routine housework, including cooking and cleaning.

This situation will put a severe strain on the 2030 Agenda for Sustainable Development's objective to achieve a balanced distribution of unpaid care and domestic work between men and women. As women's

unpaid work increases in the wake of the crisis, it may be a challenge to return to the pre-crisis situation, and it may be almost impossible to achieve an equitable distribution of unpaid care and domestic work between men and women by 2030.

Confinement measures could cause a surge in violence against women, while support resources will become scarce

Confinement measures, combined with social norms and patriarchal masculinity, could lead to a sharp increase in violence against women. In crisis settings, the frustration caused by lockdowns – lack of social interaction, cancellation of social events, closure of schools – builds up and often triggers a surge in cases of rape and violence not limited to the household. Domestic violence, often committed by men, is deeply rooted in patriarchal masculinity that leads to men's power and control over women. As the crisis and the uncertainty at the individual and household levels unfold, perpetrators of violence might want to reassert their control and express their frustrations caused by the lockdown through increased episodes of violence (OECD, 2020[1]).

Meanwhile, restrictions on movement also prevent survivors of violence from seeking refuge elsewhere and trap them with their abuser. Support services for survivors, such as hotlines or temporary housing, could also be disrupted, aggravating the situation for women who are victims of violence (OECD, 2020[1]).

Finally, the economic consequences of the crisis, such as loss of income and unemployment, will likely reinforce the economic dependency of women who are victims of abuse. As economic control is key for abusers, insecurity and reduced access to financial resources could force victims to remain in violent households. In March 2020, the *Secretaría Distrital de la Mujer* (District Secretariat for Women) in Bogotá, Colombia, announced that the city will provide additional and special resources to the victims and survivors of domestic violence in the midst of the emergency caused by the coronavirus (Covid-19) (Secretaría Distrital de la Mujer, 2020[11]).

Women will suffer from reduced access to sexual and reproductive health rights and services

As the crisis spreads and puts pressure on national healthcare systems, more resources will be diverted towards the emergency response. In particular, resources for sexual and reproductive health services will likely become scarce, thus contributing to increasing health problems for women. Evidence from the Ebola crisis in West Africa shows that the lack of available health services, combined with the fear of getting infected on the premises of hospitals and clinics, led to a sharp increase in maternal mortality (Wenham, Smith and Morgan, 2020[12]). In Sierra Leone, for instance, post-crisis impact studies uncovered that, even assuming the most conservative scenario, the decrease in utilisation of life-saving health services translated into 3 600 additional maternal, neonatal and stillbirth deaths in the year 2014-15 (Sochas, Channon and Nam, 2017[13]). At the same time, the provision of sexual and reproductive health commodities, including menstrual health items, may be impacted by supply chain disruption. Evidence from the Zika crisis in Latin America in 2015-16 showed that gang violence in Brazil and El Salvador directly affected women's access to sexual and reproductive health services, with informal networks controlling who had access to supplies and who did not (UNFPA, 2020[14]).

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1 The Social Institutions and Gender Index in the Latin America and the Caribbean region

This chapter presents an overview of regional and sub-regional trends and results from the fourth edition of the Social Institutions and Gender Index (SIGI) in 2019 and its four dimensions: “Discrimination in the family”, “Restricted physical integrity”, “Restricted access to productive and financial resources”, and “Restricted civil liberties”. It outlines the main areas of progress and challenges regarding formal and informal laws, social norms and practices related to gender equality in 29 countries in the region of Latin America and the Caribbean (LAC). Building on this evidence, this chapter also provides a set of policy recommendations to enhance LAC governments’ efforts to deliver their gender equality commitments.

Gender equality and women's and girls' empowerment are at the heart of the 2030 Agenda for Sustainable Development. Achieving gender equality is both a standalone goal – Sustainable Development Goal (SDG) 5 – and a fundamental part of 13 of the 17 SDGs.[1] Along with the 17 SDGs, 76 of the 169 SDG targets establish conditions for gender equality and women's rights, and 53 of the 231 indicators explicitly mention women, girls, gender or sex. The principle of leaving no one behind is a call to action to address the structural causes of gender inequality and its consequences for the lives of millions of women and girls around the world. The 2030 Agenda for Sustainable Development has also opened new doors and mobilised national gender equality machineries[2] and women's rights organisations to strengthen efforts to promote gender equality across national policies and programmes.

Twenty-five years after the adoption of the Beijing Declaration and Platform for Action (BPfA) in 1995, governments in the region of Latin America and the Caribbean (LAC) are making efforts to advance on the path towards gender equality. The LAC region has been a pioneer in promoting women's rights and has subscribed to various fundamental international and regional commitments to improve women's and girls' lives. All LAC countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and have adopted non-binding agreements such as the BPfA. At the regional level, the approval of the Regional Programme of Action for the Women of Latin America and the Caribbean 1995-2001 paved the way to bridging gender gaps in key areas and addressing region-specific issues.

The Montevideo Strategy and its ten pillars, adopted in 2016, have accelerated progress and reinforced public policies that guarantee women's equal status in the public and private spheres. The Montevideo Strategy also recognises the structural barriers to achieving gender equality and women's autonomy by 2030, and sets out a strategic roadmap for aligning national development priorities and policies.

Despite increasing political commitments in advancing the gender equality agenda, discriminatory social institutions – formal and informal laws, social norms and practices – continue to constrain LAC women and girls' empowerment and restrict their access to opportunities and rights. Personal and collective opinions and behaviours are still influenced by patriarchal norms that affect, for example, the distribution of household chores between women and men, and may make gender equality more difficult to achieve. The coronavirus (Covid-19) pandemic is likely to exacerbate current imbalances due to mobility restrictions and lockdown in some countries. Every day, women and girls across LAC countries experience some form of discrimination in the family sphere, such as domestic violence or child marriage. Throughout their life cycle, women also encounter different types of discrimination that restrict their involvement in decision making in the private and public spheres.

Social Institutions and Gender Index overview

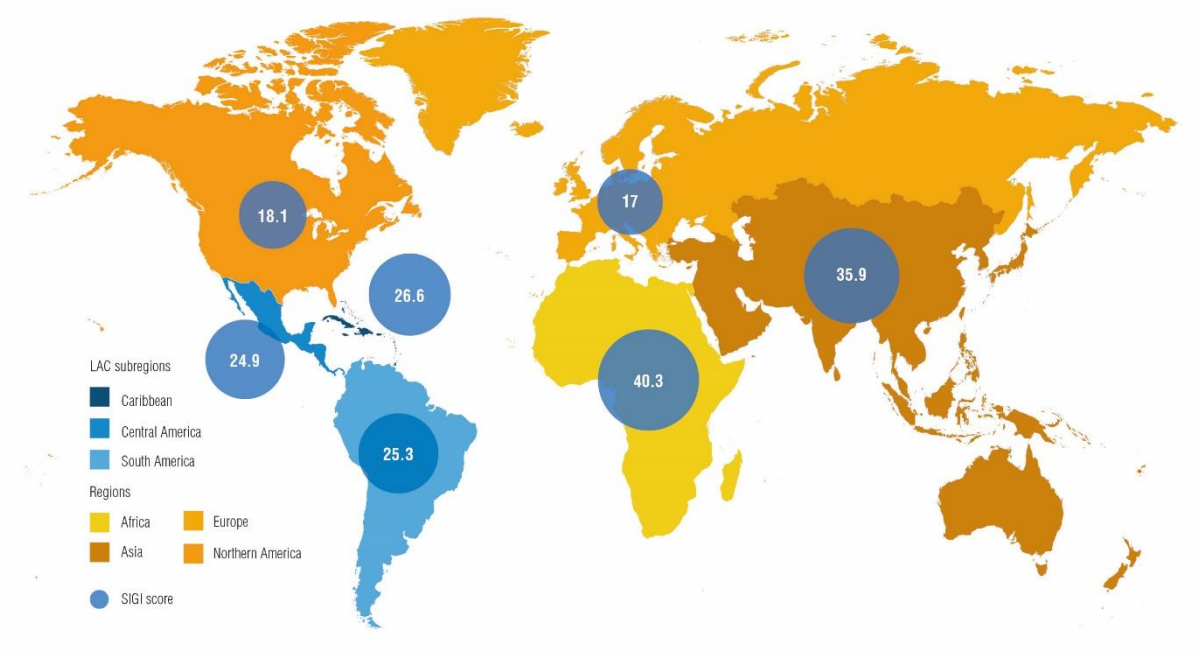
Since its first edition in 2009, the Social Institutions and Gender Index (SIGI) has shed light on the structural and multiple barriers affecting women's and girls' lives in developing and developed countries. Discriminatory laws and social norms delineate the legally and socially acceptable ways to think, do, express or act in relation to gender. As such, they closely link individual sets of rights and opportunities to a person's gender.

SIGI results at the regional and sub-regional levels

The *SIGI 2020 Regional Report for Latin America and the Caribbean* provides new evidence-based analysis of the setbacks and progress since 2014 in terms of women's rights in the family, access to resources, public life and fundamental rights, and physical integrity spheres. The LAC region fares well in the fourth edition of the SIGI in 2019 (OECD, 2019[1]). The level of discrimination in legislation, social norms and practices is 25.4, compared with 17 in Europe and 18.1 in Northern America (which does not include Mexico in this instance), indicating that although steps are being taken in the right direction, there is still a

long way to go in achieving gender equality and women's empowerment. The LAC region also fares much better than Africa (40.3) and Asia (35.9) in the SIGI (Figure 1.1).

Figure 1.1. SIGI 2019 scores in the LAC region compared to other geographical regions



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

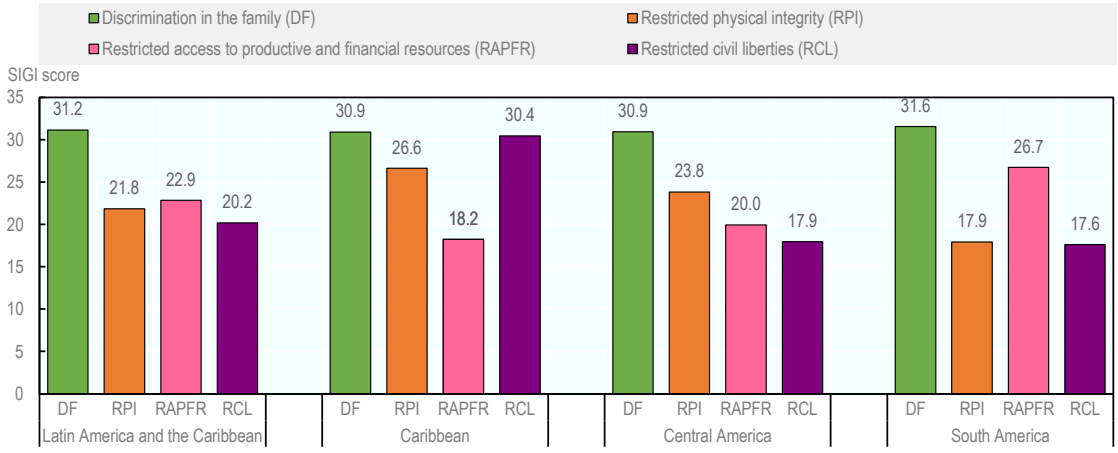
The LAC region's SIGI scores show the positive effects of enhanced legislative frameworks and holistic approaches in the "Restricted physical integrity" and "Restricted civil liberties" dimensions, which exhibit low levels of discrimination (Figure 1.2). For instance, the LAC region's legislation on violence against women remains among the most progressive and comprehensive globally. LAC governments have taken steps to update their legal frameworks to cover all forms of violence against women – which include domestic violence, harassment, rape and honour crimes. Alongside these legislative changes, LAC countries have developed national strategies, action plans and protocols to ensure inter-institutional co-ordination, and have started to provide a wide range of support services for victims and survivors of violence against women. In 2017, Peru outlined criminal penalties for sexual harassment with aggravating circumstances to cover educational, employment and training relationships. That same year, Paraguay expanded the legal definition of violence against women by including economic, sexual, labour, political and cyber violence, among others, in its legal code. Similarly, in the "Restricted civil liberties" dimension, special measures (such as political quotas) have started to yield their intended effects: the proportion of women in parliament in the LAC region reached 30% in 2018, one of the highest shares in the world. Four LAC countries are among the top ten countries globally in terms of women's representation in parliament.

Nevertheless, the implementation of ambitious laws remains uneven, while discriminatory attitudes and norms persist, perpetuating the violation of women's basic right to a life free of gender-based discrimination. Across the LAC region, clear gaps continue to exist between ambitious laws and their weak enforcement by governments. For instance, despite recent and renewed efforts from certain governments to strengthen their countries' legal frameworks in order to punish all forms of gender-based violence, the LAC region continues to have the highest rates of femicide in the world. In 2018, 3 529 women were killed across the region because of their gender (OECD, 2020[3]). At the same time, persistent discriminatory

norms weaken the implementation of existing legal frameworks. Addressing these social norms requires a whole-of-society shift to induce real changes to individuals' mindsets. For instance, traditional gender stereotypes, harmful masculinities and attitudes in the family sphere contribute to women's unpaid care burden, and inhibit their economic, political and leadership aspirations.

Moreover, in some areas of women's and girls' lives, the LAC region continues to suffer from poor legislative protection. The SIGI shows that legal issues are particularly acute in the "Child marriage", "Violence against women", "Workplace rights" and "Political voice" SIGI indicators. For example, weak legal frameworks against child marriage contribute to the very high incidence rates in the LAC region.

Figure 1.2. SIGI dimensions' scores in the LAC region and its sub-regions



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

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Overall, the present report shows that "Discrimination in the family" is the most challenging dimension in the LAC region and its sub-regions, underscoring the presence of deep social discrimination governing intra-household dynamics between men and women. All three sub-regions tend to score similarly in the other dimensions, with the notable exception of the Caribbean in the "Restricted civil liberties" dimension and South America in the "Restricted access to productive and financial resources" dimension. The Caribbean's poor performance in the "Restricted civil liberties" dimension is primarily the result of weak legal frameworks governing women's ability to confer their nationality to their husband or children; establishing incentives for women's political participation and representation; and guaranteeing equal rights for women to apply for passports and travel documents. South America's poor performance in the "Restricted access to productive and financial resources" dimension in comparison with the other two LAC sub-regions stems from weak legal frameworks governing women's rights in the workplace. In particular, many countries in the sub-region continue to prohibit women from entering certain professions (Figure 1.2).

At the same time, gender-based discrimination and gaps within the LAC region are compounded by intersecting identities that primarily affect indigenous, afro-descendant and migrant women. Women who are at the intersection of multiple discrimination (Box 1.1) often face increased hardship and various additional obstacles to claiming their rights, perpetuating a cycle of marginalisation, poverty and inequality. Chapter 2 further explores the intersectionality perspective in the context of migration.

Box 1.1. Intersectionality in the context of the LAC region

Intersectionality refers to the interconnected nature of social categorisations – such as race, ethnicity, education, age, disability, sexual orientation, gender identity, religion/belief, economic status or place of residence – as they apply to a given individual or group. The concept is defined under Paragraph 18 of CEDAW's General recommendation No. 28 (CEDAW, 2010[4]).

Therefore, intersectional discrimination refers to discrimination against certain women who belong to more than one "category". The overlap between gender and other forms of discriminated or marginalised population categories leads to increased inequalities and may further disadvantage some women.

Discrimination may be cumulative. For example, a black woman may be subject to labour market discrimination both because she is a woman (gender discrimination) and because she is black (racial discrimination).

Discrimination may also differ in nature. For example, only women (not men) with disabilities (not those without disabilities) are subjected to coercive practices such as involuntary abortions.

In the LAC region, the Montevideo Strategy specifically outlines intersectionality in its five approaches or perspectives that guide public policies and objectives linked to women's autonomy and rights, which are:

- gender equality
- women's human rights
- intersectionality and interculturality
- parity-based, representative, and participatory democracy and secularism
- sustainable and inclusive development.

These interrelated approaches guide the measures of the Montevideo Strategy (ECLAC, 2017[5]).

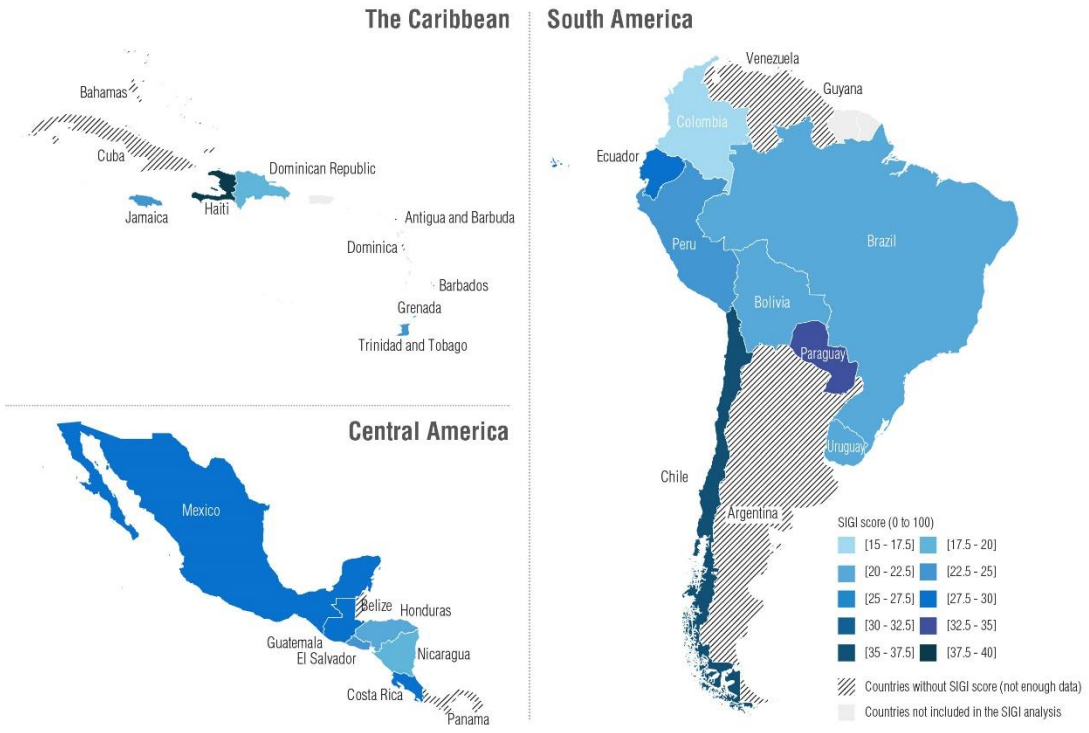
The current level of discrimination in social institutions yields a high economic cost for the LAC region. By limiting the pool of talent available, lowering countries' capacity to innovate and to accumulate human and financial capital, and reducing the level of education and labour participation among women, discriminatory social institutions impede growth. At the regional level, even before the coronavirus (Covid-19) pandemic, this translated into an estimated USD 400 billion loss in gross domestic product (GDP), which is a loss of USD 1 135 per capita. The SIGI analysis of the LAC region shows that a gradual dismantling of these gender-based discriminatory social norms and practices could yield significant economic benefits and add up to 3.6 percentage points yearly to regional GDP growth. In other words, by 2030, it would represent a potential gain of more than USD 5 000 per capita (see Chapter 2).

Meanwhile, as the current coronavirus (Covid-19) global pandemic unfolds, the socio-economic consequences for LAC women and girls might jeopardise some of the progress that has already been made, and worsen the situation in other areas, such as violence against women. The long-term implications of the rapid spread of the virus on the LAC region's economies are still unclear, but women in the region appear particularly vulnerable to the economic consequences of the outbreak. Their overrepresentation in the informal sector, the potential reduction in remittances and the additional unpaid care burden will likely combine to worsen their economic situation, particularly for the poorest women. At the same time, confinement measures and their psychosocial consequences might result in an increased number of episodes of violence against women. Similarly, reproductive and personal health will be affected as healthcare capacities become overwhelmed by the rapid spread of the coronavirus (Covid-19) and all available health resources are diverted towards the fight against the pandemic (see Chapter 2).

SIGI results at the country level

Of the 18 LAC countries classified in the *SIGI 2019 Global Report*, 15 countries exhibit very low to low levels of gender-based discrimination in social institutions, and no country is classified as having high or very high levels of discrimination (Figure 1.3). Colombia is the LAC region's top performer, with a very low level of discrimination in social institutions and an overall SIGI score of 15, which ranks the country 13th at the global level. Colombia's performance is primarily the result of good performance in the "Discrimination in the family" dimension, in which it ranks 3rd globally. Within the LAC region, Colombia is followed by the Dominican Republic and Nicaragua, which also display low levels of discrimination, with scores of 18 and 19, respectively.

Figure 1.3. SIGI results by country



Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

Across the LAC region, 12 countries are classified as having low levels of discrimination in social institutions, with overall SIGI scores ranging from 21 in Brazil and the Plurinational State of Bolivia (hereafter "Bolivia"), to 29 in Guatemala, Ecuador and Mexico. Trailing slightly behind this group, Paraguay, Chile and Haiti display medium levels of discrimination, with SIGI scores of 33, 36 and 40, respectively (Table 1.1).

Finally, because of data limitations and the fact that the overall SIGI score can only be computed for countries with data points in every single indicator and variable composing the index, 11 LAC countries did not obtain a score in 2019 (see Reader's Guide). Three countries – namely Argentina, Panama and the Bolivarian Republic of Venezuela (hereafter "Venezuela") – had enough data to compute SIGI scores in three of the four SIGI dimensions, but all three were missing data on the lifetime prevalence of domestic violence, and Venezuela was also missing data on attitudes towards violence against women.

Table 1.1. Scores of LAC countries in the SIGI and in each dimension

	SIGI		Discrimination in the family		Restricted physical integrity		Restricted access to productive and financial resources		Restricted civil liberties	
	Score	Cat.	Score	Cat.	Score	Cat.	Score	Cat.	Score	Cat.
Colombia	15.0	Very low	9.6	Very low	14.9	Low	14.5	Low	20.6	Low
Dominican Republic	18.2	Very low	30.3	Medium	18.1	Low	11.9	Low	11.2	Low
Nicaragua	18.6	Very low	25.3	Medium	25.6	Medium	16.0	Low	6.2	Very low
Brazil	21.2	Low	28.0	Medium	14.8	Low	17.5	Low	23.9	Low
Bolivia	21.4	Low	28.5	Medium	16.2	Low	27.4	Medium	12.7	Low
Uruguay	22.2	Low	27.6	Medium	11.0	Low	26.6	Medium	22.8	Low
Honduras	22.4	Low	24.9	Low	25.0	Low	24.1	Low	15.3	Low
El Salvador	22.9	Low	26.1	Medium	27.4	Medium	20.0	Low	17.8	Low
Trinidad and Tobago	23.5	Low	18.3	Low	26.6	Medium	20.4	Low	28.5	Medium
Peru	24.5	Low	47.7	Medium	26.6	Medium	5.5	Very low	12.9	Low
Jamaica	24.7	Low	32.0	Medium	24.5	Low	18.7	Low	22.9	Low
Costa Rica	27.9	Low	45.7	Medium	24.8	Low	27.5	Medium	10.5	Low
Guatemala	28.6	Low	26.1	Medium	24.5	Low	18.4	Low	43.4	Medium
Ecuador	28.9	Low	34.8	Medium	18.9	Low	44.0	Medium	15.1	Low
Mexico	29.0	Low	60.4	High	15.6	Low	17.5	Low	14.6	Low
Paraguay	32.8	Medium	46.1	Medium	22.1	Low	31.7	Medium	29.8	Medium
Chile	36.1	Medium	36.4	Medium	18.8	Low	64.8	High	16.6	Low
Haiti	39.9	Medium	37.6	Medium	37.3	Medium	22.0	Low	59.1	High
Antigua and Barbuda			22.2	Low						
Argentina			23.1	Low			23.0	Low	7.1	Very low
Bahamas			22.0	Low						
Barbados			21.8	Low						
Belize			23.7	Low						
Cuba			28.9	Medium						
Dominica			42.1	Medium						
Grenada			53.7	High						
Guyana			21.8	Low						
Panama			15.5	Low			16.1	Low	17.8	Low
Venezuela			43.5	Medium			12.7	Low	14.6	Low

Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. Countries are ranked by their SIGI score.

- At the SIGI level, countries are classified into five categories based on their overall SIGI score: very low level of discrimination (SIGI <20); low level of discrimination (SIGI 20-30); medium level of discrimination (SIGI 30-40); high level of discrimination (SIGI 40-50); and very high level of discrimination (SIGI >50).
- At the dimension level, countries are classified into five categories based on their score in the relevant dimension: very low level of discrimination (score <10); low level of discrimination (score 10-25); medium level of discrimination (score 25-50); high level of discrimination (score 50-75); and very high level of discrimination (score >75).

Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136383

Progress and challenges by SIGI dimensions

Discrimination in the family

Gender-based discrimination permeates all levels of society and is reflected in family relations, affecting the daily lives of women and girls around the world. The family sphere is the first social institution – in

terms of levels of, and exposure to, discrimination – where boys and girls are confronted with gender norms, expectations, values and stereotypes. Although gender stereotypes emerge in early childhood, they are constantly reinforced through different channels in adolescence and adulthood.

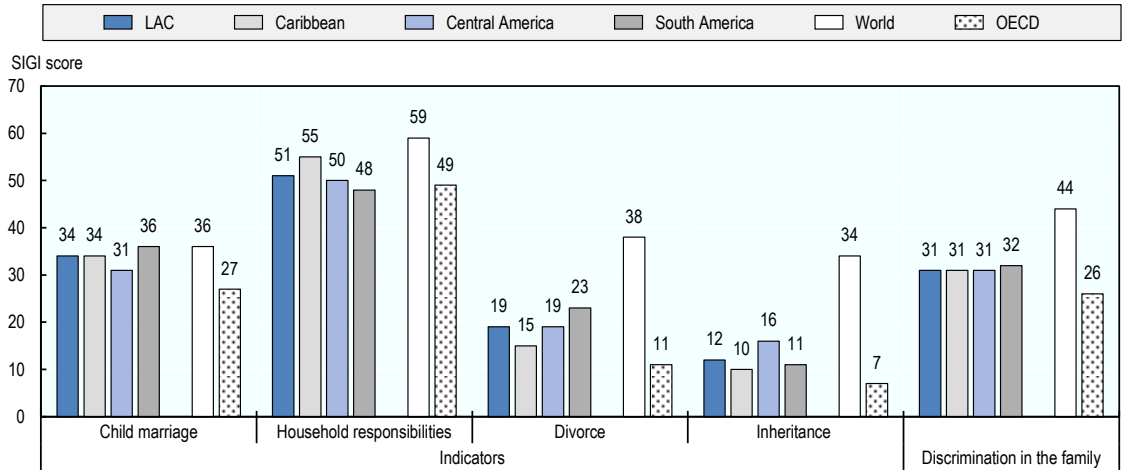
Discriminatory social institutions in particular undermine women's capacity to participate as equal actors in the household and society. For instance, traditional gender stereotypes and roles confine women and girls to domestic duties and caring responsibilities, which prevents them from pursuing education, entering the workplace or taking leadership roles in the community or society in general. Gender norms in the family also result in girls being married before the age of 18 years, having a subordinate status and low decision-making power in the household, being economically dependent on men, and experiencing violence and harassment at home. Rigid gender stereotypes within the family are often replicated at the community level, as well as across other institutions such as schools, the workplace and other governance systems more broadly.

LAC countries have undergone a series of major transformations in the family sphere (Gasparini and Marchionni, 2012[6]). Fertility rates have dropped since the 1980s and the regional average fertility rate has converged with trends seen in developed countries. However, adolescent fertility rates remain high, and women's age at first marriage has not risen considerably (Cabella et al., 2018[7]). These changes have been accompanied by an increase in cohabitation and informal unions, and a decrease in formal marriages. Furthermore, female headship has been steadily increasing in rural and urban areas, regardless of women's educational background and level (CAF, 2018[8]). These transformations influence intra-household decisions and shape women's economic and political empowerment opportunities in the LAC region.

Assessment

"Discrimination in the family" is the most challenging dimension in all LAC sub-regions, underscoring the presence of deep social discrimination governing intra-household dynamics between men and women (see Chapter 3). The region has a medium level of discrimination[3] in this dimension, with a dimension score of 31, exceeding the Organisation for Economic Co-operation and Development (OECD) average of 26. Discrimination in this dimension is slightly more prevalent in South America (32) than in Central America and the Caribbean (31) (Figure 1.4). The poor performance of the three LAC sub-regions stems from weak legal frameworks that fail to legally prevent high rates of child marriage among girls and to ensure men and women's equal right to be recognised as the head of the household. Within the LAC sub-regions, family laws and social norms define women's status and roles differently from one country to another. The 29 LAC countries that were scored in this dimension exhibit values ranging from very low to high levels of discrimination. Colombia is the region's top performer in this dimension with a score of 10, thanks to a comprehensive legal framework granting women the same rights as men in the family sphere.

Figure 1.4. SIGI scores in the "Discrimination in the family" dimension and its indicators for the LAC region and sub-regions



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136402

One of the distinguishing aspects of LAC countries compared with countries in other regions of the world is that women in the LAC region enjoy formal equality before the law regarding inheritance rights. This is a legal tradition rooted in colonial rule whereby all children, regardless of their sex, inherit equally from both of their parents (Deere and León de Leal, 2001[9]). "Inheritance" is therefore the indicator with the lowest level of discrimination in the "Discrimination in the family" dimension, with an average regional score of 12, indicating low levels of discrimination compared to very low levels of discrimination in OECD countries with a score of 7. The level of discrimination in this indicator ranges from a score of 10 in the Caribbean to 16 in Central America. Eighteen countries had a score of 0 in this indicator, showing that women have the same rights as men to inherit land and non-land assets. However, in eight countries,[4] some customary, religious or traditional practices or laws limit women's legal rights to inherit assets. Furthermore, Costa Rica, Dominica and Paraguay have medium levels of discrimination in this indicator, with scores of 50, demonstrating that inheritance rights do not apply equally to all groups of women.

LAC countries perform relatively well in the "Divorce" indicator. This is largely the result of comprehensive legal frameworks guaranteeing women's rights to divorce. Overall, the region scores 19, indicating low levels of gender-based discrimination, although this still exceeds the OECD average of 11. The scores range from 15 in the Caribbean to 23 in South America. While some LAC countries (e.g. the Dominican Republic and Ecuador) granted women the right to divorce by mutual agreement at the beginning of the 20th century, many did not grant these rights until the mid-20th century or later (e.g. Argentina, Brazil, Chile and Colombia) (O'Connor, n.d.[10]). Eighteen countries had a score of 0 in this indicator, demonstrating that women and men have the same legal rights to initiate divorce, with the same grounds and evidential requirements for divorce or annulment. Five countries[5] display low levels of discrimination in this indicator, with scores of 25. In these countries, discriminatory practices slow progress towards gender equality in terms of divorce proceedings or parental authority after divorce. While Costa Rica and Paraguay share medium levels of discrimination, Grenada, Peru and Venezuela all score 75, displaying a poor performance in this indicator because, under certain circumstances, parental authority after divorce is automatically assigned to women. Mexico displays a very high level of

discrimination in this indicator, due to the fact that, unlike men, women must wait 300 days after a divorce before being allowed to remarry in some states.

The persistence of legal loopholes associated with discriminatory practices towards girls perpetuates child marriage in LAC countries. The region displays medium levels of discrimination in the "Child marriage" indicator, with a score of 34, which is slightly above the OECD average of 27. The score ranges from 31 in the Caribbean to 36 in South America, as 22 LAC countries allow girls to marry before the age of 18 years with parental consent. Child marriage stands out as a cause for concern in the region, as approximately 16% of girls aged 15-19 years are married or are in informal unions. Child marriage rates vary across LAC sub-regions: the practice is less common in the Caribbean (14%) and South America (15%) than in Central America (20%). Panama is the region's top performer in the child marriage indicator, with a score of 2, and it ranks 4th globally. Its national legal framework sets the minimum legal age for marriage at 18 years for both girls and boys without exception. At 4%, the prevalence of child marriage in Panama is far below both the Central American average (20%) and the regional and global averages (16%).

Responsibility for household tasks and caregiving is the most pervasive and acute form of discrimination against women in the family sphere. The LAC region's average score in this indicator is 51, indicating a high level of discrimination; the average score of OECD member countries in this indicator is 49. Within the LAC region, South America scores 48, Central America scores 50 and the Caribbean scores 56. Twenty-five countries had a score of 50 in this indicator, showing that there are no laws explicitly regulating household headship. Chile, Dominica and Grenada display high levels of discrimination in this indicator, with scores of 75, denoting legal discrimination against women in terms of household headship or parental authority. Colombia is the region's best performer, which is the result of its comprehensive legal framework. Attitudinal data reveal that women in the LAC region are often confined to traditional reproductive roles and caring responsibilities. For instance, 52% of the population believes that children will suffer when a mother is in paid employment. In addition, women continue to shoulder the burden of unpaid care and domestic work, allocating five hours per day to it, compared with one-and-a-half hours for men.

Progress

Since the last edition of the SIGI in 2014, some LAC countries have taken steps to recognise, redistribute and reduce women's caring responsibilities:

- Colombia and Mexico have started to make unpaid care work visible by measuring women's economic contribution to their national economies. Data from time-use surveys revealed that unpaid care activities would constitute approximately 20% of these countries' GDP (Ferrant and Thim, 2019[11]).
- Colombia, Costa Rica and Peru have formally acknowledged the key economic contribution of women's unpaid care work. For instance, Costa Rica passed the law No. 9325, *Ley de contabilización del aporte del trabajo doméstico no remunerado* (Law on accounting the contribution of unpaid housework to the national economy), mandating the collection of time-use surveys at least every three years to account for the care economy in the system of national accounts.
- In Mexico and Uruguay, time-use surveys were used to inform and guide policy makers, and monitor the advancement and the impact of specific labour, social and care policies (Data 2X, 2018[12]).
- Other LAC countries have implemented public policies on care-related issues in order to achieve equality in unpaid care work and promote men's greater participation in the household. These measures include the provision of paid paternity leave schemes (e.g. in Chile, Cuba and Uruguay) and the creation or expansion of affordable or free childcare services and facilities (e.g. in Colombia, Costa Rica and Uruguay).

LAC governments have recently strengthened their national legal frameworks to prevent child marriage, one of the region's major issues. Seven countries have passed legislation setting the minimum legal age for marriage at 18 years for both boys and girls with no exceptions. In 2015, the National Assembly of Ecuador voted in favour of a bill reforming the Civil Code of Ecuador, and raised the minimum legal age for marriage from 12 years for girls and 14 years for boys to 18 years for both girls and boys after Plan International Ecuador led a campaign called *Por Ser Niña* (Because I am a Girl).

Challenges

Legal reforms outlawing child marriage have not yet been translated into real changes for women and girls in the LAC region. Compared with other geographical regions, the LAC region is the only one that has seen no significant reduction in child marriages since the 1990s. On average, one out of every six girls gets married or enters into an informal union before the age of 18 years. If current rates of child marriage continue, 20 million more girls will become child brides by 2030 in LAC countries (UNICEF, 2018[13]).

Not all girls face the same risk of becoming child brides. In the LAC region, low socio-economic status and educational levels, as well as belonging to minority groups, increase the likelihood of a girl being married before the age of 18 years (UNICEF, 2019[14]). Half of child brides have no formal education, compared with 18% of them who have attended secondary school or higher education. Child marriage is also concentrated among medium- and low-income population groups: 39% of underage marriage occurs in the poorest quintile, compared with 8% in the richest quintile. In addition, the practice of early marriage is higher in rural areas than in urban areas, as more than 35% of child brides live in rural areas, compared with 22% in urban areas (UNICEF, UNFPA and UN Women, 2018[15]).

The sharing of household chores is still uneven in LAC countries. Data from national time-use surveys show that women spend three times as long as men on unpaid care and domestic work in the region. Women in the poorest quintile spend approximately six hours on these activities per day, compared with two-and-a-half hours for women in the richest quintile, showing that access to goods and services such as home technology and paid care services can ease the burden of household chores. Stalled progress in household work equality has hindered women's advancement in other spheres of life as well. In the LAC region, one-half of the economically inactive women aged 20-24 years mentioned their household responsibilities as a reason for not seeking work (Alfers, 2015[16]).

Restricted physical integrity

Numerous factors restrict women's rights to have control over their bodies. Restrictions on physical integrity prevent women from pursuing their goals in the public and private spheres, free from fear of physical, emotional, sexual, economic and reproductive violence. As such, respect for and protection of women's physical integrity constitutes a vital precondition for achieving gender equality.

Restrictions on women's physical integrity violate their right to a life free from all forms of violence and the power to make their own decisions about their sexual and reproductive health and rights. In deeply engrained patriarchal systems, women's physical integrity continues to be defined through men's expectations and traditional masculine norms. For instance, violence against women often stems from patriarchal norms that perpetuate men's acceptance of, and right to, perpetrate violence. According to such norms, women are expected to be "compliant, silent and good" and should accept men's right to perpetrate violence.

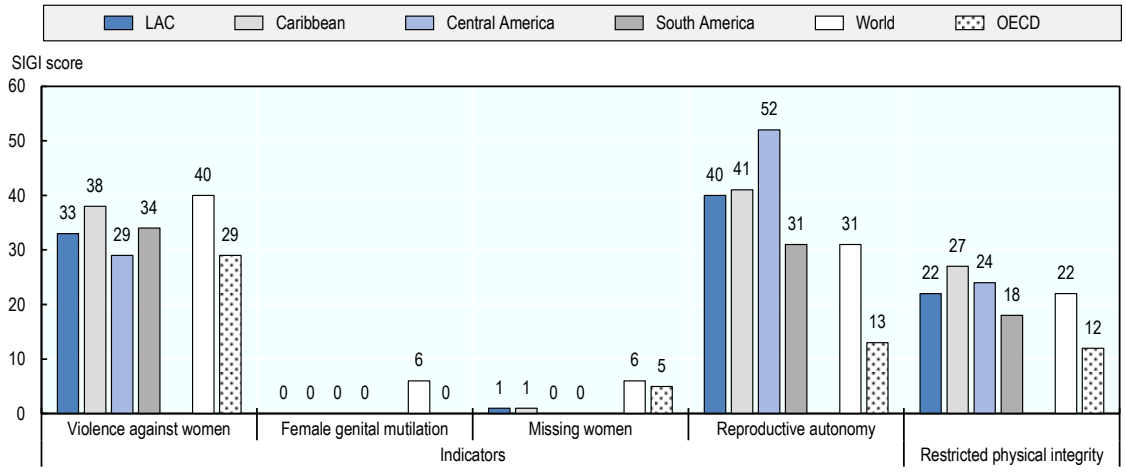
In the LAC region, masculine and feminine norms and behaviours are shaped by motherhood and *machismo*. These traditional social norms create a hierarchy where the control of women's bodies is predominantly determined by conservative values that inhibit women's advancement and autonomy regarding their sexual and reproductive health and rights (Craske and Molyneux, 2002[17]).

Assessment

In the LAC region, women's physical integrity is limited by gender-based violence and restricted reproductive autonomy (see Chapter 4). Overall, the LAC region has a low level of discrimination in the "Restricted physical integrity" dimension, with a score of 22, which exceeds the OECD average of 12. Yet, at the sub-regional level, average scores range from 18 in South America and 24 in Central America, both of which are classified as having low levels of discrimination, to 27 in the Caribbean, which has a medium level of discrimination (Figure 1.5). The "Restricted physical integrity" dimension has scores for only 18 countries due to limited data availability on the prevalence of domestic violence – a key variable in the "Violence against women" indicator. Scores in the "Restricted physical integrity" dimension range from 11 in Uruguay to 37 in Haiti, which lacks specific legislation on intimate partner violence and presents a high female acceptance rate of domestic violence (59%, compared with 1% in Uruguay).

The good regional performance in the "Missing women" and "Female genital mutilation" indicators demonstrates that these phenomena are not prominent issues in the LAC region. Throughout the region, all countries exhibit a natural sex ratio at birth, proving an apparent absence of a systematic undervaluation of female children. There is no statistical indication that the practice of female genital mutilation is common in the region, despite some evidence – notably in Colombia – suggesting that it may be practised in some indigenous communities. On the other hand, poor performance in the "Violence against women" and "Reproductive autonomy" indicators show that these areas constitute the most salient issues in the region.

Figure 1.5. SIGI scores in the "Restricted physical integrity" dimension and its indicators for the LAC region and sub-regions



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136421

The LAC region's average SIGI score in the "Reproductive autonomy" indicator is 40, based on available data from 28 countries.[6] The regional average level of discrimination exceeds the OECD average of 13, demonstrating that restricted reproductive autonomy is a particularly acute problem in the LAC region. Sub-regional average scores in this indicator range from 31 in South America to 52 in Central America, and are due to highly restrictive legal frameworks. Four countries[7] have legal frameworks that score 100 due to their full prohibition of abortion, and 12 countries[8] score 75, as the conditions for women to obtain an abortion are highly restrictive. Only Cuba, Guyana and Uruguay have a score of 0, having legalised

abortion on request. Access to modern contraception remains challenging. Across the region, an average of 11% of women still have an unmet need for family planning, with figures ranging from 10% in South America to 19% in the Caribbean. The comparable figure in OECD countries is 10%.

Violence against women is also an important issue in the LAC region. The regional average score of 33 for the "Violence against women" indicator is the second highest across the four "Restricted physical integrity" indicators in the LAC region, although it is lower than the global average of 40. This performance is mainly due to the fact that no LAC country has a legal framework that provides women with comprehensive protection from all forms of violence, from rape to domestic violence and sexual harassment. Gender norms – especially *machismo* and *marianismo* – play an important role in domestic violence by upholding attitudes that justify this behaviour. In the LAC region, 27% of women have experienced domestic violence in their lifetime, a share that ranges from 16% in Central America to 33% in South America. At the regional level, 11% of women (aged 15-49 years) agree that a husband is justified in hitting or beating his wife under certain circumstances. This figure varies at the sub-regional level, ranging from 6% in Central America to 20% in the Caribbean, alluding to differences in gender norms and what is considered "normal" in intimate partnerships.

Progress

Recent reforms have introduced new legal frameworks protecting women from more types of violence against women:

- Since 2014, seven countries[9] have enacted at least one new law addressing gender-based violence. For instance, Paraguay expanded the types of domestic abuse covered by its legislation to prevent and punish sexual and economic abuse, and both Paraguay and Uruguay passed laws with the scope to prevent and penalise marital rape.
- The majority of new legislation expands protections against harassment: Panama, Paraguay and Peru took action to ensure that the legal definition of sexual harassment covers cyber harassment, while Chile, Mexico, Panama and Peru expanded sexual harassment legislation to protect women in public places.

Femicide, the most extreme form of violence against women, is gaining attention from governments. The *Ni Una Menos* (Not one [woman] less) movement started as a protest against femicide, and many governments have made legislative changes to ensure that women are protected from this hate crime:

- In the LAC region, 18 countries[10] have passed or amended laws to punish femicide by classifying it as a crime, and countries are pursuing innovative ways to stop femicides. For example, Panama, Uruguay and some states in Mexico are using electronic surveillance devices to ensure that protective orders are not violated (ECLAC, 2018[18]).

In addition to legal changes, the prevalence of reported domestic violence in the LAC region is decreasing, thanks to shifting social norms which raise awareness that this behaviour is unacceptable:

- In the LAC region, the percentage of ever-partnered women who have suffered violence from an intimate partner at least once in their lifetime decreased by 9 percentage points, from 36% in 2014 to 27% in 2018.
- In some countries, the decline has been considerable. For example, the percentage decreased by 29 percentage points in Chile and by 15 percentage points in Jamaica.[11]
- Nevertheless, in Brazil and the Dominican Republic, the prevalence of domestic violence increased by three percentage points between 2014 and 2019,[12] and it increased by nearly one percentage point in Haiti over the same period.
- Some countries have seen tremendous improvement in attitudes towards domestic violence. For example, in Mexico, Uruguay and Brazil, the percentage of women who believe domestic violence

is sometimes justified dropped by 11, 8 and 6 percentage points, respectively, between 2014 and 2018. By contrast, in Argentina, Guatemala, Haiti and Jamaica, the share of women with such views increased.[13]

Efforts led by women's organisations in the LAC region have gained traction and sparked a public discussion about reproductive rights. The region is characterised by strong feminist movements, which have advocated both recently and historically for women's physical integrity:

- In Argentina, in 2018, a proposed legislation which sought to allow for the voluntary interruption of pregnancy was passed in the lower house of the Argentine National Congress but failed in the Senate. This sparked a mass movement, referred to by some as a "Green Wave" or a "Green Tide" after the bandanas worn by supporters. This mobilisation spread throughout the region and demonstrated the aspirations of millions of women to have reproductive autonomy.

Challenges

No country in the LAC region has a comprehensive legal framework protecting women from all forms of gender-based violence. A comprehensive approach means that women are protected from various forms of domestic violence and sexual harassment, and that there are legal provisions for the investigation, prosecution and punishment of these crimes, as well as protection and support services for survivors. Some of the most common gaps in legislation relate to sexual harassment in particular. For example, 13 countries[14] do not have laws that prescribe criminal penalties for this behaviour, and four countries[15] define it as a crime only in the workplace, thus leaving women vulnerable in educational institutions and public spaces.

In most cases, men are the perpetrators of violence against women. Consequently, if change is to happen, it is essential to focus attention on the ways some men act and seek to prove their masculinity, and to demonstrate the connection between such actions and violence against women. For some men, violence against women serves as a means to enforce their superiority and reinforce their male identity (Flake and Forste, 2006[19]). In addition to violence, risk-taking behaviours, such as drug and alcohol use and abuse, are commonly associated with hyper-masculinity and can make violence more prevalent. More than half of women who experienced domestic violence in Ecuador in 2004, and nearly 30% of women who experienced domestic violence in Guatemala in 2008-09, reported that their partner's drug and alcohol use played a role in the situation (Bott et al., 2012[20]). Furthermore, the commonness of firearms ownership and possession significantly increases the risk of femicide (Campbell et al., 2003[21]).

Abortion is still illegal in El Salvador, Haiti, Honduras and Nicaragua, and in six LAC countries[16] abortion is only permitted in order to save a woman's life. Moreover, Chile is the only LAC country that has made a change since 2017: Act 21.030 expanded the circumstances in which women can seek legal abortions to include cases where the woman's life is at stake, the foetus is non-viable, or the pregnancy is the result of rape. Furthermore, in 2018, the Constitutional Court of Colombia rejected an attempt to impose limits on abortion, which is legal in a small range of circumstances (Judgment SU-096/18). Restrictive abortion laws push women to have unsafe abortions, which represents a risk to their life and a cost to the public health system (Guttmacher Institute, 2018[22]).

Without adequate access to family planning, the LAC region has one of the highest rates of unintended pregnancy in the world (Bearak et al., 2018[23]). In the LAC region, there are an estimated 14 million unintended pregnancies each year, and the region has one of the highest rates of adolescent pregnancy in the world, at 66.5 births per 1 000 girls aged 15-19 years (Guttmacher Institute, 2018[22]); (PAHO and WHO, n.d.[24]). While most LAC countries have adopted declarations outlining women's universal rights to health and health coverage, unintended pregnancies continue; however, access to family planning is not the same for all women, and society's most marginalised women continue to face some of the most difficult barriers in accessing these services. The use of modern contraceptive methods is 20% lower among

indigenous women than among the general population, and 7% lower among poor women than among wealthy women (Fagan et al., 2017[25]).

Restricted access to productive and financial resources

Access to productive and financial resources is essential for women in order for them to have control over economic and productive means. Equal access between men and women also ensures equal opportunities in the labour environment in terms of remuneration, participation and representation in managerial positions. Throughout the world, gender inequality in ownership and control of land and other productive resources is closely related to women's poverty and exclusion (UNHCR and UN Women, 2013[26]).

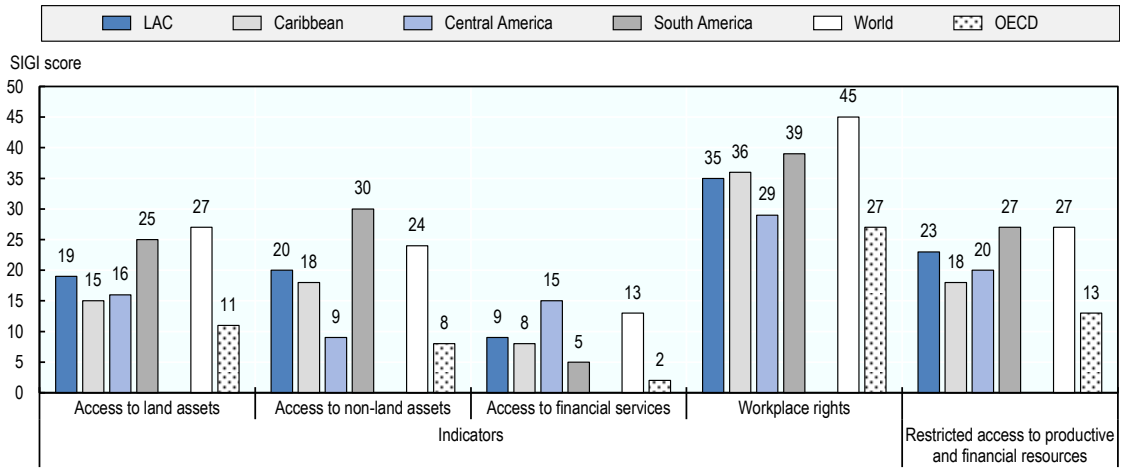
Restrictions on access to economic assets combined with gender discrimination in the workplace perpetuate the economic submission of women. It often stems from norms related to masculinities and the deeply socially entrenched traditional narrative that men should be the implicit heads of household and primary financial providers, with full control over their families' economic tools and assets. Social norms and practices opposing women working in paid employment are also strongly linked with the traditional role of women as unpaid caregivers within the household. Such views and restrictions are sometimes reinforced by other types of social discrimination in terms of inheritance, divorce and marriage laws. Women's inability to own land and non-land assets, as well as the lack of formal ownership – primarily in the form of an official land title –, can have direct consequences on their access to capital and credit as collateral.

Assessment

In the LAC region, women's economic empowerment and independence are primarily restricted by legal frameworks that limit their access to, and protection in, the labour market (see Chapter 5). The LAC region has a relatively low level of discrimination,[17] with a SIGI score of 23 in the "Restricted access to productive and financial resources" dimension – this is lower than the world average of 27, but above the OECD average of 13. Yet, at the sub-regional level, scores vary from 18 in the Caribbean to 20 in Central America and 27 in South America (Figure 1.6). The Caribbean sub-region benefits from strong and advanced legal frameworks in terms of access to, control of and decision-making power over land and non-land assets as well as financial services. Conversely, South America mainly suffers from weak legal frameworks governing women's rights in the workplace environment. In particular, many South American countries continue to prohibit women from entering certain professions. Nevertheless, women in South America enjoy widespread access to financial services and are well represented in managerial positions.

The 21 LAC countries that were scored in this dimension exhibit very diverse scores. Eight countries[18] do not have a score in the "Restricted access to productive and financial resources" dimension because of missing data. Scores in the "Restricted access to productive and financial resources" dimension range from 6 in Peru, the region's top performer (denoting a very low level of discrimination), to 65 in Chile, denoting a high level of discrimination. Peru's good performance primarily stems from a strong legal framework that grants women equal access to productive and financial resources. At the same time, social norms and attitudes appear progressive: only 5% of the Peruvian population agreed that it is not acceptable for any woman in their family to have a paid job outside the home if she wants to. Conversely, Chile's score is primarily the result of discriminatory legal frameworks that, by default, systematically establish the legal presumption that the husband is the head of the household and controls the administration of marital property.

Figure 1.6. SIGI scores in the "Restricted access to productive and financial resources" dimension and its indicators for the LAC region and sub-regions



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136440

In the "Secure access to financial services" indicator, LAC countries perform well: the region's comprehensive legal frameworks, supported by numerous microfinance initiatives, translate into high levels of women's financial inclusion. Overall, the LAC region scores 9 in this indicator, indicating very low levels of discrimination, compared with 13 at the global level and 2 for OECD countries. It ranges from a very low average score of 5 in South America to 8 in the Caribbean and 15 in Central America. Argentina, Belize and Bolivia are the top performers, with no discrimination whatsoever in this indicator. The LAC region's legal frameworks extensively protect women's rights to access financial services in 17 countries,[19] while another 11 countries[20] have comprehensive laws with only minor loopholes. These strong legal frameworks translate into a high level of women's account ownership, but the financial gender gap – that is, the difference between the rates of account ownership among men and women – remains important (15 percentage points). In six LAC countries,[21] it is greater than 10 percentage points. Only three countries – Argentina, Belize and Bolivia – in the LAC region display negative gender parity differences, meaning that a higher share of women than men have an account at a financial institution (World Bank, 2017[27]).

The LAC region performs well in the "Secure access to land assets" indicator, with a low level of discrimination and an average score of 19, compared with a world average of 27 and an OECD average of 11. While the Caribbean and Central America have scores of 15 and 16, respectively, South America's score of 25 indicates a medium level of discrimination. The region remains largely divided between two groups of countries. On the one hand, a large group of countries have eliminated all forms of discrimination in their legal frameworks, although many of them continue to struggle with the existence of customary, religious or traditional practices or laws. For instance, in ten countries,[22] the level of discrimination in this indicator is 0, highlighting the fact that women and men have the same legal rights and opportunities in terms of land asset ownership. On the other hand, the second group of countries – comprising Antigua and Barbuda, Chile, Dominica, Ecuador, and Paraguay – have laws which continue to discriminate against women (OECD Development Centre, 2019[28]).

Sex-disaggregated land ownership rates show wide discrepancies across countries, as well as important imbalances between men and women. In all of the LAC countries for which data are available, men are

overrepresented as landowners, pointing towards gender-based discrimination. Women's share in the total number of agricultural holders ranges from around 30% in Chile, Jamaica and Peru, to less than 10% in Belize and Guatemala (OECD Development Centre, 2019[28]).

The LAC region's performance in the "Access to non-land assets" indicator is better than the global average, but striking differences exist across sub-regions and countries, stemming from inadequate legal frameworks. The LAC region scores 20 in the "Secure access to non-land assets" indicator, 4 points below the world average score but 12 points above the OECD average. Scores range from 9 in Central America to 18 in the Caribbean and 30 in South America. Out of 29 LAC countries, 16 countries[23] – mostly located in the Caribbean and, to a lesser extent, in Central America – have eradicated all forms of legal discrimination related to women's access to non-land assets. Conversely, the remaining 13 countries have weak legal frameworks. In most cases, provisions in the law or legal loopholes do not guarantee women the same rights as men to own, use and make decisions over property and non-land assets. For instance, Chile scores 100, mostly because the law grants administrative rights over a household's assets to the husband, and Antigua and Barbuda, Dominica, and Ecuador each score 75 because of certain loopholes that do not guarantee the same rights for either married or unmarried women to possess, make decisions about, or use as collateral non-land assets.

The "Workplace rights" indicator constitutes the most severe issue within the "Restricted access to productive and financial resources" dimension in the LAC region. The region's average score reaches 35 – compared with 27 in OECD countries –, indicating a medium level of discrimination. It ranges from 29 in Central America to 36 in the Caribbean and 39 in South America. Variations in the countries' levels of discrimination across the region and sub-regions are important. Guatemala scores 7 in the "Workplace rights" indicator, which puts the country in 2nd place in this indicator globally. Conversely, six countries[24] score higher than 50 in the "Workplace rights" indicator, including Chile, which scores 58. These countries' relatively high levels of discrimination for "Workplace rights" primarily derive from important legal loopholes that prohibit women from entering certain professions, and from a lack of laws guaranteeing equal remuneration for work of equal value.

Conversely, attitude- and practice-based variables in the "Workplace rights" indicator show low levels of discrimination. For instance, in the LAC region, 8% of the population disagrees with women working outside the home for pay, compared with 17% at the global level and 4% in OECD countries. The proportion ranges from 5% in South America to 14% in the Caribbean (OECD Development Centre, 2019[28]). Similarly, the proportion of female managers is 38% at the regional level, which is nearly 14 percentage points above the world average (OECD Development Centre, 2019[28]).

Progress

Since the 3rd edition of the SIGI in 2014, the LAC region has experienced many legal advances which improve the protection of women's workplace rights:

- In 2014, Bolivia and Panama passed legislation that banned sexual harassment in employment, and established clear criminal penalties and civil remedies for such cases.
- In Bolivia, the law changed in 2015 to ensure that a woman can get a job in the same way as a man, without seeking first permission from her husband.
- Decisions from the Constitutional Court of Colombia have begun to rescind some existing legal provisions preventing women from accessing certain jobs, such as working in subsurface mines (Corte Constitucional de Colombia, n.d.[29]).
- In 2019, Costa Rica amended its Labour Code and eliminated the prohibition for women to work in night shifts (Gobierno de Costa Rica, 2019[30]).

Most of the progress that has been achieved has been focused on introducing or extending maternity and paternity leave schemes:

- In 2014, Bolivia and El Salvador, followed by Nicaragua in 2016 and Panama in 2018, introduced new legislation guaranteeing paid paternity leave.
- In 2017, El Salvador, Paraguay and Peru, followed by the Dominican Republic in 2018, extended existing maternity leave schemes, improving their duration and coverage.
- In 2014, Mexico strengthened its legal framework regarding pregnancy discrimination in the workplace through a court ruling prohibiting the dismissal of employees due to pregnancy or motherhood, and guaranteeing pregnant workers job security (Semanario Judicial de la Federación, 2014[31]).[25] Mexico's Supreme Court later confirmed the initial court ruling in 2017 (Semanario Judicial de la Federación, 2017[32]).

In 2017, Ecuador successfully changed the law to grant men and married women equal ownership rights to immovable property, but restrictions continue to exist over the ownership and use of non-land assets.

Finally, women's financial inclusion has improved since 2014. As discussed above, the gender gap in terms of access to financial services remains important, but started to decrease in several countries across the region. According to data from the 2017 Global Findex database, between 2014 and 2017, the gender gap closed by 7 and 8 percentage points in Bolivia and Guatemala, respectively. It also decreased in Brazil, Chile, Colombia, Honduras, Haiti, Uruguay and Venezuela (World Bank, 2017[27]).

Furthermore, not only parity improved; women's financial inclusion across the LAC region also made significant progress. The share of women who have an account at a financial institution increased in 16 countries[26] of the 20 for which 2017 data are available (World Bank, 2017[27]):

- In Uruguay and Venezuela, the share of women who have an account at a financial institution went up by 19 and 17 percentage points, respectively.
- The share increased by 14 percentage points in both Bolivia and Honduras.

Challenges

Legal frameworks largely fail to protect women comprehensively, as more than two-thirds of LAC countries have laws and regulations that contain loopholes, weakening the women's protection in their working environment. For instance, 11 LAC countries[27] have legal frameworks that do not guarantee equality between men and women in the workplace, creating labour market barriers. In these countries, laws explicitly prevent women from entering certain professions. Similarly, seven countries[28] have legal frameworks that do not explicitly mandate for equal remuneration between men and women for work of equal value. Meanwhile, most LAC countries fail to guarantee parental leave for both mothers and fathers.

In parallel, social norms and stereotypes continue to diminish the effect of policies designed to promote women's equality in the workplace. Gender norms incentivise women to join certain fields over others, further amplifying existing gender pay gaps due to sectoral concentration. For instance, in Colombia, evidence uncovered that among recent graduates, the type of occupation accounts for 3-4% of the gender wage gap at the beginning of one's career, before promotions, experience and interruptions even take place (Emiliani et al., 2014[33]). Similarly, studies found that women often choose careers that will allow them to fulfil their desire for motherhood, thus also contributing to sectoral concentration (Agüero, Marks and Raykar, 2017[34]; ILO, 2019[35]). Social norms also strongly contribute to assigning a predetermined role to women and mothers in society. In the ten LAC countries[29] where these data exist, the proportion of individuals who agree with the statement "If a woman earns more money than her husband, it is almost certain to cause problems" exceeds 30% (OECD Development Centre, 2019[28]). In Brazil and Ecuador, this proportion stands at around 60% of the population, while it reaches 68% in Argentina. Similarly, on average, more than one-half of the LAC population believes that being a housewife is just as fulfilling as working for pay.

The persistence of customary, religious or traditional practices or laws in spite of legislation that is favourable towards women constitutes a severe obstacle in guaranteeing women's access to land and non-land assets. Only two LAC countries[30] have legal frameworks that discriminate against women over men in terms of land ownership. Similarly, only five LAC countries[31] still have laws that discriminate against women, or at least some groups of women, in terms of their rights to ownership of non-land assets. Yet, traditional views throughout the region continue to consider the male head of household as the primary owner and decision maker regarding the administration of the household's assets. Similarly, many LAC countries display customary, religious or traditional practices or laws that favour the inheritance of assets from fathers to sons, often undermining the rights of daughters and married women. Finally, the absence in many countries of sex-disaggregated land titling records complicates the assessment of women's land ownership and contributes to perpetuating these unofficial discriminatory practices. Overall, the SIGI has determined that such discriminatory traditional practices regarding land assets exist in 17 LAC countries,[32] and in 8 countries[33] for non-land assets.

Moreover, discriminatory customary, religious or traditional practices or laws in relation to the "Secure access to land assets" and "Secure access to non-land assets" indicators are compounded by intersectional discrimination, particularly for indigenous, rural or poor women. For instance, indigenous women often face a double burden: on the one hand, they lack legal recognition regarding their ownership of, and decision-making power over, traditional land; on the other hand, they face discriminatory social norms and practices within their own communities. The new global demand for specialised traditional products, such as *quinoa*, has also made indigenous women's land rights increasingly precarious. For instance, evidence from fieldwork studies in Bolivia and Colombia demonstrates that this increasing global demand generates intense pressure on agricultural development, which jeopardises indigenous women's traditional access to the land. Because they often lack the formal land titles necessary in order to legally justify their traditional occupation of agricultural plots, they are highly vulnerable, especially to land-grabbing practices (Bose, 2017[36]).

Restricted civil liberties

Civil liberties represent the basic freedoms granted to a country's citizens. In the SIGI framework, the "Restricted civil liberties" dimension specifically looks at whether women and men have equal access to, and participation and voice in, the public and social spheres. Discriminatory laws, along with the perception that public spaces are unsafe for women, restrict women's access to public spaces. Moreover, in practice, women in some countries are discriminated against in terms of citizenship rights and access to justice, and they remain underrepresented in political leadership.

Discriminatory laws undermine women's ability to be equal citizens to men, and generally to participate as equal actors in the public sphere. Laws that continue to define women's citizenship rights in relation to their marital status mean they do not benefit from the same rights as men. Such laws can also restrict women applying for national identity cards or passports. The absence of legal quotas or measures promoting equal participation in the political sphere is also an impediment to ensuring that women's and men's voices are similarly heard.

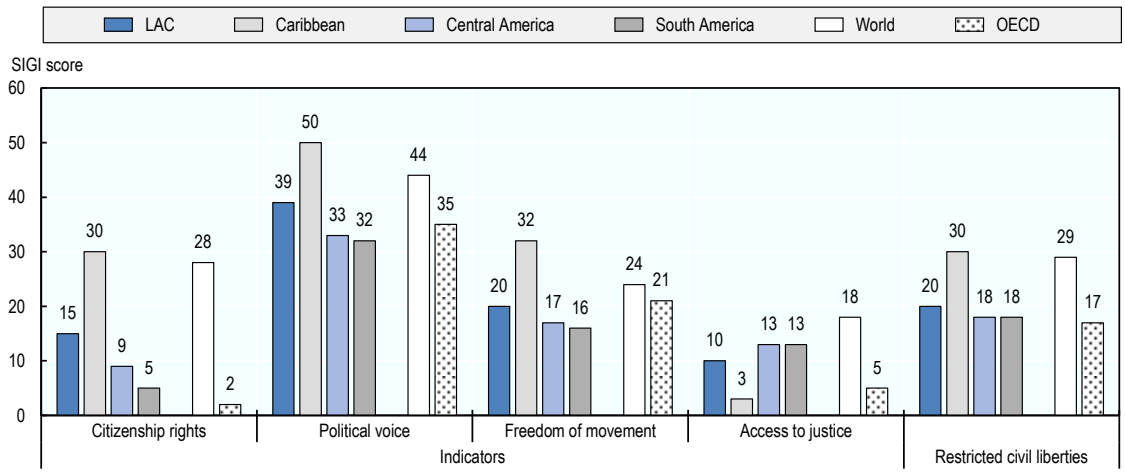
Discriminatory social norms reinforce the gender divide in the "Restricted civil liberties" dimension. Traditional gender stereotypes focusing on women's role in the household do not support the idea of a more active civil engagement of women, for instance through association membership or political activism. At the same time, negative attitudes towards women political leaders permeate the LAC region and are reflected in the occurrence of violence against women politicians. Similarly, women's low feeling of security when walking alone at night contributes to restrictions on their ability to safely access public spaces.

Assessment

"Restricted civil liberties" is the dimension in which the LAC region scores the best, with a relatively low level of discrimination (see Chapter 6). The average SIGI score is 20 across the 21 LAC countries for which data are available, compared with an OECD average of 17 and a global average of 29 (Figure 1.7). The "Restricted civil liberties" dimension shows varying scores at the sub-regional level. Central America and South America exhibit low levels of discrimination, with scores of 18. These sub-regions benefit from strong legal frameworks that protect women from social discrimination in terms of political participation, conferring their citizenship and applying for official and travel documents. Both sub-regions also show a high level of women's political representation in their countries' parliaments. Conversely, the Caribbean displays a medium level of discrimination in the "Restricted civil liberties" dimension, with a score of 30, primarily because of weak legal frameworks in these same areas. Furthermore, more than 50% of women declare not feeling safe walking alone at night in the LAC countries for which data are available.

At the country level, scores range from 6 in Nicaragua, the LAC region's top performer (which also ranks 4th globally in the "Restricted civil liberties" dimension), to 59 in Haiti. Nicaragua's score can be partly explained by the strong legal framework that guarantees women equal rights to citizenship, which is not the case for Haiti.

Figure 1.7. SIGI scores in the "Restricted civil liberties" dimension and its indicators for the LAC region and sub-regions



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136459

"Access to justice" is the indicator with the least discrimination in the LAC region, with an average score of 10 in the region, compared with 5 for OECD countries and 18 globally. The level of discrimination in this indicator ranges from a score of 3 in the Caribbean to 13 in both Central America and South America. In all LAC countries, legal frameworks grant women and men the same rights to provide testimony in court, hold public or political offices in the judiciary, and sue and be sued. Nevertheless, in five countries,[34] some customary and traditional practices or laws remain and discriminate against women regarding their ability to access justice.

Despite a strong legal framework, most LAC countries' compliance levels with the rule of law are insufficient, and citizens' perception of the delivery of civil justice is low (OECD/CAF/UN ECLAC, 2018[37]).

On average, 61% of people in the LAC region do not trust the judicial systems of their respective countries (OECD Development Centre, 2019[28]). There are also declining levels of overall trust and satisfaction among LAC citizens, which deepens social disengagement: almost 64% have no confidence in their national governments, and 75% believe their institutions are corrupt (OECD et al., 2019[38]).

In the "Citizenship rights" indicator, the LAC region is performing very well, except for the Caribbean sub-region. The LAC region's average score of 15 is significantly lower than the global average of 28, but is higher than the OECD average of 2. At the sub-regional level, scores range from 5 in South America and 9 in Central America, indicating very low levels of discrimination, to 30 in the Caribbean. Almost all LAC countries perform very well in this indicator.[35] This good performance stems from strong legal frameworks that protect citizenship rights. For instance, with the exception of Haiti, all LAC countries' laws provide men and women with equal rights to acquire, change or retain their nationality. Haiti is also the only country in the region where the law does not provide married women with the same rights as married men to retain their nationality or apply for passports. Similarly, with the exceptions of the Bahamas and Barbados, all LAC countries provide women with the same rights as men to confer their nationality to their spouse or children. Finally, all LAC countries except Barbados provide married women with the same rights as men to register the birth of their children.

In the "Freedom of movement" indicator, the LAC region scores 20, in line with the OECD average of 21 and slightly below the global average of 24. Scores at sub-regional level vary from 16 in South America and 17 in Central America, to 32 in the Caribbean. The Caribbean's relatively poor performance in this indicator is due to legal restrictions on women's freedom of movement. More specifically, in five[36] of the ten countries in the sub-region, women do not have the same rights as men to apply for national identity cards or passports, or to travel outside the country. However, despite a relatively low level of legal discrimination in the LAC region for this indicator, women across the region generally have a low perceived sense of security. In all countries, women account for more than 50% of the respondents who declare not feeling safe walking alone at night – this ranged from 51% in Haiti to 70% in Guatemala (Gallup, 2017[39]).

"Political voice" is the indicator with the highest level of discrimination in the region. The SIGI indicates a regional average score of 39, denoting a medium level of discrimination, and positioning the region below the global average score of 44 but above the OECD average score of 35. The level of discrimination in this indicator ranges from 32 in South America and 33 in Central America, to a high of 50 in the Caribbean. The high levels of discrimination found in the "Political voice" indicator stem from a combination of poor performance in the two variables composing the indicator: legal framework and practices. In nine LAC countries[37] (eight of which are in the Caribbean), the law does not mandate legal quotas – i.e. special measures and incentives for political parties to promote women's political participation. The region also displays wide variations between countries: Nicaragua is the region's top performer with a score of 4, while levels of discrimination are high in Belize, which scores 67. Nicaragua has a strong legal framework protecting women's political voice and women comprise 46% of the country's parliament, while Belize does not have any legal quotas or special measures facilitating women's political representation, and women's representation in parliament is below 10%. Overall, 14 LAC countries[38] score higher than 40 in this indicator.

Important discriminatory practices and norms across the LAC region prevent women and girls from fully participating in their country's political life and explain the unequal gender representation in parliaments. Despite the fact that in 2018, four LAC countries[39] were among the top ten countries in the world in terms of women's representation in parliament, the average level of women's political participation across the LAC region remains insufficient. In some countries, women's representation in parliament is almost non-existent. In Haiti, for instance, 98% of parliamentarians are men; the share of men in parliament in Belize and Brazil reaches 91% and 89%, respectively. Negative attitudes towards women political leaders also persist, representing an additional challenge for women to engage in politics.

Progress

Since the 3rd edition of the SIGI in 2014, the LAC region has strengthened its legal frameworks to promote women's political participation at national and local levels:

- Across the LAC region, 19 countries[40] out of the 29 have legislated quotas at either the national and/or sub-national level, compared with 15 out of the 22 countries assessed in the 2014 edition. In particular, since 2014, Chile, Nicaragua and Venezuela have enacted legislative quotas at either the national or sub-national level. For instance, in 2015, Chile's Congress introduced a bill on constitutional reform that included a gender quota. However, the quota only applies to parliamentary electoral processes during the 2017, 2021, 2025 and 2029 elections (International IDEA, n.d.[40]).

Women's representation has also increased since 2014, both in the political and judicial spheres:

- More women are participating in politics. The proportion of women in parliament in the LAC region reached 30% in 2018 (OECD Development Centre, 2019[28]). The 2018 regional average for women in parliament is higher than the global average of 24% and similar to the OECD average of 29%. The most impressive progress is noted in Bolivia, where the number of congresswomen jumped from 50 to 86 parliamentarians between 2014 and 2018 (Americas Society/Council of Americas, 2018[41]). Women now account for 53% of Bolivia's members of parliament. Other advances are visible at country level: in 2018, Colombia elected its first female vice-president (Vicepresidencia de la República de Colombia, n.d.[42]), and Barbados now has its first female prime minister (ECLAC, 2019[43]).
- More women are also represented in the judicial system: between 2015 and 2018, the share of women sitting on the LAC region's supreme courts went from 28% to 32%. Cuba, Jamaica and Barbados have among the highest shares of women sitting as judges in their highest courts or supreme courts, with 62%, 68% and 71%, respectively (ECLAC, 2019[44]).

Challenges

Discriminatory attitudes towards women in politics, combined with political violence directed at women, constitute major obstacles to women's full and unhindered political participation. Negative attitudes towards women political leaders prevail in the LAC region and strongly contribute to women's limited influence in the political sphere: in 12 LAC countries,[41] 27% of the population thinks that overall, men make better political leaders than women. Women also experience more violence and harassment, both as candidates and once elected, than male politicians even in countries with high female representation in parliament. For example, in Bolivia, while women represent 53% of parliamentarians, between 65% and 70% of them have been victims of harassment and political violence (UN Women, 2018[45]). In addition, legislation to protect women from violence in the political sphere is not comprehensive across the LAC region, as it only exists in six countries.[42]

Similarly, legislation to protect women from violence in public spaces remains limited and weak. Women continue to face threats to their own security, limiting their political influence as well as their education and employment opportunities. As mentioned earlier, women account for the vast majority of the people who declare not feeling safe walking alone at night. The overall regional situation has not changed much since 2014, and women's feeling of insecurity remains high. Threats to women's security include harassment and gender-based violence in the streets, workplaces and even the halls of government.

Although women's representation in the judicial system has increased slightly between 2014 and 2019, women's confidence in the judicial system's ability to protect them remains very low. On average in the LAC region, women account for almost 60% of the respondents who do not trust the justice system in their country (Gallup, 2017[39]). Among other consequences, this leads to the underreporting of violence against women. Such underreporting generates biases and errors in the prevalence rates of some phenomena –

such as gender-based violence, for instance – which might mislead the design of policies aimed at curbing the effects of these phenomena. Also, the law in six LAC countries[43] does not establish a specialised body tasked with monitoring gender equality.

Indigenous women's rights are insufficiently protected in the area of civil liberties. Brazil is the only country in the LAC region whose Constitution recognises and prohibits multiple/intersectional discrimination. In general, women from rural areas or who are ethnic minorities face additional challenges across the whole region, such as registering the birth of their children, accessing the justice system and participating in politics. For example, many indigenous women in Paraguay do not have birth certificates or identity papers. Moreover, justice systems are often ill-suited to address the specific needs of indigenous communities from a cultural and linguistic point of view. Finally, indigenous women's political representation is significantly low (Cabrero et al., 2013[46]).

A path towards gender equality: Key policy recommendations

In order to address discriminatory social institutions and build a truly inclusive society, policy makers and all relevant stakeholders across LAC countries need to take action. Each thematic chapter (Chapters 3-6) provides detailed policy options across the SIGI's 16 indicators. The rest of this section outlines these policy recommendations and develops them across five critical, cross-cutting areas:

- legal frameworks
- enforcement mechanisms
- a holistic and intersectional approach
- data collection and dissemination
- communication and awareness.

Start with updating and harmonising legal frameworks

LAC policy makers need to **update their laws according to best international standards** in various areas where discriminatory laws continue to hinder women's and girls' rights. A number of LAC countries continue to exhibit discriminatory legal frameworks in critical SIGI indicators, such as "Child marriage", "Violence against women", "Workplace rights" and "Political voice". Although reforms are needed across all SIGI dimensions, policy makers should focus in particular on the laws covered by these four indicators, as these are the areas where the SIGI has uncovered the highest levels of legal discrimination across the LAC region.

Legal frameworks

- Update laws according to best international standards. In particular:
  - Set 18 years as the minimum legal age for marriage for girls and boys without any legal exceptions.
  - Build comprehensive and effective legal frameworks to ensure the coverage of all forms of violence – sexual harassment, domestic violence, rape (including marital rape) and honour crimes.
  - Remove all legal barriers that restrict women's labour force participation and constrain their access to quality paid jobs; develop parental leaves; and mandate equal pay for work of equal value.
  - Establish transitional or corrective measures to promote women's equal political participation.

In the "Child marriage" indicator, countries must set 18 years as the minimum legal age for marriage for girls and boys without any legal exceptions. In Panama, for instance, Article 33 and Article 35 of law No. 30 of 5 May 2015 modified the Family Code to fully prohibit marriage before the age of 18 years, whatever the sex of the contracting party (Gobierno de Panamá, 2015[47]).

In the "Violence against women" indicator, countries need to build legal frameworks that comprehensively cover all forms of violence – sexual harassment, domestic violence, rape (including marital rape) and honour crimes. For instance, Bolivia's 2013 structural law, *Ley Integral para Garantizar a las Mujeres una Vida Libre de Violencia* (Comprehensive Law to guarantee women a life free from violence), explicitly defines the different types of violence against women, including femicide (Gobierno de Bolivia, 2013[48]). The law contains extensive provisions for the prosecution and punishment of perpetrators of violence against women, and extends the protection to new areas, such as cyber harassment (OECD Development Centre, 2019[49]). Additional tools complement the legislation, including a national plan addressing violence against women (Gobierno de Bolivia, 2001[50]), and fiscal mechanisms to finance the creation of local infrastructure to address the needs of women who have been victims of violence (Gobierno de Bolivia, 2014[51]).

In the "Workplace rights" indicator, governments should remove all legal barriers that restrict women's labour force participation; develop parental leaves; and mandate equal pay for work of equal value. Peru, for instance – the LAC region's top performer in the "Restricted access to productive and financial resources" dimension (see Chapter 5) – has an advanced legal framework that specifically mandates equal pay for work of equal value. Article 6 of Law No. 28983 stipulates the principle of equal remuneration for work of equal value (Gobierno de Peru, 2007[52]). Article 3 (Title II) and Article 5 (Title III) of the Application Decree No. 30709 further specify the condition of application. The decree requires companies to create labour categories so that there is a clear framework to comply with the principle of equal remuneration for work of equal value (Gobierno de Peru, 2018[53]).

In the "Political voice" indicator, policy makers need to put in place transitional or corrective measures to promote women's equal political participation in all LAC countries. Such measures consist of legal or voluntary quotas (preferably at both national and sub-national levels), parity laws, or alternating the sexes on party lists, as well as financial incentives for political parties. For instance, Nicaragua, the LAC region's top performer in the "Restricted civil liberties" dimension (see Chapter 6), has implemented various measures to achieve gender balance in politics (Gobierno de Nicaragua, 2000[54]; Gobierno de Nicaragua, 2012[55]). Under the new provision, political parties (or the coalition of political parties which participates in the Central American Parliament), the National Assembly, and municipal elections must present lists of

candidates composed of 50% men and 50% women, in a strictly alternating order. Some other examples include Argentina, which was the first country in the LAC region that introduced an electoral quota in 1991, making it mandatory for electoral lists at both national and sub-national levels to have at least 30% women. Failure to comply leads to the invalidation of the list by an electoral judge (OECD Development Centre, 2019[56]). In Chile, political parties are eligible to receive additional state subsidies depending on the number of women elected in parliament (International IDEA, n.d.[40]).

Strengthen enforcement mechanisms

LAC governments must **build public and legal capacities in order to ensure adequate enforcement of the law and guarantee legal redress**. Once laws are correctly updated and provide penalties and protective measures, policy makers need to ensure that cases of gender-based discrimination are prosecuted and that guilty verdicts are enforced. There are multiple challenges, each of which entails different policy options:

- Countries need to build law enforcement and judicial capacities in order to investigate and ensure that administrations, companies, organisations, associations, etc. abide by the law and cease any gender-based discriminatory practices. Countries also need to sensitise the existing judicial system to gender discrimination and discriminatory institutions. To do so, policy makers should provide training to the whole legal apparatus, from the personnel in the ministries of justice and offices of the attorneys general to members of the police forces. For instance, in Argentina, Law 27499 (also known as the Micaela Law) establishes the mandatory training and sensitisation of all public officers from the three branches of the government to gender issues and violence against women, under the leadership of the *Instituto Nacional de las Mujeres* (National Women's Institute [INM]) (Gobierno de Argentina, 2018[57]). Meanwhile, Barbados has implemented a series of programmes aimed at training police and judicial officers to establish a judicial system that is more responsive to the needs of women, and to enhance women's access to justice (ECLAC, 2019[43]).
- At the same time, it is essential that guilty verdicts are enforced and that transgressors are in fact punished. For instance, regarding violence against women, it is of utmost importance that a country's judges and police forces are able to ensure that potential aggressors respect protective orders. Uruguay, for example, uses satellite monitoring as a preventative measure for violence against women (Frayssinet, 2019[58]). Upon the instruction of a judge, both the aggressor and the victim are given surveillance devices, and if the aggressor approaches the victim, both the police and the victim are alerted (see Chapter 4).

Enforcement mechanisms

- Build public and legal capacities to ensure adequate enforcement of the law and guarantee legal redress.
- Develop infrastructure and service provision in remote areas in order to ensure that all women have access to services and benefit from public programmes.
- Design and scale-up programmes, training and workshops, in partnership with CSOs and other grassroots organisations, aimed at:
  - helping girls and women claim their legal rights
  - creating free spaces and support networks to discuss the various forms of discrimination and violence that women and girls experience
  - developing community-level initiatives to address discriminatory social norms.

In order to address the issue of intersectionality, it is critical to develop infrastructure and service provision in remote areas to ensure that all women – including rural, indigenous and poor women – have access to services and benefit from public programmes. Many countries have developed novel tools to provide extended services to women across a large range of areas. However, in some instances, these tools do not reach the most vulnerable women, such as rural, indigenous or poor women. The challenge that policy makers face is to bring these services to the most underserved women. For instance, although a success, the establishment of women's police stations (WPS) in Brazil, Ecuador, Nicaragua and Peru remains concentrated in high-density areas or in state capitals, thus preventing rural women from accessing these services. Similarly, language can also hinder indigenous women's access to such services. Ecuador has devised a solution to these barriers by implementing mobile WPS units to improve access for rural women. (Jubb et al., 2008[59]).

Policy makers, in partnership with CSOs and other grassroots organisations, need to design and scale up programmes, training and workshops aimed at helping girls and women claim their legal rights. Ensuring the enforcement of women's rights requires improving women's legal literacy. Legislators should ensure that amendments to legislation around women's rights are accompanied by legal training, and they should provide the necessary financial resources to support such training. Similarly, policy makers need to work with grassroots organisations and CSOs to develop legal literacy programmes, particularly for the most vulnerable women. Countries should also develop free legal services for women at the community or sub-national level.

Programmes, training and workshops should be designed and scaled up to create free spaces and support networks to discuss the various forms of discrimination and violence that women and girls experience. For instance, in Argentina, Law 27234 of 2015 officially declared a day to mark *Educar en Igualdad: Prevención y Erradicación de la Violencia de Género* (Educating in Equality: Prevention and Eradication of Gender-based Violence). The day is mandatory and events take place at least once a year in all public and private primary, secondary and third-level educational institutions. It aims to develop and reinforce attitudes, knowledge, values and practices that contribute to eradicating gender-based violence (Gobierno de Argentina, 2015[60]).

Finally, such programmes, training and workshops should aim at developing community-level initiatives to address discriminatory social norms. For instance, in Barbados, both public agencies and non-governmental organisations (NGOs) have developed a wide range of community-level and grassroots initiatives aimed at addressing social norms and discriminatory practices affecting women's and girls' lives. The National Organisation of Women (NOW) Barbados – a Barbadian NGO – regularly organises community training days to teach entrepreneurs (e.g. hairdressers, barbers) about red flags related to

domestic violence. Similarly, in 2018, the Bureau of Gender Affairs collaborated with the Barbados Association of Guidance Counsellors, the Barbados Association of Professional Social Workers, and women's NGOs to sensitise secondary school students to the issue of domestic violence and to assist those who might be in violent relationships (ECLAC, 2019[43]).

Apply a holistic and intersectional approach

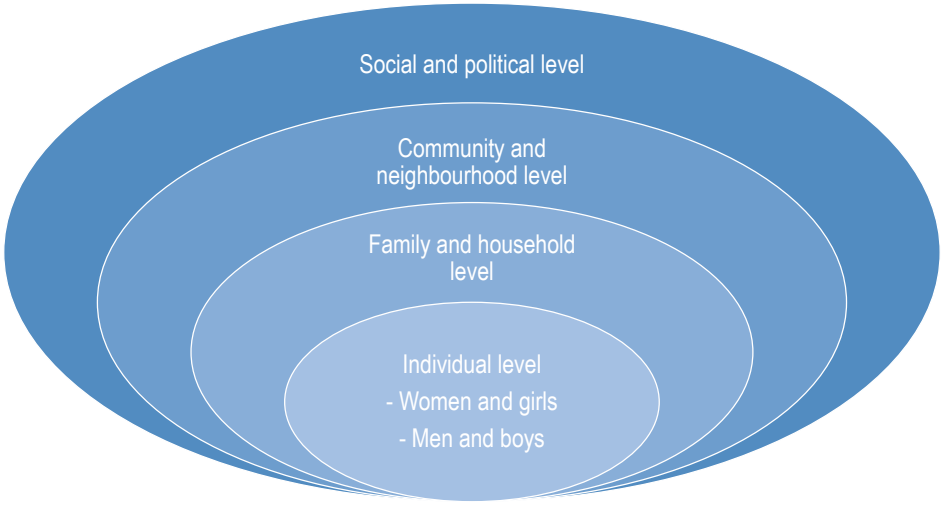
Policy makers need to **systematically incorporate a holistic approach** into both legislation and programmes, as most of the challenges faced by women and girls in the LAC region cannot be dealt with in isolation. In order to reach the SDG 5 targets, a whole-of-society approach is required. This whole-of-society approach is both vertically inclusive – that is, it involves interventions at all social levels – and horizontally inclusive – that is, in addition to including women at all levels of society, it also includes men and boys.

A holistic and intersectional approach

- Adopt an inclusive approach by mobilising all levels of society – from grassroots level to the highest social and political level.
- Systematically take into account horizontal and intersectional discrimination by recognising the multiple and overlapping discrimination faced by the most vulnerable women – indigenous, afro-descendant, rural and low-income women, among others.
- Engage men and boys as positive agents of change in order to transform discriminatory social norms that are harmful to everyone.

Addressing discriminatory social institutions requires an inclusive approach that entails mobilising all levels of society. In order to evaluate the numerous, and sometimes indirect, effects of discriminatory social institutions, policy makers should adopt a socio-ecological approach. The socio-ecological model enables the mapping of all factors influencing gender-based discrimination, and the identification of the specific bottlenecks in each country (Bronfenbrenner, 2005[61]). Policy makers need to ensure that programmes and interventions cover the whole vertical spectrum including different levels of individuals' social environment (Figure 1.8). In other words, every citizen and institution has a role to play. This entails mobilising forces at the grassroots level – that is, with individual women and men –, as well as at the highest social and political levels – for instance, with national legislative bodies and religious authorities.

Figure 1.8. Socio-ecological model



Source: Adapted from (Bronfenbrenner, 2005[61]), *Making Human Beings Human: Bioecological Perspectives on Human Development*.

Holistic policy interventions also need to take into account horizontal discrimination – that is, the intersectional discrimination faced by some women. Many women in the LAC region are at the intersection of different forms of discrimination. For instance, indigenous women are constrained by discriminatory social institutions due to the fact that they are women and that they belong to indigenous communities. Similarly, afro-descendant women face additional discrimination stemming from their socio-economic status. The design and implementation of laws and programmes should therefore always adopt an intersectional approach so as to ensure that all women are considered, especially the most vulnerable ones – migrant, indigenous, afro-descendant, rural and low-income women, among others.

In the LAC region, the horizontal approach requires governments to invest in dedicated programmes targeting women suffering from intersectional discrimination. In particular, the SIGI reveals high intersectional discrimination in the areas covered by the following SIGI indicators: “Child marriage”, “Secure access to land assets”, “Secure access to non-land assets”, “Secure access to formal financial services”, “Citizenship rights”, “Political voice” and “Access to justice”. Policy makers should, therefore, pay specific attention to intersectionality in these areas. For instance, in 2013, Mexico’s Supreme Court created the *Protocolo de actuación para quienes imparten justicia en casos que involucren derechos de personas, comunidades y pueblos indígenas* (Action protocol for those who administer justice in cases involving the rights of indigenous people and communities). The protocol aims to help judicial authorities uphold national and international standards when rendering justice to indigenous communities (Guillén Sánchez, 2013[62]). Similarly, the *Instituto Nacional de los Pueblos Indígenas* (National Institute of Indigenous Peoples [INPI]), in Mexico, supports projects aimed at indigenous and afro-descendant women and girls (INPI, 2020[63]).

Finally, a whole-of-society approach also entails engaging men and boys as positive agents of change. Shifting social norms is not only women’s responsibility; engaging men and boys is critical if social norms are to truly change. In order to turn as many men and boys as possible into allies, policy makers need to focus on the positive impacts that gender equality has on men and boys. Studies show that challenging patriarchal norms, such as the social expectation that men are the breadwinners or the assumption that men need to be tough, can have wide-ranging positive implications for men’s health and happiness. In 2017, Promundo showed that in Mexico, rigid patriarchal masculine norms led to binge drinking and depression, and even suicide in its most extreme forms (Heilman, Barker and Harrison, 2017[64]). Shifting expectations and norms towards non-discriminatory values with the help of men and boys can therefore

deliver great benefits for them by increasing their health and happiness. There are also financial implications: in Mexico, Promundo estimates that the negative impact of masculine norms on men's and boys' health and happiness costs USD 1.4 billion annually (Heilman et al., 2019[65]). At the same time, in order to fast-forward the fight against gender inequality and discriminatory social norms, it is essential that policy makers also challenge the negative aspects of masculinity. In certain LAC regions, masculine norms are strongly shaped by *machismo* – a form of hyper-masculinity that valorises dominance and violence, and is associated with a man's responsibility to provide for, protect and defend his family – which in turn contributes to perpetuating discriminatory practices such as violence against women (see Chapter 4). For instance, Barbados' Bureau of Gender Affairs organises annual workshops with secondary school boys around the 16 Days of Activism against Gender-Based Violence international campaign; these workshops explore issues such as gender, masculinity and gender-based violence (ECLAC, 2019[43]).

Invest in data collection and dissemination

Countries need to immediately **invest in critical statistical capabilities to produce more and better sex-disaggregated data**. More evidence and more data are required in order to inform the central role played by gender equality in achieving the 2030 Agenda for Sustainable Development within the framework of the Montevideo Strategy. Quality data and research are essential to helping policy makers understand the scope and the drivers of gender inequality. Data produced need to account for inequalities in all aspects of life and for the different population groups, including women (OECD et al., 2019[38]). In particular, in order to make use of the accurate levels of analysis and to be able to build the business case in favour of gender equality, policy makers must work around two axes:

- Ensure that reliable sex-disaggregated data are produced at various geographical levels: local, sub-national, national and regional.
- Ensure that reliable sex-disaggregated data are produced in order to capture intersectional discrimination.

For instance, in 2019, the Dominican Republic's *Oficina Nacional de Estadística* (National Statistical Office [ONE]) launched a partnership with PARIS21 to map the country's activities in relation to the production, co-ordination and use of gender statistics (PARIS21, 2019[66]). The goal is to establish an assessment of existing data gaps in gender statistics in order to guide the design of the Dominican Republic's *Estrategia Nacional para el Desarrollo Estadístico* (National Strategy for the Development of Statistics [NSDS]). Similarly, with the support of PARIS21, Bolivia's *Instituto Nacional de Estadística* (National Institute of Statistics [INE]) is currently monitoring the country's five-year National Development Plan, including the advancement of sex-disaggregated targets (PARIS21, 2016[67]).

Data collection and dissemination

- Invest in critical statistical capabilities to produce more and better sex-disaggregated data. In particular:
  - Ensure that reliable data are produced at various geographical levels: local, sub-national, national and regional.
  - Ensure that reliable data are produced in order to capture intersectional discrimination.
- Ensure the comparability of data across the LAC region and the accurate monitoring of SDG 5 through increased statistical co-ordination among countries.
- Design national and sub-national dissemination strategies, and ensure the use of the information collected to improve policy making.

Increased integration and co-ordination across countries is required in order to ensure comparability and to monitor the LAC region's progress towards reaching the SDG 5 targets. Co-ordination across countries entails reaching agreements at the regional level on common well-being and statistical frameworks (OECD et al., 2019[38]). To that end, the SDG framework provides a comprehensive and valuable set of existing statistics on which the LAC region should focus. National statistical strategies need to build on the 169 SDG targets and their accompanying indicators – and, more specifically, on the 14 indicators of SDG 5 – in order to develop comparative statistics and to ensure that the region has a minimum common set of indicators. Many LAC countries – for instance, Colombia and Mexico – are already developing the production of gender statistics under the leadership of the United Nations and within the framework of the 2030 Agenda for Sustainable Development and the SDGs (INEGI, 2019[68]). Collaboration among National Statistical Offices (NSOs) and countries to harmonise the data collected and their statistical processes should continue and increase.

Moreover, national statistical strategies need to incorporate national and sub-national dissemination strategies and ensure that the information collected is used to design and improve policies. Quality sex-disaggregated data are instrumental in guiding the design and implementation of relevant policy options, and in tracking the evolution of the major determinants of gender inequality. Well-designed dissemination strategies entail ensuring that the data produced are available to national policy makers and that they feed into the policy-making process. Furthermore, for policy makers to truly raise awareness, the business case in support of gender equality needs to be reinforced and supported by strong sex-disaggregated data. The production of the data should be complemented by communication and awareness campaigns aimed at disseminating the data produced in order to induce a change in attitudes towards gender equality.

Promote communication and awareness campaigns

Policy makers, in partnership with multiple stakeholders, including CSOs and other grassroots organisations, need to **increase awareness through targeted campaigns** to sensitise all stakeholders to gender inequality and gender-based discrimination. In order to improve the gender-responsiveness of policies, to ensure the rightful enforcement of existing laws, and to ensure that prosecutions and convictions are reached, it is critical to acknowledge and raise awareness of the deeply entrenched acceptance of gender-based discrimination. Policy makers need to publicly recognise social norms and practices that harm women and girls. Raising awareness of the social, economic, demographic and political costs of such discrimination would help build coalitions across societies and mobilise public opinion on the matter. In particular, awareness programmes and campaigns should highlight the human, social and economic consequences of gender-based inequality and discrimination for society as a whole – including

men (see Chapter 2). Such evidence provides a strong business case to support any policy aimed at addressing this form of discrimination.

Communication and awareness

- Increase the awareness of all stakeholders through targeted campaigns to sensitise society to gender inequality and gender-based discrimination.
- Inform women and girls about the rights and opportunities offered by the laws.

It is also essential to develop communication and awareness campaigns to **inform women and girls about the rights and opportunities offered by the laws**. Even when sound legal frameworks are in place that guarantee equality between men and women, women often lack the legal information and support necessary for them to know their rights and how to exercise them. Policy makers need to develop targeted information campaigns to inform women and girls about their rights and the resources at their disposal in order to improve their legal literacy and to assist them in exercising their entitlements.

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Notes

[1] SDGs 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 16 and 17.

[2] National gender equality machineries are defined as national institutional mechanisms, bodies and committees for the promotion of gender equality and women's empowerment.

[3] According to the SIGI 2019 classification. The SIGI ranges from 0 to 100, where a score of 0 indicates no discrimination and a score of 100 indicates absolute discrimination.

[4] Bolivia, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Mexico and Peru.

[5] Chile, Cuba, Dominican Republic, Ecuador and Jamaica.

[6] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, and Venezuela.

[7] El Salvador, Haiti, Honduras and Nicaragua.

[8] Antigua and Barbuda, Belize, Costa Rica, Dominica, Dominican Republic, Grenada, Guatemala, Jamaica, Paraguay, Peru, Trinidad and Tobago, and Venezuela.

[9] Barbados, Chile, Mexico, Panama, Paraguay, Peru and Uruguay.

[10] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

[11] We acknowledge that this decline is the result of an actual reduction of intimate partner violence combined with methodological shortcomings due to the lack of reporting and additional potential composition effects.

[12] We acknowledge the limitations of collecting data on intimate partner violence. There are methodological shortcomings due to the lack of reporting or underreporting on the prevalence of intimate partner violence.

[13] Data on changing attitudes are unavailable for Costa Rica, Cuba, El Salvador, Panama, Paraguay and Venezuela, since data on this social norm are unavailable for 2014.

[14] Antigua and Barbuda, Argentina, Barbados, Belize, Costa Rica, Dominica, Grenada, Guatemala, Haiti, Honduras, Jamaica, Trinidad and Tobago, and Uruguay.

[15] Bahamas, Colombia, Dominican Republic and Panama.

[16] Antigua and Barbuda, Dominica, Dominican Republic, Guatemala, Peru, and Venezuela.

[17] According to the SIGI 2019 classification. The SIGI ranges from 0 to 100, where a score of 0 indicates no discrimination and a score of 100 indicates absolute discrimination.

[18] Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Grenada, and Guyana.

[19] Argentina, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Haiti, Mexico, Panama, Paraguay, Peru and Venezuela.

[20] Antigua and Barbuda, Barbados, Dominica, Grenada, Guatemala, Guyana, Honduras, Jamaica, Nicaragua, Trinidad and Tobago, and Uruguay.

[21] Costa Rica, Ecuador, El Salvador, Nicaragua, Peru, and Trinidad and Tobago.

[22] Bahamas, Barbados, Belize, Colombia, Costa Rica, Dominican Republic, Grenada, Panama, Peru and Venezuela.

[23] Argentina, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominican Republic, Grenada, Honduras, Jamaica, Nicaragua, Panama, Peru, Trinidad and Tobago, and Venezuela.

[24] Argentina, Bolivia, Chile, Costa Rica, Ecuador and Panama.

[25] In this ruling, the Third Collegiate Court for Labour Matters of the Third Circuit held that during pregnancy and maternity leave, employees are afforded special protection under the constitutional and international human rights framework – in particular, the benefit of enhanced job security.

[26] Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, and Venezuela.

[27] Argentina, Barbados, Belize, Bolivia, Chile, Colombia, Costa Rica, Dominica, Ecuador, Honduras and Panama.

[28] Barbados, Belize, Bolivia, Costa Rica, Dominican Republic, Trinidad and Tobago, and Uruguay.

[29] Argentina, Brazil, Chile, Colombia, Ecuador, Haiti, Mexico, Peru, Trinidad and Tobago, and Uruguay.

[30] Chile and Paraguay.

[31] Antigua and Barbuda, Chile, Dominica, Ecuador, and Paraguay.

[32] Antigua and Barbuda, Argentina, Bolivia, Brazil, Cuba, Dominica, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Trinidad and Tobago, and Uruguay.

[33] Bolivia, Brazil, El Salvador, Guatemala, Guyana, Haiti, Mexico and Uruguay.

[34] Bolivia, El Salvador, Grenada, Mexico and Uruguay.

[35] Except Bahamas, Barbados, Dominica, Grenada, Haiti and Paraguay.

[36] Barbados, Dominica, Grenada, Haiti, and Trinidad and Tobago.

[37] Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Grenada, Jamaica, and Trinidad and Tobago.

[38] Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Colombia, Dominica, Grenada, Guatemala, Haiti, Jamaica, Paraguay, Trinidad and Tobago, and Uruguay.

[39] Bolivia, Cuba, Mexico and Nicaragua.

[40] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guyana, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

[41] Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Haiti, Mexico, Peru, Trinidad and Tobago, Uruguay, and Venezuela.

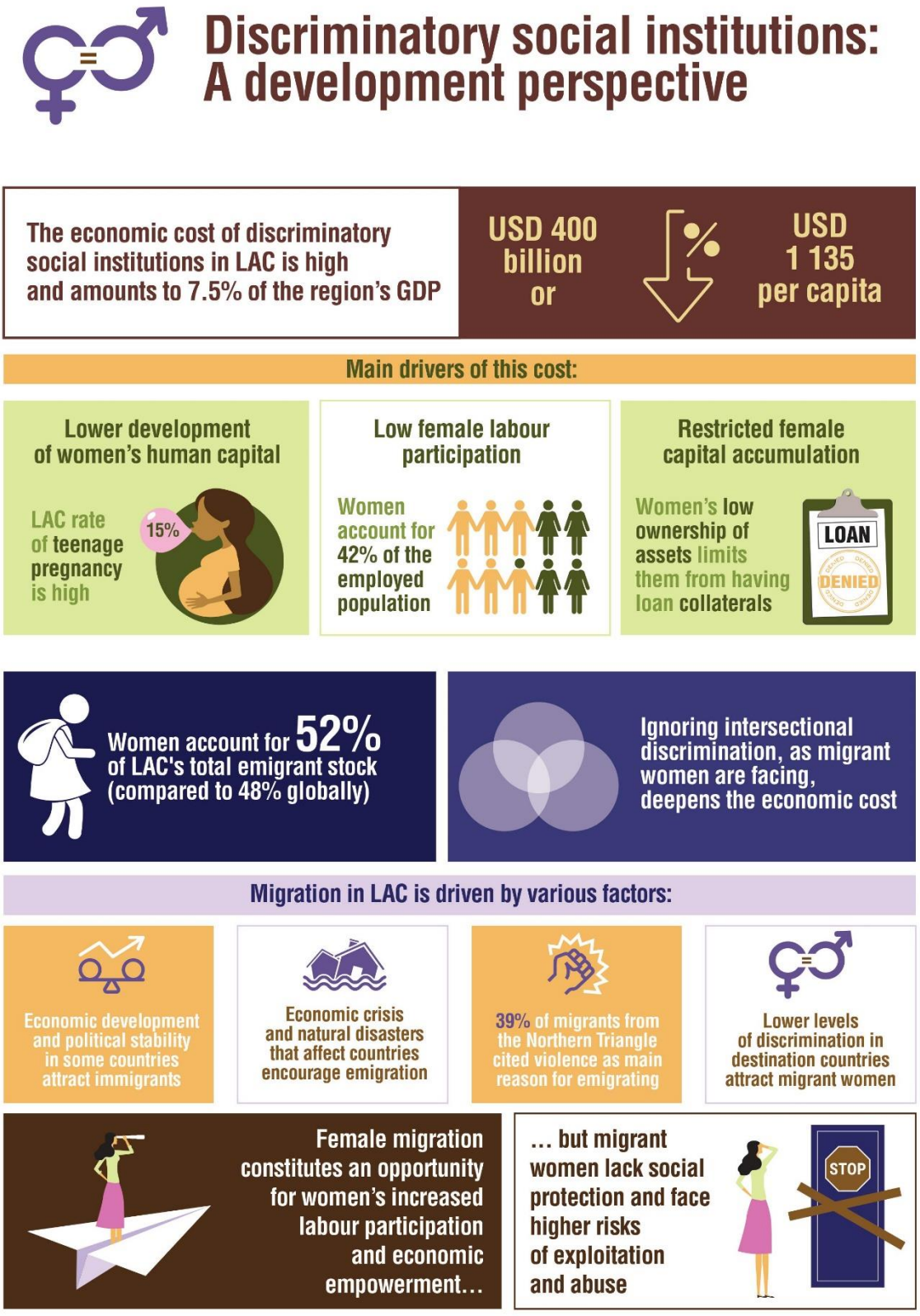
[42] Argentina, Bolivia, Brazil, El Salvador, Mexico and Nicaragua.

[43] Bahamas, Barbados, Bolivia, Cuba, Guyana and Paraguay.

2 Discriminatory social institutions: A development perspective

This chapter explores women's economic empowerment in the region of Latin America and the Caribbean (LAC) from a social institution perspective. It unveils how discriminatory social institutions reduce the pool of talent and limit countries' capacities to innovate and accumulate human and financial capital. These barriers impede economic growth and generate a significant economic cost for the LAC region, which will likely increase in the wake of the coronavirus (Covid-19) outbreak. The chapter also focuses on the importance of acknowledging intersectional discrimination faced, for example, by migrant women. It describes how migrant women in the LAC region are affected differently by discriminatory social institutions and it examines the challenges and opportunities faced by both migrant women and women left behind in the country of origin.

Infographic 2.1. Discriminatory social institutions: A development perspective



The term "social norm" is complex, and can have wide-ranging repercussions across all components of a country: society, economy, labour market, culture, etc. By creating barriers, discriminatory social norms not only constrain women and girls' full empowerment, but they also generate a social and economic cost for society as a whole. Moreover, as the current coronavirus (Covid-19) crisis unfolds, the socio-economic consequences for women and girls across the region of Latin America and the Caribbean (LAC) could jeopardise some of the progress accomplished, and could worsen the situation in other areas such as unpaid care work, violence against women, or access to sexual and reproductive health rights and services. Beyond the current coronavirus (Covid-19) crisis, discriminatory social institutions take various forms and their effects are exacerbated by intersectionality – that is, when a woman may suffer from additional forms of discrimination other than those related to her gender. This chapter looks at women's economic empowerment from a social institution perspective, first by examining the economic impact of discriminatory social norms against women and girls in LAC, and then by taking a closer look at the intersectional discrimination faced, for example, by migrant women.

The first section describes how existing barriers impede economic growth, and it analyses the economic costs associated with gender-based discrimination in formal and informal laws, social norms and practices. This section also presents different prospective scenarios of a gradual reduction of this discrimination and it estimates the economic benefits that such a reduction would yield by 2030. The second section focuses on the importance of acknowledging intersectional discrimination, for instance in the case of migrant women, and on the costs associated with ignoring such challenges.

The economic cost of discriminatory social institutions

The gender "bill"

Gender-based discrimination in social institutions impedes economic growth. Through their influence on the unequal distribution of power between men and women in the family, in the economic sphere and in public life, discriminatory social institutions constrain women's economic opportunities. For example, the practice of child marriage limits girls' access to education and affects their future employment opportunities (OECD, 2019[1]). Similarly, threats to women's physical integrity can transform schools and workplaces into unsafe spaces. Restricted access to affordable childcare facilities or family-friendly job policies creates barriers to women's full participation in economic life. By reducing the pool of talent and limiting countries' capacity to innovate and accumulate human and financial capital, discriminatory social institutions limit economic growth. In other words, the global economy cannot operate at its full potential if there are systemic constraints holding back half of the world's population. Consequently, in addition to fulfilling fundamental human rights, gender equality in social institutions could also generate substantial macroeconomic gains, benefitting all. As the coronavirus (Covid-19) crisis unfolds across the region and threatens its macroeconomic stability, with deep socio-economic ramifications, addressing the gender "bill" becomes even more important in light of the future economic recovery plans.

Controlling for other geographic, economic and institutional factors that also explain economic growth, the current level of discrimination induces a loss of almost USD 6 000 billion, equivalent to 7.5% of global income in 2017 (see Box 2.1 for more details on the limitations of the methodology). On average, discrimination represents a loss of USD 1 552 per capita globally. At the LAC regional level, the estimated losses in gross domestic product (GDP) caused by existing gender-based discrimination amount to USD 401 billion, representing a loss of USD 1 135 per capita (Table 2.1).

Table 2.1. Regional and sub-regional economic losses associated with gender-based discrimination, 2017

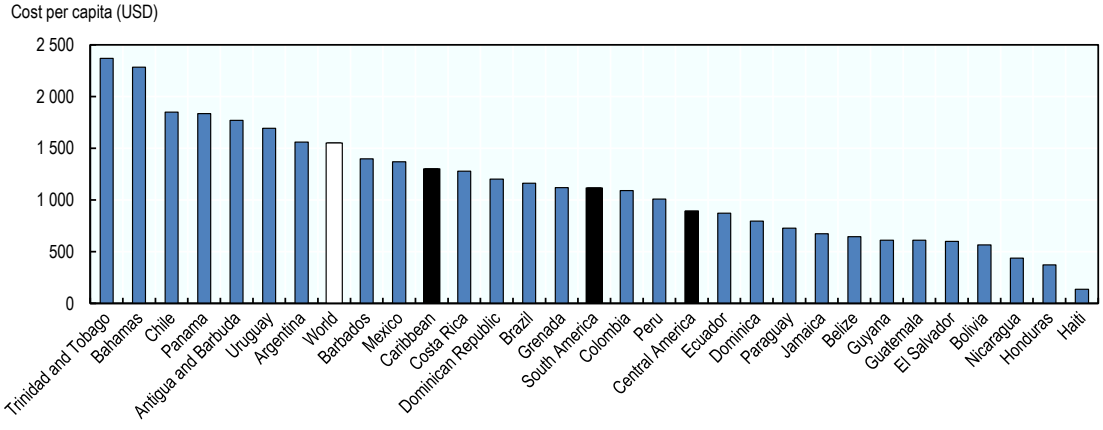
	Regions	Total cost (USD billion)	Cost per capita (USD)
	World	5 947	1 552
World regions	Africa	169	466
	Asia	2 283	1 778
	Europe	1 516	2 743
	Latin America and the Caribbean	401	1 135
	Northern America	1 578	3 984
LAC sub-regions	The Caribbean	16	1 301
	Central America	106	894
	South America	279	1 115

Note: Income losses are measured in terms of 2017 real income at current Purchasing Power Parity (PPP).
Source: OECD calculations based on (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org; and (World Bank, 2019[3]), World Development Indicators, https://databank.worldbank.org/source/world-development-indicators.

StatLink https://doi.org/10.1787/888934136478

The distribution of losses across LAC sub-regions is not uniform. While gender discrimination yields an estimated loss of USD 16 billion in the Caribbean, the gender "bill" rises to USD 106 billion in Central America and USD 279 billion in South America. However, due to different population sizes and differences in terms of GDP per capita, the losses per capita are higher in the Caribbean, amounting to USD 1 301 per person, compared with USD 1 115 per capita in South America and USD 894 per capita in Central America. At the country level, the cost per capita is more than USD 2 000 in Trinidad and Tobago and in the Bahamas. For 15 LAC countries,[1] gender discrimination represents a cost per capita that is greater than USD 1 000 (Figure 2.1).

Figure 2.1. Economic cost per capita of gender-based discrimination, 2017



Note: The figure presents the national income losses associated with current levels of gender-based discrimination in social institutions. Income losses are measured in terms of 2017 real income at current PPP. Countries are ordered by decreasing income losses. Data are missing for two LAC countries: Cuba and Venezuela.
Source: OECD calculations based on (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org; and (World Bank, 2019[3]), World Development Indicators, https://databank.worldbank.org/source/world-development-indicators.

StatLink https://doi.org/10.1787/888934136497

Box 2.1. Methodological considerations on the measurement of economic losses associated with gender-based discrimination in social institutions

Empirical strategy

Using empirical econometric methods combined with the results from the Social Institutions and Gender Index (SIGI), the Organisation for Economic Co-operation and Development (OECD) Development Centre explored the economic cost associated with gender-based discrimination. To analyse the relationship between gender-based discrimination in social institutions and income, the research uses different estimators – ordinary least squares (OLS) and two-stage least squares (2SLS) – and specifications. All resulting regressions have a high explanatory power and suggest a strong, negative and significant relationship between SIGI scores and income per capita in all specifications: higher levels of gender-based discrimination in social institutions are associated with lower levels of income per capita. The results are robust to the inclusion of additional controls, including gender gaps in outcomes. This means that the measurement obtained is the net effect of gender discrimination in social institutions on income, filtered from the effect of gender inequality in outcomes.

2019 results

Simulations run following the publication of the 2019 SIGI scores estimated the income loss associated with current levels of discrimination at up to USD 6 trillion, or 7.5% of current global income. Further investigation of the channels of transmission shows that the negative impact of discriminatory social institutions on countries' level of income operates by lowering total factor productivity and by reducing the level of education and labour force participation among women. The results show a stronger effect for low-income countries. At the same time, they showed that gradually dismantling gender-based discrimination in social institutions could yield substantial macroeconomic benefits.

Limitations for regional analysis

With regard to any attempt to put a price tag on gender discrimination, caution should be used when interpreting the results and estimates for the LAC region. The calculation of the economic cost associated with gender-based discrimination is an exercise performed at the global level, using cross-country data. In the context of the SIGI regional analysis, applying the same global economic cost rate to a specific region is a strong assumption, as it ignores the fact that the regional intensity of gender discrimination results in different impacts on the economic cost. Unfortunately, substantial data limitations do not allow us to perform region-specific empirical analysis, while restricting the sample of countries would reduce the significance of the result, rendering the analysis ineffective.

The estimates thus constitute a reflection of the economic cost calculated at the global level. Other endogenous factors in the LAC region could yield a significant upward or downward impact on the final and real regional economic cost associated with gender-based discrimination.

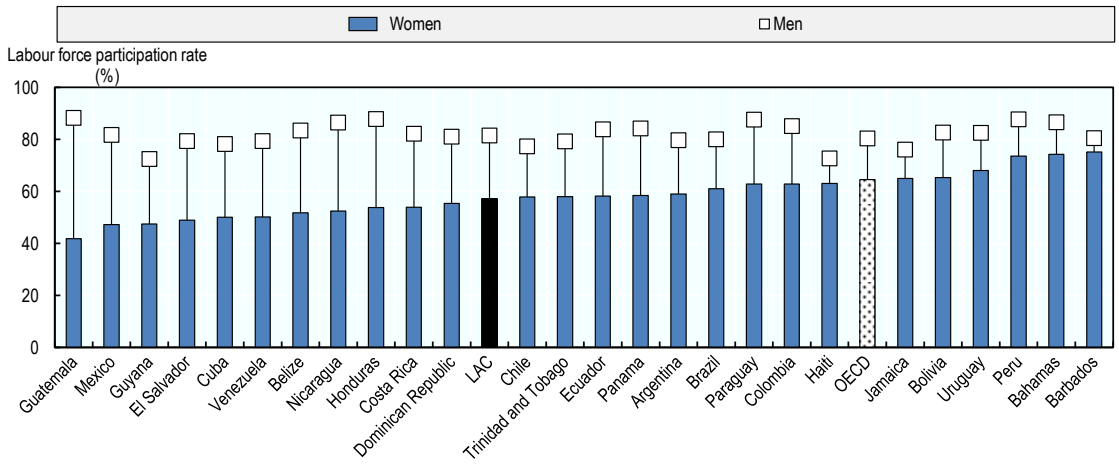
Contributing factors of the economic cost of discriminatory social institutions

Gender-based discrimination in social institutions hampers global development by lowering women's human capital, reducing women's labour force participation and constraining physical capital accumulation. The literature demonstrates that a country's level of economic growth depends on its levels of physical and human capital, as well as on total factor productivity (Mankiw, Romer and Weil, 1992[4]; Solow, 1956[5]). Given the similar distribution of innate abilities between men and women, the exclusion of women from the job market artificially reduces the pool of talent from which employers can draw. Consequently, it decreases countries' ability to accumulate physical and human capital, and to innovate (Ferrant and Kolev, 2016[6]).

It has been estimated that discriminatory social institutions lower the development of women's human capital by 16% (OECD, 2019[1]). Countries in the LAC region have achieved gender parity in school enrolment at all educational levels – primary, secondary and tertiary. However, persistent discriminatory practices – such as child marriage, adolescent pregnancy, and the unequal distribution of caring and domestic responsibilities – primarily affect young girls and make it more difficult for girls and women to invest in their own human capital development. The regional prevalence of child marriage among girls (16%) is much higher than the prevalence of child marriage among boys (5%). In Central America, the rate of child marriage among girls reaches 20%. Evidence shows that these high child marriage rates are associated with high rates of adolescent pregnancies (see Chapter 3). The LAC region exhibits the second highest regional rate of adolescent pregnancy in the world, with around 15% of all pregnancies occurring between the ages of 15 and 19 years (PAHO, UNFPA, 2017[7]).

Discriminatory social institutions also reduce women's labour force participation by 12% (OECD, 2019[1]). Across the LAC region, women represent 51% of the working-age population – that is, the population aged 15-64 years. Yet, women account for only 42% of the employed population. Differences in labour force participation between men and women are very large across all LAC countries, reaching more than 30 percentage points in Belize, El Salvador, Guatemala, Honduras, Mexico and Nicaragua (Figure 2.2). The main underlying factors are: discriminatory labour laws; important pay gaps and discrepancies in occupational activities; unequal distribution of domestic responsibilities; and deeply embedded negative attitudes towards women's right to work for pay.

Figure 2.2. Labour force participation rates in the LAC region, by gender



Note: The labour force participation rate is calculated as the labour force divided by the total working-age population. The working-age population refers to people aged 15-64 years. Countries are ordered by increasing female labour force participation rate. Data are missing for three LAC countries: Antigua and Barbuda, Dominica, and Grenada.
Source: (OECD, 2019[8]), Labour Force Statistics, https://oe.cd/ds/2Sp; and (World Bank, 2019[3]), World Development Indicators, https://databank.worldbank.org/source/world-development-indicators.

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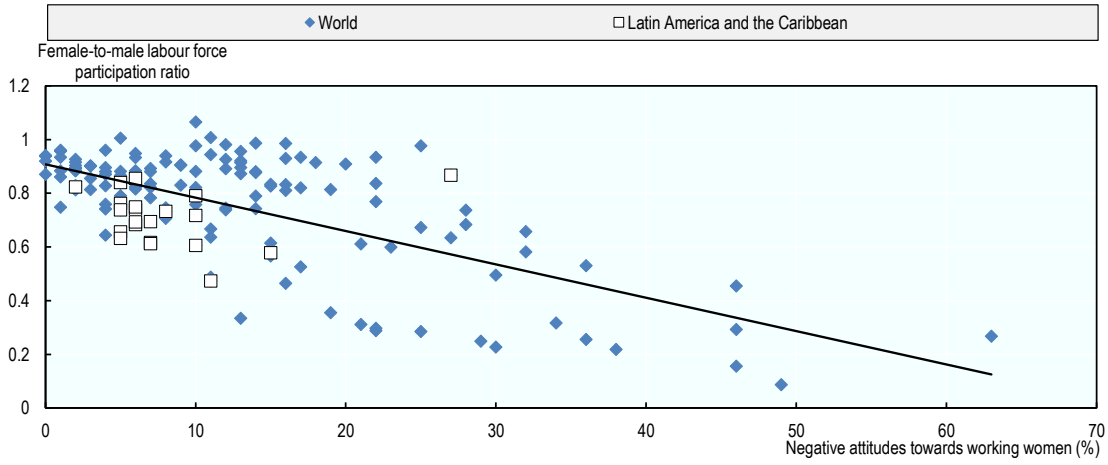
Discriminatory norms that confine women to the home result in the bulk of unpaid domestic work falling on women's shoulders and in women's reduced labour market participation. On average, 52% of the population agrees that children will suffer when a mother is in paid employment outside the home, ranging from 33% in Haiti to 68% in Argentina. In addition, across the 12 LAC countries[2] for which data are available, 51% of the population considers being a housewife to be just as fulfilling as working for pay,

ranging from 19% in Haiti to 70% in Guatemala (see Chapter 3). Women's participation in employment is closely related to beliefs about whether women should be working at all. Environments that are supportive of women's employment are essential, especially for women with children, who face more demands within the household. Consequently, the prevalence of these negative attitudes towards working women reinforces large gender gaps in labour force participation (Figure 2.3). Not only do discriminatory norms and attitudes towards women's role in the household constrain their labour force participation, but they also lead to a higher share of unpaid care work falling on women's shoulders. Compared with men, and according to pre-coronavirus (Covid-19) estimates, women spend three times as much time on unpaid care and domestic work, including raising children, caring for sick or elderly family members, and managing household tasks. This is more than the average among OECD member countries (where women spend around twice as much time as men), but lower than in other sub-regions around the world (women in Southern Asia spend nearly six times more time than men, and in Northern Africa, they spend close to seven times more time than men).

Figure 2.3. Negative attitudes towards working women contribute to lower female labour force participation

Correlation between attitudes towards working women and the female-to-male labour force participation ratio



Note: Negative attitudes towards working women are defined by the share of the population that disagrees with "It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants to." The female-to-male labour force participation ratio is calculated as women's labour force participation rate divided by men's labour force participation rate. The labour force participation rate is calculated as the labour force divided by the total working-age population. The working-age population refers to people aged 15 64 years. Data cover 146 countries. Data are missing for eight LAC countries: Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Grenada, and Guyana. R^2 is 0.4486.

Source: (OECD, 2019[9]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; (OECD, 2019[8]), Labour Force Statistics, https://oe.cd/ds/2Sp; and (World Bank, 2019[3]), World Development Indicators, https://databank.worldbank.org/source/world-development-indicators.

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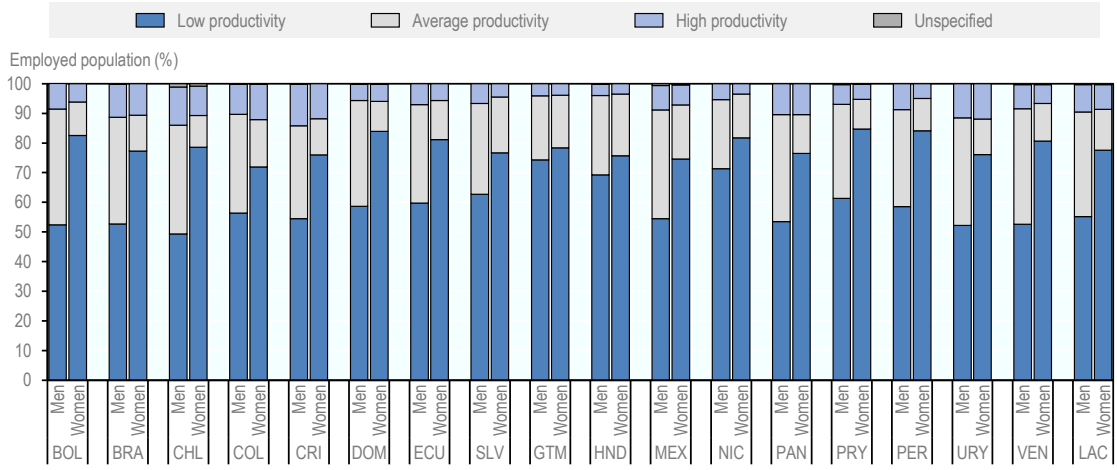
Meanwhile, some discriminatory legal barriers continue to prevent women from entering certain professions, constraining their employment opportunities across sectors. In nine LAC countries,[3] legal frameworks restrict the jobs women are allowed to work, often preventing access to jobs deemed physically intensive, dangerous or insalubrious, such as employment in mining, in chemical industries or underground (see Chapter 5). Meanwhile, in five LAC countries,[4] the law prohibits women from working the same number of night hours as men.

At the same time, women continue to earn significantly less than men and to hold lower-status jobs, which lowers their economic opportunity and could discourage them from seeking paid employment altogether. On average, in the LAC region, women earn 30% less than men (see Chapter 5). Women's labour force participation is characterised by sectoral segregation: compared with men, they are overrepresented in low-productivity sectors such as agriculture, commerce and services (Figure 2.4). Conversely, men are more represented than women in sectors of average productivity.

Figure 2.4. Distribution of the employed population aged 15 years old and over by productivity level, 2017



Note: The economic activity sectors are determined according to the *International Standard Industrial Classification of All Economic Activities (ISIC), Rev.2*. Sectors are classified considering their average labour productivity (in 2005 PPP USD) in the following levels: 1) low-productivity sectors: agriculture, commerce and services; 2) medium-productivity sectors: construction, manufacturing and transportation; and 3) high-productivity sectors: financial activities, electricity and mining. The LAC region's average is population weighted. Data for Guatemala, Nicaragua and Venezuela are from 2014; data for Honduras and Mexico are from 2016. The LAC region's average for 2017 does not include these countries.
Source: (ECLAC, 2020[10]), Gender Equality Observatory for Latin America and the Caribbean, https://oig.cepal.org/en/indicators/distribution-total-employed-population-productivity-level-and-sex.

StatLink https://doi.org/10.1787/888934136554

Finally, discriminatory social institutions restrict women's physical capital accumulation by 8% (OECD, 2019[1]). Discriminatory inheritance practices, as well as restricted access to land and non-land productive assets and to financial services, limit women's ability to contribute to physical capital accumulation. Women's lower ownership of land and non-land assets limits their ability to provide collateral in order to secure loans. In all LAC countries for which data are available,[5] except Argentina, the share of men with an outstanding loan from a bank or another type of financial institution to purchase a house, an apartment or land is higher than the share of women (World Bank, 2017[11]).

Further investing in gender equality: An economic opportunity for the LAC region

Gender equality represents an immense economic opportunity. Reducing gender-based discrimination in social institutions through appropriate policy measures could yield substantial economic benefits. A gradual reduction of gender-based discrimination in social institutions by 2030 could increase the global annual GDP growth rate by 3.6 percentage points between 2018 and 2030.

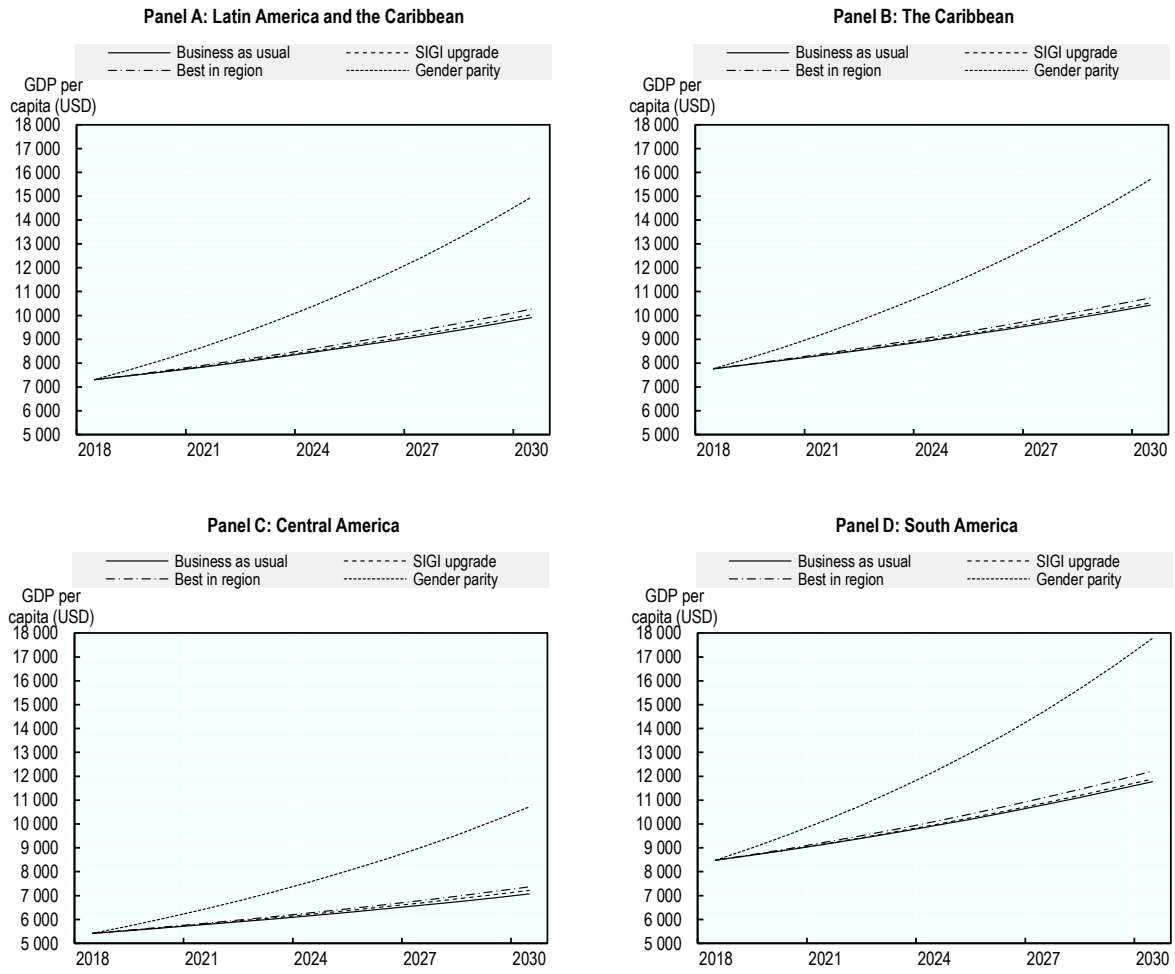
In order to measure the potential economic gains that countries and regions could harness from a significant reduction in gender discrimination, the SIGI developed four distinct scenarios (Ferrant and Kolev, 2016[6]):

- The first scenario, called "Business as usual" (BAU), assumes no change in the global level of gender-based discrimination in social institutions between 2018 and 2030, and therefore constitutes the baseline scenario.
- The second scenario, "SIGI upgrade", assumes that each country addresses its respective gender-based discrimination so that its SIGI score by 2030 allows it to change its SIGI category.[6] For instance, considering a country that is classified as having a medium level of gender-based discrimination, with a score between 30 and 40, the "SIGI upgrade" scenario assumes that by 2030, the country has addressed this discrimination in a way that has advanced it to the next category and the country is now classified as having a low level of gender-based discrimination – meaning a SIGI score of 20-30.
- The third scenario, "Best in region", assumes that each country in the LAC region and sub-regions addresses its respective gender-based discrimination so that by 2030, its SIGI score reaches that of the region's or sub-region's top performer in 2019. For instance, consider a country with a SIGI score of 45 that is located in a region where the top performer has a SIGI score of 20. The "Best in region" scenario assumes that by 2030, this country has addressed its own gender-based discrimination in a way that has enabled it to reach the score of the region's top performer in 2019. By design, this scenario also assumes that the score of the region's top performer does not change by 2030.
- Finally, the fourth scenario, "Gender parity", assumes that each country fully addresses its respective gender-based discrimination by 2030 and reaches a SIGI score of 0, indicating no discrimination.

These four scenarios enable the measurement of the potential economic benefits that the LAC region and LAC countries could gain from reductions in gender-based discrimination. In the LAC region, under the "BAU" scenario (the baseline scenario), GDP is expected to grow on average by 2.6% annually between 2018 and 2030 (USDA, 2017[12]).[7] Under the "SIGI upgrade" and "Best in region" scenarios, annual growth forecasts increase slightly to 2.7% and 2.9%, respectively, for the LAC region. In monetary terms, this translates to forecasted GDPs per capita in 2030 that reach USD 10 027 and USD 10 266 under the "SIGI upgrade" and "Best in region" scenarios, respectively, compared with USD 9 906 under the "BAU" scenario. The "Gender parity" scenario assumes a gradual and total elimination of gender-based discrimination by 2030, and clearly yields the largest economic gains. Under the "Gender parity" scenario, average annual GDP growth is expected to reach 6.2% in the LAC region, equivalent to an annual increase of 3.6 percentage points compared with the baseline scenario. In monetary terms, the "Gender parity" scenario would lead to GDP per capita reaching USD 14 964 by 2030, representing a gain of more than USD 5 000 per capita compared with the baseline scenario (Figure 2.5, Panel A).

All three LAC sub-regions display similar potential economic gains as a result of reducing gender-based discrimination; however, the absolute gains in terms of monetary value differ, as they primarily depend on the different initial GDP levels of each sub-region (Figure 2.5, Panels B, C and D).

Figure 2.5. Economic gains for the LAC region and its sub-regions from a reduction in gender-based discrimination, 2018-30



Note: GDP forecasts are measured in terms of 2010 real GDP per capita at current PPP. GDP forecasts for 2030 follow four distinct scenarios: 1) "Business as usual (BAU)", using available growth forecasts, and assuming no change in the global level of gender-based discrimination in social institutions between 2018 and 2030; 2) "SIGI upgrade", assuming that each country would decrease gender discrimination enough by 2030 to be classified as the next SIGI classification level; 3) "Best in region", assuming that each country would decrease gender discrimination enough by 2030 to attain the region's best performer's 2019 SIGI score; and 4) "Gender parity", assuming that each country would have eliminated gender-based discrimination in social institutions by 2030.
Source: OECD calculations based on (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org; and (USDA, 2017[12]), ERS International Macroeconomic Dataset, https://data.nal.usda.gov/dataset/international-macroeconomic-data-set.

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Intersectional discrimination: Insights from migration

Women are not a homogeneous group. Depending on their socio-economic status, ethnicity and race, disability, and geographical location, women face different challenges at any given time. Ignoring the challenges of intersectionality and the subsequent additional discrimination add to the economic cost of gender discrimination in social institutions. This section examines the intersectionality perspective by using

the example of migration. Migration is a factor that poses both opportunities and challenges for women. The section first explores the contributing factors of migration in the LAC region, and more specifically of female migration in relation to discriminatory social norms as measured by the SIGI in the different LAC countries. It then analyses the consequences of migration for women left behind in the country of origin and, finally, the consequences of migration in destination countries for both migrant and native-born women.

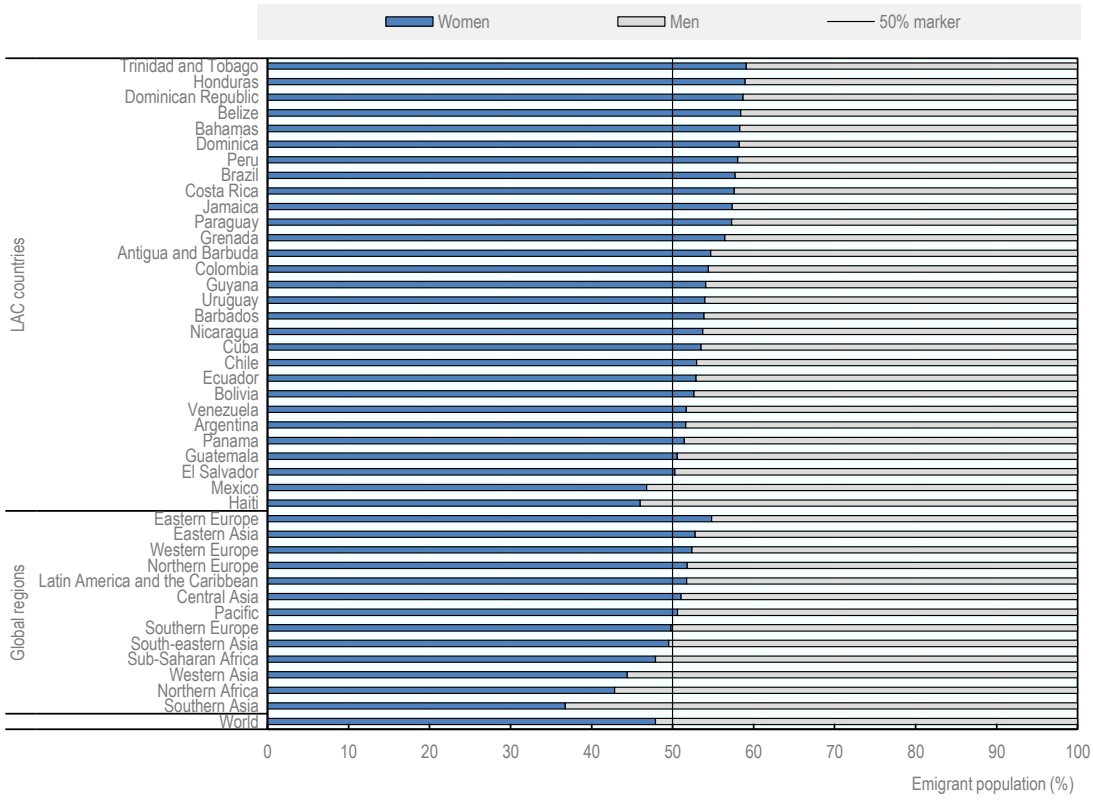
Female migration and its contributing factors in the LAC region

Migration patterns in the LAC region

International migration has been an integral part of the LAC region's social and economic development. The number of international migrants – i.e. individuals who were born in a country other than the country in which they live – has rapidly increased, reaching 40.5 million people in 2019, up from 24.8 million in 2000 (UNDESA, 2019[13]).The main destinations remain outside the LAC region, namely the United States and the European Union. However, intra-regional migration has also been increasing and diversifying since around 2000. In 2019, 73% of the 11.7 million immigrants living in the LAC region were born in another LAC country. This represents a sharp increase from 58% in 2000.

Female emigration across all countries in the LAC region is high in comparison with the rest of the world. Women account for 52% of the total emigrant stock in the region, compared with 48% at the global level (Figure 2.6). Some countries display very high levels of female migration. For instance, 59% of the emigrants from the Dominican Republic, Honduras, and Trinidad and Tobago are women. In total, in half of LAC countries, women emigrants represent more than 54% of the nationals emigrating, and only two LAC countries – Haiti and Mexico – have more men emigrating than women.

Figure 2.6. Share of women in the emigrant stock, 2019



Note: The figure shows the share of men and women within the total emigrant stock of LAC countries and global regions as of mid-2019.
Source: (UNDESA, 2019[13]), United Nations database: International Migrant Stock 2019 (POP/DB/MIG/Stock/Rev.2019), https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp.

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Contributing factors of migration in the LAC region: Labour, family and violence

International migration is a multidimensional phenomenon whose contributing factors are very diverse – ranging from historical ties, common languages and geographical proximity, to armed conflict. While these factors continue to influence migration patterns, differences in income, well-being and migrant networks play a key role in migration trajectories (OECD, 2016[14]). The LAC region is no exception, with labour and economic opportunities, family reunification, and violence as the main identified drivers of migration (McAuliffe et al., 2019[15]; Restrepo, Sutton and Martinez, 2019[16]). Climate change and severe droughts also appear to have an impact on human mobility, notably in Central America and the Caribbean.

Among many factors, economic crises in origin countries and income inequalities across the LAC region fuel the emigration of people searching for better job opportunities. This is unlikely to change in the aftermath of the coronavirus (Covid-19) pandemic, even when freedom of movement is affected. High income disparities across the LAC region's economies and disparities with primary destination countries such as the United States encourage both intra- and extra-regional migration patterns. The improvement in economic conditions in some countries over recent years, coupled with a growing domestic labour market, has led to a gradual decrease in the rate of extra-regional migration and an increase in intra-regional migration (McAuliffe et al., 2019[15]). In some countries, such as Chile, Colombia, Costa Rica or Uruguay, the favourable economic development prior to the coronavirus (Covid-19) pandemic and political

stability attract many immigrants, particularly from other countries with less favourable economic and labour conditions. Asymmetric economic dynamics between countries in the LAC region, coupled with the absence of significant cultural or language barriers between the region's labour markets, have encouraged the development of important intra-regional labour migration flows. A striking example is the development in recent years of a female migration corridor between Nicaragua and Costa Rica, with Nicaraguan women taking advantage of the higher salaries in Costa Rica and the high demand for household and personal services from the growing Costa Rican middle class.

Since the mid-2010s, the Bolivarian Republic of Venezuela (hereafter "Venezuela") and some areas of the Northern Triangle[8] have seen sharp economic contractions and deterioration, with corresponding increases in malnutrition and disease (Restrepo, Sutton and Martinez, 2019[16]). In addition, climate change-related episodes in these countries, such as droughts or hurricanes, have aggravated the economic situation, increased food insecurity and severely affected livelihoods. The sharp deterioration in quality of life has triggered migration across the entire socio-economic spectrum, from highly educated individuals, to low-income farmers, to women and children from indigenous communities. Indigenous communities engaged in traditional farming methods, which already occupy a precarious and marginalised position in Northern Triangle societies, have been severely affected by these droughts (Restrepo, Sutton and Martinez, 2019[16]). Similarly, in addition to the loss of lives, repeated episodes of hurricanes in the Caribbean have caused catastrophic damage to property and infrastructure. Many Caribbean islands, which rely heavily on sectors such as agriculture and tourism, have suffered significant economic impacts (McAuliffe et al., 2019[15]).

Pervasive violence across a large number of LAC countries also contributes to migration, notably the migration of high numbers of women and children. The LAC region is home to just 8% of the world's population, but it accounts for 33% of the world's homicides. The regional homicide rate is more than three times the global average, with four countries alone – Brazil, Colombia, Mexico and Venezuela – accounting for one-quarter of global homicides. In 2017, 17 of the 20 countries with the world's highest number of homicides were located in the LAC region. Moreover, as of 2016, the LAC region was home to 43 of the 50 most murderous cities in the world (Muggah and Tobón Aguirre, 2018[17]). Extortion and kidnappings are also rampant across the LAC region, and primarily affect women. The region has the world's highest rate of femicide – intentional killing of a woman or girl because of her gender –, with 3 529 women killed in 2018 (OECD, 2020[18]). Unsurprisingly, this pervasive insecurity has contributed to large-scale displacement. Migrants and refugees from the Northern Triangle systematically flee the violence: in 2017, 39.2% of migrants and refugees mentioned direct attacks or threats to themselves or their families, extortion, or gang-forced recruitment as the main reason for fleeing their countries of origin (Médecins Sans Frontières, 2017[19]). The impact of violence disproportionately affects women and they are more likely to report violence as a cause triggering migration episodes (University of Washington, 2017[20]).

Discriminatory social institutions: A driving factor?

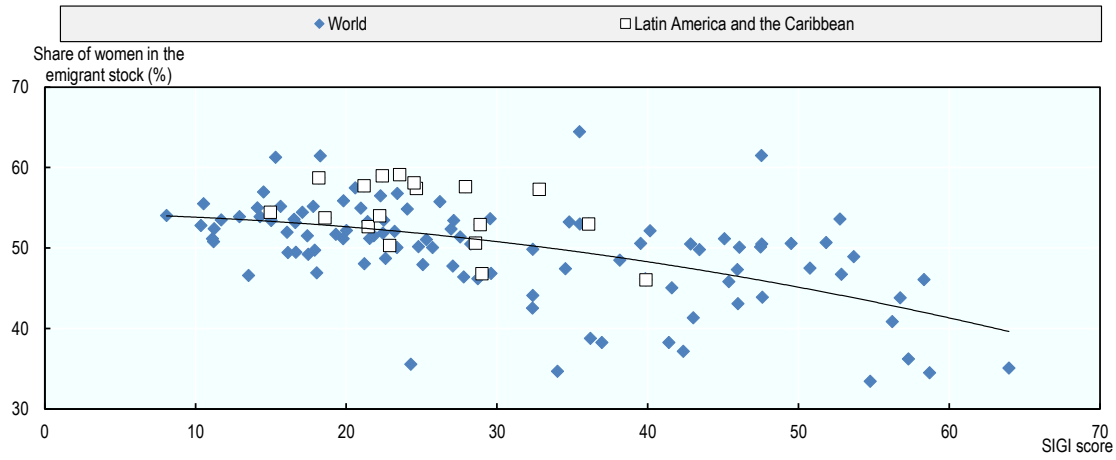
In addition to the factors already discussed, women's motivation for migrating can also be explained by their desire to live in more gender-equal societies. Discriminatory social institutions can thus play a role in migration patterns. Lower levels of discrimination in destination countries can attract women to migrate, particularly high-skilled female immigrants (Baudassé and Bazillier, 2014[21]). In the country of origin, gender discrimination in social institutions can motivate women to leave, but it can also limit their choices in relation to moving (Ferrant and Tuccio, 2015[22]). Therefore, the interpretation of the relationship between discriminatory social institutions and female migration is complex and sometimes counterintuitive.

Overall, the literature suggests the existence of a tipping point in the country of origin before which increasing discrimination in social institutions encourages more female emigration, and beyond which the weight of discriminatory social institutions prevents women from emigrating. In other words, highly to very highly discriminatory social institutions in origin countries constrain female migration because of women's

restricted opportunities and low decision-making power. Therefore, higher discrimination in social institutions in the country of origin can actually lead to lower female emigration flows (Figure 2.7). At the same time, a certain level of high discrimination in social institutions can act as a powerful contributing factor for emigration. In other words, discriminatory social institutions in the country of origin operate as a push factor, encouraging higher levels of female emigration as women seek to avoid forced or early marriage, evade gender-based violence, or escape *de jure* or *de facto* limitations on their economic, political or social rights (OECD, 2019[1]). Indeed, the lower the level of discrimination against women in destination countries, the higher the female migration flows to those countries, which highlights the attractiveness of gender equality in host countries and the role that low levels of discrimination in social institutions plays as a pull factor (Ferrant and Tuccio, 2015[22]).

Figure 2.7. Higher levels of discrimination against women in social institutions in the country of origin restrict female emigration

Correlation between the SIGI score in the country of origin and the share of women in the emigrant stock



Note: The SIGI score ranges from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The share of women in the emigrant stock was calculated at mid-year 2019. Data cover all 120 countries for which SIGI scores are available, including the following LAC countries: Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago, and Uruguay. R^2 is 0.2975.
Source: (OECD, 2019[9]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (UNDESA, 2019[13]), United Nations database: International Migrant Stock 2019 (POP/DB/MIG/Stock/Rev.2019), https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp.

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Migrant women in destination countries

Female migration constitutes an opportunity for increased labour force participation and economic empowerment. Women are increasingly emigrating to seek jobs, becoming part of autonomous migration contingents subject to the supply and demand of labour markets (ILO, 2017[23]) and departing from the traditional role of accompanying their male relatives. Prior to emigrating, these women often undertook unpaid care and domestic work, and lacked personal income and decision-making power. Through the process of emigrating and joining the labour market in the destination country, albeit through informal work arrangements, female workers can therefore acquire greater economic independence and decision-making power than they had prior to migrating.

However, immigrant women often face double discrimination by being both immigrants and women. They are more likely to be employed in informal activities – as demonstrated for example in Argentina (OECD/ILO, 2018[24]) –, which significantly limits their access to social guarantees and labour rights, and makes them highly exposed to harassment, exploitation and abuse. The legal status of immigrants greatly affects their experiences in destination countries. The lack of a legal route into host countries and into the labour market can promote further discrimination and abuse. In addition, immigrant workers are employed mainly in the activities or occupations that are most highly characterised by gender segregation (ECLAC and ILO, 2017[25]). Consequently, any possible competition between immigrant and native-born workers will be among workers of the same sex (Aldaz Odriozola and Peña, 2015[26]). The combination of both of these dynamics translates into a high representation of emigrant women in the personal and household services sector. For instance, in Costa Rica, national household surveys show that in 2019, 33% of migrant women worked in household services, compared with 19% of native-born women (INEC, 2019[27]). Similarly, in Chile, 13% of migrant women are employed in domestic services, compared with 8% of Chilean-born women (ECLAC, 2019[28]).

In some countries, the concentration of immigrant women in domestic services is found to be correlated with a decrease in the amount of unpaid care and domestic work that native-born women undertake and an increase in native-born women's labour force participation (OECD/ILO, 2018[24]). Female emigration increases the availability of household and personal services on the market, and reduces the associated cost. Consequently, better-educated and, on average, more highly remunerated women are able to afford to hire help for the care and domestic activities they previously undertook. Better-skilled women, in particular, may then be able to join the labour market (Furtado, 2015[29]; OECD/ILO, 2018[30]). In Costa Rica, for instance, large cohorts of immigrant women from Nicaragua have taken up native-born women's housework over recent years, allowing native-born women to join the labour market (OECD/ILO, 2018[31]). Similarly, foreign-born women who work in the care sector provide Argentinian-born women with the opportunity to look for better work prospects for themselves (OECD/ILO, 2018[30]), and in Mexico, research suggests that Chiapaneca women have been able to access better-paying jobs due to the work that female Guatemalan workers carry out in domestic sectors (Meza González, 2016[32]).

Women left behind in the country of origin

In the country of origin, the emigration of men can pose both challenges and opportunities for women who stay behind. When men or husbands leave, gender dynamics in households change, leading to the redistribution of roles. Evidence shows that women in these situations take over tasks that are traditionally carried out by men (Sadiqi and Ennaji, 2012[33]; Wouterse, 2010[34]). If the person who left was the only breadwinner, women may have to compensate for the loss of income by engaging in economic activities themselves. This is particularly the case in agricultural households, where women have to work the land in place of the men who have emigrated (OECD, 2017[35]). In these situations, the women left behind find themselves with the dual responsibilities of financially supporting the family and caring for older family members and children. Girls may also find themselves more burdened with caring roles and doing household chores.

Additionally, in the absence of migrant men, women gain significant decision-making power as they become heads of households and take on more responsibilities (Bauer, Knerr and Maharjan, 2012[36]; OECD, 2017[35]). Once emigrants settle in destination countries, they often send remittances back home, and the women who are left behind are the primary recipients of these remittances. This allows women to make economic decisions on their own and have financial autonomy. Women tend to use remittances not only to cover their households' basic needs, but also to invest in the education and health of family members, especially children. However, existing barriers in terms of access to land and credit markets often constrain women from using remittances in a more productive way (IOM, 2010[37]).

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Notes

[1] Antigua and Barbuda, Argentina, Bahamas, Barbados, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Grenada, Mexico, Panama, Peru, Trinidad and Tobago, and Uruguay.

[2] Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Haiti, Mexico, Peru, Trinidad and Tobago, Uruguay and Venezuela.

[3] Argentina, Barbados, Bolivia, Chile, Costa Rica, Dominica, Ecuador, Honduras and Panama.

[4] Belize, Bolivia, Costa Rica, Dominica and Ecuador.

[5] Global Findex 2017 data are available for Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Venezuela.

[6] The SIGI classifies countries into five categories based on their global SIGI score: very low level of discrimination (SIGI <20); low level of discrimination (SIGI 20-30); medium level of discrimination (SIGI 30-40); high level of discrimination (SIGI 40-50); and very high level of discrimination (SIGI >50).

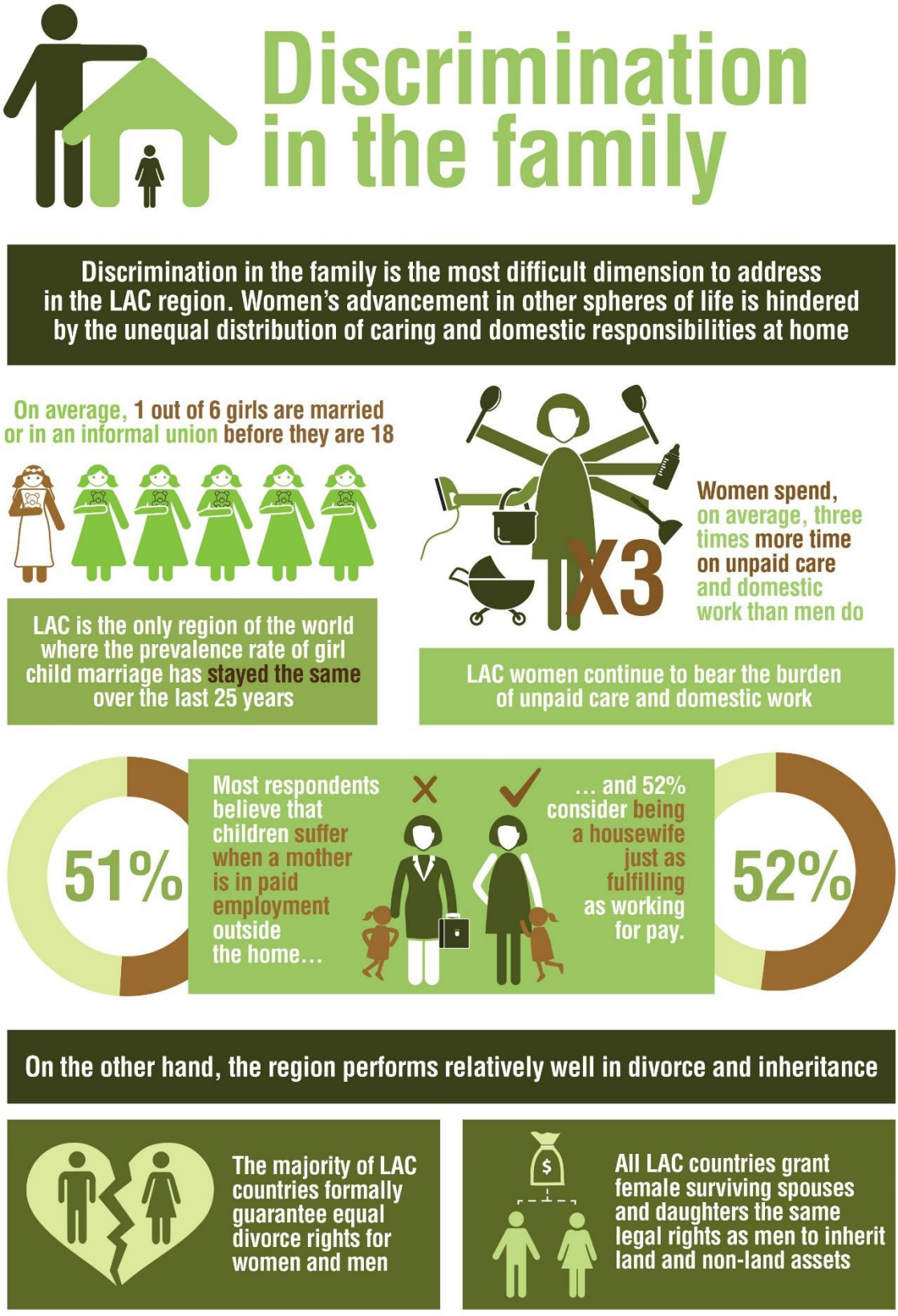
[7] GDP forecasts are measured in terms of 2010 real GDP per capita at current PPP, and projections are extracted from the 2017 ERS International Macroeconomic Data Set of USDA.

[8] The Northern Triangle is defined as El Salvador, Guatemala and Honduras.

3 Discrimination in the family

This chapter presents an overview of women's discrimination in the family. It examines discriminatory social institutions – including formal and informal laws, social norms and practices – that limit women's decision-making power and undervalue their status in the household across 29 countries in the region of Latin America and the Caribbean (LAC), covering the indicators of child marriage, household responsibilities, divorce and inheritance. The chapter also seeks to provide policy makers with the necessary tools and evidence to design gender-responsive policies to tackle gender inequality in the family sphere.

Infographic 3.1. Discrimination in the family



Main findings

Discrimination in the family is the most pervasive form of discrimination in social institutions in the region of Latin America and the Caribbean (LAC):

- The LAC region's Social Institutions and Gender Index (SIGI) score in the "Discrimination in the family" dimension is 31[1] – compared with a global average of 44 –, denoting a medium level of discrimination in social institutions. While there are no considerable differences among the three LAC sub-regions – the Caribbean and Central America score 31, and South America scores 32 –, important discrepancies exist at the indicator level.
- The "Child marriage" and "Household responsibilities" indicators constitute the most salient issues in South America and the Caribbean, respectively. This is largely due to high rates of child marriage among girls and the persistence of legal loopholes governing the role of women and men within the household. Conversely, the "Inheritance" indicator stands out as an area of concern in Central America due to the existence of practices that discriminate against women's rights.

Since the third edition of the SIGI in 2014, legal frameworks have continued to protect women's inheritance and divorce rights:

- Discrimination towards women in terms of divorce is low. The majority of LAC countries formally guarantee equal divorce rights. In addition, 25 LAC countries[2] provide women with the same rights as men to be the legal guardians of children after divorce.
- Women in the LAC region enjoy equal inheritance rights. All 29 LAC countries grant female surviving spouses and daughters the same legal rights as their male counterparts to inherit land and non-land assets.

Despite progress and governments' efforts, hurdles remain in two key areas affecting women's and girls' empowerment:

- The LAC region is the only region in the world where the prevalence rate of child marriage among girls has stagnated since 1995. At the current prevalence rates, it is estimated that 20 million more girls will become child brides in LAC countries by 2030 (UNICEF, 2018[1]).
  - Some countries have made progress in putting an end to this practice. Countries such as Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama, and Trinidad and Tobago have strengthened their laws on the minimum legal age for marriage by eliminating legal exceptions that allowed children to get married.
- Traditional gender roles with regard to household responsibilities have been remarkably persistent, confining LAC women to their domestic and reproductive roles.
  - LAC women continue to bear most of the burden of unpaid care and domestic work. Women spend, on average, three times more time on unpaid care and domestic work than men do. This includes raising children, caring for sick or elderly family members, and managing household tasks.
  - On average, 52% of respondents believe that children will suffer when a mother is in paid employment outside the home, and 51% consider being a housewife to be just as fulfilling as working for pay.

Analysis of the "Discrimination in the family" dimension

Ending gender-based discrimination and inequalities in the family is considered paramount to achieving gender equality in other spheres of life. The social norms and attitudes that have developed towards women and girls regarding their status and role in society are shaped by, and learned from, the family.

Moreover, women's equality within the family is intrinsically linked to the achievement of the Sustainable Development Goals (SDGs). For instance, some SDG targets urgently call on all countries to end discriminatory practices, such as child marriage[3] and unequal inheritance rights, and to promote shared responsibilities within the household[4] by 2030. Empowering women and girls within the context of the family remains crucial for the well-being of the family and of society as a whole. In order to tackle these issues, the SIGI looks at four major areas potentially limiting women's rights within the family sphere (Box 3.1).

Box 3.1. Composition of the "Discrimination in the family" dimension

The "Discrimination in the family" dimension captures social institutions that limit women's decision-making power and undervalue their status in the household and the family. These formal and informal laws, social norms and practices co-exist in different types of legal systems, including civil or common law, customary law, and religious law. They cover areas such as marriage, parental authority, household responsibilities, divorce rights and inheritance rights. Women's decision-making power and their status in the family determine both their ability to choose their own development pathways and the well-being of their families. The "Discrimination in the family" dimension is composed of four indicators:

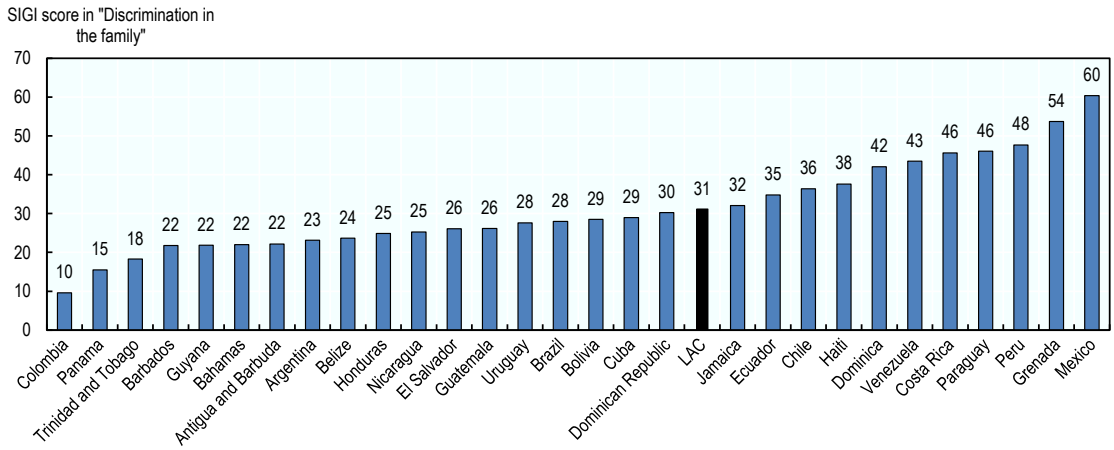
- "Child marriage" captures both the prevalence of girls' formal marriages or informal unions before the age of 18 years, and the level of legal protection (i.e. whether the legal framework sets the minimum legal age for marriage for women and men at 18 years, without legal exceptions in terms of either consent or for certain groups of women), taking into account discriminatory customary, religious or traditional practices or laws.
- "Household responsibilities" captures expectations towards men's and women's roles in the family, the prevalence of gender differences in the distribution of domestic duties, and the legal acceptance of such differences (i.e. whether women and men enjoy the same legal rights and decision-making abilities and responsibilities within the household), taking into account discriminatory customary, religious or traditional practices or laws.
- "Divorce" captures whether women and men enjoy the same rights to initiate divorce without negative repercussions, taking into account discriminatory customary, religious or traditional practices or laws.
- "Inheritance" captures whether surviving spouses and siblings enjoy equal rights to inherit real estate and personal property irrespective of their sex, taking into account discriminatory customary, religious or traditional practices or laws.

In the LAC region, child marriage and responsibility for household tasks are the most pervasive and acute forms of discrimination against women in the family sphere. Legal loopholes and traditional gender roles within the family uphold these practices. This chapter provides an in-depth analysis of the factors contributing to the LAC region's results in the "Discrimination in the family" dimension, highlighting the complexity of new and traditional gender roles, and their implications in the family sphere across LAC countries.

Snapshot of scores in the "Discrimination in the family" dimension

The LAC region displays a medium level of discrimination in the "Discrimination in the family" dimension, with a score of 31, compared with a global average of 44. There are no significant differences between the three LAC sub-regions in this dimension, with scores of 31 in the Caribbean and Central America, and 32 in South America. The top regional performer in this dimension is Colombia, with a score of 10 (Figure 3.1), thanks to a comprehensive legal framework that provides women and men with equal rights in terms of divorce, inheritance, decision-making abilities and responsibilities within the household.

Figure 3.1. SIGI scores for the "Discrimination in the family" dimension



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

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- In the Caribbean, Trinidad and Tobago is the top performer with a score of 18, and ranking 8th globally in the "Discrimination in the family" dimension. The government has made advances to align and harmonise conflicting laws around child marriage. The Miscellaneous Provisions (Marriage) Act, 2017 requires consent to the marriage but becomes distinguishable regarding the legal age at which persons can contract a marriage, and the variations of this age between the sexes. The most critical amendment provided by the 2017 Act, therefore, is the universal prohibition of marriage before the age of 18 years (Girls Not Brides, n.d.[3]). Among the ten countries in this sub-region, four[5] display low levels of discrimination. Cuba (29), the Dominican Republic (30), Jamaica (32), Haiti (38) and Dominica (42) lag behind with medium levels of discrimination. Grenada (54) is the only country in the sub-region with a high level of discrimination (Figure 3.2).
- In Central America, Panama is the top performer, with a score of 16, ranking 5th globally. In 2015, the government of Panama removed provisions permitting marriage before the age of 18 years with parental permission (OECD Development Centre, 2019[4]). In addition, *el Plan de Acción de Igualdad de Oportunidades para las Mujeres 2016-19* (Plan of Action for Equal Opportunities for Women 2016-19) establishes the family as one of the plan's 17 thematic axes. The plan is aimed at promoting an equal distribution of domestic and family responsibilities between women and men, and at recognising the importance of women's unpaid care and domestic work for the national economy (Gobierno de Panama, 2016[5]). The eight countries in this sub-region display low[6] to high levels of discrimination (Figure 3.2).
- In South America, Colombia is the top performer with a very low level of discrimination (10), ranking 2nd in this dimension globally. Colombia's *Departamento Administrativo Nacional de Estadística* (National Administrative Department of Statistics) has implemented methodologies that measure the contribution of domestic work and unpaid care to the national economy. In this sense, it has developed a simulator of domestic work and unpaid care at the household and community levels to measure and make visible the contribution of domestic work (CEPAL, 2019[6]). Among the 11 countries in this sub-region, two countries display low levels of discrimination: Guyana (22) and Argentina (23). The remaining eight countries[7] have medium levels of discrimination, ranging from 28 in Uruguay to 48 in Peru (Figure 3.2).

Figure 3.2. "Discrimination in the family" results by country

Source: (OECD, 2019[2]), Social Institutions and Gender Index, http://stats.oecd.org.

Child marriage

International legal instruments recognise child marriage as a serious violation of a child's human rights. It remains an important barrier to girls' empowerment and has numerous negative consequences. The practice of child marriage and informal unions has profound effects on girls' education, physical integrity, health and emotional development. Since around 2010, governments have taken a strong stance against child marriage, and in the 2030 Agenda for Sustainable Development, SDG Target 5.3 recognises the importance of eliminating all harmful practices, such as child, early and forced marriage (United Nations, 2016[7]). Furthermore, ending child marriage will contribute to meeting at least eight[8] of the SDGs (Girls not Brides, 2017[8]).

Governments have made strides in preventing child marriage, which is prohibited in 23 LAC countries.[9] Almost half[10] of LAC countries also stipulate legal sanctions for those facilitating the marriage of an individual who is under the minimum legal age for marriage. For instance, Argentina's Penal Code sanctions civil servants who authorise an unlawful marriage. In Belize, child marriages are void and anyone who performs or witnesses them is liable to seven years' imprisonment.

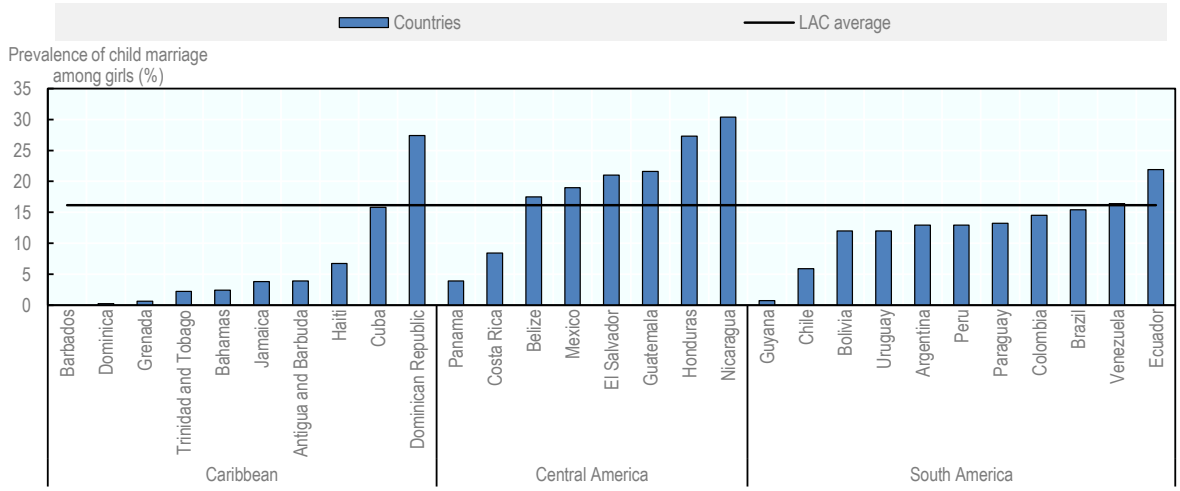
In addition, 23 LAC countries[11] have set the minimum legal age for marriage at 18 years or older for both boys and girls. In 2017, for example, Honduran legislators unanimously prohibited child marriage and raised the minimum legal age for marriage for both women and men from 16 to 18 years. Five countries in the Caribbean,[12] three countries in Central America[13] and three countries in South America[14] have public measures to generate social support for the enforcement of laws on the minimum legal age for marriage.

In Colombia, *el Plan Nacional de Desarrollo 2018-2022* (the National Development Plan 2018-2022) establishes the goal of eliminating child marriage and early unions (DNP, n.d.[9]). Moreover, Ecuador, Mexico and Peru have established awareness-raising and/or education programmes on the minimum legal age for marriage. In the Dominican Republic, the United Nations Children's Fund (UNICEF) launched "The Worst Soap Opera", a campaign to spread awareness about early and forced marriage, and to change people's attitudes and norms regarding child marriage. The innovative communication campaign reached more than 20 million people in three months and won several awards (UNICEF, 2018[10]).

Nevertheless, legal loopholes and exceptions set by the law, combined with the widespread practice of informal and unregistered unions, may allow girls to marry before the age of 18 years. Five countries – Brazil, Haiti, Jamaica, Mexico and Uruguay – allow girls to marry before the age of 18 years, translating into an indicator score of 75 or 100, depending on whether or not the minimum legal age for marriage is the same for boys and girls. Only seven LAC countries[15] have passed legislation that eliminates exceptions to set the minimum legal age for marriage at 18 years for both boys and girls. In the remaining 22 LAC countries, girls can legally get married before the age of 18 years with parental and/or judicial consent. In some instances, conflicting laws specify different minimum legal ages for marriage. In the Dominican Republic, for example, the minimum legal age for marriage for girls is 15 years with parental consent but 21 years under the Civil Code.[16] Similarly, in some countries, the legislation regarding the minimum legal age for marriage discriminates solely against girls, allowing them to marry at a younger age than boys. In Mexico, while girls can marry at the age of 14 years, boys can marry at 16 years with parental consent in the State of Baja California[17]. Overall, these legal loopholes translate into indicator scores of 50 for most countries. Even where laws exist to prevent child marriage, unregistered unions often constitute a way to get around the minimum legal age for marriage. Informal unions are common in the LAC region, and there is some evidence that the practice is gaining acceptance among young couples. According to recent estimates, early non-marital unions constitute nearly 70% of all early unions and marriages in the LAC region (UNICEF, UNDP, UN Women, 2018[11]).

Such legal loopholes translate into high incidence rates of child marriage in the LAC region. The regional prevalence of child marriage among girls (16%) is much higher than the prevalence of child marriage among boys (5%). However, countries in the LAC region have some of the world's highest levels of child marriage among boys (Gastón, Misunas and Cappa, 2019[12]). The incidence of child marriage among girls varies greatly among sub-regions and countries (Figure 3.3). While the prevalence rate of child marriage among girls in the Caribbean and South America sub-regions is 14% and 15%, respectively, it reaches 20% in Central America. The lowest prevalence rates are mostly found in the Caribbean, where Barbados, Dominica and Grenada all exhibit rates below 1%. Meanwhile, the share of girls married before the age of 18 years exceeds 20% in the Dominican Republic (27%), Ecuador (22%), El Salvador (21%), Guatemala (22%), Honduras (27%) and Nicaragua (30%).

Figure 3.3. The prevalence of child marriage among girls remains high in some LAC countries



Note: The variable "child marriage among girls" measures the percentage of girls aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.
Source: (OECD, 2019[13]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

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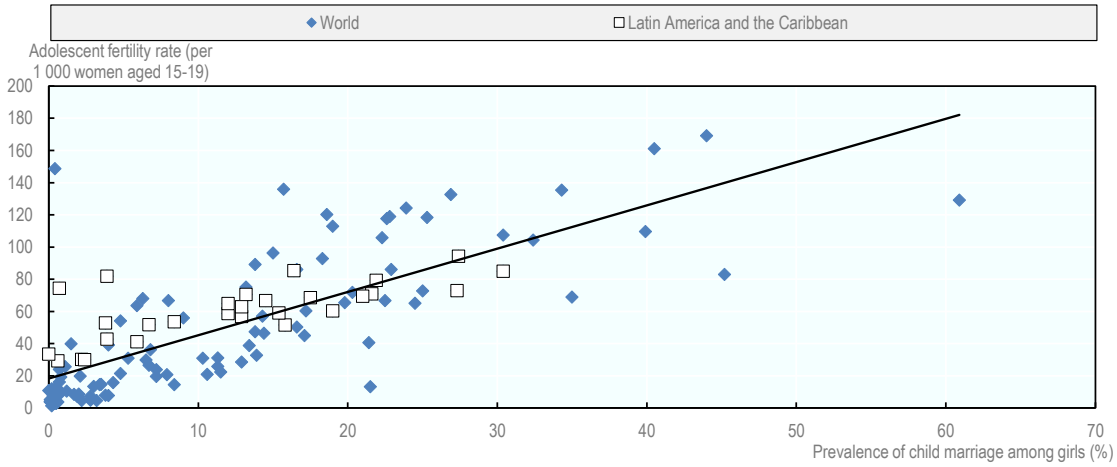
The intersectional nature of child marriage is accentuated in the LAC region. Girls who are at the highest risk of getting married early live in rural areas, are less educated, come from poor families, and belong to indigenous or afro-descendant groups. Child marriage in LAC countries is twice as prevalent in rural areas as in urban areas (ECLAC, UNICEF, 2018[14]) (UNICEF, 2019[15]). While education may delay the age of the first marriage, child marriage increases the likelihood of dropping out of school and completing fewer years of formal education. For instance, 25% of girls with no education in the LAC region are married before the age of 18 years, compared with 12% of girls with secondary school education. The practice of child marriage also shows distinct differences across income levels and ethnic groups. Women in the poorest quintile are 4.8 times more likely to marry during childhood than those living in the richest quintile (UNFPA, 2012[16]). In Colombia, among girls who were married before the age of 18 years, 35% belong to indigenous communities and 22% to afro-descendant groups (UNICEF, UNDP, UN Women, 2018[11]). In Honduras, illiteracy and school dropout rates for girls living in indigenous and afro-descendant communities are disproportionately high compared with the rest of the population, often owing to early marriage and pregnancy (CEDAW, 2016[17]).

Child marriage is strongly associated with the high rates of adolescent pregnancy found in the LAC region (Figure 3.4). The causality is not necessarily clear, as the two phenomena tend to reinforce each other in a bidirectional process – girls who marry early and who are in informal unions are more likely to become pregnant as adolescents, while adolescent pregnancy or the fear of becoming pregnant out of wedlock may push young girls into child marriages or early unions (Taylor et al., 2015[18]) (UNFPA, 2012[16]). The LAC region exhibits the second-highest regional rate of adolescent pregnancy in the world, with around 15% of all pregnancies occurring between the ages of 15 and 19 years (PAHO, UNFPA, UNICEF, 2017[19]). As with child marriage, rates of adolescent pregnancy have been slow to decline, although the rate of births per 1 000 women aged 15-19 years has declined from an average of 107 in 1960 to 66.5 in 2018 – well above the global average of 46 (PAHO, WHO, 2018[20]).

Figure 3.4. Child marriage among girls is associated with higher adolescent pregnancy rates

Correlation between prevalence of child marriage among girls and adolescent fertility rate



Note: Prevalence of child marriage among girls is the percentage of girls aged 15-19 years who have been or are still married, divorced, widowed or in an informal union. The adolescent fertility rate is the number of births per 1 000 women aged 15-19 years. Data are available for 130 countries, including all LAC countries except for Dominica. R^2 is 0.5991.

Source: (OECD, 2019[13]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and United Nations Population Division, World Population Prospects, https://population.un.org/wpp/Download/Standard/Fertility/.

StatLink https://doi.org/10.1787/888934136668

Policy options to end "Child marriage"

- Close legal loopholes and set 18 years as the minimum legal age for marriage for girls and boys, without any legal exceptions, in order to comply with international and regional frameworks such as the Convention on the Rights of the Child and the American Convention on Human Rights.

> *In August 2017, Guatemalan lawmakers voted in Decree 13-2017 to remove an exception that allowed judges to authorise marriages between adults and children between the ages of 16 and 18 years (Plan International, 2017[21]).*
>
> *In Costa Rica, the Law No. 9406* Fortalecimiento de la protección legal de las niñas y las adolescentes mujeres ante situaciones de violencia de género asociadas a relaciones abusivas *(Strengthening the legal protection of girls and adolescent women in situations of gender violence associated with abusive relationships) entered into force in January 2017. It includes provisions to set 18 as the minimum age of marriage without any legal exceptions (Art. 14) and prohibits couple relationships between adults and teenagers (Art. 159) (Gobierno de Costa Rica, 2017[22]). According to the National Institute of Statistics, the number of registered marriages of girls between 15 and 17 years old, fell from 265 in 2016 to 14 in 2017, when the Law 9406 entered into force. Additionally, the number of births registered to mothers under the age of 16 years that declared to be in informal union (*unión libre*) decreased from 349 in 2016 to 194 in 2017.*

- Promote awareness of the legal reforms on the age of marriage through communication campaigns aimed at highlighting the positive impacts that such reforms have on the lives of women, girls and future generations.
- Apply a multisectoral, multidimensional and inter-institutional approach to programmes and projects aimed at ending child marriage.
- Adopt comprehensive national strategies to eradicate this harmful practice and integrate child marriage prevention programmes into other government initiatives, particularly in the areas of education, health, gender-based violence, social protection and economic development.

> *In 2017, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), UNICEF, the United Nations Population Fund (UNFPA) and other key partners developed a regional joint programme to reduce child marriage and early unions throughout the LAC region. The main objective of this initiative is to promote regional and national actions to prevent child marriage and early unions by expanding options for girls and promoting gender equality through educational projects and social protection measures, as well as through access to key public services. Furthermore, the programme's objective is to design policies, programmes and legislation aimed at ending the practice. The initiative is currently being implemented in Colombia, the Dominican Republic, El Salvador, Guatemala and Mexico (UNICEF, n.d.[23]).*

- Establish and promote long-term partnerships and shared platforms to support CSOs committed to ending child marriage.
- Further support the role of community-based organisations and youth-led networks by increasing their unallocated funding and ensuring that they are well equipped with the resources and skills necessary in order to mobilise communities to prevent child marriage.
- Prioritise educational and training opportunities for girls, as the availability of such opportunities has proven successful in delaying the age of marriage, and introduce scholarship programmes to enable poor, rural and pregnant adolescents to access education.

> *In Uruguay,* la Ley General de Educación *(the General Education Law), ratified in 2017, established a set of regulations in educational centres to help students with children continue their education. Measures*

included flexible schedules, scholarships, and face-to-face and virtual tutoring (Gobierno de Uruguay, 2017[24]).

In Mexico, the Scholarship Programme to Support Basic Education for Young Mothers and Young Pregnant Women was implemented from 2014 to 2018 to ensure a greater coverage, inclusion and educational equity among all groups of the population for the construction of a fairer society, by granting scholarships to girls and young people between 12 and 18 years of age in a context of vulnerability aggravated by pregnancy and or early motherhood. From 2004 to 2018, 143 892 young mothers and pregnant young women benefitted from the programme (Gobierno de Mexico, n.d.[25]).

- Ensure the provision of safe spaces, health services and support networks at school for girls who are at risk of becoming child brides. Trained youth personnel or peer-to-peer programmes can provide girls with information on their sexual and reproductive health and rights.

Household responsibilities

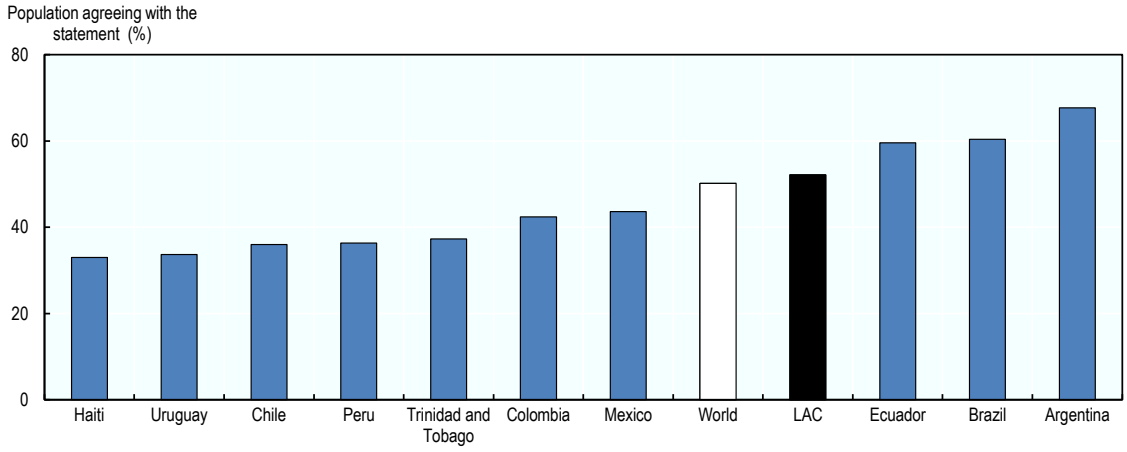
Women's and men's equal rights and responsibilities in the family sphere are a key precondition for gender equality in other domains and play a critical role in the well-being of families. Gendered biases and negative attitudes affect women's and girls' education, career choices, and hence their role in the workforce (see Chapter 5). For instance, women's larger share of unpaid care work has a negative impact on their labour force outcomes (Ferrant, Pesando and Nowacka, 2014[26]). Since around 2015, the SDGs have recognised the importance of promoting shared responsibilities within the household and have highlighted the need to acknowledge and value unpaid care and domestic work (United Nations, 2016[7]). Similarly, the Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030 recognises unpaid care work and reaffirms the economic, social and cultural rights of a female head of household (ECLAC, 2017[27]).

Legal frameworks provide women and men with equal household responsibilities and rights across LAC countries. With regard to decision making about children, the majority of LAC countries[18] grant women the same rights and responsibilities as men during marriage and informal unions, including equal guardianship. For example, Ecuador's Constitution provides women and men – whether they are married or in *de facto* unions – with the same rights and duties to raise and care for their children. Furthermore, no country in the LAC region requires women to obey their husbands, and all countries except Haiti provide women with the same rights as men to choose where to live, irrespective of their marital status.

Discriminatory customary practices reinforce traditional gender roles in the household, especially in rural areas and within indigenous and afro-descendant communities. In eight LAC countries,[19] there are customary, religious or traditional practices or laws that discriminate against women's decision making within the household. In Mexico, rural and indigenous men mainly take on the role as the head of the household and choose the family residence. Norms establish that women become part of their husband's family after marriage and are thus obliged to serve them – failing to fulfil domestic duties may lead men to return wives to their families (OECD Development Centre, 2018[28]).

Figure 3.5. Negative attitudes towards working mothers prevail in the LAC region

Statement: "When a mother works for pay, the children suffer"



Note: The figure presents the percentage of the population aged over 18 years that agrees or strongly agrees with the statement "When a mother works for pay, the children suffer". Countries are ordered by increasing share of the population. Data on attitudes towards working mothers are missing for 19 LAC countries: Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Nicaragua, Panama, Paraguay and Venezuela. World and LAC averages are calculated on the sample of countries for which data are available.
Source: (OECD, 2019[13]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (World Values Surveys, 2017[29]), World Values Survey, http://www.worldvaluessurvey.org/wvs.jsp.

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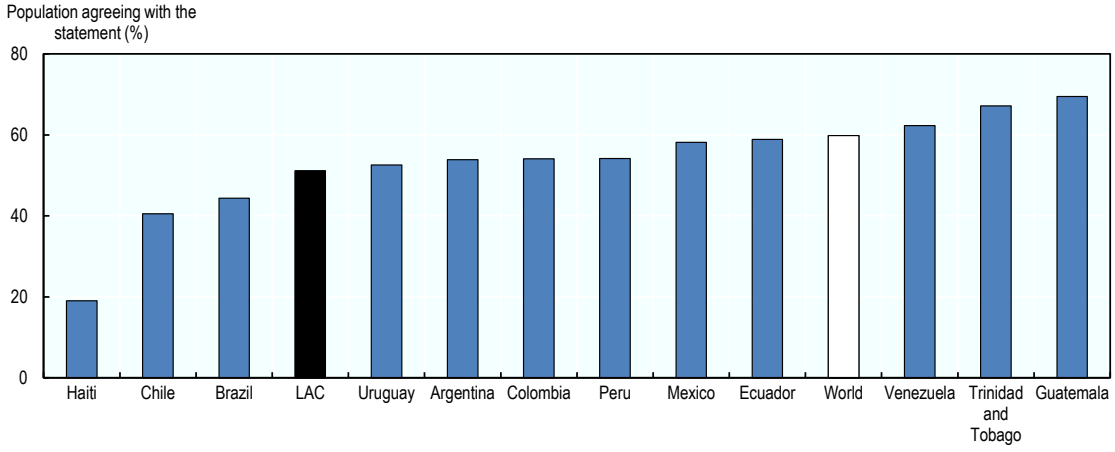
Despite legal equality, discriminatory attitudes confine women to their domestic and reproductive roles. Mothers' paid employment during their children's early years is closely associated with assumptions that such employment negatively affects the children's development (Corrigall and Konrad, 2007[30]). On average, across the ten LAC countries[20] for which data are available, 52% of the population declares that children will suffer when a mother is in paid employment outside the home; this share ranges from 33% in Haiti to 67% in Argentina (Figure 3.5). In addition, across the 12 LAC countries[21] for which data are available, 51% of the population believes that being a housewife is just as fulfilling as working for pay, with shares ranging from 19% in Haiti to 70% in Guatemala (Figure 3.6).

Figure 3.6. About half of the population consider that being a housewife is just as fulfilling as working for pay

Statement: "Being a housewife is just as fulfilling as working for pay"



Note: The figure presents the percentage of the population aged over 18 years that thinks that "being a housewife is just as fulfilling as working for pay". Countries are ordered by increasing share of the population. Data on attitudes towards being a housewife are missing for 17 LAC countries: Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada,, Guyana, Honduras, Jamaica, Nicaragua, Panama and Paraguay. World and LAC averages are calculated on the sample of countries for which data are available.
Source: (OECD, 2019[13]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (World Values Surveys, 2017[29]), World Values Survey, http://www.worldvaluessurvey.org/wvs.jsp.

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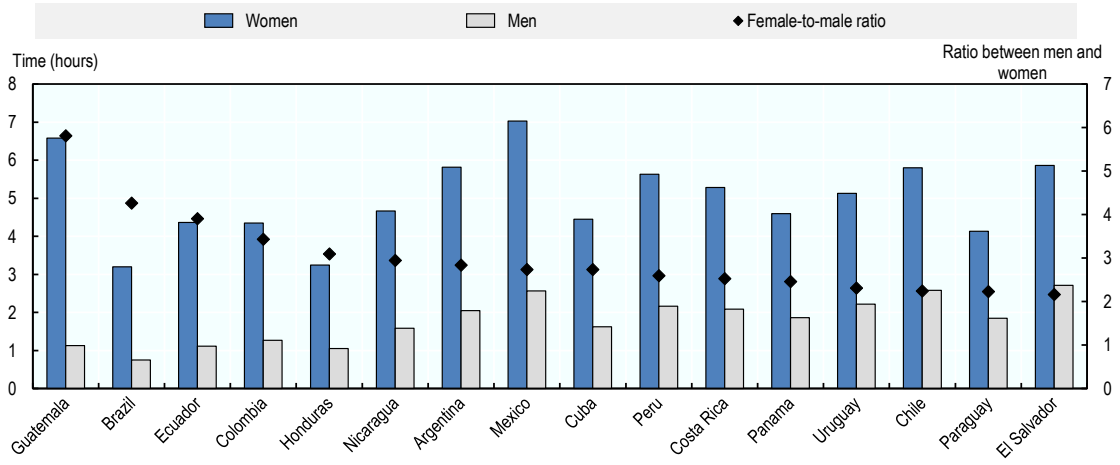
Women in LAC countries continue to do the bulk of unpaid care work and fulfil domestic responsibilities. In comparison to men, women spend three times as much time on unpaid care and domestic work, including raising children, caring for sick or elderly family members, and managing household tasks (Figure 3.7). In Central America, women spend seven hours on household chores and childcare daily, whereas men spend only two hours daily. In the other sub-regions, women spend an average of four hours on unpaid care and domestic work per day, whereas men spend an average of between one and two hours on these activities per day.

Furthermore, women bear the double burden of work and domestic responsibilities. Recent research in ten LAC countries[22] found that women allocate between 6 and 23 hours more per week than men to paid and unpaid work combined (IPPF/WHR and Promundo, 2017[31]). This double burden disproportionately affects women's and girls' lives, leaving them with less time for personal care, leisure, education and economic opportunities (Ferrant and Thim, 2019[32]).

Figure 3.7. LAC women continue to fulfil a greater share of unpaid care and domestic responsibilities



Note: The figure presents the number of hours that women and men spend on unpaid care and domestic work over a 24-hour period. The ratio between men and women (right axis) is calculated as the number of hours spent by men on unpaid care and domestic work divided by the number of hours spent by women on unpaid care and domestic work. Countries are ordered by decreasing gender gap values. Time data on unpaid care and domestic work are missing for 13 LAC countries: Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Trinidad and Tobago and Venezuela.
Source: (OECD, 2019[13]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

StatLink https://doi.org/10.1787/888934136725

Disparities in time spent on household chores are also associated with household income status. In LAC countries, women in the poorest quintile spend substantially more time on unpaid care and domestic work compared with their counterparts in the richest quintile. Recent time-use data for 11 LAC countries[23] reveal that women in the poorest quintile allocate approximately 6 hours to unpaid care and domestic work per day, compared with 2.5 hours for women in the richest quintile (UN Women, 2019[33]). Regardless of their household income level, men continue to undertake considerably less unpaid work than women.

Unpaid care work and household responsibilities limit women's economic empowerment and reinforce broader gender inequalities. Research has shown that women's time constraints contribute to lower rates of female labour force participation, increased gender wage gaps and higher sectoral segregation. In order to balance their work and family responsibilities, women tend to opt for more irregular and flexible jobs, often at a lower pay rate (Ferrant, Pesando and Nowacka, 2014[26]).For instance, in the LAC region, 58% of working-age women are employed, compared with 82% of working-age men (World Bank Group, n.d.[34]). In addition, women's wages are still more than 30% lower than their male counterparts' wages (Baker McKenzie, 2018[35]), and the proportion of women workers in the informal sector exceeds that of men in LAC countries (OECD/ILO, 2019[36]). Such negative impacts are exacerbated for women from low-income households due to the lack of affordable childcare and limited social benefits (UN Women, 2019[33]).

However, traditional attitudes and stereotypes about gender roles in the family sphere are steadily shifting in some LAC countries. Available data from the IMAGES survey in Brazil, Chile and Mexico have shown that two out of three fathers would prefer to spend less time at work and more time with their children (Barker and Aguayo, 2012[37]). In addition, evidence from a 2015 study conducted in Colombia suggests that discriminatory social norms are changing, with only 31% of respondents in 2014 reporting that men should be the head of the household, compared with 45% in 2009. Similarly, the share of respondents who think that a good wife must obey her husband even if she disagrees with him went from 31% in 2009 to 19% in 2014, and those who think that families with a man as the head of household have fewer

problems decreased from 38% to 21% over the same time period (Equidad de la Mujer and Paz Equidad Educación, 2015[38]).

Women in the LAC region are increasingly likely to head their households regardless of their marital status. In 2015, women in the LAC region headed an average of one out of three households, ranging from less than 20% in Mexico to more than 35% in Uruguay. While there is not enough evidence to establish a causal relationship between female-headed households and women's empowerment, recent research has documented a rise in female-headed households in LAC countries: the percentage of female-headed households almost doubled (from 17% to 30%) between 1992 and 2015 (Marchionni, Gasparini and Edo, 2018[39]). The rapid increase in the percentage of female-headed households in the LAC region is closely linked on the one hand with the proliferation of female-headed biparental families, and on the other hand with the steady rise in the percentage of lone-mother households (UN Women, 2019[33]; OECD Development Centre, 2019[40]). This social phenomenon is associated with the feminisation of poverty, which is characterised by a high proportion of single-mother households living in poor conditions with low educational levels and limited employment choices (Bradshaw, Chant and Linneker, 2019[41]). However, there is evidence that the number of female-headed households has also increased among young adults with higher educational levels, indicating changes in patterns of partnership and living arrangements, and women's increased role in household decision making (UN Women, 2019[33]).

Policy options to address "Household responsibilities"

- Grant women equal legal rights in the family sphere. Countries should introduce legal provisions recognising women's equal right to be head of the household, and should guarantee women's equal guardianship and parental authority rights. The legal provisions should guarantee that these legal rights are extended to informal unions and cohabitation.

> *In the Dominican Republic, the Ministry of Women and the Vice President of the Republic have implemented various education and awareness-raising campaigns on responsible parenthood and co-parenting in the family sphere through the programme "*Promoción y Desarrollo de Nuevas Masculinidades*" (Promotion and Development of New Masculinities) (Gobierno de la República Dominicana, 2019[42]).*

- Guarantee better access to childcare facilities and care for the elderly in order to reduce the time women spend on care work and to redistribute such work more evenly among families and society. Subsidising early childhood education and care services could provide alternatives to parental care.

> *In Argentina, the Ministry of Women, Gender and Diversity has set as a priority working towards a fairer redistribution of care work. The Directorate of Care Policy aims to provide more visibility to the importance of care work in the socioeconomic system and put it at the centre of the public scenario, through the formulation of comprehensive policies that integrate all actors involved in the social organisation of care in Argentina. Furthermore,* el Plan Nacional de Primera Infancia *(the Early Childhood National Plan) includes spaces dedicated to providing comprehensive care for girls and boys aged 0-5 years in order to guarantee their full development and contribute to the elimination of barriers to mothers returning to work (IADB, 2017[43]).*

- Invest in quality infrastructure, particularly in rural areas, to free up women's time in order to allow them to pursue employment, business and investment opportunities.

> *In Honduras, approximately 67 450 women benefitted from improvements in drinking water and sanitation services between 2014 and 2018. Access to basic drinking water alleviated women's burden of water collection and reduced physical fatigue and musculoskeletal injuries, which in most cases are not diagnosed (Gobierno de la República de Honduras, 2019[44]).*

- Make women's unpaid care work visible by collecting sex-disaggregated statistics on time use.

> *In 2017, Costa Rica carried out* "La Encuesta Nacional de Uso del Tiempo" *(National Time Use Survey) to highlight all types of work, both outside and inside the marketplace and the household. The collection of sex-disaggregated data and the development of specific indicators allowed researchers to measure and monitor the gender gaps in time spent on daily tasks and in various areas such as employment and community service (Gobierno de Costa Rica, 2019[45]).*

Divorce

Guaranteeing women's right to divorce as being equal with men's contributes to their empowerment and especially to their ability to escape violent partners without having their parental authority threatened. On the one hand, in some contexts, higher divorce rates can be associated with an increase in women's agency and their ability to sustain themselves financially. On the other hand, it can also entail economic vulnerability, as women often lose their marital and financial assets after divorce (UN Women, 2019[33]). In the LAC region, lack of education, absence of legal literacy, time constraints and the monetary costs involved in litigation proceedings prevent women from seeking a divorce.

Women's equal right to initiate divorce proceedings is guaranteed in all LAC countries. Haiti is the only country in the LAC region where women have different rights to finalise a divorce or annulment. For instance, Article 1248 of Haiti's Civil Code infringes on the rights of divorcées, as it states that if the wife does not formally request division of the communal property within three months and 40 days of the divorce resolution, such division shall be deemed declined in favour of the husband. In Argentina, women and men have had the same right to initiate divorce since 1987, and Article 436 of the Civil Code (as modified in 2015) grants citizens the unconditional right to demand a divorce (OECD Development Centre, 2019[40]). A divorce can be initiated by either or both of the spouses based on mutual agreement or for a specific cause, in which case a petition must be presented to a judge.

However, in some LAC countries,[24] discriminatory legal frameworks can prohibit women from remarrying within a specified period after divorce. For instance, in Peru, the law establishes additional restrictions for divorced women, who cannot remarry in the first 300 days following divorce. These legal provisions derive from France's Napoleonic Code of 1804, which was established during a time when pregnancy tests did not exist and therefore confusion could result regarding the paternity of any child born soon after a new marriage.

Reconciliation and mediation procedures can also hinder women's divorce rights. These procedures can have serious implications for women's rights, not only due to women's reluctance to initiate divorce, but also because of the risk of compelling women to remain in vulnerable or dangerous situations. In Chile, during the first hearing of a divorce trial, the judge must urge the parties to reach an agreement to overcome their dispute, and to preserve the marriage where possible. This requirement was intended to satisfy the legislators who strongly opposed the recognition of divorce in 2004 and insisted that divorce weakens the family. As a result, it is considered a duty of the State, represented by the judge, to urge the parties to maintain the marriage as a foundation of the family (OECD Development Centre, 2018[46]). In Jamaica, the final decision regarding divorce is subject to proof of irreparable rupture after a minimum period of six months (CEDAW, 2012[47]).

After divorce, women and men continue to share legal parental authority in 25 LAC countries.[25] In addition, all LAC countries, except for Grenada, grant women the same rights and responsibilities regarding children after divorce. In the majority of LAC countries, after divorce, both parents continue to share parental authority and custody over their children, and if divorcing parents cannot reach an agreement regarding child custody, the courts award custody based on the best interest of the child.

However, parental roles after divorce are often determined by child custody practices, which tend to mirror and reinforce stereotypical gender roles, with fathers having few parental responsibilities other than being the financial providers and mothers remaining the primary caregivers (Table 3.1). Under various circumstances, child custody is often granted to women: if the parents were never married to each other (Costa Rica and Guatemala); if the children are female (Ecuador and Peru); or if the children are under a certain age (Mexico, Paraguay and Uruguay) (Sallé, Molpeceres and Infante, 2018[48]). In Guatemala, the Civil Code establishes that if the parents are not married, the mother has automatic custody rights over the children. In another example, in Ecuador, in the case of a disagreement, custody of girls is granted to the mother unless otherwise specified by the judge. Similarly, in Venezuela, both parents continue to share parental authority over their children after divorce, except if their children are under the age of seven, in which case mothers are automatically assigned legal guardianship. In Antigua and Barbuda and in Panama, women are awarded custody more often than men.

Table 3.1. Gender biases still underlie child custody decisions

Country	Establishes a preference for maternal custody	The agreement between the parties prevails	Contemplates shared care	Establishes a preference for shared responsibility
Antigua and Barbuda		X		
Argentina				X
Bahamas		X		
Barbados		X		
Belize		X		
Bolivia		X	X	
Brazil		X	X	
Chile		X	X	
Colombia		X		
Costa Rica	X			
Cuba		X		
Dominican Republic	X	X		
Ecuador	X			
El Salvador		X		
Grenada	X			
Guatemala	X	X		
Guyana		X		
Haiti		X		
Honduras	X	X		
Jamaica		X		
Mexico	X	X		
Nicaragua		X		
Panama	X	X		
Paraguay	X	X		
Peru	X			
Trinidad and Tobago		X		
Uruguay	X	X		
Venezuela	X	X		

Source: (Sallé, Molpeceres and Infante, 2018[48]), Analysis of discriminatory legislation in Latin America and the Caribbean on the autonomy and economic empowerment of women.

StatLink https://doi.org/10.1787/888934136744

Discriminatory social norms still undermine women's divorce rights. Pervasive customary, religious or traditional practices or laws continue to hamper women's legal right to file for divorce in the three LAC sub-regions.[26] Coupled with these restrictions, women often face a strong social stigma associated with divorce. In Guatemala, for instance, divorce is rare and its incidence hovers well below 1%, as considerable social stigma is associated with separation. This is particularly evident for women, who find it much harder to remarry than men do, especially if they have children (United Nations, 2018[49]). In Chile, separation rates have almost quadrupled since the adoption of the *Nueva Ley de Matrimonio Civil* (New Civil Marriage Law) in 2004. Despite its higher prevalence in Chilean society, there is still a stigma attached to being divorced (McGarry, 2010[50]).

Some groups of women are more likely to face additional barriers to initiating or finalising divorce proceedings. Although most women are aware of their rights within marriage, indigenous, rural and low-income women: lack legal literacy regarding their rights over property and assets in case of divorce or dissolution of the union; have lower access to justice; and face additional challenges, such as a lack of transportation to, and geographical distance from, justice services and institutions. These factors prevent

these women from receiving their full share of the assets, leading to what some authors have called "patrimonial violence". This occurs not only because of the absence of legal literacy, but also because of cultural norms according to which women should trust their husbands. In addition, while divorce is legal, there are costs associated with the proceedings which make it difficult to afford for most women, particularly those in rural areas (UN Women, 2019[33]).

Policy options on "Divorce"

- Repeal discriminatory laws that prevent women from remarrying for a specified period of time after divorce.
- Implement regulations around the registration of cohabitation in order to protect the rights of partners on the dissolution of informal unions.

> *In Panama,* de facto *unions are recognised under the law and, in case of their dissolution, each partner is entitled to half of the assets acquired by either of them within the term of the union (Gobierno de Panama, 1994[51]).*
>
> *In Brazil, the Law No. 13894 facilitates access to judicial proceedings for divorce, termination of civil union partnerships or annulation for victims of domestic violence. The law also mandates women's access to information on the various possibilities for legal aid services to file the aforementioned actions (Federal Goverment of Brazil, 2019[52]).*

- Provide free legal advice to women in relation to family matters, including family law and divorce, in order to ensure that women know about their rights and have access to equal justice mechanisms.

> *In 2015,* the "Mujer Conoce tus Derechos" *(Woman, Know Your Rights) project was launched in Panama. The project was aimed at recognising the outstanding work carried out by women, promoting a culture of respect for women's rights, and raising awareness about women's rights and their role in society. Within the framework of this programme, the booklet "Woman, know your Rights" was distributed nationally. The booklet, printed in a pocket version, contains information on women's rights, parental care, divorce, alimony and gender, among other topics. It was also translated into the languages of two of Panama's indigenous groups, the Ngäbe and the Guna. In addition, the* Luz del Ciego *(Light of the Blind) foundation collaborated on the translation of the document into Braille (Gobierno de Panamá, 2019[53]).*

Inheritance

Increasing women's access to inheritance rights has numerous significant benefits for their economic empowerment and for society as a whole. Women's inheritance rights are closely related to the ownership of important economic assets, as most women acquire land or houses through this procedure. In addition, restrictions on inheritance rights negatively influence women's ability to access formal credit opportunities, as most formal financial institutions require land titles and other forms of collateral.

Women's and girls' inheritance rights are protected by legislative frameworks. All 29 LAC countries grant female surviving spouses and daughters the same legal rights as their male counterparts to inherit land and non-land assets. Additionally, all LAC countries provide women with the same rights as men to make a will. In 20 LAC countries, the law takes precedence over customary, traditional or religious practices or laws that promote discriminatory inheritance practices towards women and girls. Four countries in South America,[27] three countries in Central America,[28] and Cuba in the Caribbean prohibit disinheritance of the surviving spouse. El Salvador and Mexico are the only two countries that criminalise property dispossession or "inheritance grabbing". In Mexico, for example, property grabbing is punished with three months' to five years' imprisonment (OECD Development Centre, 2018[28]).

Women's and girls' legal inheritance rights in the LAC region are hampered by high rates of unregistered unions. SIGI country profiles highlight the vulnerable position of a significant share of widows in informal unions, which prevents them from inheriting assets and land (e.g. Chile, Guatemala, Haiti and Peru) (UN Women, 2019[33]). In Haiti, for example, the law does not recognise nor establish inheritance provisions in the case of *plaçage* – informal, *de facto* unions –, which constitutes the most common form of cohabitation for couples. The fact that only 12% of couples living together in Haiti are legally married impacts women's capacity to access their inheritance. Ecuador has addressed this issue by recognising unregistered domestic partnerships as equal to marriage in its Civil Code, therefore ensuring partners' rights to inheritance.

Some LAC countries still deny women's and girls' legal rights to inheritance under customary, religious or traditional practices or laws. In these countries, despite legal provisions guaranteeing women's equal inheritance rights, evidence suggests that the practice of patrilineal inheritance persists. Moreover, rural and indigenous women may face discrimination under customary and local laws, especially if their marriages are not registered with the State. In Colombia, certain indigenous groups (such as the Emberá) have patrilineal societies, meaning that children inherit from their father rather than from their mother. In Mexico, young widows are often victims of property grabbing by their deceased husband's family. And in Peru, customary laws tend to favour men and give priority to sons over widows for land inheritance.

Policy options for "Inheritance"

- Close legal loopholes in national legislation by establishing the supremacy of civil law over customary, religious or traditional practices or laws that discriminate against women's and girls' rights to inheritance.
- Recognise the inheritance rights of spouses and children under *de facto* unions, cohabitation or unregistered unions.
- Repeal discriminatory laws that do not allow a widow to maintain her right to inherit her dead husband's property if she remarries.

Conclusion

Discrimination in the family seems to be the most challenging dimension to address in the LAC region and the one where the least progress has been seen since the 2014 edition of SIGI. Women and men still do not have the same status within the family. Women's advancement in other spheres of life is hindered by the unequal distribution of caring and domestic responsibilities at home, which adds to the probability that women will interrupt their careers in order to care for their family, and contributes to the persistence of gender stereotypes and traditional gender roles within the family. Lockdown situations during the coronavirus (Covid-19) crisis in some countries can reinforce gender roles, with heightened care responsibilities.

There are major gender gaps in the household responsibilities and child marriage indicators. This is largely due to the existence of legal loopholes and the intergenerational transmission of inequalities and gender biases. However, the LAC region performs relatively well in the divorce and inheritance indicators. Women's rights in these domains are generally guaranteed, although customary, religious or traditional practices or laws in indigenous communities may weaken these legal protections.

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Notes

[1] SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

[2] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Trinidad and Tobago, and Uruguay.

[3] SDG Target 5.3 aims to "eliminate all harmful practices, such as child, early and forced marriage".

[4] SDG Target 5.4 advocates "the promotion of shared responsibility within the household and the family" and highlights the need to "recognize and value unpaid care and domestic work".

[5] Antigua and Barbuda, Barbados, Bahamas, and Trinidad and Tobago

[6] Belize, Panama and Honduras.

[7] Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela.

[8] SDGs 1, 2, 3, 4, 5, 8, 10 and 16.

[9] Antigua and Barbuda, Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Grenada, Guyana, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

[10] Antigua and Barbuda, Argentina, Belize, Chile, Costa Rica, Dominica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Peru.

[11] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, and Venezuela

[12] Barbados, Dominica, Grenada, Jamaica, and Trinidad and Tobago.

[13] Costa Rica, Honduras and Mexico.

[14] Chile, Guyana and Venezuela.

[15] Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama, and Trinidad and Tobago.

[16] In May 2017, the Congress of the Dominican Republic decided to close the loophole in marriage laws which allowed girls to marry before the age of 18 years. The law change will now have to be approved by the country's Senate.

[17] Since 2016, the Mexican government has taken actions to accelerate the process of legislative harmonisation at the local level; currently 31 States have fully harmonised their civil or family legislation with the General Law of the Rights of Girls, Boys and Adolescents, while Article 145 of the Civil Code of the State of Baja California is the only one that contemplates "exemptions" to marriage with or between minors.

[18] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, and Venezuela.

[19] Barbados, Belize, Chile, Ecuador, El Salvador, Haiti, Jamaica and Mexico.

[20] Argentina, Brazil, Chile, Colombia, Ecuador, Haiti, Mexico, Peru, Trinidad and Tobago, and Uruguay.

[21] Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Haiti, Mexico, Peru, Trinidad and Tobago, Uruguay and Venezuela.

[22] Argentina, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama, Peru and Uruguay.

[23] Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Peru and Uruguay.

[24] Chile, Mexico and Peru.

[25] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Trinidad and Tobago, and Uruguay.

[26] Chile, Cuba, Dominican Republic, Ecuador, Jamaica, Mexico and Paraguay.

[27] Argentina, Chile, Colombia and Ecuador.

[28] Costa Rica, Honduras and Mexico.

4 Restricted physical integrity

This chapter presents an overview of women's discrimination in terms of physical integrity. It examines discriminatory social institutions – formal and informal laws, social norms and practices – that increase women's and girls' vulnerability to a range of forms of violence and limit women's control over their bodies across 29 countries in the region of Latin America and the Caribbean (LAC). This includes formal and informal laws, norms and practices that fail to respect women's physical integrity or that serve to normalise and justify practices that impinge on their reproductive autonomy. The chapter also seeks to provide policy makers with the necessary tools and evidence to design gender-responsive policies to tackle gender-based violence and women's lack of control over their bodies.

Infographic 4.1. Restricted physical integrity

Main findings

- The Social Institutions and Gender Index (SIGI) score of the region of Latin America and the Caribbean (LAC) in the "Restricted physical integrity" dimension is 22,[1] denoting a low level of discrimination, in line with the global average. However, the LAC sub-regions' scores vary, ranging from 18 in South America to 24 in Central America, and to 27 in the Caribbean.
- While the "Violence against women" indicator emerges as an important issue in the Caribbean and South America, with scores of 38 and 34, respectively (denoting medium levels of discrimination in social institutions), the "Reproductive autonomy" indicator stands out as an area of concern in Central America, with a score of 52 – highlighting a high level of discrimination –, due to restrictive laws on abortion.
- Intersectional discrimination that minority, impoverished, rural and young women suffer makes these women more vulnerable to violence and reproductive health issues.

Female genital mutilation and missing women are not considered areas of concern in LAC countries.

- There is no statistical indication that the practice of female genital mutilation is common in the LAC region.
- All LAC countries display a natural sex ratio at birth, demonstrating an apparent absence of systematic undervaluation of female children.

Violence against women and reproductive autonomy constitute the most salient issues in the LAC region.

- No LAC country provides women with comprehensive legal protection from all forms of violence, despite some progress made since around 2017.
- Laws that prevent the termination of an unintended pregnancy continue to threaten women's health and reproductive autonomy. In the LAC region, four countries[2] entirely ban and criminalise abortion.
- On average, 11% of women of reproductive age who are married or in *de facto* unions report having an unmet need for family planning, slightly above the Organisation for Economic Co-operation and Development (OECD) average of 10%. This is the result of the lack of information about and access to modern contraceptives, and of inadequate healthcare infrastructure.

Social norms related to women's physical integrity continue to justify harmful practices in the LAC region.

- In the LAC region, 11% of women believe that a husband is justified in hitting or beating his wife under certain circumstances.
- Domestic violence against women is becoming progressively less tolerated. Between 2014 and 2018, on average, the percentage of women who declared that domestic violence was acceptable under certain circumstances declined from 15% to 11%.

Analysis of the "Restricted physical integrity" dimension

Women's control over their own bodies plays an important role in increasing their agency and empowerment. In the LAC region, various factors restrict women's right to physical integrity, including the numerous forms of violence against women and the legal frameworks that limit women's reproductive autonomy. Restrictions on physical integrity prevent women from pursuing their goals in public and private spheres such as education and employment. As such, respect for, and protection of, women's physical

integrity constitutes a vital precondition for achieving gender equality (MESECVI and OAS, n.d.[1]); (The World Bank, 2018[2]); (United Nations, 1979[3]). In order to tackle this issue, the SIGI considers four major areas that concern women's physical integrity (Box 4.1).

Box 4.1. Composition of the "Restricted physical integrity" dimension

The "Restricted physical integrity" dimension captures social institutions that increase women's and girls' vulnerability to different forms of violence and limit women's control over their bodies. This includes formal and informal laws, norms and practices that fail to respect women's physical integrity or that serve to normalise and justify practices that impinge on their reproductive autonomy.

The "Restricted physical integrity" dimension is composed of four indicators:

- The "Violence against women" indicator captures the level of social acceptance and prevalence of domestic violence, as well as its legal acceptance, which indicates whether a country's legal framework protects women from violence (including intimate partner violence, rape and sexual harassment), taking into account non-statutory (societal) discrimination against women in customary, religious or traditional practices or laws.
- The "Female genital mutilation" indicator captures the level of social acceptance and prevalence of female genital mutilation, as well as its legal acceptance, which indicates whether a country's legal framework criminalises female genital mutilation and includes penalties for practitioners, taking into account non-statutory (societal) discrimination against women in customary, religious or traditional practices or laws.
- The "Missing women" indicator captures the statistical shortfall in the number of girls aged 0-4 years, relative to the expected number in the absence of sex-selective abortions, female infanticide or preferential treatment of sons over daughters, correcting for natural biological and physiological differences.
- The "Reproductive autonomy" indicator captures the prevalence of women of reproductive age who have an unmet need for family planning and contraception, as well as legal discrimination against women with respect to their reproductive autonomy rights in case of unintended pregnancy.

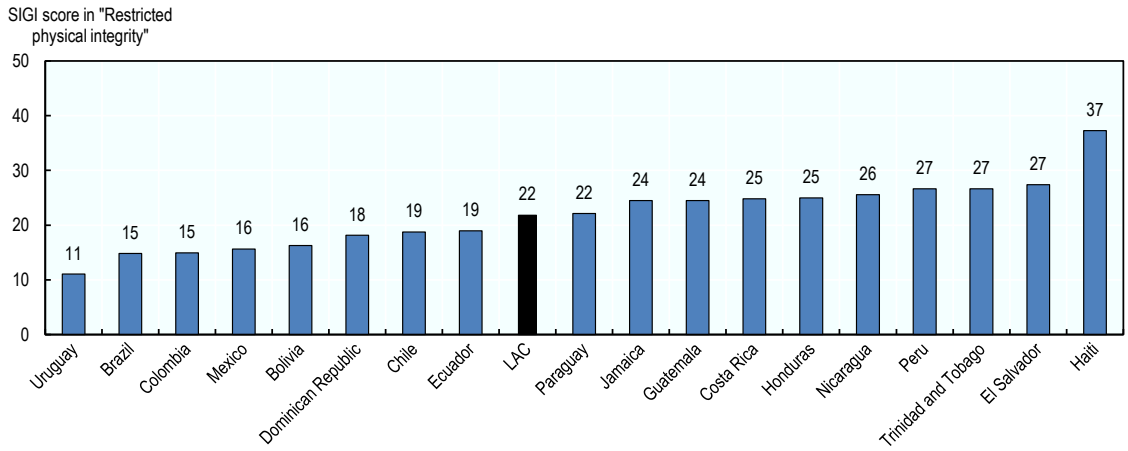
In the LAC region, violence against women and reproductive autonomy are the most salient issues. Legal frameworks and practices perpetuate discrimination against women in these areas. The legal frameworks in many LAC countries constrain women's physical integrity, and the prevalence of unmet needs for family planning, as well as of domestic violence, reveals that more work is needed in order to pass new legislation, implement existing laws and work with the justice system to improve women's equality. This chapter provides an in-depth analysis of the factors contributing to the LAC region's results in the "Restricted physical integrity" dimension, highlighting the social norms and practices that are either contributing to a positive transformation or resulting in harmful and negative outcomes for women.

Snapshot of scores in the "Restricted physical integrity" dimension

The LAC region has a low level of discrimination in the "Restricted physical integrity" dimension, with a score of 22, in line with the global average. Yet, at the sub-regional level, average scores are 18 in South America and 24 in Central America, both of which are categorised as low levels of discrimination, but 27 in the Caribbean, which is categorised as a medium level of discrimination. Uruguay is the region's top performer in the "Restricted physical integrity" dimension, with a score of 11, stemming primarily from a strong legal framework protecting women's reproductive autonomy, broad access to family planning services and a relatively low rate of violence against women. For instance, 15% of Uruguayan women who

have been in a relationship have suffered intimate partner violence at least once in their lifetime, but only 1% of Uruguayan women declared that spousal violence is acceptable under certain circumstances.

Figure 4.1. SIGI scores for the "Restricted physical integrity" dimension



Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[4]), Social Institutions and Gender Index, https://stats.oecd.org.

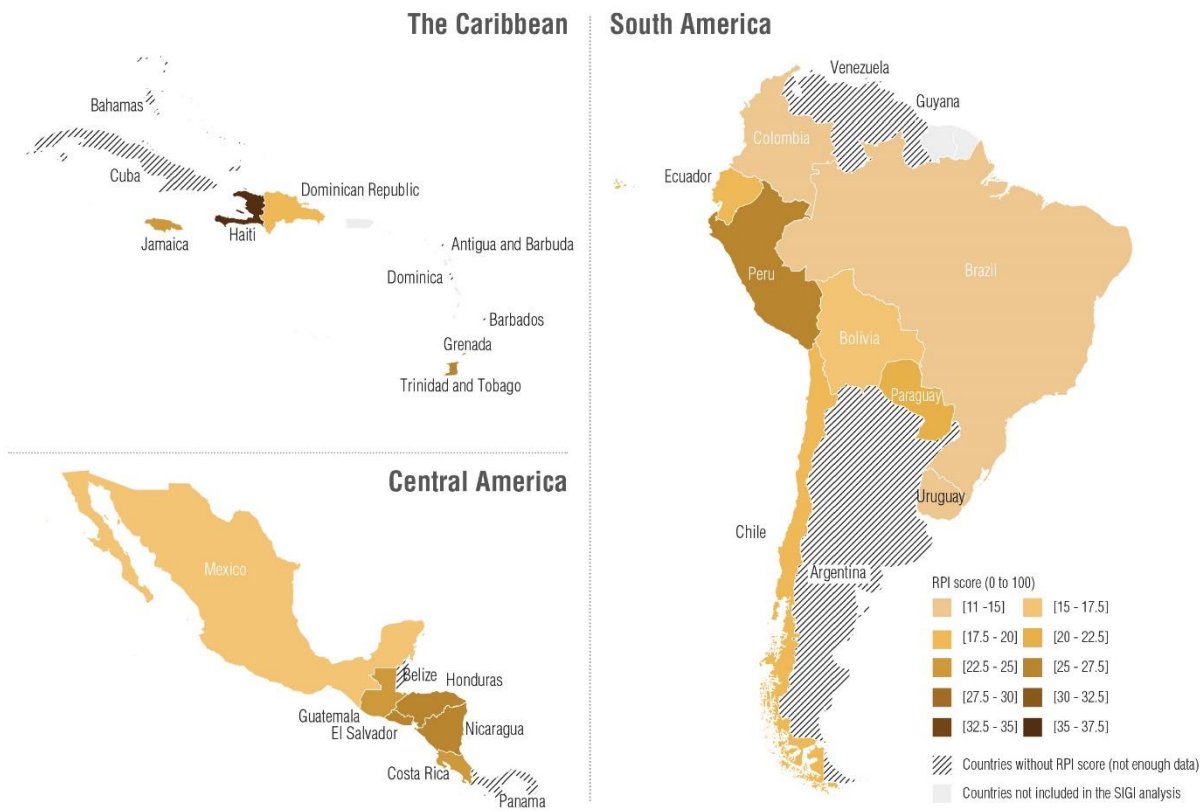
StatLink https://doi.org/10.1787/888934136763

- In the Caribbean, the Dominican Republic is the LAC sub-region's top performer in this dimension with a score of 18, ranking 56th globally (Figure 4.1 and Figure 4.2). The Dominican Republic's government has undertaken multiple steps to protect women's physical integrity. For instance, *El Plan Nacional de Igualdad y Equidad de Género 2020-2030* (the National Gender Equality and Equity Plan 2020-2030 [PLANEG III]) recognises the importance of eradicating all forms of violence against women through every stage of their lives. The plan outlines programmes to be conducted (along with a dedicated system to monitor and follow up on their execution) in order to continue the work of reducing violence against women and deconstructing stereotypes encouraging it (Gobierno de la República Dominicana, 2019[5]). The government has also carried out various training and awareness-raising campaigns on sexual and reproductive health and rights, breastfeeding, and women's health (CEPAL, 2019[6]). Among the three remaining countries in this LAC sub-region with scores in the "Restricted physical integrity" dimension, Jamaica also achieves a low level of discrimination, with a score of 25, followed by Trinidad and Tobago (27) and Haiti (37), which lag behind with medium levels of discrimination.
- In Central America, Mexico is the LAC sub-region's top performer in this dimension with a score of 16 (denoting a low level of discrimination), ranking 47th globally. In 2019, the Mexican government launched the *Plan Emergente para Garantizar la Integridad, la Seguridad y la Vida de las Mujeres y las Niñas en México* (Emerging Plan to Guarantee the Integrity, Safety and Life of Women and Girls in Mexico) (Gobierno de México, 2019[7]). One of the main objectives of the national plan is to adopt a package of essential services for survivors and victims of violence, which includes services in the areas of protection and safety, health, law enforcement, and economic empowerment in order to decrease risks and vulnerabilities for survivors and victims of violence. In addition to this, the federal government started using the *Mecanismo de Alerta de Violencia de Género contra las Mujeres* (Alert Mechanism for Gender Violence against Women [AVGM]) in 2015. Gender alerts are activated by the government whenever and wherever

there are laws or policies in place that limit women's equal access to justice. Gender alerts urge the relevant local, state or federal authorities: to take immediate action to combat violence against women; to revise discriminatory legislation; to guarantee that victims receive legal, medical and psychological assistance; and to speed up investigations of unsolved cases (OECD Development Centre, 2019[8]). Like Mexico, Guatemala, Costa Rica and Honduras have scores classifying them as having low levels of discrimination. Meanwhile, Nicaragua, with a score of 26, and El Salvador, with a score of 27, exhibit medium levels of discrimination in this dimension.

- In South America, Uruguay is the top performer at both the LAC sub-regional and regional levels in the "Restricted physical integrity" dimension, with a score of 11 denoting a low level of discrimination, and ranking 23rd globally. In 2017, Uruguay's adoption of the *Ley Integral de Violencia Basada en Género y hacia las Mujeres* (Comprehensive Law on Violence against Women) facilitated the launch of a national Observatory on Gender-Based Violence against Women. The observatory was established by an inter-institutional commission composed of the most relevant public institutions and the Uruguayan Network against Domestic and Sexual Violence. In 2019, the Presidency of the Republic launched a public awareness campaign against gender-based violence, aimed at transforming harmful attitudes and behaviours (CEPAL, 2019[6]). Among the remaining seven countries in South America with scores in the "Restricted physical integrity" dimension, six[3] have low levels of discrimination (ranging from 15 in Brazil and Colombia, to 22 in Paraguay), while Peru (27) has a medium level of discrimination.

Figure 4.2. "Restricted physical integrity" results by country



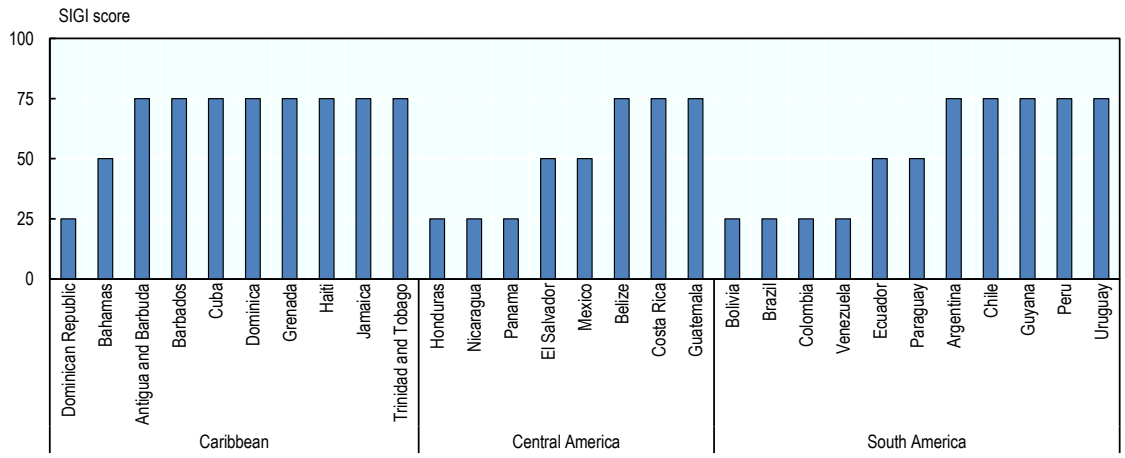
Source: (OECD, 2019[4]), Social Institutions and Gender Index, https://stats.oecd.org.

Violence against women

Violence against women is not only a violation of women's fundamental human rights and dignity, but it also reinforces women's subordination to men. Violence against women represents a cost for societies and economies, as well as for individual rights and well-being. In Peru, for example, the economic cost of intimate partner violence against women for private businesses was estimated to reach 4% of gross domestic product (GDP) (Brendel, Gürtner and Valera Loza, n.d.[9]). The LAC region has made steadfast commitments to stem and eradicate violence against women: the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará,1994) and Sustainable Development Goal (SDG) Target 5.2 call on countries to "eliminate all forms of violence against women and girls" (United Nations, 2016[10]). Moreover, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognises gender-based violence as an "obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life" (United Nations, 1979[3]).

No country in the LAC region, or even the world, has enacted laws to protect women from all forms of violence through a comprehensive approach. A comprehensive approach means that women are protected from all forms of gender-based violence, including various forms of domestic violence (physical, sexual, psychological and economic) and sexual harassment (at work, in educational and sporting facilities, in public spaces, and online), and that there are legally codified provisions for the investigation, prosecution and punishment of these crimes, as well as protection and support services for survivors (Box 4.2). The existence of legal loopholes enables violence against women to continue, resulting in the LAC region's average score of 33 in the "Violence against women" indicator, which exceeds the OECD average of 29, but is well below the global average of 40. In the LAC region, 16 countries[4] have a score of 75 in this indicator, which shows that existing legislation protects women from some forms of violence, but not all. On the positive side, 8 countries[5] have a score of 25, denoting a low level of discrimination (Figure 4.3).

Figure 4.3. SIGI scores for the legal framework of "Violence against women"



Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[11]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

StatLink https://doi.org/10.1787/888934136782

Twenty-two LAC countries[6] have laws that provide legal protection from sexual harassment; however, these laws are limited in multiple respects. First, six[7] of these countries do not prescribe criminal penalties

for sexual harassment. Second, except for Bolivia, most do not protect women from sexual harassment in all areas of public life, including in the workplace, educational institutions, sports facilities, public spaces and online. Five countries[8] have passed new legislation in order to close these gaps, including Panama, where Law 7 of 2018 prohibits sexual harassment in all environments and requires employers, public institutions and schools to implement policies that prevent and sanction sexual harassment and other forms of discrimination, such as racism and sexism (Gobierno de Panamá, n.d.[12]).

Box 4.2. Types of violence against women included in the SIGI

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (1994) defines violence against women as "any act or conduct based on gender, which causes death, harm or psychological suffering to women, both in the private and public domain" (Chapter I, Art. 1) (OAS, 1994[13]). While legal frameworks have their own definitions for different types of violence against women, broadly, these cover the following kinds of practices:

- **Harassment** can take various forms, but the SIGI's main focus is on sexual harassment, which is the act of making unwanted and unwelcome sexual remarks or physical advances. For legislation on sexual harassment to be comprehensive, it must provide criminal penalties, as well as protections for women in the workplace, educational establishments, sporting facilities, public spaces and online.
- **Domestic violence** is violence that takes place in the private sphere, usually in the home. It can also take many forms, including physical, sexual, psychological and economic violence. What makes this violence domestic is that it occurs within the household or among members of the household.
- **Rape** has numerous definitions, but according to international standards, it is a sexual act – usually involving intercourse – without consent. The SIGI also includes "marital rape", which is the act of rape committed by one spouse against the other.
- **Honour crimes** are the killing of female relatives to punish behaviour that the perpetrator deemed unacceptable or shameful to the family.

Note: These are general definitions, and national legislation may use different legal definitions, including or excluding some forms of violence.

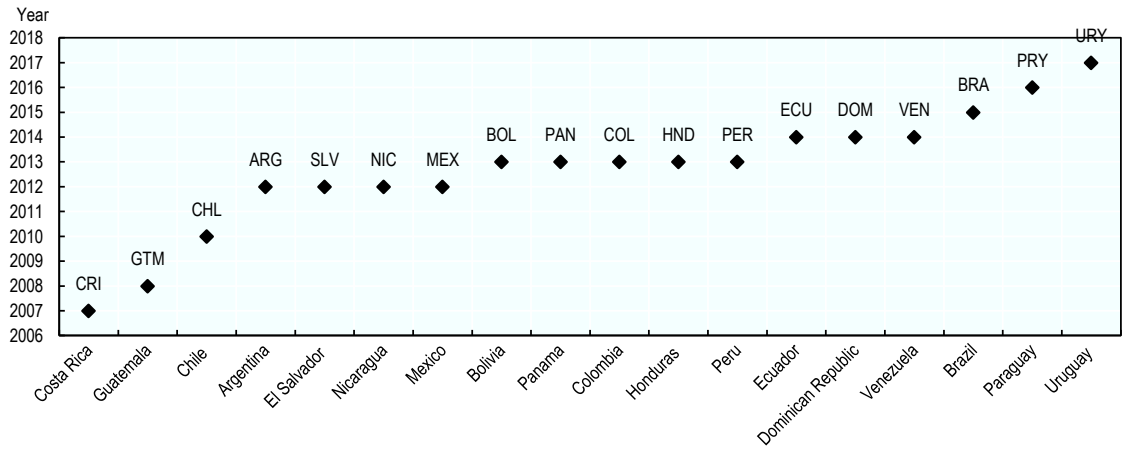
Legislation against domestic violence has improved, but still does not cover all forms that this abuse can take. In 20 LAC countries,[9] legal frameworks protect women from physical, sexual, psychological and economic domestic abuse, but in 3 countries,[10] domestic violence is not subject to criminal penalties. Economic abuse is the least covered form of domestic violence, as nine countries[11] do not include this form of abuse in their legislation. Furthermore, five countries[12] have legal exceptions in the form of customary, religious or traditional practices or laws that reduce penalties for domestic violence. In Mexico, for instance, indigenous communities often count with traditional systems of sanctioning domestic violence cases. Community and indigenous leaders get involved in cases of domestic violence and decide on the consequences – for example, whether or not the woman can separate from her husband (OECD Development Centre, 2019[8]). As the implementation of legal frameworks remains the biggest challenge in the LAC region, all countries except Barbados, Belize and Cuba have national action plans which are intended to outline implementation with various objectives.[13]

Paraguay and Peru have led the way since 2017 by making numerous changes to their legal frameworks to include and criminalise more types of violence against women. In Peru, Legislative Decree 1410 (2018) modifying Law 27942 outlined criminal penalties for sexual harassment with aggravating circumstances covering educational, employment and training relationships. Furthermore, the decree specifically states that penalties are applicable in cases where information technologies were used, and thus covers cyber

harassment (Gobierno del Perú, 2018[14]). In Paraguay, Law 5777 expanded the legal definition of violence against women by including economic, sexual, labour, political and cyber violence, among others, in its legal code (Gobierno de Paraguay, 2016[15]).

LAC governments have progressively turned their attention to femicide. Since around 2010, femicide – the murder of a single woman or multiple women due to their gender – has become an increasingly common form of gender-based violence. According to data from the Gender Equality Observatory for Latin America and the Caribbean, in 2018, 3 529 women in the LAC region were victims of femicide (ECLAC, 2018[16]). In order to punish this crime, 18 countries[14] have passed or amended laws to sanction femicide by classifying it as a crime (ECLAC, 2018[17]) (Figure 4.4). Furthermore, some countries are using or considering the use of technology to prevent femicides (Box 4.3). Evidence demonstrates the importance of intervening in situations of domestic violence before they lead to femicide. It is important to recognise that femicide is typically not the first type of violence a victim has experienced, but rather the culmination of various violent acts. Data from the United Nations Office on Drugs and Crime (UNODC) show that intimate partners perpetrate most femicides, followed by other family members, and that femicides are often preceded by prior incidences of domestic violence specifically (UNODC, 2013[18]).

Figure 4.4. Laws addressing femicide by year of enactment



Note: The figure presents the year when the country first enacted a law addressing femicide.
Source: (OECD, n.d.[19]), SIGI Country Profiles, www.genderindex.org.

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Box 4.3. Technology is being used as an innovative protective measure for violence against women

While many countries have processes in place to provide protective measures to victims in cases of domestic violence and potential femicide, ensuring that aggressors do not violate these measures remains a challenge. For example, in Chile, 6 of the 44 victims of femicide in 2017 were protected by precautionary measures that were breached. Mexico, Panama and Uruguay have turned to using electronic surveillance technologies in innovative ways in order to protect women from violence and close loopholes in previously existing precautionary and protective measures. Chile and El Salvador are also considering the use of new surveillance technologies for this purpose.

In 2012, the State of Chihuahua in Mexico was the first to use surveillance bracelets to prevent domestic violence and femicides (Comité de Segurimineto del Sistema de Seguridad Pública, 2016[20]). The initiative was created through a partnership between the Secretariat of Social Development and the Secretariat of Public Security, the State Prosecutor's Office, and the local courts of justice. At a judge's request, it involves the satellite monitoring of both the potential aggressor and the victim as a precautionary measure.

Uruguay has one of the most comprehensive systems in the LAC region for satellite monitoring as a preventative measure for violence against women. On the instruction of a judge, both the aggressor and the victim are given surveillance devices, and if the aggressor approaches the victim, both the police and the victim are alerted. Furthermore, when enrolled in the programme, both parties receive psychological support. The programme has thus far been a success, as none of the victims enrolled in it has been killed (Frayssinet, 2019[21]).

In Panama, Article 224.9, part of Law 82 enacted in 2013, allowed for the use of an electronic bracelet to monitor the whereabouts of an alleged perpetrator of domestic violence (Gobierno Nacional República de Panamá, 2013[22]). Furthermore, Article 333 of the *Código Procesal Penal* (Criminal Procedure Code) provides for the victim to use this technology in order to ensure that the potential aggressor does not approach them (UNODC, 2013[18]). In 2015, the Director of Technology at the Ministry of Public Security announced that Panama would begin providing ankle bracelets to both perpetrators and victims in order to prevent all potential violent situations.

In 2018, El Salvador's *Comisión de La Mujer e Igualdad de Género,* (Commission on Women and Gender Equality) began an ongoing discussion about the potential use of electronic surveillance bracelets to prevent femicides (Alvarenga, 2018[23]). As of 2019, the Criminal Code allows electronic surveillance to be used as a substitute for detention in certain circumstances, but a revision to the *Ley Reguladora del Uso de Medios de Vigilancia Electrónica en Materia Penal* (Regulatory Law on the Use of Electronic Surveillance Means in Criminal Matters) would enable this technology to be used in cases of domestic violence where a protective measure is in place. As of 2019, 310 subjects were using a surveillance device in place of detention, and the government of El Salvador has confirmed that "most of them comply with the substitute measures" (Serrano, 2019[24]).

Chile has been using electronic monitoring devices since 2014, but only in cases where a person has been convicted and is on probation or in partial confinement (Comité de Segurimineto del Sistema de Seguridad Pública, 2016[20]). However, a push to use electronic monitoring technology in a wider set of circumstances – particularly to prevent violence against women – began in 2018 and continues, the rationale being that an electronic bracelet would better ensure that potential perpetrators do not violate precautionary measures (Ministerio de la Mujer y la Equidad de Género de Chile, 2018[25]).

Various factors – such as drug and alcohol abuse, as well as firearms regulations – increase women's risk of experiencing violence, especially domestic violence and femicide. Drug and alcohol consumption plays an important role in the prevalence of domestic violence, with more than 50% of women in Ecuador in 2004 and nearly 30% of women in Guatemala in 2008-09 who experienced domestic violence reporting their partner's use of drugs and alcohol as a contributing factor (Bott et al., 2014[26]). Furthermore, studies have found that the risk of femicide increases significantly when the aggressor has access to a firearm (Campbell et al., 2003[27]). This is a particular problem in the LAC region, where the percentage of homicides committed using firearms is higher than the global average of 41%, reaching 59% in South America and 73% in Central America (Instinto de Vida, 2017[28]).

Among the multiple forms that violence can take, sexual violence is pervasive in the LAC region, and some countries' legal frameworks do not protect against some forms of sexual violence. The LAC region features the highest rate[15] of "non-couples related sexual violence" and "the second-highest rate of violence by partners or ex-partners" (Essayag, 2017[29]). This is despite the fact that all but five LAC countries[16] have domestic violence legislation that covers sexual abuse, and all LAC countries have laws that classify rape as a criminal offence. However, four LAC countries[17] fail to protect married women from marital rape.

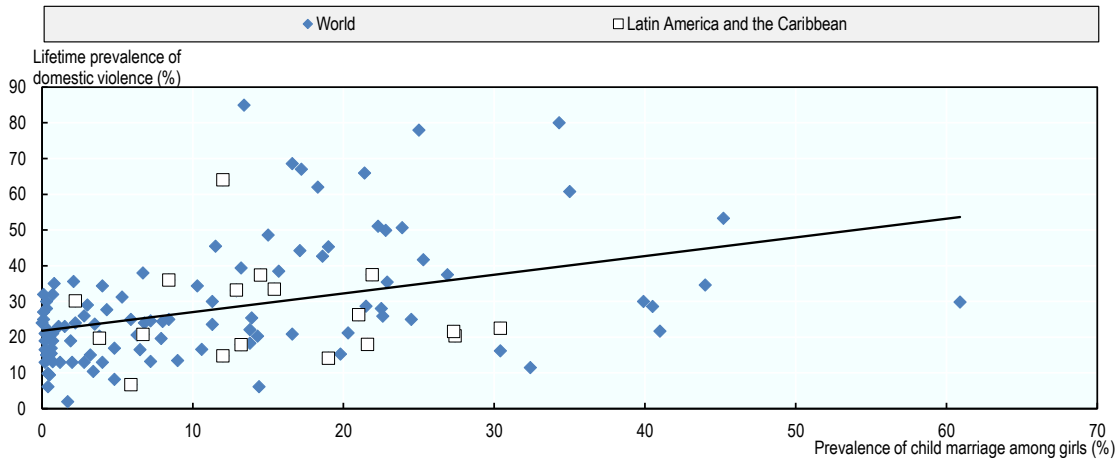
Estimates of the prevalence of all forms of violence against women likely underrepresent the actual situation. While the prevalence of all forms of violence against women varies, evidence shows that it remains underreported (Heinemann and Verner, 2006[30]); (St. Bernard, 2002[31]). In particular, stigmatisation and social norms that consider domestic violence to be a private matter contribute to the underreporting of violence against women. Furthermore, a lack of confidence in the justice system may be an aggravating factor (see Chapter 6). Nevertheless, data show that the prevalence of reported domestic violence is decreasing. In the LAC region, the percentage of ever-partnered women who suffered violence from an intimate partner at least once in their lifetime decreased from 36% in 2014 to 27% in 2018. In some countries, the decline has been considerable. For example, the percentage decreased by 29 percentage points in Chile and by 15 percentage points in Jamaica. Challenges remain, however, as between 2014 and 2019, the prevalence of domestic violence increased in three LAC countries.[18]

Violence against women does not affect all women in the same ways, and it is influenced by other factors – such as race and ethnicity – that can make some women, especially afro-descendant and indigenous women, more vulnerable to violence and its adverse impacts. In Ecuador, indigenous and Afro-Ecuadorian women are most likely to face violence. Similarly, in Colombia, afro-descendant girls aged 10-14 years represented the highest number of victims of violence between 2012 and 2013 (ECLAC, 2018[32]). Evidence shows that women of African descent are more likely to experience violence, especially sexual violence, at an early age. Furthermore, while the incidence of femicide among white women decreased in Brazil by nearly 10 percentage points between 2003 and 2013, it increased by more than 54 percentage points for Brazilian black women in the same period (ECLAC, 2018[32]). These worrying figures reflect how deeply rooted racism and patriarchy are in some societies where national laws do not take an intersectional approach that acknowledges overlapping gender and racial hierarchies (ECLAC, 2018[32]).

Early marriage has also been associated with a greater incidence of domestic violence, and studies have shown that child marriage constitutes a risk factor for domestic violence (Taylor et al., 2019[33]) (UNICEF, n.d.[34]). As a result, women who are married before the age of 15 years are more likely to experience domestic violence at least once in their lifetime, compared with women who are married later in life (Figure 4.5). The reasons for this association are complex, but are likely related to the fact that women who marry as children are more likely to be poor, less educated, and influenced by traditional gender norms than those who marry later in life (Kidman, 2017[35]). Furthermore, in some LAC countries, legal frameworks restrict women's right to divorce their partners, preventing women from leaving abusive relationships and amplifying their risk of experiencing persistent violence at home (see Chapter 3).

Figure 4.5. Child marriage is associated with the prevalence of domestic violence in LAC countries

Correlation between the prevalence of child marriage among girls and the lifetime prevalence of domestic violence



Note: Prevalence of child marriage is the percentage of girls aged 15-19 years who have been or are still married, divorced, widowed or in an informal union. The lifetime prevalence of domestic violence is the percentage of women who have suffered from intimate partner physical and/or sexual violence during their lifetime. Data are available for 120 countries, including the following LAC countries: Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago, and Uruguay. R^2 is 0.1542.
Source: (OECD, 2019[11]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

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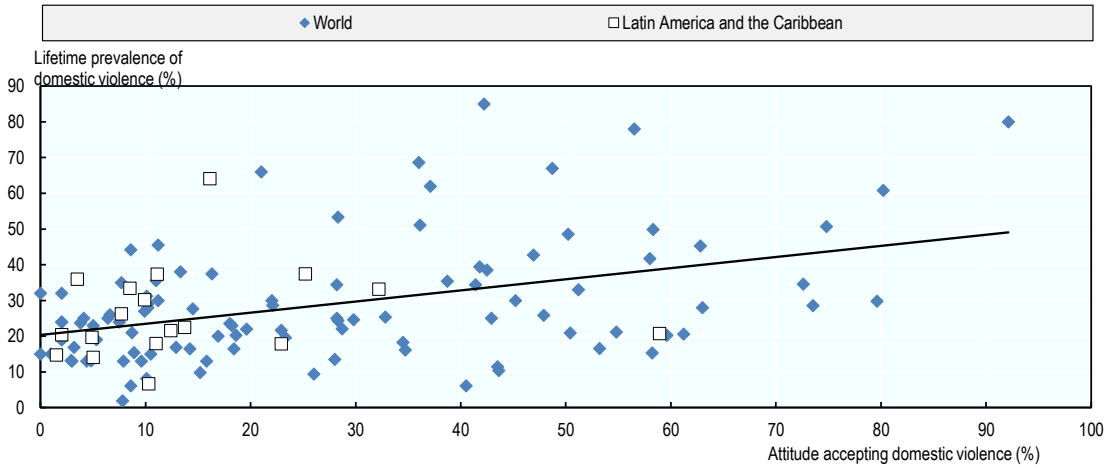
Gender norms affect people's willingness to consider domestic violence acceptable. In some places in the LAC region, the interplay between the social constructs of *machismo* and *marianismo* shape both men's and women's behaviour and beliefs about their gender roles and violence (Kimelblatt, 2017[36]). While *machismo* is a form of hyper-masculinity which valorises dominance and violence, *marianismo* valorises a submissive hyper-femininity, prizing women's ability to endure the suffering inflicted on them (Nuñez et al., 2016[37]). Acceptance of *marianismo* as the standard for women's beliefs and behaviours may lead women to accept domestic violence as justifiable. On average, nearly 11% of women in the LAC region consider that a husband can be justified in hitting or beating his wife under certain circumstances (e.g. if she burns food, argues with him, goes out without telling him, neglects the children, or refuses to engage in sexual intercourse with him).[19] However, this average percentage hides variation within the LAC region; for example, only 1% of women in Uruguay hold this belief, compared with 59% of women in Haiti. While the acceptance and presentation of *marianismo* and *machismo* clearly vary throughout the LAC region, in the countries where these roles are accepted, they act as a significant barrier to eliminating violence against women (Hanser, 2001[38]). Unsurprisingly, a higher prevalence of attitudes that accept violence as legitimate is associated with a higher prevalence of domestic violence (Figure 4.6).

Figure 4.6. Women's attitudes justifying domestic violence are associated with a higher prevalence of domestic violence

Correlation between attitude towards domestic violence and the lifetime prevalence of domestic violence



Note: Attitude towards domestic violence is defined by the percentage of women aged 15-49 years who consider a husband to be justified in hitting or beating his wife for at least one of the specified reasons: if his wife burns food, argues with him, goes out without telling him, neglects the children, or refuses to engage in sexual intercourse with him. The lifetime prevalence of domestic violence is the percentage of women who have suffered from intimate partner physical and/or sexual violence during their lifetime. Data are available for 120 countries, including the following LAC countries: Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago, and Uruguay. R^2 is 0.1794.
Source: (OECD, 2019[11]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

StatLink https://doi.org/10.1787/888934136839

Policy options for "Violence against women"

- Provide all women with legal protection from all forms of sexual harassment, especially from increasingly prevalent forms of violence such as cyber harassment. Ensure that sexual harassment legislation has the scope to protect all areas of life, including the workplace, public spaces, and sporting and educational facilities.
- Ensure that domestic violence legislation covers all of the forms that such violence can take, including physical, sexual, economic, and psychological abuse. Prescribe criminal penalties for this violence and eliminate exceptions that reduce penalties for domestic violence.
- Build the capacity of law enforcement officials and the judiciary to guarantee legal redress. Provide training to law enforcement officials and members of the judiciary about violence against women, and enact legislation to provide protective orders on request and ensure that potential aggressors respect these orders.

> *In Brazil, The "Save a Woman Project" was established in 2019 by Ministerial Ordinance No. 2842. The project foresees the establishment of partnerships with public and private institutions to build a network of people engaged in fighting violence against women. It seeks to raise awareness and provide training to public servants and other professionals that may be in contact with women, such as hairdressers, manicurist, salespersons and health club attendants, to identify and help victims of violence. These actors are also expected to help by raising awareness in their professional and family spheres and sharing information on public services for women victims of violence, acting as multipliers in preventing violence against women.*

- Take concrete actions to prevent femicide now and in the future. These can include: using electronic surveillance technologies to prevent femicides when protective orders are in place; ensuring that potential aggressors are prohibited from buying firearms; conducting awareness-raising campaigns about *machismo* and its relationship with violent crime; and working with schools and youth programmes to deconstruct gender identities and the way that some forms of masculinity can promote violence.

> *In Mexico, The National Institute for Women* (Inmujeres) *in coordination with the instances of women in the federal entities and the prosecutors' offices and general prosecutors of Justice of the federal entities, set up the* "Mesas técnicas para la revisión de los casos de los feminicidios y homicidios dolorosos de mujeres y niñas" *(technical tables to review the cases of femicides and homicides of women and girls). The government aims to establish inter-institutional liaison spaces for the authorities to address the main problems they face in the investigation of violent deaths of women and girls, as well as to promote the incorporation of the gender perspective in police, ministerial and judicial action, which will contribute to guaranteeing access to justice and a life free of violence. Currently 12 tables are installed in: Chiapas, Chihuahua, Mexico City, Coahuila, State of Mexico, Hidalgo, Morelos, Tabasco, Veracruz, Yucatan, Oaxaca, and the first municipal table in Naucalpan, State of Mexico, with which agreements have been generated to eliminate the obstacles impeding women's and girls'' access to justice. Five sessions have been held in Mexico City, four sessions in Veracruz and two follow-up sessions in Tabasco and Morelos. The tables address three fundamental themes: 1) orders and protection measures; 2) investigation and litigation with a gender perspective; and 3) orphaned children due to femicide (Gobierno de México, 2019[39]).*

- Protect in-union women from marital rape by ensuring that this form of sexual violence is prohibited by law and subject to criminal penalties.
- Invest in data collection about all forms of violence against women in order to better understand which factors may alter its form and prevalence. Be especially attentive to indigenous, rural and minority communities, and collect data that disaggregate for these characteristics. Collect data

about the judicial process as it relates to gender-based crime in order to understand under what circumstances these crimes are most likely to be reported.

- Work with women's movements to spread awareness and change social norms. Invest in media campaigns so as to ensure that the public understands issues related to violence against women and what resources are available to survivors. Challenge social norms that position women as subordinate to men. Provide programmes for men to understand masculinity and its expression, and the way it relates to violence against women.

Female genital mutilation

Female genital mutilation includes "all procedures that involve partial or total removal of the external female genitalia, or other injuries to the female genital organs for non-medical reasons" (WHO, 2018[40]). This traditional practice is recognised internationally as a violation of women's and girls' human rights, and can be both fatal and a cause of adverse outcomes for women's and girl's health and well-being. SDG Target 5.3 explicitly aims to "eliminate all harmful practices, such as female genital mutilation" (United Nations, 2016[10]).

The "Female genital mutilation" indicator combines the scores of two variables: the prevalence of female genital mutilation, and attitudes towards female genital mutilation. Even though legal frameworks are not considered for the calculation of this indicator, it is worth noting that only one country in the LAC region, Trinidad and Tobago, has a legal framework that defines female genital mutilation as a harmful practice in its criminal law.

It is probably because of this lack of data that every country in the LAC region scores 0 in this indicator. The data on the practice of female genital mutilation suffer from considerable gaps. Tracking information for SDG indicator 5.3.2, which measures the "proportion of girls and women aged 15-49 years who have undergone female genital mutilation", is currently available for only 28 countries, 26 of which are in Africa and none of which are in the LAC region, despite evidence suggesting that female genital mutilation may be practised in the LAC region (UNICEF, 2013[41]).

Cases of female genital mutilation are identified when it is too late. Before 2007, it was unknown that female genital mutilation was practised among the *Emberá* indigenous group in Colombia, but that year its continued practice was revealed when a newborn *Emberá* girl died due to complications caused by the procedure. Nevertheless, as this group does not universally practise female genital mutilation, the revelation came as a surprise to many, both within and outside the community (Moloney, 2015[42]). This element of secrecy prevents accurate accounting for the actual prevalence of female genital mutilation (Box 4.4).

Box 4.4. The United Nations Population Fund's work with the *Emberá* to eradicate female genital mutilation in Colombia

The United Nations Population Fund (UNFPA) has set up an intervention aimed at helping the *Emberá* eradicate the practice of female genital mutilation within their community. The intervention involved communication with the members of the community in order to help them understand the issue, as well as education about the consequences of female genital mutilation for women's and girls' health. Because the practice is regarded as private, very few people were willing to discuss it at first, but gradually women became more confident in speaking about their experiences. This work has also included working with "hospitals and indigenous organisations to promote early detection", as well as training for those working with *Emberá* peoples, such as health workers, midwives, healers and others.

Source: (UNFPA, 2017[43]).

Policy options for "Female genital mutilation"

- Systematically include female genital mutilation modules in national surveys in order to monitor its use or occurrence.
- Criminalise the practice of female genital mutilation when cases are revealed, in compliance with international and regional conventions and treaties.

Missing women

"Missing women" was a concept first introduced in the late 1980s by Amartya Sen, who hypothesised that more than 100 million women were missing due to excessive female mortality. This phenomenon is the result of a systematic undervaluation of female children and results from neglect and higher female-infant mortality (Sen, 1992[44]).

All LAC countries exhibit a natural sex ratio at birth. The natural sex ratio at birth is 105, meaning that it is natural that for every 100 girls born there would be 105 boys born; however, when this ratio exceeds 105, this signals a potential son preference, as there are more boys between the ages of 0 and 4 years than one would expect (WHO, n.d.[45]). Nevertheless, scientific studies show that even the natural sex ratio at birth varies across time and place, and a range of between 105 and 107 is considered natural (Hesketh and Xing, 2006[46]). For this reason, despite the fact that there are more boys between the ages of 0 and 4 years in Cuba (105.6), Bahamas (105.4) and Jamaica (105.4) than one might expect, there is no evidence to suggest that this is the result of a systematic undervaluation of female children, as the ratio does not exceed 107.

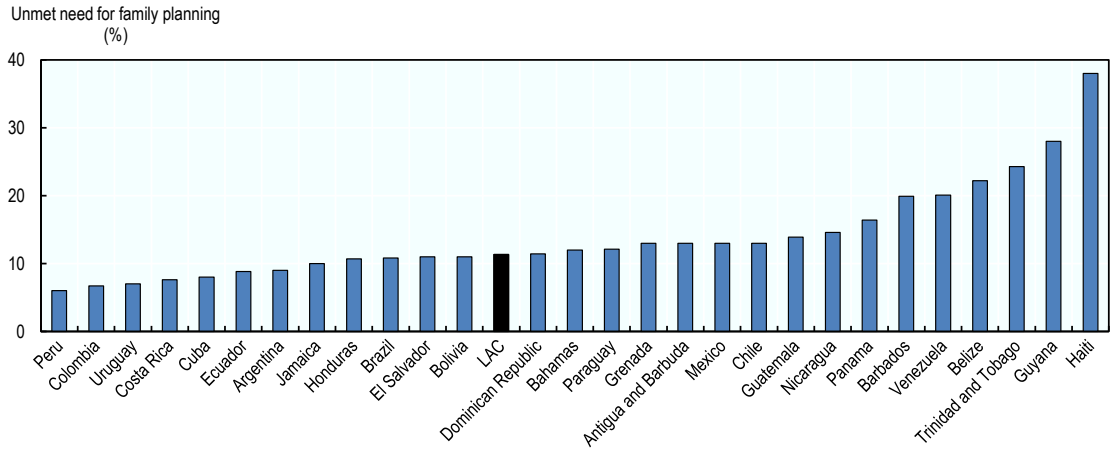
Reproductive autonomy

Reproductive autonomy is restricted by insufficient accessibility of family planning tools, as well as by legal frameworks that restrict women's access to reproductive healthcare such as abortion. Restricted reproductive autonomy can lead to higher rates of maternal mortality and hampers women's and girls' control over their bodies. The necessity of "universal access to sexual and reproductive health-care

services" is included in SDG Target 3.7; moreover, SDG Target 5.6 recognises the importance of "sexual and reproductive health and reproductive rights" (United Nations, 2016[10]).

Access to family planning remains a critical issue that hampers women's and girls' reproductive autonomy. In the LAC region, there are an estimated 14 million unintended pregnancies each year (Guttmacher Institute, 2018[47]). These unintended pregnancies could have been prevented, but due to inadequate programmes and services, in 2017, more than 24 million women of reproductive age in the region reported that they had an unmet need for modern contraception (Guttmacher Institute, 2018[47]). In 2019, on average, 11.3% of in-union women of reproductive age (15-49 years) reported having an unmet need for family planning, similar to the global average of 12%. Yet, the regional average in this indicator hides tremendous variation at the country level, as percentages range from 6% in Peru to 38% in Haiti (Figure 4.7). Furthermore, poor women and women living in rural areas often face greater difficulties in accessing reproductive health services, as poverty and remote locations compound their already limited resources. Additional barriers include lack of knowledge about contraceptive methods and sources of supply, as well as incorrect perceptions about the health risks of modern contraceptive methods.

Figure 4.7. Unmet need for family planning across LAC countries



Note: The variable "unmet need for family planning" measures the prevalence of unmet need for family planning among married or in-union women of reproductive age (15-49 years) who want to cease or delay childbearing but are not using any method of contraception. Data are missing for Dominica.
Source: (OECD, 2019[11]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

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Progress is slow in providing women with the right to terminate a pregnancy. While El Salvador, Haiti, Honduras and Nicaragua prohibit abortion under all circumstances, only three countries – Cuba, Guyana and Uruguay – provide women with the right to voluntarily end a pregnancy within a stated gestation period. In the remaining 22 LAC countries, there are nationally sanctioned justifications that enable women to have an abortion (Table 4.1). The most commonly legally accepted justification for an abortion is a serious threat to the woman's life, which has to be certified by a doctor, or sometimes by two doctors. Due to diverse legal frameworks, scores for the "Reproductive autonomy" indicator range from 4 in Uruguay and Cuba, to 74 in Haiti. Despite the slow rate of change, social movements in the LAC region have made headway in opening up public debate about abortion, which remains a polarising issue (Box 4.5).

Table 4.1. Legal frameworks on "Reproductive autonomy" vary in the LAC region

	Abortion is not legal	Abortion is partly legal					Abortion is legal for any reason
		To preserve a woman's life	To preserve a woman's physical health	To preserve a woman's mental health	In case of rape	In case of foetal unviability	
El Salvador	X						
Haiti	X						
Honduras	X						
Nicaragua	X						
Antigua and Barbuda		X					
Dominica		X					
Dominican Republic		X					
Guatemala		X					
Peru		X					
Venezuela		X					
Costa Rica		X	X				
Grenada		X	X				
Paraguay		X	X				
Jamaica		X	X	X			
Trinidad and Tobago		X	X	X			
Argentina		X	X		X		
Ecuador		X	X		X		
Brazil		X			X	X	
Chile		X			X	X	
Mexico		X			X	X	
Panama		X			X	X	
Colombia		X	X		X	X	
Belize		X	X	X		X	
Bahamas		X	X	X	X	X	
Barbados		X	X	X	X	X	
Bolivia		X	X	X	X	X	
Cuba							X
Guyana							X
Uruguay							X
Total number of countries	**4**	**22**	**12**	**6**	**10**	**9**	**3**

Source: (OECD, n.d.[19]), SIGI Country Profiles, www.genderindex.org.

StatLink https://doi.org/10.1787/888934136877

Prohibition and criminalisation of abortion make it one of the leading causes of maternal mortality and poor health outcomes in the LAC region. Evidence shows that making abortion illegal does not prevent the practice, but rather pushes women to seek the procedure in ways that threaten their health and well-being (Berer, 2017[48]); (Guttmacher Institute, 2018[47]). The World Health Organization (WHO) estimates that the case-fatality rate for unsafe abortions in the LAC region is 30 per 100 000 (WHO, 2012[49]). Furthermore, in countries where the procedure is criminalised, many women avoid seeking post-abortion care that may save their lives (Zamberlin, Romero and Ramos, 2012[50]). Globally, it is estimated that 7 million women are admitted to hospitals due to unsafe abortions every year in developing countries; in the LAC region, this figure is estimated to be 760 000 (Guttmacher Institute, 2018[47]); (WHO, 2019[51]).

Box 4.5. The Green Wave in the LAC region: Mobilising for reproductive rights

On 13 June 2018, Argentina's Lower House voted in favour of a bill that would decriminalise abortion up to 14 weeks of gestation. This moment was the result of decades of hard work and advocacy on the part of more than 500 organisations, women's movements, and millions of protesters. Yet, on 8 August 2019, the bill, called *Interrupción Voluntaria del Embarazo* (Voluntary Termination of Pregnancy), failed to pass the Senate (Global Fund for Women, 2018[52]); (Roja, 2018[53]). This result was not a failure, however, as it sparked both hope and a public conversation in Argentina about legalising abortion, which has long been stigmatised. Furthermore, the leaders of the movement planned to propose a new, refined project very soon to get the bill signed into law (Global Fund for Women, 2018[52]). This movement, although situated in the context of a battle for the legal right to abortion in Argentina, has not remained confined to that country.

Using the hashtag *#AbortoLegalYa*, women throughout the LAC region and around the globe have shown both their support and their own aspirations to have their reproductive autonomy protected by their governments. This emerging advocacy has been called *Una Ola Verde* (A Green Wave) or *La Marea Verde* (The Green Tide), after the green bandanas worn by the movement's supporters (FRIDA The Young Feminist Fund, 2018[54]). On 8 August 2018, the day the Senate in Argentina voted on the bill, millions of women throughout the region and around the world demonstrated in solidarity in Berlin, La Paz, Lima, London, Miami, Mexico City, Paris and more (Women's March Global, n.d.[55]). Furthermore, a myriad of slogans demonstrates the effect the movement has had outside of Argentina. For example, in Costa Rica and Paraguay, advocates for legal abortion organised under the slogans *Si Argentina puede, Costa Rica también* (If Argentina can, Costa Rica can too) and, similarly, *Si Argentina puede, Paraguay también* (Confederación Sindical de CCOO, 2018[56]).

Laws prohibiting abortion disproportionately affect society's most vulnerable women. On the one hand, evidence shows that young women from working-class and poor families are the most likely to become pregnant as adolescents (Casas Isaza et al., 2014[57]). On the other hand, there are financial and logistical barriers that make terminating an unintended pregnancy a service only available for the wealthier members of society. Accessing a legal abortion for women living in countries where there are significant restrictions[20] requires travelling abroad (Kulczycki, 2011[58]). In countries such as Mexico, where States decide on abortion policy, women must travel to the capital, Mexico City – where the procedure is legal until the 12th week of gestation – to terminate their pregnancies (Senderowicz, Sanhueza and Langer, 2018[59]).

Young girls (aged 9-14 years) face tremendous health risks in carrying pregnancies to term. The LAC region has one of the highest rates of adolescent pregnancy in the world, at 66.5 births per 1 000 girls aged 15-19 years, compared with the global rate of 46 births per 1 000 girls aged 15-19 years (PAHO, 2018[60]). In the absence of the right to legal abortions, these young girls must carry their pregnancies to term, facing many health risks. Maternal mortality remains one of the top causes of death among female adolescents and youth aged 15-24 years in the LAC region (PAHO, 2018[60]). Adolescents under the age of 15 years face more problems during labour and, as a result, the majority require caesarean sections. Further research shows that adolescent pregnancies more often result in complications such as infections, pre-eclampsia, eclampsia, preterm labour, and more (Casas Isaza et al., 2014[57]).

Policy options for "Reproductive autonomy"

- Ensure that all women and men have affordable and secure access to high-quality family planning, and to sexual and reproductive health information and rights and services.
- Provide age-appropriate sexual and reproductive health information and rights education in schools based on scientific evidence. Ensure that young people are aware of safe and effective methods of contraception, as well as of sexually transmitted diseases and infections and their prevention and treatment.
- Adopt a human rights-based approach to sexual and reproductive health and rights. Secure women's and girls' sexual and reproductive health and rights so that they are not forced to seek unsafe medical procedures such as illegal abortion.
- Adopt international declarations and standards acknowledging that women's decisions about their own bodies are personal and private.

Conclusion

Within the "Restricted physical integrity" dimension, progress has undeniably been made since 2014, but significant barriers to protecting women's and girl's rights in this regard remain. Legal frameworks restricting women's physical integrity continue to exacerbate the vulnerability of women in the LAC region. Even as violence against women has gained increased attention from policy makers, legislation remains insufficient, especially regarding sexual harassment. While most LAC countries have sexual harassment laws which cover the workplace, more needs to be done to protect women in public spaces and online. Seven countries[21] do not provide legal protection from sexual harassment, and among those that do, six[22] do not prescribe criminal penalties.

Legislation alone is not enough to eradicate violence against women, as gender norms lead some men and women to see various forms of this type of violence as acceptable. For example, the relatively high percentage of people in the LAC region who justify domestic violence enables the practice to continue. Moreover, practices such as child marriage, drug and alcohol abuse, and firearms ownership increase women's risk of experiencing violence at home and in public.

Laws limiting the circumstances in which women can legally seek an abortion, and criminal penalties associated with performing this procedure, restrict women's reproductive autonomy. In the absence of full and free rights to make decisions about their own bodies, LAC women, especially the most vulnerable and marginalised, find their health and well-being at risk. Evidence shows that even when abortion is not legal, women and girls continue to attempt the dangerous procedure, often suffering adverse health outcomes as a result. Marginalised women are especially disadvantaged, as they are often not able to access healthcare facilities. In addition to the implementation of the necessary legal reforms, access to modern contraceptives, age-appropriate sexual education, and improved healthcare infrastructure could help reduce the high rate of unintended pregnancies in the LAC region.

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Notes

[1] SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

[2] El Salvador, Haiti, Honduras and Nicaragua.

[3] Bolivia, Brazil, Chile, Colombia, Ecuador and Paraguay.

[4] Antigua and Barbuda, Argentina, Barbados, Belize, Chile, Costa Rica, Cuba, Dominica, Grenada, Guatemala, Guyana, Haiti, Jamaica, Peru, Trinidad and Tobago, and Uruguay.

[5] Bolivia, Brazil, Colombia, Dominican Republic, Honduras, Nicaragua, Panama and Venezuela.

[6] Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

[7] Argentina, Barbados, Belize, Costa Rica, Guyana and Uruguay.

[8] Chile, Mexico, Panama, Paraguay and Peru.

[9] Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Grenada, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Trinidad and Tobago, and Uruguay.

[10] Argentina, Cuba and Haiti.

[11] Chile, Cuba, Dominica, Dominican Republic, Ecuador, Haiti, Jamaica, Peru and Venezuela.

[12] Belize, Ecuador, El Salvador, Jamaica and Mexico.

[13] Antigua and Barbuda's plan was valid over the period 2013-18.

[14] Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

[15] We acknowledge the existence of multiple biases, underreporting and data limitations related to statistics on sexual violence.

[16] Chile, Cuba, Haiti, Jamaica and Peru.

[17] Antigua and Barbuda, Bahamas, Cuba and Haiti.

[18] Brazil (increased by 3 percentage points), Dominican Republic (increased by 3 percentage points) and Haiti (increased by 0.8 percentage points).

[19] Data are unavailable for Venezuela.

[20] Antigua and Barbuda, Argentina, Belize, Brazil, Chile, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, and Venezuela.

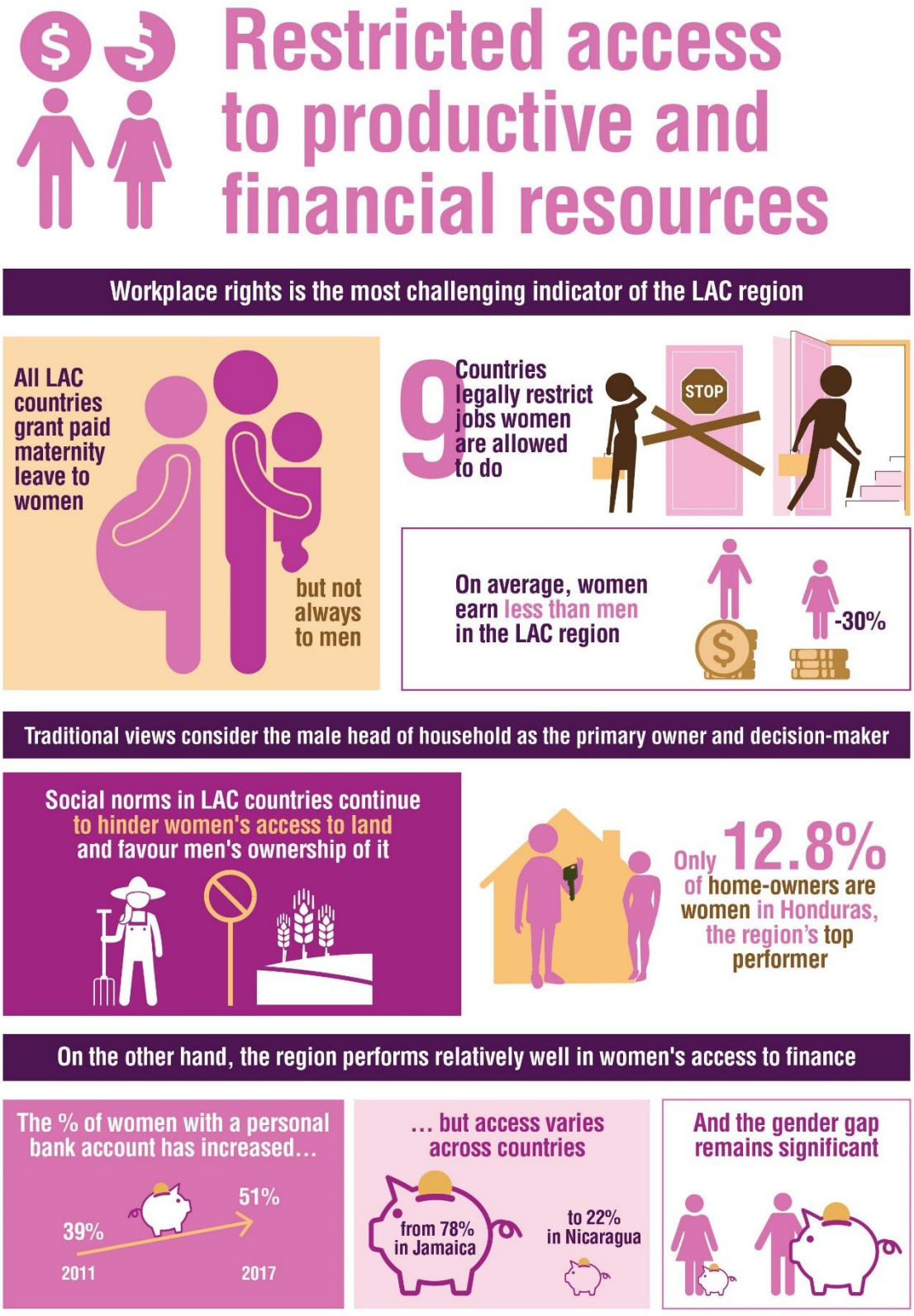
[21] Antigua and Barbuda, Dominica, Grenada, Guatemala, Haiti, Jamaica, and Trinidad and Tobago.

[22] Argentina, Barbados, Belize, Costa Rica, Guyana and Uruguay.

5 Restricted access to productive and financial resources

This chapter presents an overview of discrimination against women in terms of access to productive and financial resources. It examines discriminatory social institutions – formal and informal laws, social norms and practices – that limit women's ownership and decision-making power over assets and financial tools and undervalue their status at work in 29 countries in the region of Latin America and the Caribbean (LAC). The analysis covers areas such as access to land and non-land assets, access to financial services, and workplace rights. The chapter also seeks to provide policy makers with the necessary tools and evidence to design gender-responsive policies to tackle gender inequality in the economic sphere.

Infographic 5.1. Restricted access to productive and financial resources



Main findings

Restricted access to productive and financial resources is the second most pervasive form of discrimination in social institutions in the region of Latin America and the Caribbean (LAC).

- The LAC region scores 23[1] in the "Restricted access to productive and financial resources" dimension, denoting a low level of discrimination, below the global average of 27, but well above the Organisation for Economic Co-operation and Development (OECD) average of 13.
- Important discrepancies exist across LAC sub-regions. Scores in this dimension range from 18 in the Caribbean to 20 in Central America and 27 in South America. Geographical discrepancies also exist for the "Secure access to land assets" and "Secure access to non-land assets" indicators, which constitute particularly salient issues in South America.

Since 2014, access to financial services and workplace legal protection have improved.

- Since the third edition of the Social Institutions and Gender Index (SIGI) in 2014, many LAC countries have progressively strengthened their legal frameworks to improve the protection of women's workplace rights. New laws now cover harassment in the workplace, discrimination in employment and parental leave.
- The LAC region has also experienced an important increase in women's financial inclusion, primarily in terms of absolute level of coverage. The share of women who have an account at a financial institution went up in 16 LAC countries[2] between 2014 and 2017; in four countries,[3] it increased by more than 14 percentage points. However, the gender gap remains significantly large.
- The region has a good score in the "Secure access to financial services" indicator because of strong legal frameworks and improving financial inclusion. Almost all LAC countries' laws provide women with the same rights as men to open a bank account and access credit. Financial inclusion – particularly for rural, poor and indigenous women – is supported by numerous microfinance initiatives that cover individuals who often lack the necessary collateral to obtain credit.

Yet, limitations in the "Workplace rights" indicator continue to affect women's empowerment.

- Legal provisions prevent women from entering certain professions and hinder equal remuneration, while some legal frameworks fail to comprehensively address employment discrimination. A direct result is women's limited labour force participation and a large regional pay gap (ILO, 2019[1]).
- Negative attitudes towards women working for pay outside the household are low in the LAC region compared with the global average. Nonetheless, the shift in this social norm has yet to translate into real change in the labour market, with the gender gap in labour force participation standing at 24 percentage points.
- Indigenous women face important intersectional discrimination in laws, social norms and practices. They suffer from a double burden, as their right to own the land they have traditionally occupied (ILO, 1989[2]) is not recognised in 15 LAC countries.[4]

Analysis of the "Restricted access to productive and financial resources" dimension

Access to productive and financial resources allows women to gain economic and productive power, and ensures equality between men and women in the labour market, whether in terms of equal remuneration, attitudes towards women's labour participation or women's representation in managerial positions. It is an essential precondition for achieving women's economic empowerment. Sustainable Development Goal (SDG) Target 5.A calls on States to: "Undertake reforms to give women equal rights to economic

resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws" (United Nations, 2016[3]).

However, numerous factors restrict women's rights and ability to fully participate in their respective countries' economies. These factors include: legal frameworks that constrain women's access to land and non-land assets; obstacles to financial inclusion in its numerous forms; and barriers that prevent women from entering the labour market and thriving in their jobs. Moreover, other indirect factors affect women's control over economic assets, such as discriminatory inheritance and divorce rights, as well as the decision-making power structure within the household (see Chapter 3). The SIGI looks at four major areas that concern women's restricted access to productive and financial resources (Box 5.1).

Box 5.1. Composition of the "Restricted access to productive and financial resources" dimension

The "Restricted access to productive and financial resources" dimension captures women's restricted access to and control over critical productive and economic resources and assets. This includes: discriminatory laws that deny women access to land, decent work and financial resources; discriminatory customary practices in ownership or decision making over land, household property and other assets; discriminatory practices or attitudes towards women's formal work; and social norms dictating that women's property ownership or access to credit should be mediated by men. The "Restricted access to productive and financial resources" dimension is composed of four indicators:

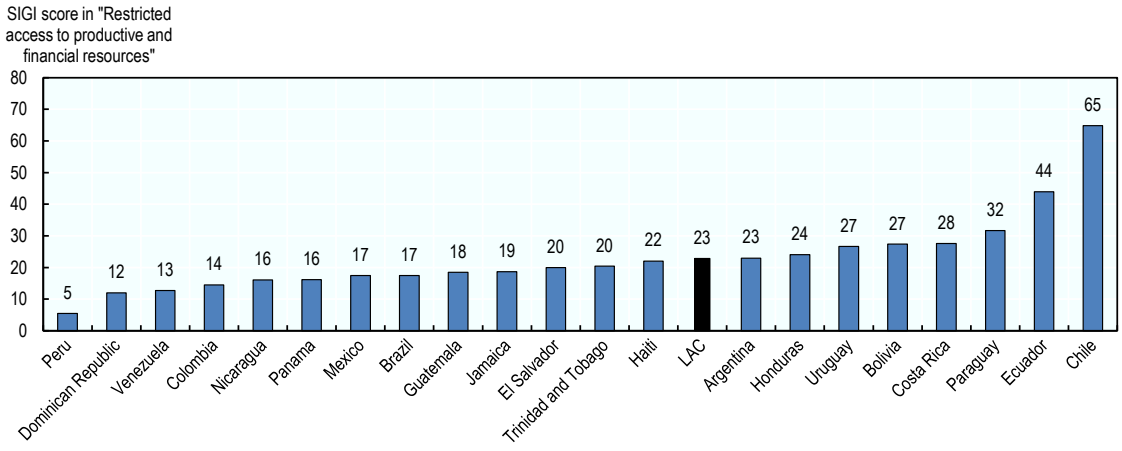
- "Secure access to land assets" captures whether women and men enjoy the same legal rights and secure access to land assets, without legal exceptions for some groups of women, taking into account discriminatory customary, religious or traditional practices or laws.
- "Secure access to non-land assets" captures whether women and men enjoy the same legal rights and secure access to non-land assets, without legal exceptions for some groups of women, taking into account discriminatory customary, religious or traditional practices or laws.
- "Secure access to formal financial services" captures the share of women in the total population aged 15 years and over who have an account at a financial institution and the level of their legal protection (i.e. whether women and men have the same rights to open an account and obtain credit at a formal financial institution), without legal exception for some groups of women, and taking into account discriminatory customary, religious or traditional practices or laws.
- "Workplace rights" captures the share of women in the total population who are employed in management, the social acceptance of working mothers, and whether the legal framework guarantees equality between women and men in the workplace. It also captures whether parental leave is available to mothers and fathers in the workplace, and whether the law protects women's rights during pregnancy and maternity/parental leave – taking into account discriminatory customary, religious or traditional practices or laws.

In the LAC region, workplace rights constitutes the most salient issue. Many countries' legal frameworks limit women's protection in the workplace and prevent them from entering certain sectors or jobs. Access to land and access to non-land assets are also important challenges, particularly in South America, where laws continue to uphold traditional views on ownership of land and non-land assets – the male head of household being the primary decision maker and owner of such assets. This chapter provides an in-depth analysis of the factors contributing to the LAC region's results in the "Restricted access to productive and financial resources" dimension, highlighting the economic constraints that women face, as well as the progress they have achieved, in ensuring equal access to productive assets.

Snapshot of scores in the "Restricted access to productive and financial resources" dimension

The LAC region displays a low level of discrimination in the "Restricted access to productive and financial resources" dimension, with a score of 23, compared with a global average of 27 and an OECD average of 13. However, important discrepancies exist across the LAC sub-regions, where scores range from 18 in the Caribbean to 20 in Central America and 27 in South America. The top regional performer in the "Restricted access to productive and financial resources" dimension is Peru, with a score of 5, stemming primarily from a strong legal framework that provides a fully comprehensive approach to preventing discrimination in women's access to productive and financial resources (Figure 5.1). Moreover, gender norms and attitudes show that only 5% of the Peruvian population considers it unacceptable for women to have a paid job outside their home, if they want one.

Figure 5.1. SIGI scores for the "Restricted access to productive and financial resources" dimension



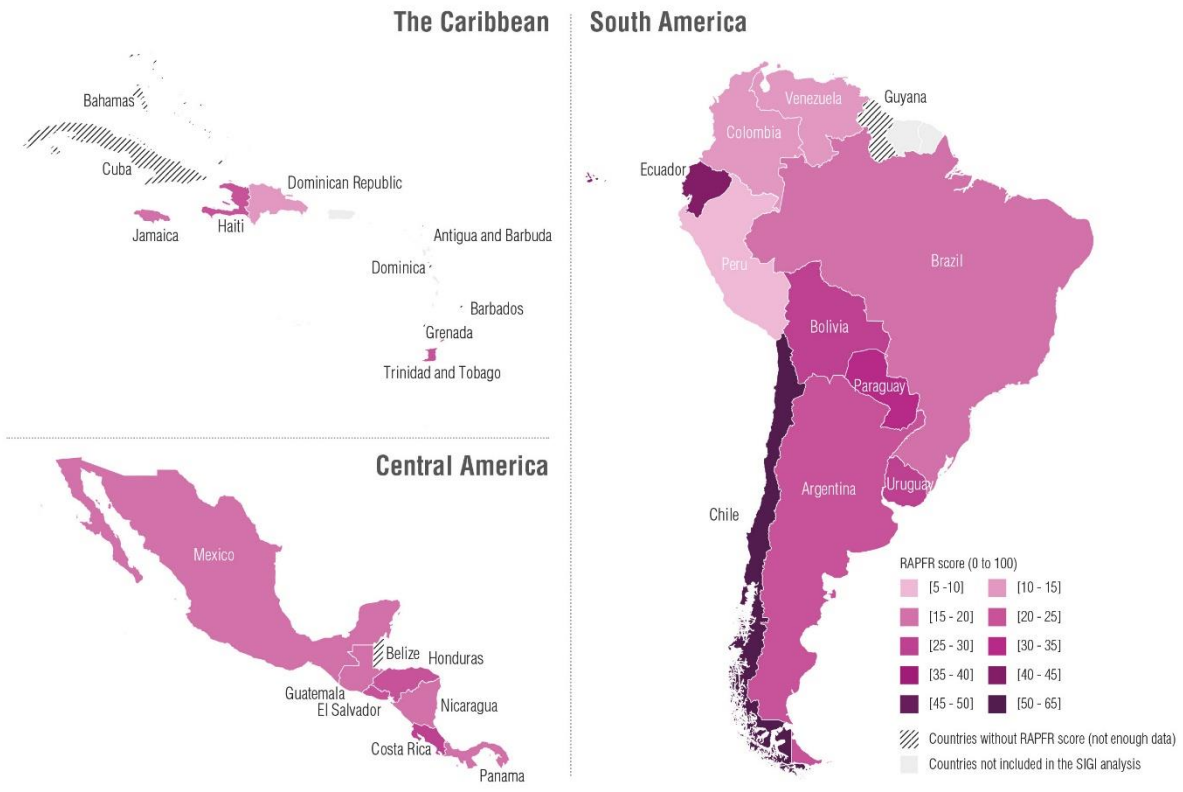
Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[4]), Social Institutions and Gender Index, https://stats.oecd.org.

StatLink https://doi.org/10.1787/888934136896

- In the Caribbean, the Dominican Republic is the top sub-regional performer, with a score of 12, ranking 26th globally in the "Restricted access to productive and financial resources" dimension. Other Caribbean countries also achieve low levels of discrimination, with Jamaica, Trinidad and Tobago, and Haiti scoring 19, 20 and 22, respectively (Figure 5.2).
- In Central America, Nicaragua is the top sub-regional performer, with a score of 16, ranking 37th globally. All other countries in this sub-region, with the exception of Costa Rica, display low levels of discrimination, with scores ranging from 16 in Panama to 24 in Honduras. Meanwhile, Costa Rica displays a medium level of discrimination with a score of 28 (Figure 5.2).
- South America presents high discrepancies across countries, hosting both the LAC region's best and worst performers in the "Restricted access to productive and financial resources" dimension. Peru is the top sub-regional and regional performer, displaying very low levels of discrimination with a score of 5 and ranking 16th globally, while Chile displays high levels of discrimination with a score of 65, ranking 117th globally. Four countries[5] in the sub-region are classified as having medium levels of discrimination, with scores ranging from 27 in Uruguay to 44 in Ecuador. The

sub-region's remaining four countries[6] are classified as having low levels of discrimination (Figure 5.2).

Figure 5.2. "Restricted access to productive and financial resources" results by country



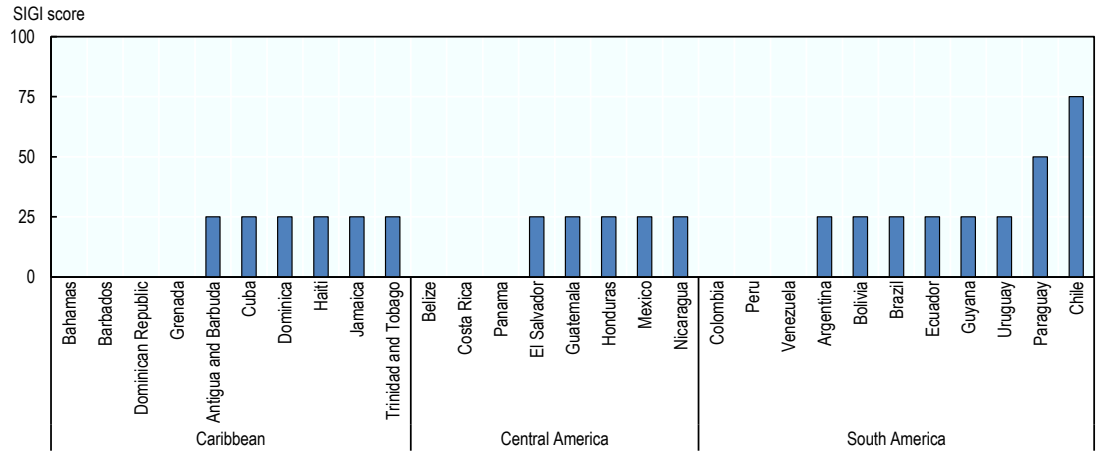
Source: (OECD, 2019[4]), Social Institutions and Gender Index, https://stats.oecd.org.

Secure access to land assets

Restrictions on women's access to land assets is a major barrier to gender equality and perpetuates women's economic dependency on men, particularly in land- and agriculture-based economies. In 17 LAC countries[7] out of the 26 for which data are available, more than 10% of the workforce is employed in agriculture; in 8 of those 17 countries, the agricultural sector accounts for more than 20% of the employed labour force (World Bank, 2019[5]). In countries with large agricultural sectors, women's land ownership is linked not only to income growth, but also to greater bargaining power within their households, better child nutrition, and higher educational attainment for girls. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognises gender-based discrimination as an "obstacle to the participation of women, on equal terms with men, in the […] economic life of their countries" (United Nations, 1979[6]). In most LAC countries, the law guarantees women's right to access, use and make decisions about land assets. Legal frameworks in all LAC countries, except for Chile, provide unmarried and married women with the same rights as men to own, use and make decisions about land assets, as well as to use them as collateral. In Chile, Article 1749 of the Civil Code establishes the legal presumption that husbands are the heads of household and control the administration of marital property (Gobierno de Chile, 2000[7]). In addition, Article 135 of Chile's Civil Code provides that under the default matrimonial regime, the husband takes full control of the administration of his spouse's assets. Meanwhile, legislation in many Caribbean countries – in particular Antigua and Barbuda, Dominica, Jamaica, and

Trinidad and Tobago – discriminates against women when it comes to their rights to access and own land after divorce or separation (Figure 5.3).

Figure 5.3. SIGI scores for the legal framework of "Secure access to land assets"



Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

StatLink https://doi.org/10.1787/888934136915

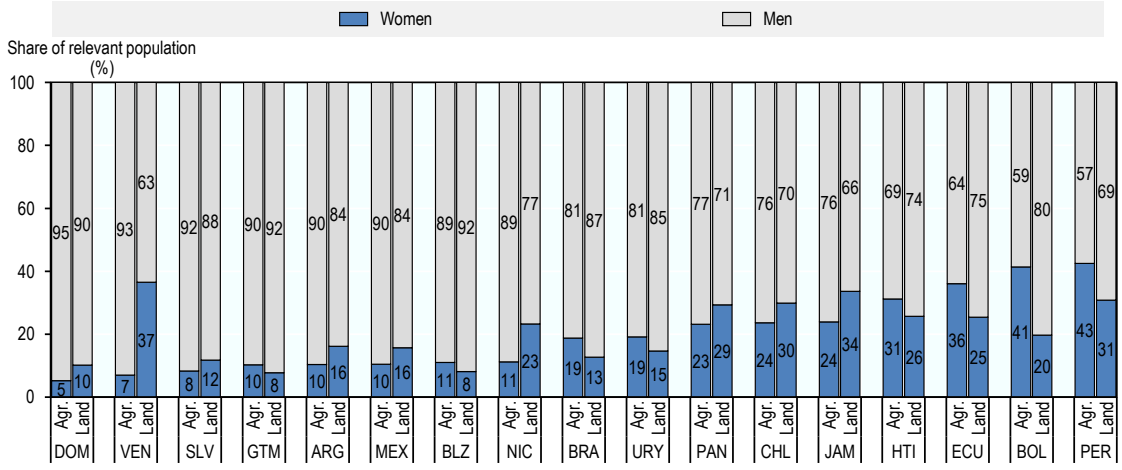
Social norms and customary practices in the majority of LAC countries often hinder women's access to land and favour men's land ownership. Traditional views consider the male head of household as the primary owner and decision maker. For instance, in Ecuador, most land titles are actually attributed to the husband and remain under his disposition. In rural areas, buyers' double signature for the acquisition of estate or property is not common, which means that only one name among the buyers (often the husband's) is stipulated in the contract (OECD Development Centre, 2019[9]). Similarly, in Dominica, property ownership is recorded under the name of the head of the household, who is usually a man. Men also generally own larger parcels of land, are involved in larger-scale agricultural production for export, and rear larger livestock (OECD Development Centre, 2019[10]).

Many countries display customary and traditional practices that favour the inheritance of assets passing from fathers to sons. For instance, Haiti and Peru show evidence of primogeniture – that is, a preference for the eldest male, and sometimes other male siblings, over female siblings for inheritance (OECD Development Centre, 2019[11]; OECD Development Centre, 2019[12]). In Guatemala, practices enable children – and particularly sons – to immediately inherit part of their father's estate, rather than have it go first to his widow, making her precariously dependent on her children. Moreover, widows whose names are not on land titles often lose their inheritance rights altogether (OECD Development Centre, 2019[13]).

Consequently, women tend to be underrepresented among agricultural landowners, in particular in countries where they represent a significant share of the agricultural labour force. Although lack of data and informal practices make it challenging to produce precise estimates, women are considered to represent only 17% of formal agricultural landholders, while accounting for 48% of the total rural population in the LAC region (FAO, 2017[14]; OECD, 2019[8]). The share of women among landowners is 20% in the Caribbean, 17% in South America and 15% in Central America. In Peru, 43% of the agricultural workers are women. Yet, they only own 31% of agricultural lands. The same discrepancy between women's representation in the agricultural sector and lower land ownership is evident in the Plurinational State of Bolivia (hereafter "Bolivia"), Ecuador and Haiti (Figure 5.4).

As agriculture continues to be largely perceived as men's business, another factor limiting women's land ownership is widespread informal land occupation, especially within poor communities and in areas where land appears to be the main means of subsistence. In Honduras and Nicaragua, studies show that increasing the percentage of female landholders is associated with an increase in household food expenditures and children's educational attainment (USAID, 2016[15]).

Figure 5.4. Women's ownership of agricultural land is usually lower than their agricultural employment share



Note: For each country, the figure presents the share of men and women among workers in the agricultural sector (left bar), and the share of men and women among the owners of agricultural land (right bar). Countries are ordered by increasing share of women among workers in the agricultural sector. Data for agricultural employment are missing for Antigua and Barbuda, Dominica and Grenada. Data for land ownership are missing for Antigua and Barbuda, Bahamas, Barbados, Colombia, Costa Rica, Cuba, Dominica, Grenada, Guyana, Honduras, Paraguay, and Trinidad and Tobago.
Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (World Bank, 2019[5]), World Development Indicators, https://databank.worldbank.org/source/world-development-indicators.

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Indigenous women's access to land in the LAC region remains a major area of concern and a source of vulnerability. The International Labour Organization (ILO)'s Indigenous and Tribal Peoples Convention No. 169 of 1989 outlines the rights of indigenous and tribal peoples to own the land they have traditionally occupied (ILO, 1989[2]). Fourteen LAC countries,[8] and almost all South American countries, have ratified the Convention. Yet, the principles outlined in the Convention are far from being accepted throughout the LAC region. Indigenous women in both ratifying and non-ratifying countries often face a double burden: on the one hand, they lack legal recognition regarding their ownership of, and decision-making power over, traditional land; on the other hand, they face discriminatory social norms and practices within their own communities. Fieldwork studies in Bolivia and Colombia have shown that the lack of formal property titles, which is often associated with land-grabbing practices, jeopardises indigenous women's traditional access to land (Bose, 2017[16]).

Policy options related to "Secure access to land assets"

- Reform legal frameworks to recognise full or partial community of property as the default marital property regime, and ensure the joint administration of marital property. Mandate that clear consent requirements are in place for the transfer or sale of such property, requiring the informed written consent of spouses.

> *For instance, the Brazilian Civil Code provides for the equality of spouses' rights and duties, and for the application, in the absence of prenuptial agreements, of a regime of partial community of property, with each spouse having equal rights to administer common property and to administer her or his own separate property (UN Women and OHCHR, 2013[17]).*

- Stress the importance of legalising unions and partnerships for couple-headed households, especially in rural areas, and encourage joint titling of land. Develop novel legal tools to enable the rapid and easy legalisation of informal partnerships between couples.
- Build and strengthen decentralised and integrated land administration systems, promote the decentralisation of public entities and services, and simplify land registration procedures.

> *For instance, the* Programa de Administración de Tierras de Honduras *(Land Administration Program Project of Honduras), initiated in 2003, specifically targets women through a two-pronged approach to increase women's land ownership: 1) strengthening the legal framework; and 2) developing project-level instruments to facilitate awareness and implementation of these rights. Among the tools used are gender auditing, training and awareness raising, social communication about land rights and titling, and monitoring through indicators developed to capture the gender-differentiated impacts of the project and to capture data on joint ownership (World Bank, 2015[18]).*

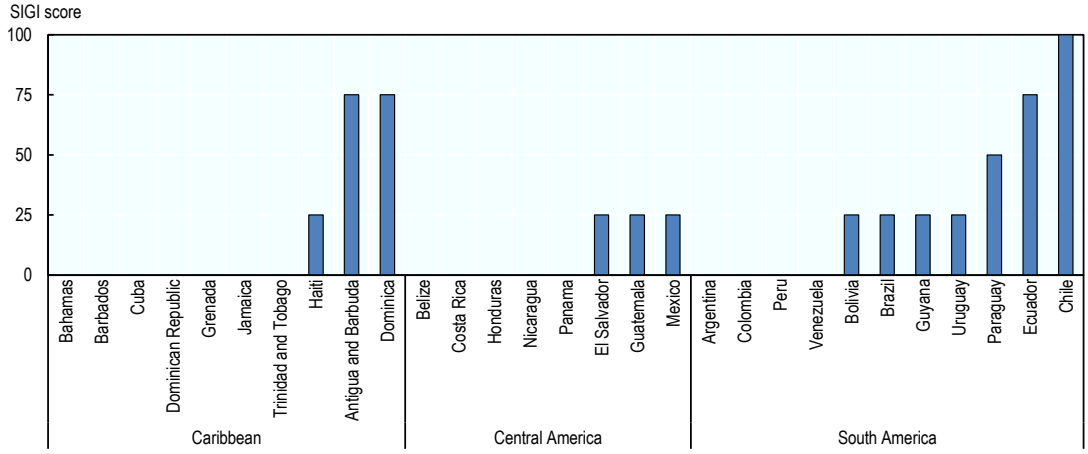
- Collaborate and build partnerships with women's rights groups/collectives in order to increase the percentage of female landholders. In particular, guarantee the representativeness of women's rights groups/collectives in all decision-making structures relevant to land and agriculture, their access to all information, and their ability to benefit from donor- or publicly-funded capacity-building.
- Design and implement communication and outreach campaigns to raise both women's and men's awareness about their rights regarding land.
- Implement specific mechanisms and programmes to support women's access to land in poor, indigenous and afro-descendant communities.

> *For instance, in Bolivia and Ecuador – the most advanced countries of the LAC region in terms of acknowledging indigenous people's rights –, the recognition of indigenous peoples' territorial rights is a constitutional law. Extensive regulations for recognition, recordation and demarcation of territories exist in these two countries but still fall short of the most advanced international standards (ECLAC, 2014[19]).*

Secure access to non-land assets

The legal framework in the majority of LAC countries protects women's rights regarding ownership of property and non-land assets. The law provides women with the same rights as men to own, use and make decisions about property and non-land assets in 16 LAC countries,[9] as evidenced by the score of 0 obtained by these countries in this indicator (Figure 5.5).

Figure 5.5. SIGI scores for the legal framework of "Secure access to non-land assets"



Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

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However, in some cases, discriminatory laws continue to prevent unmarried and/or married women from fully owning non-land assets. In Antigua and Barbuda, as well as in Dominica, legal frameworks fail to mention equal rights for adult unmarried women to use non-land assets as collateral, and Antigua and Barbuda's legislation does not explicitly mention married women's equal rights to use non-land assets as collateral. Meanwhile, Chile and Ecuador exhibit very restrictive legal frameworks regarding married women's rights to own, use and make decisions about property and non-land assets, as well as to use them as collateral. In Chile, the law grants administrative rights over the household's assets to the husband; he administers joint property as well as any of his wife's private property unless she acquired it solely through her own financial means (Almodóvar-Reteguis, 2019[20]). In Ecuador, even though the law provides married women with the same rights as married men to own non-land assets, legal provisions prohibit married women from equally using and making decisions about non-land assets, or using them as collateral. In Ecuador's Civil Code, the administration of the household's assets is attributed by default to the husband unless the wife has a signed agreement stating otherwise (Art. 180 and 230). The spouse who is in charge of administering goods and assets needs the other spouse's authorisation for major transactions (Art. 181) (OECD Development Centre, 2019[9]).

Significant gaps persist between legal frameworks and their implementation. In the five countries[10] for which data are available, women still represent a low proportion of homeowners. In Honduras, women account for only 12.8% of homeowners; in Colombia, they represent 6.7%. Throughout the LAC region, the combination of various additional factors hinders women's full legal access to and use of non-land assets. Such major impediments consist of: extreme poverty; the prevalence of committed, yet informal, unions or partnerships; women's lack of knowledge about their own rights; and the difficulty women face in covering notary fees (Chaves, 2018[21]).

The LAC region lacks public measures to strengthen women's access to property and non-land assets through inheritance. Legal frameworks fully grant married women and daughters equal rights to inherit land and non-land assets. In terms of land assets specifically, many countries in the LAC region continue to exhibit customary and traditional practices that favour the inheritance of assets passing from fathers to sons. As underlined in the "Secure access to land assets" section, Haiti and Peru showed evidence of primogeniture (OECD Development Centre, 2019[11]; OECD Development Centre, 2019[12]), while in

Guatemala, practices favour children's immediate inheritance of part of their father's estate, rather than this inheritance being passed to his widow (OECD Development Centre, 2019[13]).

Policy options related to "Secure access to non-land assets"

- Reform legal frameworks to recognise full or partial community of property as the default marital property regime, and ensure the joint administration of marital property. Mandate that clear consent requirements are in place for the transfer or sale of such property, requiring the informed written consent of spouses.

> *For instance, the Brazilian Civil Code provides for the equality of spouses' rights and duties, and for the application, in the absence of prenuptial agreements, of a regime of partial community of property, with each spouse having equal rights to administer common property and to administer her or his own separate property (UN Women and OHCHR, 2013[17]).*

- Update legal frameworks to protect a widow's right to inherit property from her deceased husband without any customary preference for male descendants. Build up legal enforcement capacities in order to ensure that all inheritance procedures abide by the law.
- Increase the number of public programmes and initiatives that aim to raise people's awareness around women's rights regarding property and non-land assets at the national and community level.
- Invest in the development of infrastructure and the decentralisation of public entities and services in order to bridge the gap between public administration and citizens in remote locations.

Secure access to financial services

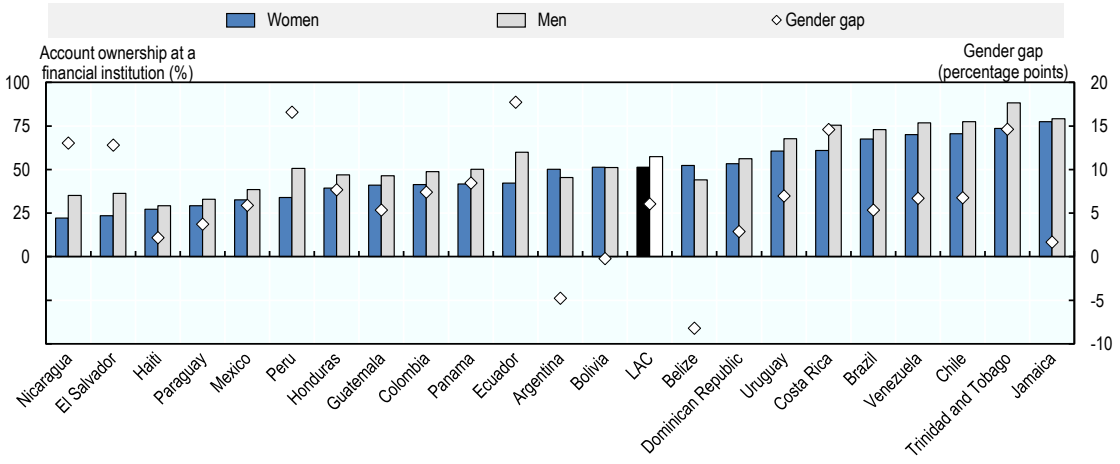
Restricted access to financial services contributes to constraining women to a situation of economic subordination. It denies them the essential tools they need in order to be financially autonomous and to develop independent economic activities. Implications are wide-ranging, from missed economic opportunities to women's inability to make decisions regarding how to spend money or when to leave a violent household. Article 13 of the CEDAW specifically calls on States Parties to ensure that women and men have the same rights to "bank loans, mortgages and other forms of financial credit" (United Nations, 1979[6]). In the SIGI framework, "Secure access to financial services" is defined as the ownership of a bank account and access to credit, as well as legal frameworks that guarantee women's autonomy to open and manage bank accounts at a formal financial institution.

Achieving women's financial inclusion constitutes a key contributing factor for their empowerment. The more women have access to financial services, the more likely they are to participate in the economy. This participation usually consists of saving money, managing economic risks, investing in businesses, and spending on their own health and education, with lasting positive effects on their families and communities (Hijar, 2018[22]). Research from the International Finance Corporation (IFC) highlights that greater inclusion of women in the economy is associated with a 2-4% increase in gross domestic product (GDP), and shows that women are more likely than men to invest in areas such as education and health (AFI, 2016[23]). Legislation in LAC countries does not discriminate against women regarding their access to bank accounts. In all LAC countries, women enjoy the same rights as men to open a bank account at a formal financial institution, without requiring permission from their husband or a legal guardian.

In practice, women's financial inclusion has made great strides since the third edition of the SIGI in 2014. The share of women who have an account at a financial institution increased in 16 countries[11] of the 20 for which 2017 data are available. In Uruguay and the Bolivarian Republic of Venezuela (hereafter

"Venezuela"), the share of women who have an account at a financial institution increased by 19 and 17 percentage points, respectively, while it increased by 14 percentage points in Bolivia and Honduras (Demirguc-Kunt et al., 2018[24]). Consequently, in 2017, women's average rate of account ownership in the LAC region stood at 51%. In seven countries,[12] more than 60% of women have an account at a financial institution (Figure 5.6). Among the top performers, Venezuela, Chile, Trinidad and Tobago, and Jamaica exhibit women's rates of account ownership of 70%, 71%, 74% and 78%, respectively. Conversely, women's access to, and usage of, banking services remain limited in Nicaragua (22%), El Salvador (24%), Haiti (27%) and Paraguay (29%).

Figure 5.6. Women's access to bank account is high but gender gaps remain important



Note: The figure presents the respective shares of women's and men's account ownership at a financial institution (as per the definition in the Global Findex database). The gender gap is the difference, in percentage points, between men's ownership rate and women's ownership rate. Data for Belize and Jamaica are from 2014. Data are missing for Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Grenada and Guyana.
Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (World Bank, 2017[25]), Global Findex database, https://globalfindex.worldbank.org.

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Beyond the share of women owning an account at a financial institution, important gender gaps in ownership rates persist across the LAC region. Existing data underline the dual problem that LAC countries need to address in terms of women's financial inclusion: increasing women's account ownership at a financial institution on the one hand, and improving equality between men and women on the other hand. While countries can achieve high financial inclusion for women, this does not say much about the differences between men's and women's financial inclusion. For instance, in Jamaica, there is virtually no gender gap: 78% of women own an account at a financial institution, compared with 79% of men. Trinidad and Tobago also exhibits a high share of women's account ownership (74%), but this is in comparison with 88% for men. It therefore translates into a gender gap of nearly 15 percentage points. Overall, in six LAC countries,[13] the gender gap is greater than 10 percentage points (Figure 5.6). In particular, Nicaragua and El Salvador exhibit the lowest shares of women's account ownership at a financial institution and have among the largest gender gaps. Conversely, only three countries – Argentina, Belize and Bolivia – display negative gender gaps, meaning that a higher share of women than men have accounts at financial institutions. In Belize and Argentina, 54% and 53% of account holders are women, respectively.

Moreover, negative contributing factors – such as poverty, labour force participation and low access to technology – intersect with gender discrimination to further constrain women's financial inclusion. For instance, the results from the 2017 Global Findex database showed that among the unbanked, women are less likely than men to participate in the labour force (World Bank, 2017[25]). At the same time, the gender gap in labour force participation rates already stands at 24 percentage points (Muller and Casabonne, 2018[26]). The combination of both findings suggests that limited female labour force participation intersects with already existing gender-based discrimination, which further constrains women's financial inclusion. Similarly, the 2017 Global Findex database shows that, in the LAC region, the likelihood of people with secondary education to have a bank account is 16 percentage points higher than for those with only primary education. Likewise, in the LAC region, the share of individuals in the richest 60% of the population who have a bank account is 20 percentage points higher than the share of individuals in the poorest 40% (World Bank, 2017[25]).

Across the globe, and especially in the LAC region, a variety of initiatives, programmes and national action plans has been developed to promote and achieve women's financial inclusion (Box 5.2). For instance, the Banking on Women programme developed by the International Finance Corporation (IFC) intends to support women-led businesses through access to finance. Similarly, the Women entrepreneurshipBanking initiative, developed and implemented by the Inter-American Development Bank (IDB), aims to support financial institutions by lending money to more than 100 000 women-owned businesses across the LAC region by 2019 (Finnegan, 2015[27]). Across the LAC region, non-governmental organisations (NGOs) have also implemented numerous microfinance programmes in order to provide rural and poor women with secure access to financial services.

Box 5.2. Women's access to financial services has increasingly gained the attention of international organisations

Banking on Women

The Banking on Women programme is an initiative led by the International Finance Corporation (IFC) of the World Bank Group. The programme started in 2010, and its goal is to support female entrepreneurs in the LAC region in their activities so that they can create jobs and spur economic growth. Through investments and advice from the IFC, the programme has supported female entrepreneurs in Brazil, Chile, Costa Rica, the Dominican Republic and Ecuador. The programme has committed ten investment projects in four countries, which amounts to a total investment of USD 685 million (IFC, 2018[28]).

Women entrepreneurshipBanking

Women entrepreneurshipBanking is a flagship programme of the Inter-American Development Bank (IDB) and the Multilateral Investment Fund, the IDB's private sector arm. The programme was launched in 2012 and provides incentives for LAC financial intermediaries to launch innovative and inclusive lending models for women-led micro, small and medium-sized enterprises (IDB, 2012[29]; IDB and MIF, 2014[30]). The programme uses two tools:

- loans, partial credit guarantees or risk-sharing mechanisms to strengthen tenor and liquidity in banks seeking to expand lending
- technical assistance for banks that want to target women-led micro, small and medium-sized enterprises as a profitable sector.

Governments have also contributed to this renewed effort to enhance women's financial inclusion in the LAC region. For instance, the Mexican government revamped the existing structure of the conditional cash transfer programme *Oportunidades* (Opportunities) to foster financial inclusion through a newly added pillar

that promotes beneficiaries' access to savings, microcredit and insurance (Francesca Lamanna, 2014[31]). A large part of the strategy focused on harnessing the power of technological innovation to reach underserved areas (such as rural zones) and vulnerable people (such as indigenous communities). The programme, now rebranded as *Prospera* (Prosperity), started shifting payments from cash to debit cards and expanded access for low-income women (World Bank, 2016[32]). Combined with the launch of Mexico's National Financial Inclusion Strategy in 2016 (which aims to facilitate access to financial services for the population left out of the formal and regulated financial system), one-half of the *Prospera* programme's recipients now receive their payments in digital accounts. Results from an evaluation of the programme show that 25% of the beneficiaries are indigenous women and 95% of transfer recipients are women from poor households (CEDAW Commitee, 2018[33]; OECD, 2019[34]).

Yet, the persistence of discriminatory customary and traditional norms and practices put progress in women's rights at risk. Although the legal frameworks across LAC countries fully guarantee women's and men's equal rights regarding their access to financial services, there is some evidence of the existence of discriminatory customary or traditional norms and practices that restrict women's access to financial services in more than one-third[14] of the region's countries. For instance, the Caribbean Development Bank notes that in Barbados, in spite of the existing legal framework, credit is rarely granted to women who apply without a male partner or colleague (Allen and Maughan, 2016[35]). Evidence in some countries also underlines cases of gender bias in credit institutions that appear to regard women as less likely than men to make a profit on an investment. In the majority of cases, discriminatory norms regarding women's financial access directly stem from the discriminatory traditional practices surrounding ownership of land and non-land assets. This also constitutes the main impediment to women's access to formal financial services – and particularly to credit – as they lack collateral. Numerous organisations and actors across the LAC region note that women's non-ownership of resources that could be used as collateral constrains their access to credit, which, in turn, could finance productive investments across all economic sectors (Baksh, 2014[36]; FAO, 2020[37]; González Perrett and Deus Viana, 2010[38]).

Policy options related to "Secure access to financial services"

- Remove any remaining gender-based discrimination that exists in LAC countries' legal frameworks, especially in terms of discriminatory customary and traditional laws and practices that constrain rural and indigenous women.
- Invest in financial education programmes in order to harness the high levels of women's financial inclusion in the LAC region and translate it into real economic gains for LAC countries.

> *In 2019, Guatemala presented its new* Estrategia Nacional de Inclusión Financiera *(National Strategy of Financial Inclusion), whose thematic axes of development include access to payments, access to financing, access to savings and access to securities. Moreover, the strategy contains several cross-cutting axes of development, including the strengthening of financial education through the implementation of programmes seeking to improve the users' understanding and management of financial tools such as bank accounts, saving accounts and credit applications. The education component is both aimed at individuals, to reinforce their knowledge of finance and their capacity to make informed decisions, as well as at small and medium enterprises, to reinforce their capacities to invest and develop themselves (Gobierno de Guatemala, 2019[39]).*

Workplace rights

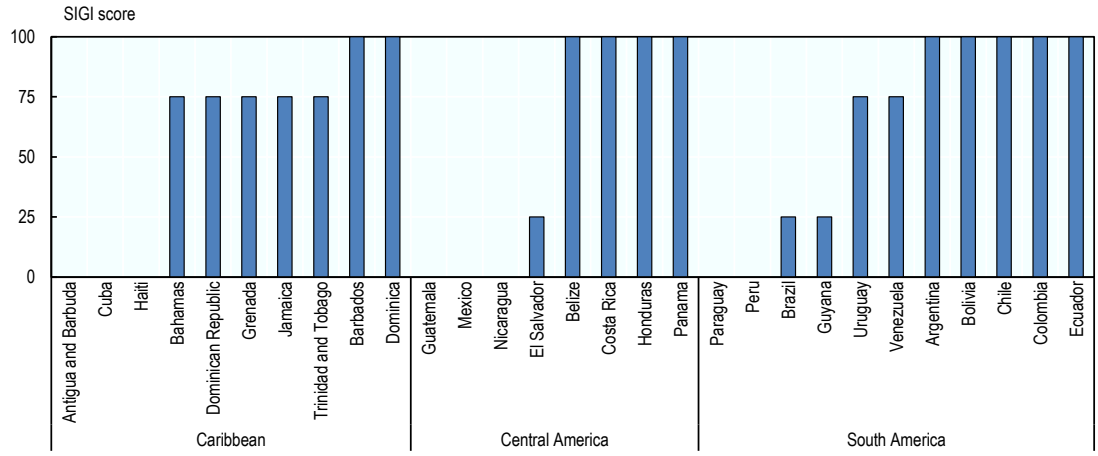
Equality and the principle of equal opportunities between men and women in the work environment are highlighted in SDG Target 5.5, which calls on States to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in […] economic […] life" (United

Nations, 2016[3]). At the core of Article 11 of the CEDAW is the commitment of all States Parties to "eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights" (United Nations, 1979[6]).

In the LAC region, women's workplace rights and inclusion in the labour market on equal footing with men are restricted by discriminatory laws, social norms and practices, which translate into gender-unequal outcomes. Across the LAC region, legal frameworks allow some forms of discrimination and negate women's rights to choose their profession, to fully participate in all sectors of the economy, and to benefit from equal remuneration. Combined with negative attitudes towards women's right to work outside the household environment, these laws yield gender-unequal outcomes in the workplace. Such outcomes include women's low representation in decision-making and managerial positions, gender-based segregation in the workforce, and gender pay gaps. Gender-based discrimination in employment is prohibited in most LAC countries. The legal frameworks in 25[15] out of the 29 LAC countries include laws that explicitly forbid either gender- or sex-based discrimination in employment. Out of these 25 countries, 10 countries[16] have laws that specifically ensure equality in selection criteria, recruitment processes and hiring procedures; 11 countries[17] cover some of these aspects, while 4 countries[18] cover none of them. These legal loopholes allow employers to discriminate against women. For example, in the Dominican Republic, reports have documented employers in free trade zones requiring female job candidates to take pregnancy tests as a condition for employment, which is all the more problematic considering that women account for the majority of workers in these zones (Human Rights Watch, 2004[40]).

Legal barriers continue to prevent women from entering certain professions. In nine LAC countries,[19] legal frameworks restrict the jobs women are allowed to do. For example, in Panama, although a sentence from the *Corte Suprema de Justicia* (Supreme Court of Justice) from 1994 declared unconstitutional part of Article 104 of the Labour Code which forbade women from working underground, in mine or in construction, the second part of the article is still valid and prevents women from working in professions deemed "insalubrious" by the *Ministerio de Trabajo y Bienestar Social* (Ministry of Labour and Social Well-being) (Corte Suprema de Justicia de Panamá, 1994[41]; Gobierno de Panama, 1994[42]; OECD Development Centre, 2019[43]). In Barbados, specific jobs in which women are prohibited from entering include working in some chemical industries, whereas in Ecuador, these restrictions are associated with the weight female workers can be asked to lift (OECD Development Centre, 2019[9]). In addition, as of 2019, five LAC countries[20] prohibit women from working the same number of night hours as men (Figure 5.7). In 2019, Costa Rica amended its Labour Code and eliminated the prohibition for women to work in night shifts (Gobierno de Costa Rica, 2019[44]). Many of these restrictions arise from the belief that women are not suitable for jobs which may be physically intensive or dangerous. Restrictions are sometimes supposedly in place in order to protect women, but they are nevertheless embedded in gender stereotyping – notably in terms of seeing women as weak and in need of protection. In addition to being generally incorrect, these restrictions risk generating gender-based sectoral segregation in the labour force.

Figure 5.7. SIGI scores for the legal framework of "Workplace rights"

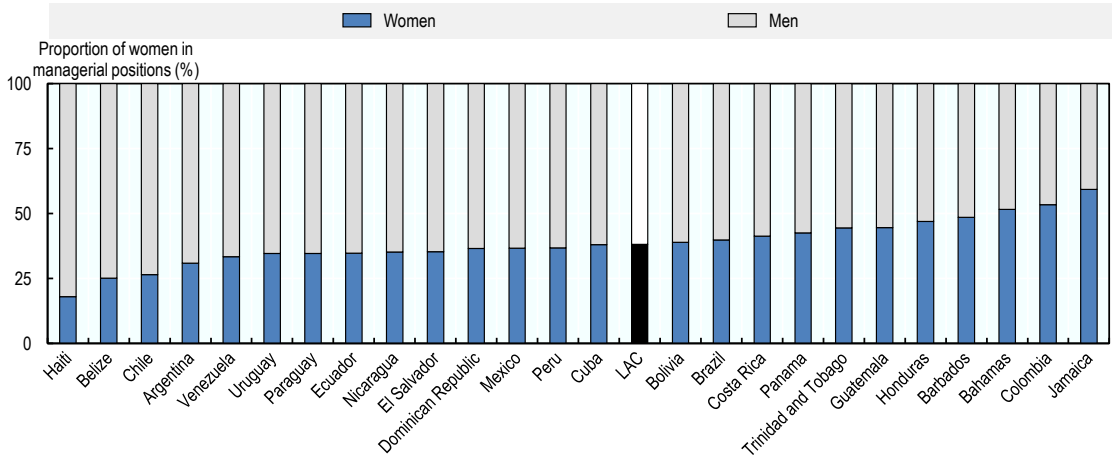


Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

StatLink https://doi.org/10.1787/888934136991

Although the resulting sectoral segregation is declining, it remains significant, with clearly male- and female-dominated occupations (Bértola and Williamson, 2017[45]; ILO, 2017[46]). Women tend to be segregated in the retail, wholesale, tourism and services sectors (Mateo Díaz and Rodriguez-Chamussy, 2016[47]). Data from the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) show that women are consistently overrepresented in low-productivity sectors compared to men (see Figure 2.4 in Chapter 2). As a result, women, more so than men, hold occupations that tend to pay poorly (Bértola and Williamson, 2017[45]). Moreover, in the vast majority of LAC countries, men continue to be overrepresented in managerial positions compared to women (Figure 5.8). At the same time, most countries do not impose penalties on companies or institutions that discriminate against women in their promotion processes. Across the LAC region, only three countries have more women than men in managerial positions: Jamaica (59%), Colombia (53%) and the Bahamas (52%). Conversely, women account for only 18%, 25% and 26% of the managers in Haiti, Belize and Chile, respectively. Occupational and vertical segregation in the LAC region's labour force is one of the most important factors explaining the persistence of gender pay gaps, despite countries' commitments to the principle of equal remuneration.

Figure 5.8. Women are underrepresented in managerial positions compared to men



Note: Data are missing for Antigua and Barbuda, Dominica, Grenada and Guyana.
Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

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All LAC countries have ratified the ILO's Equal Remuneration Convention No. 100, Article 2 of which states that "each member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all men and women workers of the principle of equal remuneration for work of equal value" (ILO, 1951[48]). Across the LAC region, all countries acknowledge women's right to remuneration that is equal to men's for work of equal value (Box 5.3); however, this recognition has not been translated into the domestic legal frameworks of all LAC countries. For instance, in Belize, the Equal Pay Act still "stipulates the principle of equal remuneration for equal work rather than for work of equal value" (International Trade Union Confederation, 2010[49]). Similar legal provisions are found in all but three countries[21] in the Caribbean, two countries[22] in Central America and two countries[23] in South America.

The lack of implementation of equal remuneration in domestic law contributes to the persistence of gender pay gaps. On average, women in the LAC region earn 30% less than men. For instance, women are estimated to earn between 49% and 68% of men's earnings in Chile, Colombia, Mexico, Peru and Venezuela (Baker McKenzie, 2018[50]). Moreover, afro-descendant women are more likely to be vulnerable to low pay and are likely to experience larger gender pay gaps, although data in this regard are very limited (Bértola and Williamson, 2017[45]). Legal loopholes facilitate these discrepancies, as companies in all but three LAC countries[24] are not legally required to report on how they pay women and men.

Box 5.3. What is equal remuneration?

The principle of equal remuneration for work of equal value, as set out in the Preamble to the ILO Constitution (ILO, 1919[51]), is not the same as equal remuneration for equal work.

The concept of **equal remuneration for equal work** means that similarly qualified women and men will be paid equally when they perform the same or virtually the same work in equivalent conditions. Therefore, the definition limits the application of the equal pay principle to work undertaken by women and men in the same area of activity and in the same enterprise (ILO, n.d.[52]).

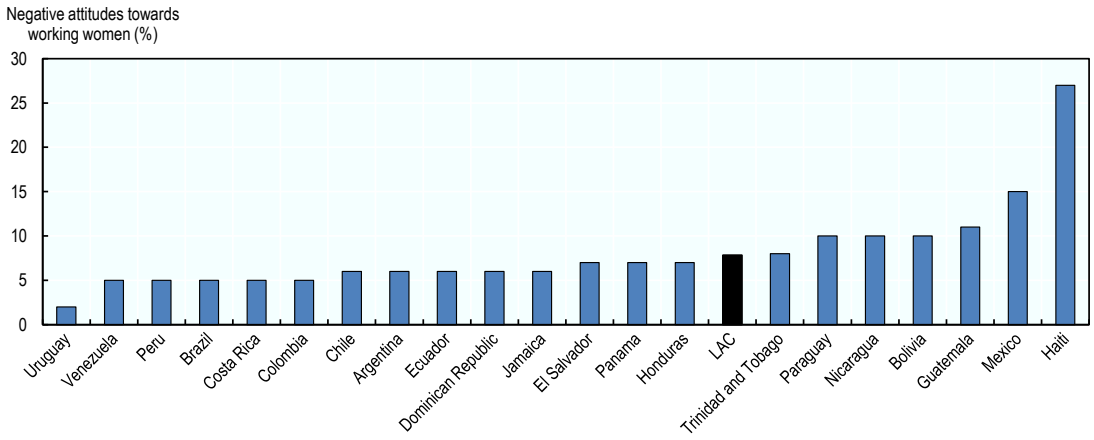
The concept of **equal remuneration for work of equal value** includes, but goes beyond, the concept of equal remuneration for equal work. It is broader and it encompasses cases where men and women do different work. The concept is based on the idea that when men and women perform work that is different in content, involves different responsibilities, requires different skills or qualifications, and is performed under different conditions, but is overall of equal value, they should receive equal remuneration (Oelz, Olney and Tomei, 2013[53]). Consequently, the concept of equal remuneration for work of equal value requires a means of measuring and comparing different jobs on the basis of objective criteria such as skills, working conditions, responsibilities and effort. In order to determine whether different types of work have the same value, they can be assessed through a job evaluation method.

For example, some of the jobs that have been compared in the context of evaluating equal pay for work of equal value include: caterers and cleaners (mostly women) with gardeners and drivers (mostly men); social affairs managers (mostly women) with engineers (mostly men); and flight attendants (mostly women) with pilots and mechanics (mostly men).

Attitudinal data also reflect the belief held by some that women should not participate in paid work, which further perpetuates salary differences between men and women. Across the LAC region, nearly 8% of the population disagrees with the idea of a woman in their family having a paid job outside the home if she wants to, compared with 4% in OECD countries. The proportion of the population disagreeing with this idea is 5% in South America, 13% in Central America and 14% in the Caribbean. Haiti has the highest proportion of people opposing women's work (27%), compared with only 2% in Uruguay (Figure 5.9). At the same time, traditional views of women as housewives are also dominant. On average, more than 50% of the LAC region's population believes that being a housewife is just as fulfilling as working for pay, and in Guatemala and Mexico, the proportion reaches 59%. Similarly, in 2019, 36% of the LAC population agreed with the statement "If a woman earns more money than her husband, it is almost certain to cause problems" (OECD, 2019[8]).

Figure 5.9. Part of the population continues to think that women should not have a paid job outside the home

Statement: "It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants to"



Note: The figure presents the percentage of the population aged over 18 years that disagrees or strongly disagrees that "It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants to". Data are missing for Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Grenada and Guyana. Sub-regional averages are calculated on the sample of countries for which data are available.

Source: (OECD, 2019[8]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (World Values Surveys, 2017[54]), World Values Survey, http://www.worldvaluessurvey.org/wvs.jsp.

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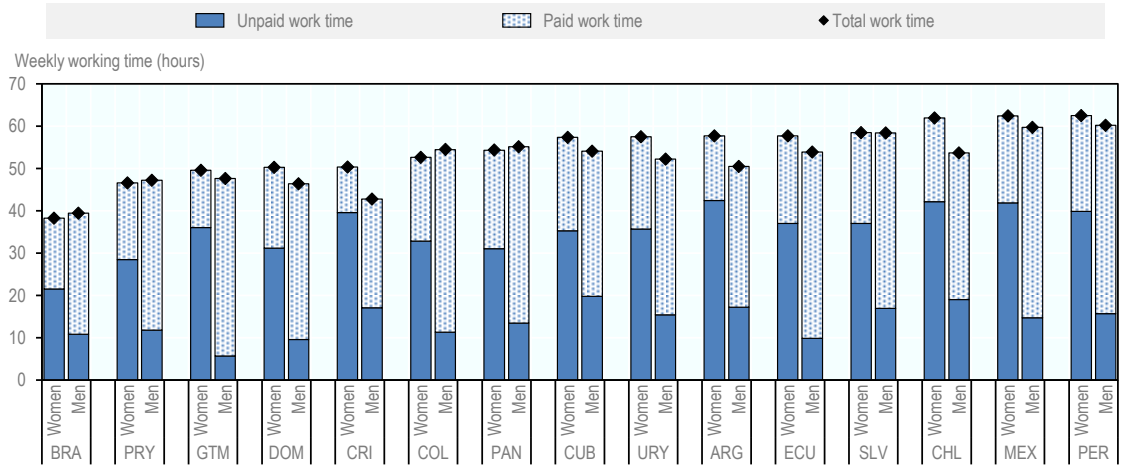
All these negative attitudes and social norms point towards important gender dynamics within the household that limit women's labour force participation (see Figure 2.3 in Chapter 2). The gender gap in the LAC region's labour force participation rates stands at 24 percentage points, despite a steep increase in women's labour force participation in the region. Between 1990 and 2017, the gender gap in labour force participation in the LAC region decreased by around 15 percentage points (Muller and Casabonne, 2018[26]). Moreover, women's advancement in employment is closely related to beliefs about whether they should be working or not. Supportive environments for women's employment are essential, especially for women with children, as these women face more demands within the household than women without children.

Women's lower labour force participation rate is partly explained by the share of caring and reproductive roles they perform in the household. Unpaid care work and lack of childcare facilities limit the time available to women for paid work, education and leisure, and further contributes to gender gaps in terms of access to resources and opportunities. Across the LAC region, and in addition to often working more hours per week than men, women systematically dedicate more time to unpaid work than men (Figure 5.10). For example, in Mexico, many mothers choose to stay home with their children in the absence of affordable, accessible childcare despite labour market programmes in place to encourage women to continue working (OECD, 2017[55]).

Figure 5.10. Women work as much as men while spending more time on unpaid work

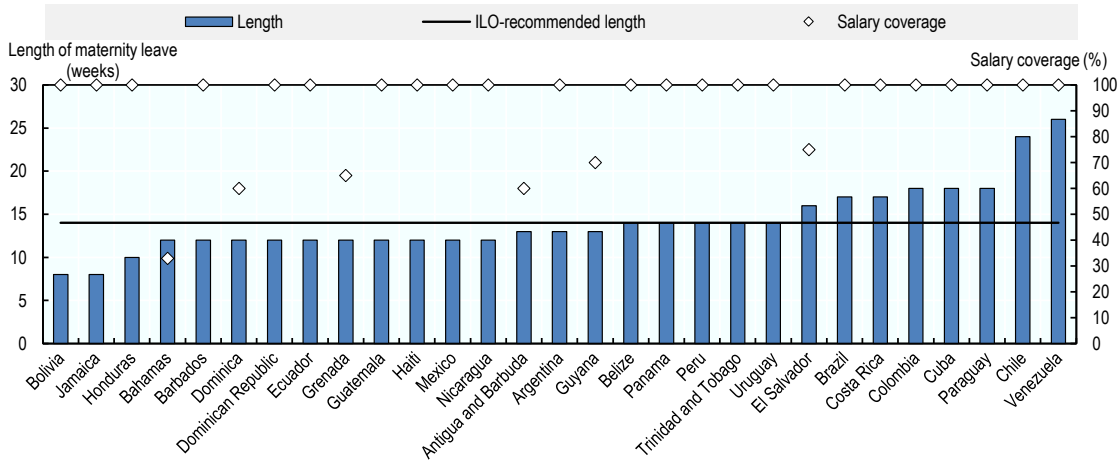


Note: Paid work refers to work done for the production of goods or services for the market and is calculated as the amount of time devoted to employment, job search and commuting. Unpaid work refers to work done without payment and that is performed mainly in the private sphere. It is measured by quantifying the time a person spends on work for self-consumption purposes, unpaid domestic work and unpaid care for their own home or to support other household work. Total work time is the amount of paid work time and unpaid work time. Times are calculated as a weekly average number of hours of work performed by the population aged 15 years and over. Countries are ordered by women's increasing total work time. Data are only available for the 15 LAC countries listed.
Source: (ECLAC, 2020[56]), Gender Equality Observatory for Latin America and the Caribbean, https://oig.cepal.org/en/indicators/total-work-time.

StatLink https://doi.org/10.1787/888934137048

Legal frameworks on maternity and paternity leaves throughout the LAC region remain weak and are subject to considerable discrepancies. Maternity, paternity and parental leave schemes play an important role in upholding the belief that care and domestic responsibilities are women's obligation. All LAC countries grant paid maternity leave to women; however, the duration of leave and salary coverage vary widely across the region. Maternity leave ranges from 8 months in Bolivia and Jamaica, to 26 months in Venezuela. Overall, 16 LAC countries[25] fail to provide women with the ILO-recommended 14 weeks of maternity leave (Figure 5.11). Some progress has been made, however, and the legislation was revised most recently in 2017 in Colombia, as well as in 2015 in Peru, El Salvador and Paraguay, to increase the mandatory length of maternity leave. Similarly, the *Comunidad Andina* (Andean Community) recently recommended that its members – Bolivia, Chile, Colombia, Ecuador and Peru – increase the legal length of maternity leave to 24 weeks (Garvan, 2019[57]). Conversely, the law in Antigua and Barbuda continues to contain loopholes and thus fails to protect women's employment security during their maternity leave. Meanwhile, in all but six LAC countries,[26] laws mandate employers to fully cover mothers' salaries during maternity leave. Salary coverage represents an issue mainly in Caribbean countries, where the law only mandates that employers cover a limited fraction of a woman's salary. In the Bahamas, for instance, women taking maternity leave only receive 33% of their regular salary. In addition, only 8 countries[27] out of the 29 in the LAC region have legislation that prohibits employers from asking a woman about her pregnancy or her intention to have a child during recruitment or promotion processes.

Figure 5.11. Length of paid maternity leave and salary coverage



Source: (OECD, n.d.[58]), SIGI Country Profiles, https://www.genderindex.org; (ILO, 2020[59]), Working Conditions Laws Database, https://www.ilo.org/dyn/travail; and national legislation.

StatLink https://doi.org/10.1787/888934137067

The lack of paternal leave schemes has serious implications for the division of labour within the household. While all LAC countries have maternity leave entitlements, only ten[28] mandate paternity leave schemes, and six[29] have legal provisions for parental leave. Yet, research shows that fathers who take leave are more likely to be involved in childcare-related activities, to the benefit of their children's development and well-being (Huerta et al., 2013[60]). In addition, fathers making use of their paternity leave contribute to the recognition and redistribution of unpaid care work, promoting more gender-equal roles in the family and shifting attitudes that define "care" as something gendered (van der Gaag et al., 2019[61]). Nevertheless, even in countries with paternity leave entitlements, global research shows that men often do not take full advantage of these entitlements. For example, evidence shows that in Brazil, fathers who take paternity leave are more likely to be actively engaged in childcare activities, yet only 32% of fathers take the full five days they are entitled to by law, and 27% take no time off at all (UN Women, 2019[62]; van der Gaag et al., 2019[61]).

Policy options related to "Workplace rights"

- Remove legal barriers that restrict women's labour force participation in male-dominated sectors, and translate major ILO Conventions (100 and 111) into countries' legal frameworks.
- Develop comprehensive legal frameworks on paid parental leave that protect women's rights during pregnancy and guarantee equality between mothers and fathers. Create policies to increase uptake rates through incentives for new fathers to use their parental leave.

> *For instance, the* Comunidad Andina *(Andean Community)'s proposal to its members – Bolivia, Chile, Colombia, Ecuador and Peru – to extend maternity leave to 24 weeks (total – before and after birth) is a positive sign of the recognition of the importance of mothers spending time with their newborn children (Garvan, 2019[57]).*
>
> *Meanwhile, Colombia – one of the top performers in the LAC region in terms of paid paternity leave – only legally mandates eight days of paid paternity leave for any employee with 100% salary coverage (ILO, 2020[59]).*

- Establish incentive measures to commit companies to a gender-balanced workforce and regulate companies' mandatory reporting requirements to demonstrate their compliance with gender pay-related legislation.

> *The United Nations Development Programme (UNDP) launched the Gender Equality Seal Certification Programme in the LAC region. The programme was developed in collaboration with the private sector and governments to create certification incentives for private companies that meet commitments towards gender equality. Countries including Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Mexico and Uruguay have set up their own implementation bodies that issue the nationally recognised certifications (UNDP, 2017[63]). For instance, in Brazil, the* Pró-Equidade de Gênero e Raça *(Gender and Race Pro-Equality) programme aims to combat discrimination and inequalities between men and women at the workplace, and to promote equal access to formal work and equal access to management and leadership positions. The programme enters its sixth edition and benefits approximately one million workers.*

- Strengthen and enforce legal provisions on equal pay and non-discriminatory practices, and sanction any company and/or public entity disobeying them.
- Develop training programmes and workshops in offices and public administration bodies to address deep social biases towards women's equal participation in the labour force and promote new forms of positive masculinity within the workplace environment.

Conclusion

Women's economic empowerment represents an extraordinary economic opportunity for the LAC region. As the coronavirus (Covid-19) crisis unfolds across the region and threatens its macroeconomic stability, with crucial socio-economic consequences, the need to achieve women's economic empowerment becomes even more important in light of the future economic recovery plans. The fundamental preconditions for achieving this are ensuring that women can access productive and financial resources, and that they are fully integrated within economic and labour markets. The LAC region has made progress in terms of women's access to productive and financial resources. The vast majority of LAC countries have legal frameworks that protect women's right to access land and non-land assets, as well as to have an account at a financial institution. The remaining challenges for the LAC region revolve around addressing discriminatory social norms and establishing equal rights in the workplace.

Social norms exist beyond official legal frameworks, and include a large array of unwritten and unofficial customary and traditional norms, which continue to constrain women's right to inherit land or property, to manage their assets, to freely choose their jobs, or even to simply join the labour market. These persistent discriminatory social norms weaken the implementation of gender-sensitive laws and policies, and justify harmful and discriminatory practices in the field of women's economic empowerment.

The second most pressing challenge concerns women's rights in the workplace, which entail women's level of remuneration, women's full and unhindered participation in the labour market and the social acceptance of working women. In the LAC region, the SIGI reveals that most of the economic discrimination against women concerns the "Workplace rights" indicator. Many LAC countries continue to have legal provisions prohibiting women from entering certain professions, and lack the principle of equal remuneration for work of equal value. In order for the LAC region to fully reap the economic benefits of gender equality, it is critical to improve the current legal frameworks so that they guarantee equality between women and men in the workplace, and provide the necessary legal safeguards to eliminate existing discrimination against women.

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Notes

[1] Social Institutions and Gender Index (SIGI) scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

[2] Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

[3] Bolivia, Honduras, Uruguay and Venezuela.

[4] Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominican Republic, El Salvador, Grenada, Guyana, Haiti, Jamaica, Mexico, Panama, Trinidad and Tobago, and Uruguay.

[5] Bolivia, Ecuador, Paraguay and Uruguay.

[6] Argentina, Brazil, Colombia and Venezuela.

[7] Belize, Bolivia, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay and Peru.

[8] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, Guatemala, Honduras, Nicaragua, Paraguay, Peru and Venezuela.

[9] Argentina, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominican Republic, Grenada, Honduras, Jamaica, Nicaragua, Panama, Peru, Trinidad and Tobago, and Venezuela.

[10] Colombia, Dominican Republic, Guatemala, Haiti and Honduras.

[11] Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

[12] Brazil, Chile, Costa Rica, Jamaica (data are from 2014), Trinidad and Tobago, Uruguay and Venezuela.

[13] Costa Rica, Ecuador, El Salvador, Nicaragua, Peru, and Trinidad and Tobago.

[14] Antigua and Barbuda, Barbados, Dominica, Grenada, Guatemala, Guyana, Honduras, Jamaica, Nicaragua, Trinidad and Tobago, and Uruguay.

[15] Countries with gaps in their legal frameworks are Belize and Costa Rica in Central America, and Barbados and Dominican Republic in the Caribbean.

[16] Bahamas, Bolivia, Brazil, El Salvador, Honduras, Mexico, Peru, Trinidad and Tobago, Uruguay and Venezuela.

[17] Antigua and Barbuda, Chile, Colombia, Cuba, Ecuador, Grenada, Guatemala, Guyana, Jamaica, Nicaragua and Panama.

[18] Argentina, Dominica, Haiti and Paraguay.

[19] Argentina, Barbados, Bolivia, Chile, Costa Rica, Dominica, Ecuador, Honduras and Panama.

[20] Belize, Bolivia, Costa Rica, Dominica and Ecuador.

[21] Barbados, Dominican Republic, and Trinidad and Tobago.

[22] Belize and Costa Rica.

[23] Uruguay and Venezuela.

[24] Colombia, Ecuador and Nicaragua.

[25] Antigua and Barbuda, Argentina, Bahamas, Barbados, Bolivia, Dominica, Dominican Republic, Ecuador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico and Nicaragua.

[26] Antigua and Barbuda, Bahamas, Dominica, El Salvador, Grenada and Guyana.

[27] Bolivia, Brazil, Costa Rica, Honduras, Mexico, Nicaragua, Paraguay and Uruguay.

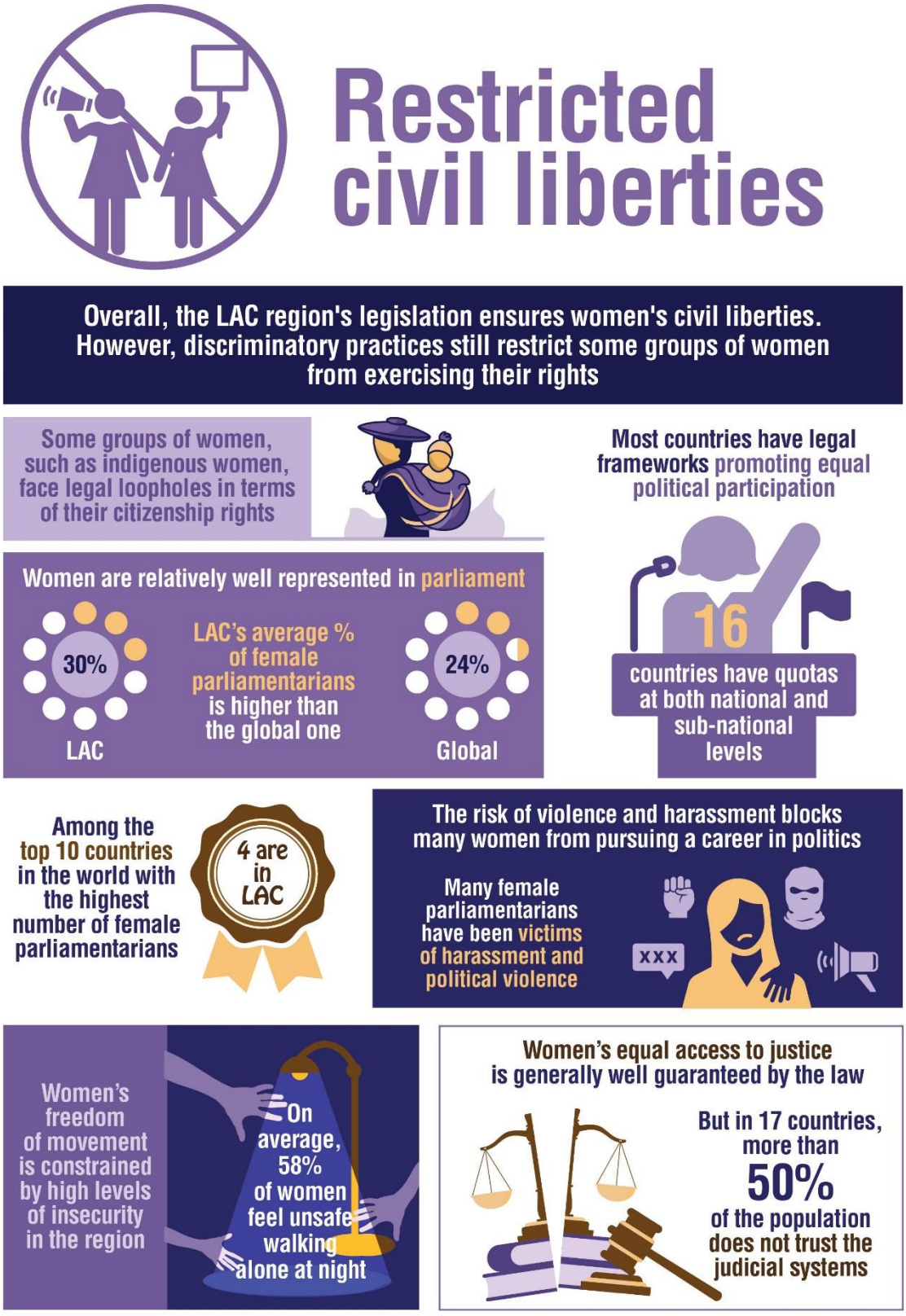
[28] Argentina, Brazil, Colombia, El Salvador, Guatemala, Guyana, Haiti, Mexico, Nicaragua and Peru.

[29] Antigua and Barbuda, Chile, Cuba, Paraguay, Uruguay and Venezuela.

6 Restricted civil liberties

This chapter presents an overview of women's discrimination in terms of civil liberties. It examines discriminatory social institutions – formal and informal laws, social norms and practices – that limit women's fundamental liberties and political rights across 29 countries in the region of Latin America and the Caribbean (LAC), covering areas such as political voice, citizenship rights, freedom of movement and access to justice. The chapter also seeks to provide policy makers with the necessary tools and evidence to design gender-responsive policies to tackle gender inequality in the civil and political spheres.

Infographic 6.1. Restricted civil liberties



Main findings

The Caribbean is the Latin America and the Caribbean (LAC) sub-region with the highest level of discrimination in relation to civil liberties.

- The LAC region scores 20[1] in the "Restricted civil liberties" dimension, compared with a global average of 29 and an Organisation for Economic Co-operation and Development (OECD) average of 17, denoting a relatively low level of discrimination.
- Important regional variation exists, with scores ranging from 18 in Central America and South America, to 30 in the Caribbean. For example, eight[2] out of the ten Caribbean countries included in the SIGI analysis do not have either legal quotas or special measures to promote women's equal political participation. Women do not have the same citizenship rights as men in Haiti, and in the Bahamas and Barbados, they cannot confer their nationality on their husband and/or children. In addition, discriminatory practices or laws remain in Dominica and Grenada. Conversely, the Central America and South America sub-regions have more favourable legal frameworks in these areas, with few exceptions.

Since 2014, LAC countries have made progress in terms of the number of legal quotas in place to promote women's equal political participation.

- Since the third edition of the Social Institutions and Gender Index (SIGI) in 2014, the number of LAC countries with legal quotas to promote women's equal political participation at the national level has increased from 15 to 19 across the region. The proportion of women in parliaments also reached 30% in 2018. This is similar to the OECD average of 29%, and higher than the world average of 24%. In addition, four of the top ten countries globally[3] with the highest proportion of female parliamentarians are in the LAC region.

Discriminatory social norms and practices persist towards female political leaders regarding women's access to public spaces, and towards indigenous women.

- Challenges remain regarding the "Political voice" indicator. Persistent negative attitudes and practices continue to be an obstacle for women who wish to engage politically: across the LAC region, 27% of the population thinks that men are better political leaders than women, but this figure reaches 35% in the Caribbean (OECD, 2019[1]). Legislation across the LAC region also needs to protect women from political violence and violence in public life.
- The "Freedom of movement" indicator is another important challenge. While women are able to move freely in the LAC region, they face some legal discrimination regarding passport applications. In seven LAC countries,[4] married women do not have the same rights as men to apply for a passport, as their legal status is still acquired through their relationship with a man.
- Discriminatory practices exist for women wishing to access public spaces, which stem from a high perceived sense of insecurity. For the 21 LAC countries with available data, 66% of the people who declared they did not feel safe walking alone at night were women.
- Additional efforts are needed in order to establish a more inclusive and intersectional approach to civil liberties. Women from minority groups face a higher rate of gender discrimination and, at the same time, belong to racial, religious and ethnic minority groups that are themselves discriminated against. This particular situation limits women's capacity to participate in politics or access the justice system, and Brazil is the only LAC country whose Constitution recognises and prohibits multiple and intersectional discrimination.

Analysis of the "Restricted civil liberties" dimension

Civil liberties are the basic freedoms granted to citizens. Therefore, ensuring that women and men have equal rights to their civil liberties is essential for women's empowerment and for a healthy society. This includes women's equal ability to access education or seek employment, without any restrictions around their movement, and their equal ability to claim their rights through a fair trial. Yet, women are sometimes unable to enjoy their civil liberties on an equal footing with men. This can be due, for example, to discriminatory laws in relation to nationality rights, or to negative attitudes towards women's political participation. Women may also have more limited opportunities to travel due to discriminatory legislation or practices regarding national identity card or passport applications, or because they feel more vulnerable travelling on their own. Restrictions on civil liberties prevent women from accessing public spaces and from having confidence in their governments. The SIGI looks at four major areas that concern women's restricted civil liberties (Box 6.1).

Box 6.1. Composition of the "Restricted civil liberties" dimension

The "Restricted civil liberties" dimension captures discriminatory laws and practices restricting women's access to, and participation and voice in, the public and social spheres. It encompasses laws, practices and social norms that restrict women's and girls' mobility or movement, and limit their access to public spaces, including their ability to travel or apply for a passport. The "Restricted civil liberties" dimension is composed of four indicators:

- "Citizenship rights" captures the level of legal discrimination against women regarding their citizenship rights and their ability to exercise these rights in practice, taking into account discriminatory customary, religious or traditional practices or laws.
- "Political voice" captures the level of legal discrimination against women with regard to their political participation and right to vote, as well as their representation in national parliaments, taking into account discriminatory customary, religious or traditional practices or laws.
- "Freedom of movement" captures the formal and informal restrictions that limit women's freedom of movement and access to public spaces, such as restricted ability to apply for a passport or travel outside the country, taking into account discriminatory customary, religious or traditional practices or laws.
- "Access to justice" captures discrimination against women's right to access justice and their opportunity to benefit from justice systems, including religious and customary courts, taking into account discriminatory customary, religious or traditional practices or laws.

In the LAC region, women's limited political voice and freedom of movement are the main issues of concern. Not all LAC countries have supportive legal frameworks that favour more gender-equal representation in parliaments; indeed, discriminatory attitudes tend to favour male politicians. Some legal frameworks also restrict women's freedom of movement, and women generally view public spaces as unsafe. This chapter provides an in-depth analysis of the factors contributing to the LAC region's results in the "Restricted civil liberties" dimension, highlighting the social norms and practices that are the main obstacles to gender equality.

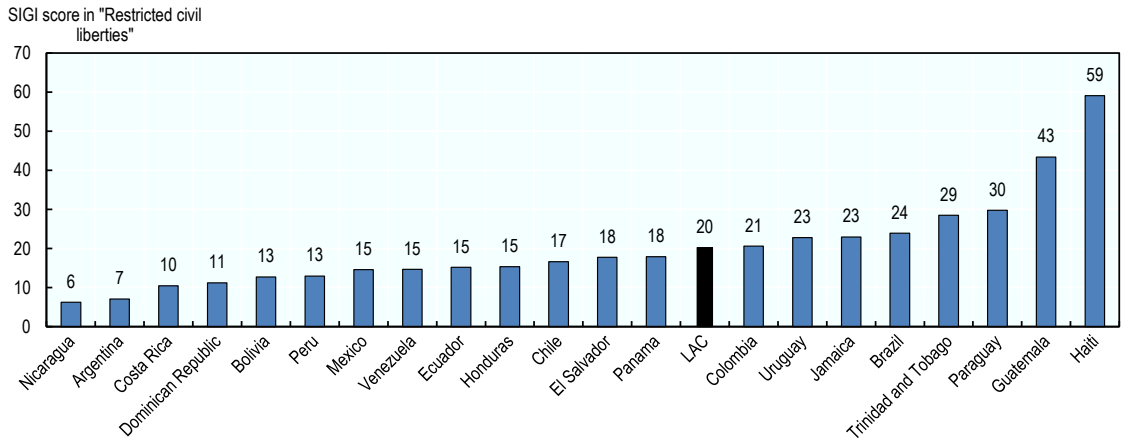
Snapshot of scores in the "Restricted civil liberties" dimension

The LAC region has a low level of discrimination in the "Restricted civil liberties" dimension, with a score of 20, positioning it between the OECD average of 17 and the global average of 29. There is variation at

the sub-regional level, with scores ranging from 18 for Central America and South America, to 30 for the Caribbean.

Nicaragua is the LAC region's top performer in the "Restricted civil liberties" dimension, with a score of 6. The country's strong legal framework protects women's rights across all of the dimension's indicators. In addition, 46% of Nicaragua's members of parliament are women, ranking it 3rd in terms of women's parliamentarian representation in the LAC region, behind the Plurinational State of Bolivia (hereafter "Bolivia") (53%) and Cuba (49%) (Figure 6.1 and Figure 6.2).

Figure 6.1. SIGI scores for the "Restricted civil liberties" dimension



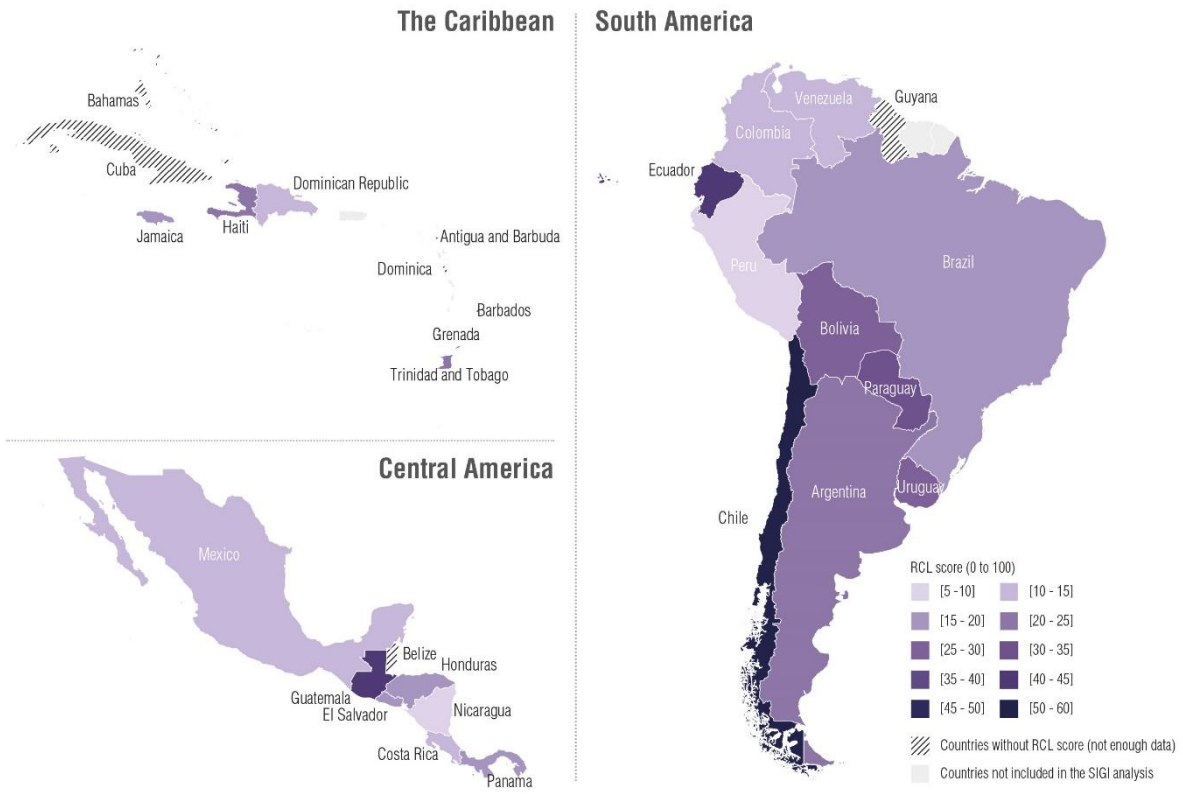
Note: SIGI scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.
Source: (OECD, 2019[2]), Social Institutions and Gender Index, https://stats.oecd.org.

StatLink https://doi.org/10.1787/888934137086

- In the Caribbean, the Dominican Republic is the top LAC sub-regional performer, with a score of 11, ranking 12th at the global level in the "Restricted civil liberties" dimension. Several governmental bodies in the Dominican Republic monitor gender equality. For example, the *Ministerio de la Mujer* (Ministry of Women) monitors compliance with the country's international commitments regarding women's rights (OECD Development Centre, 2019[3]). Conversely, other Caribbean countries fare worse: Jamaica scores 23 and Trinidad and Tobago scores 29, whereas Haiti scores 59, indicating a high level of discrimination in the "Restricted civil liberties" dimension, and ranking the country 112th at the global level.
- In Central America, Nicaragua is the top LAC sub-regional and regional performer, with a score of 6, ranking 4th at the global level. There, for instance, in the wake of the passage of the *Ley de reforma a la Ley Electoral No. 790* (Reform Law of the Electoral Law) in 2012, the percentage of elected female mayors increased considerably from 8.6% in 2008 to 40.1% in 2012 (Gobierno de Nicaragua, 2012[4]; OECD Development Centre, 2019[5]). All other Central American countries, with the exception of Guatemala, display low levels of discrimination, with scores ranging from 10 in Costa Rica to 18 in El Salvador and Panama. Meanwhile, Guatemala displays a medium level of discrimination, with a score of 43.
- In South America, Argentina is the LAC sub-region's top performer, with a score of 7. In 1991, Argentina became the first country in the LAC region to introduce an electoral quota, making it mandatory for electoral lists at both the national and local levels to have at least 30% women candidates (OECD Development Centre, 2019[6]). Eight countries[5] in South America are classified

as having a low level of discrimination in the "Restricted civil liberties" dimension, with scores ranging from 13 in Bolivia to 24 in Brazil. Paraguay displays a medium level of discrimination, with a score of 30, and ranks 83rd at the global level.

Figure 6.2. "Restricted civil liberties" results by country



Source: (OECD, 2019[2]), Social Institutions and Gender Index, https://stats.oecd.org.

Citizenship rights

Citizenship rights include the right to acquire, change, retain and confer nationality, as well as the right to register the birth of children, regardless of one's group of origin, religious affiliation, disability or sexual orientation. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that "State Parties shall grant women equal rights with men to acquire, change or retain their nationality", and that States Parties should ensure "that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband". The same article also states that women shall be granted "equal rights with men with respect to the nationality of their children" (United Nations, 1979[7]). Similarly, Sustainable Development Goal (SDG) Target 16.9 calls on States to "provide legal identity for all, including birth registration" by 2030 (United Nations, 2016[8]). As such, both citizenship rights and birth registration are essential in order to enable individuals: to access education and employment; to hold accounts at a financial institution; to buy or sell property; to run for elected office; or even to own a mobile phone.

Across the LAC region, women and men have equal rights to acquire, change or retain their nationality in all LAC countries with the exception of Haiti. Under certain circumstances, if a woman marries a foreigner

and loses her nationality, she can only recover her Haitian nationality once her husband acquires it (Haiti, 1984[9]).

In both the Bahamas and Barbados, women do not have the same rights as men to legally confer nationality on their spouse and children. For instance, the CEDAW's 2017 concluding observations on Barbados' periodic report note that concerns persist over a woman's constitutional rights to confer her nationality on a child born outside the country, to obtain Barbadian citizenship if a woman is born outside the country, and to confer Barbadian nationality on her foreign husband (CEDAW, 2017[10]). Meanwhile, in the Bahamas, women cannot confer nationality on their children or spouses who are foreign nationals in the same way as men can (OECD Development Centre, 2019[11]). Some discriminatory practices and laws also persist in Dominica and Grenada. For example, evidence suggests that the law in Dominica does not guarantee married women the right to confer their nationality on their spouse, although they may be able to do so through an application process. In Grenada, the information requested on the citizenship application form is not the same for the mother and the father of the applicant (OECD Development Centre, 2019[12]). Gender discrimination in citizenship laws also has important consequences for children, putting them at risk of statelessness (Box 6.2). This can result in children's rights violations, including, among others: obstacles to family unity; restricted freedom of movement; constrained access to education, healthcare and social services; lack of right to an inheritance; and child marriage (UNHCR, 2019[13]). Gender discrimination in nationality laws not only leads to a sense of exclusion for women but also limits their children in pursuing their dreams and aspirations, thus limiting their contribution to society as well (UNHCR, 2019[13]).

Some groups of women face additional discrimination regarding their citizenship rights. This is the case in Paraguay, especially for indigenous women, who do not have equal nationality rights. A report by the United Nations' Special Rapporteur on the rights of indigenous peoples points out that, although the government of Paraguay is making progress in this area, there are still persistent issues in providing national identity documentation to indigenous persons (United Nations General Assembly, 2015[14]).

All LAC countries provide women and men with the same rights to register the birth of their children, with the exceptions of Antigua and Barbuda, and Barbados. In Antigua and Barbuda, unmarried women face additional obstacles when registering the birth of their children to unmarried men: the name of the father of a child born out of wedlock shall only be entered following production of specific documents, including the acknowledgment of fatherhood by the father (Antigua and Barbuda, n.d.[15]). Barbados is the only LAC country where married women do not enjoy the same rights as married men in this regard: if the parents are married, it is the father's responsibility to register the birth of the child, whereas if the mother is unmarried, it is her responsibility to do so (OECD Development Centre, 2019[16]). In addition, some discriminatory practices persist in relation to application forms and the information required from parents. For example, in Grenada, birth certificates do not require comparable information about both the mother and the father (OECD Development Centre, 2019[12]).

Box 6.2. Addressing statelessness in the LAC region: Where do we stand?

Statelessness among adults and children alike is an important consequence of gender discrimination in citizenship laws and is an issue that has been raised many times internationally. In particular, even in LAC countries that abide by the principle of *jus soli* – in which nationality or citizenship is granted to those born in the country's territory – in practice, many people struggle to obtain proof of citizenship and some are left stateless. Studies in Brazil, Chile and Colombia have shown that this particularly concerns indigenous peoples, members of ethnic minority groups, international migrants, refugees, internally displaced persons, and children (Open Society Foundations, 2017[17]).

Considerable progress has been made since around 2010 to eradicate statelessness, including the adoption of the Brazil Declaration and Plan of Action in 2014, in which 28 countries and 3 territories in the LAC region committed themselves to eradicating statelessness by 2024 following the guidelines of the United Nations High Commissioner for Refugees (UNHCR) Global Action Plan to End Statelessness (UNHCR, 2014[18]). For example, Panama has changed its registration policy to facilitate the birth registration of children born in Costa Rica to Panamanian parents. More recently, Brazil and Ecuador's mobility/migration laws, adopted in 2017, regulate the rights of stateless persons. Other LAC countries are also making efforts in this regard: Bolivia, Brazil and Ecuador have introduced regulations to facilitate the naturalisation of stateless persons, while Argentina, El Salvador and Paraguay are drafting similar laws (Mondelli, 2017[19]).

Even more recently, Colombia passed a resolution establishing that, as of August 2019, children born in Colombia to Venezuelan parents would be registered in the National Civil Registry with Colombian nationality for a period of two years. This decision benefits more than 24 000 children born to Venezuelan parents in Colombia (UNICEF, 2019[20]). Statelessness is a particularly important issue in the LAC region, given the increasing number of people forcibly displaced within their countries or in neighbouring countries, as well as those coming from other regions of the world who are facing persecution and violence (UNHCR, 2017[21]).

Few Caribbean countries have joined statelessness conventions. Moreover, the Caribbean is the LAC sub-region where nationality laws tend to discriminate based on gender, where the greatest number of people are at risk of statelessness and where many people have been arbitrarily deprived of their nationality. In 2020, UNHCR will undertake another evaluation of the implementation of the Brazil Declaration and Plan of Action (Mondelli, 2017[19]).

Nevertheless, rural, poor and/or indigenous women – factors that sometimes intersect – continue to face many customary and traditional discriminatory practices that affect their capacity to properly register the birth of their children. Difficulties in carrying out birth registrations particularly affect rural and remote communities. Bolivia exhibits the lowest birth registration level in the LAC region, with around 75% of children aged under five years registered at birth. The rate falls to nearly 70% for rural Bolivian children (UNICEF, 2016[22]). Similarly, in Paraguay, people in rural areas often do not have easy access to civil registry offices. For parents in rural areas, registering a child's birth often means a long journey to the next town – something many families, especially poor families, do not have the time or money to do (OECD Development Centre, 2019[23]). Furthermore, distance and other factors affecting minority groups often interact and compound themselves, creating a double hardship. For instance, many members of Paraguay's indigenous population have no birth certificate or identity papers. Registration authorities face a major challenge in recording indigenous population groups in remote areas and systematically issuing birth certificates and identity papers. Finally, in some instances, parents' lack of information and knowledge about the benefits associated with registering the birth of their child leads to low birth registration rates. In

Guyana, for example, more than one-half of mothers lack knowledge of how to register a child's birth, underlining the importance of making such information available and accessible for all (UNICEF, 2016[22]).

Intersectionality and multiple discrimination are increasingly gaining traction across the LAC region when it comes to citizenship rights. By definition, citizenship rights include the rights of all citizens; therefore, governments should recognise all citizens as well as their associated rights. Yet, the issue currently remains unaddressed in the LAC region, as Brazil is the only country whose Constitution recognises and prohibits multiple and intersectional discrimination. This highlights the need for more countries to follow suit, so that all women are protected – especially those at risk of facing multiple discrimination. Nonetheless, recent progress has been made in some LAC countries, notably with regard to transgender rights. For instance, in 2018, Chile adopted a gender identity law that allows transgender people over the age of 14 years to update their names on legal documents, thus guaranteeing their right to be officially addressed according to their true gender (Gobierno de Chile, 2018[24]). In 2018, Uruguay passed a similar law, providing the transgender community with increased protections in the area of legal identity (Gobierno de Uruguay, 2018[25]).

Policy options related to "Citizenship rights"

- Grant women the same rights as men to retain their nationality, as well as to confer their nationality on their spouse or children, irrespective of the woman's marital status or group of origin.
- Monitor the implementation of the Brazil Declaration and Plan of Action (UNHCR, 2014[18]), increase the number of parties to the 1961 and 1954 conventions relating to statelessness (UNHCR, 1961[26]; UNHCR, 1954[27]), and establish measures to ensure that statelessness is no longer an issue at the country level.

> *Brazil has been very active internationally against statelessness and it has ratified all international conventions relating to statelessness and refugees. Migrant men and women have equal rights in relation to Brazilian law, according to Presidential Decree 8.501 (OECD Development Centre, 2019[28]).*

- Ensure that all women – including women from minority groups and rural women – have the legal right to register the birth of their children, so that all individuals can provide proof of their nationality.
- Recognise and prohibit multiple and intersectional discrimination in constitutions, and enact laws that protect women from multiple forms of discrimination and guarantee their rights.

> *For instance, Article 3 of Brazil's 1988 Constitution recognises and prohibits multiple/intersectional discrimination (Supreme Federal Court of Brazil, 2019[29]).*

Political voice

Women's full and active political engagement is essential in order to make rapid progress towards gender equality and to ensure that a range of perspectives is taken into account when making important political decisions. It is also essential to guarantee that the particular needs of girls and women are considered, and that their voices are heard. Yet, legal frameworks often insufficiently promote women's political participation, and negative perceptions about women political leaders constitute additional barriers. SDG Target 5.5 calls on States to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life" (United Nations, 2016[30]).

The LAC region features relatively good laws in relation to the "Political voice" indicator. Throughout the LAC region, women have the same rights as men to hold public office or political office in the legislative, executive and judicial branches. In line with international and regional treaties, which require countries to

take action to strengthen women's political voice, most LAC countries have a favourable legal framework to promote equal political participation at either the national or sub-national level. Most LAC countries for which data are available have legal quotas to promote women's political participation; such legal quotas exist at both the national and sub-national levels in 16 LAC countries[6] and at the national level in 19 LAC countries.[7] Gender quotas usually dictate that a minimum of 30% of the seats in a parliament must be reserved for women. Yet, in Bolivia, Costa Rica, Ecuador and Nicaragua, the required threshold for women's representation is set even higher, at 50%. Nicaragua's legislation to increase gender equality in the "Political voice" indicator is often cited as a successful case and shows the powerful impact that legal quotas can have. In 2008, the proportion of female mayors in Nicaragua was 8.6%, but it rose to 40.1% after the passage of Law No. 790 in 2012 (Gobierno de Nicaragua, 2012[4]). The Nicaraguan system establishes the implementation of gender parity in the submission of the candidate lists for municipal elections. As of 2020, Nicaragua is the LAC country with the second highest proportion of female mayors, reaching 43% in 2018, behind Cuba at 47% (ECLAC, n.d.[31]).

In addition to legal quotas, other special measures can help promote women's political participation, such as voluntary quotas, parity laws, alternating the sexes on party lists, and financial incentives for political parties. Examples of LAC countries with voluntary party quotas include Chile, Guatemala and Paraguay[8] (International IDEA, n.d.[32]). Some LAC countries have also integrated gender-responsive measures into their legal frameworks. In Panama, only parties that have candidate lists with at least 50% representation of women are accepted. In Argentina and Costa Rica, the law compels political parties to present gender-balanced lists of candidates strictly alternating men and women for national legislative elections, as well as local elections in the case of Costa Rica (Gobierno de Argentina, 2017[33]; Gobierno de Costa Rica, 2009[34]). Throughout the LAC region, 10 countries[9] provide incentives for political parties to include women on candidate lists for national elections, and 8 countries[10] do so for local elections. For instance, in Chile, at the national level, political parties are eligible to receive additional State subsidies depending on the number of women elected to parliament (International IDEA, n.d.[32]).

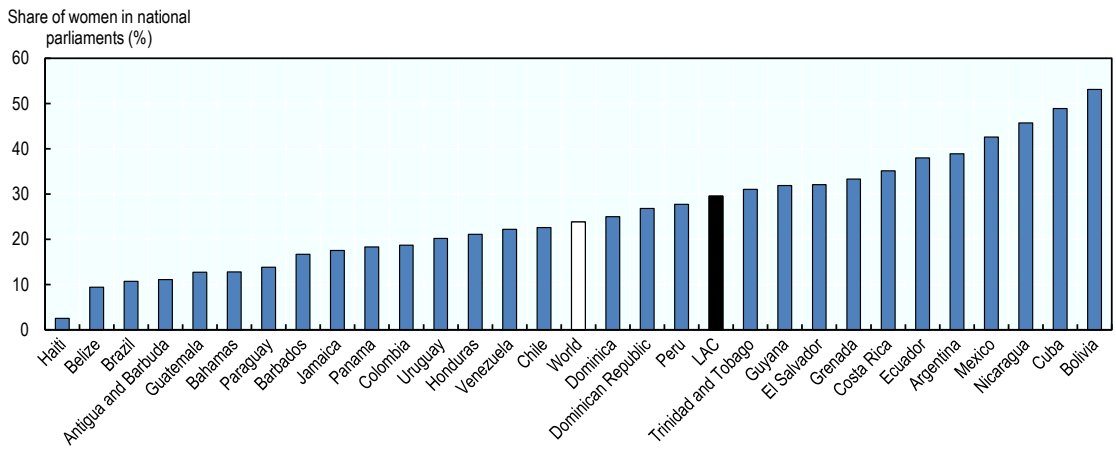
It is also important to have effective sanctions for non-compliance with quotas for women's political representation. While special measures exist in addition to quotas at the national level in five LAC countries[11] and at the local level in four LAC countries,[12] only the Bahamas and Haiti have legal sanctions for failure to implement temporary special measures. In addition, six LAC countries[13] have no laws or regulations on establishing a body that would be responsible for the design, implementation, monitoring, evaluation and enforcement of temporary special measures.

Further initiatives are needed to support women's political participation by providing training opportunities to enhance their leadership skills. Only seven LAC countries[14] have laws that make provision for training to support women's effective participation in political and public life. Of these, six countries[15] have allocated special budgets for the enforcement and monitoring of the legal mechanisms that provide for such training. Among the examples of such training is the Dominican Republic, which offers a six-month programme for women who hold or seek elected positions in government, and also for women who hold decision-making positions in government. The programme focuses on leadership, as well as on promoting a conceptual and practical understanding of the social, political and economic development of the country (OECD Development Centre, 2019[3]). In Panama, Law No. 6 of 17 December 2002 encourages capacity building for women inside political parties by establishing the obligation "to earmark at least 10% of public funding for elections for training women" (OECD Development Centre, 2019[35]). Costa Rica also launched a national and regional training programme to promote women's participation in politics and the development of their leadership capabilities, which is aimed at empowering women and challenging gender stereotypes that impede their full, active citizenship (OECD Development Centre, 2019[36]).

While more progress is needed, on average, women represent 30% of parliamentarians in the LAC region, which is similar to the OECD average of 29% and higher than the global average of 24%. Among the top ten countries in the world with the highest proportion of female parliamentarians, four are in the LAC region[16] (Inter-Parliamentary Union, 2019[37]). In addition, Colombia, Costa Rica, Nicaragua and Peru

are among the 14 countries in the world with 50% or more women in cabinet (Inter-Parliamentary Union, 2020[38]). At the global level, Bolivia, Brazil and Guatemala are among the world's top performers with the fastest annual rate of increase between 2001 and 2019 in terms of the number of women in ministerial or senior government roles (Equal Measures 2030, 2020[39]). In Costa Rica, the latest national elections in 2018 saw an increase of women's political representation in the Parliament from 35% to 46% (Salas Calderón et al., 2019[40]). Women in LAC also hold 30% of council member or councillor positions, which represents an increase of 15 percentage points between 1998 and 2018 (ECLAC, n.d.[41]). Despite impressive progress at the regional level, there are disparities at the country level, with women's representation in parliament ranging from 3% in Haiti to 53% in Bolivia. Women represent more than 30% of parliamentarians in only ten LAC countries[17] (Figure 6.3). Finally, whereas in 2015 there were six women heads of state or government in the LAC region, as of 2020 there are only three: in Barbados, Bolivia, and Trinidad and Tobago (Inter-Parliamentary Union, 2020[38]).

Figure 6.3. Women are underrepresented in national parliaments in LAC countries, 2018



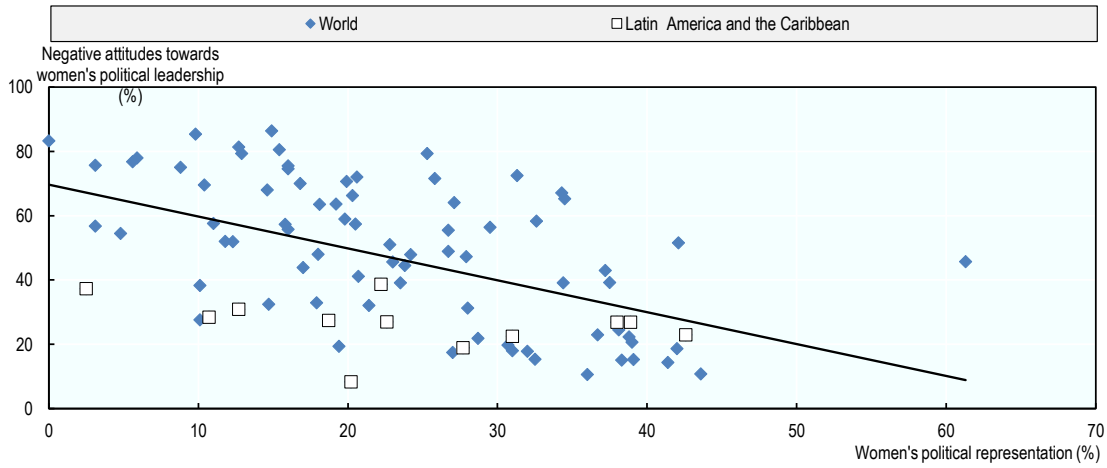
Source: (OECD, 2019[42]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

StatLink https://doi.org/10.1787/888934137105

The LAC region fares better than the rest of the world in terms of attitudes towards women's political leadership, even though discriminatory attitudes continue to hamper women's political participation and representation. Indeed, by entering into politics, women move away from the traditional roles that confined them to the private sphere, and therefore they often have to prove their legitimacy to their male peers. Negative attitudes towards women's ability to become efficient and good political leaders translate into lower political participation for women than for men. The LAC region is no exception, as women's full and unhindered political participation and representation continues to be constrained. Based on the 12 LAC countries for which data are available, 27% of the population believes that men make better political leaders than women; the comparable figure at the global level is 47%. Uruguay, where only 8% of the population agrees with the statement, is the world's top performer. Even the Bolivarian Republic of Venezuela (hereafter "Venezuela"), which is the LAC region's worst performer in response to this question – with 38% of respondents declaring that men are better political leaders than women –, still outperforms the world average (Figure 6.4).

Figure 6.4. Negative attitudes towards women's political leadership contribute to women's lower political representation

Correlation between attitudes towards women's political leadership and women's political representation



Note: Negative attitudes towards women's political leadership are defined by the percentage of the population that agrees with the statement: "On the whole, men make better political leaders than women do". Women's political representation is the percentage of women in the total number of representatives in the lower or single house of parliament. Data are available for 88 countries, including 12 LAC countries. Data are missing for Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guyana, Honduras, Jamaica, Nicaragua, Panama and Paraguay. R^2 is 0.277.
Source: (OECD, 2019[42]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019.

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In the Caribbean, in particular, women face the strongest barriers to political participation. According to a 2015 survey conducted by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) in collaboration with the Caribbean Development Research Services – which was aimed at assessing attitudes and perceptions of women and men in political leadership in Barbados, Guyana, Jamaica and Saint Lucia –, society in these LAC countries apparently shows broad support for women to be represented in political leadership, believing that women should be equally represented. People in the LAC region also perceive women to be more focused than men on core social development priorities (UN Women, 2018[43]). However, in practice, women have yet to become significant decision makers in the corridors of power. As of 2017, in all Caribbean countries (with the exceptions of Guyana and of Trinidad and Tobago), women held less than 30% of elected positions (UN Women, 2018[43]). This is despite the fact that the Caribbean progressed more than the other two LAC sub-regions in terms of political representation between 2014 and 2018. Indeed, the share of women parliamentarians increased by seven percentage points in the Caribbean, compared with increases of four percentage points in South America and one percentage point in Central America (Inter-Parliamentary Union, 2014[44]; Inter-Parliamentary Union, 2019[45]).

Among the barriers to women's increased representation are attitudes that confine women to the home and disregard their potential to contribute to political decision making and leadership. Women with more supportive families are more likely to run for elected office, as they have more time to dedicate to it. However, institutional barriers continue to constrain their ability to join the political sphere, such as established recruitment practices and internal party selection that can disadvantage potential women candidates. Women also tend to lack access to existing social networks for effective campaign funding (UN Women, 2018[43]).

The violence and harassment that women may experience – both verbal and physical – as female political candidates or when elected also act as strong impediments to a career in politics. This includes: psychological and physical violence; threats to their own or their family's security; and death, rape, beating or kidnapping threats. For instance, in Mexico, there have been acts of physical violence such as assassinations of female political candidates. In Costa Rica and El Salvador, sexual harassment of women in politics is often normalised within political institutions: psychological violence in the form of "cat calling" has been used to denigrate women who did not do as men wanted. Economic violence is another form of violence, with women candidates in El Salvador reporting a lack of financial support for their campaigns and, within parties, an unequal distribution of resources between women and men (Krook and Sanín, 2016[46]). Bolivia, a country where women account for 53% of parliamentarians, adopted a landmark law addressing harassment and political violence against women (Law 243) in 2012. However, challenges remain in its implementation, as evidence on the ground shows the persistence of threats and the harassment-related resignations of women politicians (Box 6.3). Indeed, harassment, threats and even homicides make being a female politician in Bolivia a risky choice. Estimates show that between 65% and 70% of Bolivian women parliamentarians have been victims of harassment and political violence (UN Women, 2018[47]). The government continues its efforts to address the issue: it approved a law on parity in Bolivian political parties in September 2018, and several articles in this law refer to addressing violence against women in politics (Gobierno de Bolivia, 2018[48]).

Box 6.3. Monitoring incidences of violence and harassment against women in politics in Bolivia

Although Bolivia was the first LAC country to criminalise violence and harassment against women in politics through Law 243 in 2012 (Gobierno de Bolivia, 2012[49]), legislation is not sufficient to ensure that women's rights are respected. It was in this context that the Gender Unit in the Plurinational Electoral Body in Bolivia created the *Observatorio de Paridad Democrática* (Gender Equality Observatory) in 2016, with technical assistance from International IDEA as well as support from other countries and multilateral development aid agencies interested in the subject. The Observatory's objectives are as follows: to manage knowledge about women's political rights; to control gender equality compliance; and to monitor progress and restrictions on political equality in a representative, participatory and community democracy (Observatorio de Paridad Democrática, n.d.[50]). The Observatory reported that between 1 January and 18 December 2018, there were 93 complaints and 17 resignations linked to harassment and violence against women in politics nationwide (International IDEA, 2019[51]).

The disproportionate amount of unpaid care work performed by women constitutes an additional obstacle to women's political participation. The LAC region displays among the highest disparities in the world, with women undertaking between 6 and 23 more hours per week than men on paid work and unpaid care work combined. The unequal distribution of caring responsibilities is deeply embedded in social norms that consider unpaid care work as women's prerogative. The time burden related to care and domestic tasks not only limits women's education and employment opportunities, but also their participation in politics (IPPF/WHR and Promundo, 2017[52]). Throughout the LAC region, women's main responsibility for domestic work and childcare is often cited as a factor contributing to women's low level of participation in politics. Traditional gender roles in the household are reflected in the political sphere: for instance, in Dominica, politics is still considered a "man's space", and in El Salvador, politically active women are usually assigned gender-typical tasks in political parties and institutions. Women's low level of participation in politics is further exacerbated by the absence of provisions for maternity leave and benefits for parliamentarians, as is the case in Trinidad and Tobago (OECD Development Centre, 2019[53]).

Women from minority groups face additional difficulties in pursuing a career in politics. For instance, in the Caribbean (partly due to historical legacy), black and poor people, as well as women, were largely denied

access to political decision making throughout the 20th century. While all citizens in the sub-region now have the right to vote, some groups of women from minority groups continue to face barriers to participation in politics (UN Women, 2018[43]). In Central America, Guatemala is making efforts to guarantee indigenous women's political representation (Box 6.4). In general, women belonging to a minority group are exposed to even more sexist remarks and violence, which are often compounded by racism (Inter-Parliamentary Union, 2016[54]).

Box 6.4. Promoting indigenous women's political participation in Guatemala

In Guatemala, the *Política Nacional de Promoción y Desarrollo Integral de las Mujeres y Plan de Equidad de Oportunidades 2008-2023* (National Policy for the Promotion and Development of Women and Equity of Opportunities Plan 2008-2023) explicitly lists *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women in all of its areas and objectives (Gobierno de Guatemala, 2009[55]). Built around 12 axes, the policy includes specific objectives on the political participation of indigenous women in axis No. 11:

- The inclusion of the principle of parity between men and women and between *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women in all public norms, programmes, mechanisms and policies.
- The representation and participation of *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women in decision-making processes.
- The adoption of necessary measures to guarantee the representation of *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women in the power structures at the local, national and international levels.
- The promotion and participation of *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women in executive positions of the public sector at the local and national levels.
- The integration of *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women's priorities into the objectives of local and national development.
- The representation and participation of *Mayas*, *Garífunas* and *Xinkas* as well as mixed-race women in international summits, forum, conventions and conferences.

Policy options related to "Political voice"

- Create legal quotas or other temporary special measures to increase women's political representation, for example with placement mandates (alternating women's and men's names on lists of political candidates) and penalties for non-compliance.
- Establish a body that would be responsible for the design, implementation, monitoring, evaluation and enforcement of temporary special measures in all LAC countries, and enact legal sanctions for failure to implement temporary special measures.
- Strengthen political party support for women candidates, including through funding, political training and inclusion in networks, as well as flexibility measures to help women juggle their household responsibilities, by shifting social expectations of gender roles in the household.
- Address gender stereotypes and sexist language directed at women politicians, including cyber harassment, facilitate dialogue between police and politicians about preventing political violence, and enact laws or sanctions against violence targeted at female politicians.
- Seek to change mindsets about women's political leadership – including women from minority groups – through awareness campaigns to promote a positive image of women leaders and how women's political leadership benefits society as a whole.

> *For instance, Paraguay has organised several campaigns in the context of the 2015 municipal elections and the 2018 general elections, called* Somos la mitad, queremos paridad *(We are one half, we want parity) and* Más mujeres, mejor democracia *(More women, better democracy) (OECD Development Centre, 2019[23]).*

- Provide training and mentorship programmes to support women who are interested in running for elected office, especially women who are at a disadvantage due to other forms of discrimination.

> *Costa Rica has launched a national and regional training programme to promote women's participation in politics and to develop their leadership capabilities (OECD Development Centre, 2019[36]).*
>
> *In 2017, in Mexico, the* Instituto Nacional de las Mujeres *(National Institute for Women), the* Tribunal Electoral del Poder Judicial de la Federación *(Electoral Court of the Federal Judicial Branch) and the* Centro de Investigación y Docencia Económicas *(Center for Economic Research and Teaching) presented the platform "*Política: Política y Políticas Públicas con Perspectiva de Género" *(Policies: Politics and Public Policies with a Gender Perspective). The programme seeks to contribute to the identification and training of female leaders interested in participating in decision-making processes. It integrates six different modules, including "Political communication and campaigns" and "Legislative Negotiation" (Instituto Nacional de las Mujeres, 2017[56]).*

Freedom of movement

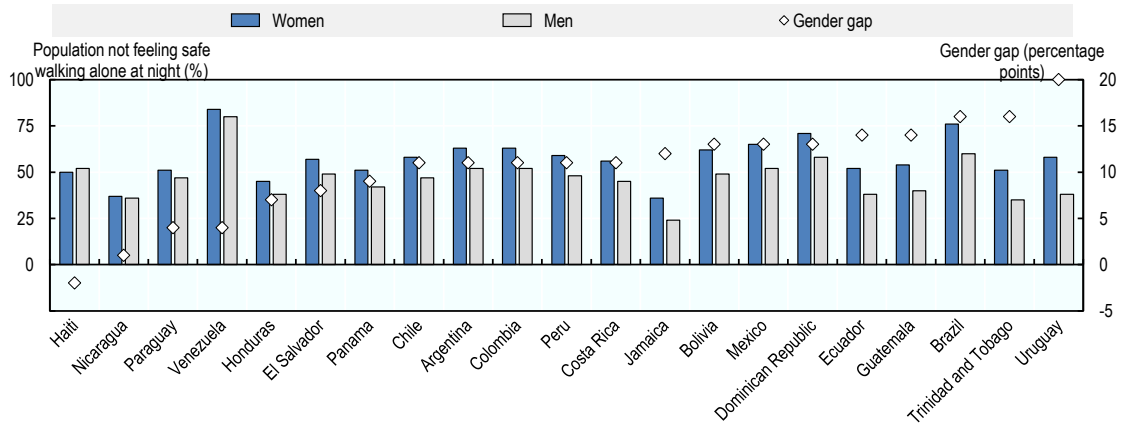
Freedom of movement is a human right recognised by several international standards, such as the Universal Declaration of Human Rights of 1948 (United Nations, 1948[57]) and the International Covenant on Civil and Political Rights of 1966 (United Nations, 1966[58]). Restrictions on women's freedom of movement remain a major barrier to gender equality and women's empowerment. Such restrictions include, for example, legally codified discrimination in relation to women's ability to obtain passports based on their marital status. They also include women's feelings of insecurity when travelling, which may relate to fears of sexual violence, among other reasons. These restrictions reinforce women's lack of autonomy and impede the fulfilment of their day-to-day activities. In this regard, SDG Target 5.2 calls on States to "eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation" (United Nations, 2016[30]).

Legal frameworks across the LAC region seem to support women's ability to move freely. In the LAC region, laws give women the same rights as men to apply for identity cards in all but six LAC countries[18] where data are missing or where the legal framework is not applicable: for example, the legal frameworks in Grenada and Jamaica do not specifically cover the issue of identity cards, and no identity cards are issued in Antigua and Barbuda or in Belize. Similarly, in all LAC countries, the law gives women the same rights as men to acquire passports and other travel documents for their children if their children are minors. Women and men also have equal rights to travel outside the country.

However, in certain LAC countries, discriminatory practices continue to limit women's ability to apply for passports for themselves or for their children. For instance, in Barbados, newly married women are required to apply for a new passport and to produce their marriage certificate, as stipulated in the passport application form (Government of Barbados, n.d.[59]). Similarly, in Belize and in Trinidad and Tobago, married women are required to provide information about their husband and their marriage, whereas the same stipulation does not apply to married men (OECD Development Centre, 2019[60]) (OECD Development Centre, 2019[61]). Meanwhile, in Grenada, a passport application for a child aged under 16 years requires the consent of the legal guardian and gives priority to the father. The application form specifies that the legal guardian is defined as "the father, or if the father is dead, the mother, or in the case of a child born out of wedlock, the mother" (Government of Grenada, n.d.[62]).

Women's freedom of movement is constrained by high levels of insecurity throughout the LAC region. This tends to impede women's ability to move and travel, particularly at the local level (for instance, between home and work), but restrictions also apply at night-time. Data show that women are more prone to fear walking alone at night than men are, and that a greater percentage of women in the LAC region report feeling unsafe than in other regions of the world (Equal Measures 2030, 2020[39]). On average, across the LAC region, 58% of women feel unsafe walking alone at night, compared with 47% of men. In 17[19] out of the 21 LAC countries for which data are available, more than 50% of women declare not feeling safe walking alone at night in the city or area where they live. The proportion of women feeling unsafe is more than 70% in Brazil and the Dominican Republic, and reaches 84% in Venezuela. In addition, women appear to feel consistently less safe than men across all LAC countries except Haiti. In 14 LAC countries,[20] the share of women feeling unsafe is 10 percentage points higher than that of men (Figure 6.5).

Figure 6.5. Women feel less safe walking alone at night than men do



Note: Data are missing for Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Grenada and Guyana. Countries are ranked by the increasing gender gap between women and men (the percentage point difference between the share of women and the share of men feeling unsafe).
Source: (OECD, 2019[42]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (Gallup, 2017[63]), Gallup World Poll.

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In particular, in many LAC cities, feeling unsafe while travelling on public transportation curtails women's freedom of movement. A 2018 study focusing on women's personal safety while travelling on public transportation – conducted in Buenos Aires, Quito and Santiago – found that, due to the fear of violence and harassment, many women prefer to either not travel or to modify their transportation modes and routes, making it even more difficult to attend to their family and work obligations. Direct implications for women's participation in public and economic life are important: where transportation is perceived as unsafe, girls and women tend to miss educational opportunities or may refuse to take a well-paying job in favour of one that pays less but is located closer to home. In addition, women tend to pass on their negative attitudes and security concerns to their children, which in turn makes them fearful of using public transportation as well (Silveira et al., 2019[64]).

Governments in LAC countries have increasingly implemented measures to address sexual harassment and women's insecurity regarding their safety in public spaces. In Guatemala, for instance, the issue of the harassment of women in public spaces was addressed by including women in the strategic planning of urban projects, which helped improve their design, efficiency and reach (Box 6.5). Moreover, laws against street harassment, such as Law No. 30314 to prevent and sanction sexual harassment in public spaces passed in Peru in 2015, have played an important role in making women feel safer in public spaces (Gobierno de Peru, 2015[65]). Similarly, Chile has become the second LAC country where street sexual harassment has a legal definition, making it a specific crime (Law No. 21.153) (Gobierno de Chile, 2019[66]). The reform in Chile took place one year after major student protests and the launch of a feminist movement called *#EducaciónNoSexista* (#NonSexistEducation), which demanded the end of *machismo*, harassment in universities and gender-based violence (Global Goals, 2019[67]). Similarly, in 2016, the city of Buenos Aires adopted a law penalising street harassment (Law No. 5742) by fining perpetrators up to ARS 1 000 (Argentine pesos), in addition to sentencing them to community service and/or jail time. The law also applies to harassment in private spaces with public access, such as shopping centres, theatres and bars (Law No. 5742, Art. 2) (OECD Development Centre, 2019[6]). While initially limited to Buenos Aires, the initiative was expanded in 2019, when Argentina modified its Law No. 26.485 on comprehensive protection to prevent, punish and eradicate violence against women to include street sexual harassment through Law No. 27501 (Gobierno de Argentina, 2019[68]).

Box 6.5. The power of women's voices in Guatemala to address sexual harassment in public spaces

Sexual harassment in public spaces is commonplace in Guatemala: at least 44% of women surveyed in 2017 by the Guatemala Safe City and Safe Public Spaces programme said it happens on a daily basis (UN Women, 2018[69]). In the wake of women's active participation in voicing their experiences, concerns and suggestions in this regard, the municipality of Guatemala City is exploring the installation of street lighting, as well as building more public toilets for women in parks and markets. The municipality will also consult women users directly to ensure that they are involved in designing these spaces. Women's engagement in this programme has led to other positive initiatives which are underway: five municipal centres offering essential services for women and girls have been reinforced, and the first "Policy and Municipal Plan for the Integral Life-long Development of Women, 2018-2027" has been designed.

Policy options related to "Freedom of movement"

- Remove laws that discriminate against women with regard to applying for a national identity card or a passport, especially when such discrimination is in relation to their marital status.
- Facilitate birth registration for all, in particular for people living in rural areas, and allow for delayed registration if circumstances demand it.
- Increase women's safety in public spaces, notably on public transportation, and especially at night.

> *The* Bájale al acoso *(Get rid of harassment) initiative was implemented in 2017 in Quito, Ecuador, on the El Trole BRT public transportation system. It allows the victim to send an SMS text message directly to the bus route control centre, using a widely publicised telephone number. There were more than 2 700 reports of sexual harassment on public transport during the first 22 months after the initiative was implemented, which led to the sentencing of 21 perpetrators (El Universo, 2019[70]; Silveira et al., 2019[64]).*

- Run awareness-raising campaigns on sexual harassment and violence against women, and the effect that these issues have on women and their lives.

Access to justice

Ensuring that women and men have equal access to justice is essential in order for women to be able to claim their rights. This includes having equal rights to provide testimony in court, to hold public or political office in the judiciary, and to sue or be sued. International instruments, notably the CEDAW (1979) and SDG Target 16.3, guarantee the right of equal access to justice (United Nations, 2016[8]; United Nations, 1979[7]). Furthermore, SDG Target 5.C calls on States to "adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels" (United Nations, 2016[30]). Yet, lack of information and limited legal literacy, along with a lack of trust in judicial institutions, constitute significant barriers for women to access justice.

Governments are making efforts to guarantee women's legal equal access to justice. All countries in the LAC region provide women and men with the same capacity to sue and be sued, and women's testimony carries the same evidentiary weight in court as men's in all types of court cases (civil, criminal, or family courts). In order to guarantee the enforcement, monitoring and promotion of the law, ten LAC countries[21] have legal mechanisms in place to ensure that women are able to exercise their rights to sue. In 11 LAC countries,[22] procedural rules in civil, criminal, or family courts take into account the particular interests of women and girls. Legal frameworks in ten LAC countries[23] provide for the establishment of courts/tribunals to facilitate women's and girls' access to justice. For instance, in Mexico, *La Ley General de Acceso de las Mujeres a una Vida libre de Violencia* (the General Law on Women's Access to a Life Free of Violence) and the implementation of the *Programa Integral para Prevenir, Atender, Sancionar y Erradicar la Violencia contra las Mujeres 2014-2018* (Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women 2014-2018) have led to the successful creation of courts which ensure that girls and women can access justice (OECD Development Centre, 2019[71]).

However, access to justice can be limited where laws protecting women's basic rights are absent. For example, legislation or measures to protect women from violence in political and public life only exist in six LAC countries.[24] In Bolivia, *La Ley Integral para Garantizar a las Mujeres una Vida Libre de Violencia* (the Comprehensive Law to Guarantee Women a Life Free from Violence) includes a provision that mandates simplified and accelerated legal processes in cases of gender-based violence (Gobierno de Bolivia, 2013[72]). In addition, only Brazil and Mexico have legislation or measures in place that address violence and harassment directed at human rights defenders. Legislation to criminalise violence against women in politics is also at various stages of development in Costa Rica, Ecuador, Honduras, Mexico and Peru. In

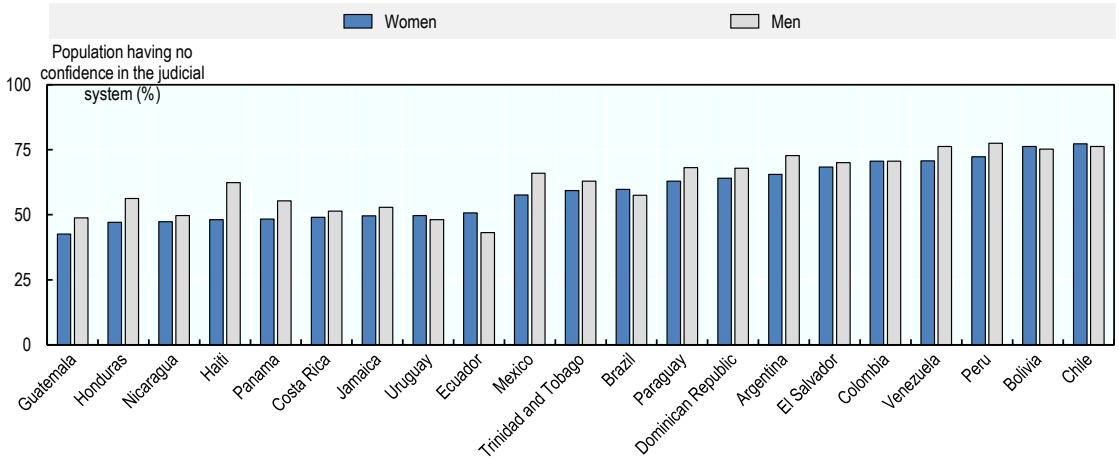
Guatemala, while there is no specific law on violence against women in politics, during the 2015 electoral campaign, the *Tribunal Supremo Electoral* (Supreme Electoral Tribunal) sanctioned and fined several political parties which engaged in propaganda that included sexist practices (Tribunal Supremo Electoral de Guatemala, 2015[73]). In Mexico, in 2017, a coalition of governmental agencies led by the *Tribunal Electoral del Poder Judicial* (Electoral Tribunal of the Federal Judiciary) elaborated and implemented a judicial protocol on violence against women in politics (Tribunal Electoral del Poder Judicial de la Federación et al., 2017[74]; Tribunal Electoral del Poder Judicial de la Federación et al., 2016[75]).

The laws and mechanisms in place could be further strengthened across the LAC region. In six LAC countries,[25] the law does not provide for the establishment of a specialised body tasked with monitoring gender equality, but there is such a body in the other 23 countries. In seven of these countries,[26] the specialised body has the power to receive and resolve complaints from women who are victims of discrimination. However, these specialised bodies have their limitations. In some cases,[27] they do not have the power to monitor the compliance of national laws and policies with international human rights standards. In other cases, such as in the Bahamas, Bolivia and Guatemala, these specialised bodies do not have the power to conduct education and public awareness campaigns on gender equality and women's human rights.

There is a low level of trust in judicial institutions among the LAC population. Compliance levels with the rule of law in most LAC countries is insufficient, and citizens have a negative perception of the delivery of civil justice (OECD/CAF/UN ECLAC, 2018[76]). Citizens also have declining levels of trust and satisfaction in their public institutions, which deepen social disengagement: almost 64% have no confidence in their national governments, and 75% believe their institutions are corrupt (OECD et al., 2019[77]). On average, 61% of people do not trust the judicial system in their respective countries. In 17 LAC countries,[28] more than 50% of the population stated that they do not have confidence in the judicial systems and courts in their country. Overall, the level of distrust ranges from 46% in Guatemala to 77% in Chile. In five LAC countries,[29] more than 70% of the population does not have confidence in the judicial system.

The high level of distrust is similar for both women and men across the LAC region. On average, 59% of women and 63% of men do not trust the judicial system, out of the total number of respondents lacking confidence in the judicial system (Gallup, 2017[63]). The difference between women and men ranges from 2 percentage points in Costa Rica, El Salvador and Nicaragua, to 8, 9 and 14 percentage points in Mexico, Honduras and Haiti, respectively. The share of women who have no confidence in the judicial system is higher than the share of men in only five LAC countries.[30] In Ecuador, for instance, the difference between women and men reaches eight percentage points – 51% of women report having no confidence in the judicial system, compared with 43% of men (Figure 6.6).

Figure 6.6. Women and men have similar levels of distrust in the judicial system



Note: Data are missing for Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Grenada and Guyana. Countries are ranked by increasing shares of women having no confidence in their country's judicial system.
Source: (OECD, 2019[42]), Gender, Institutions and Development Database, https://oe.cd/ds/GIDDB2019; and (Gallup, 2017[63]), Gallup World Poll.

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Lack of trust in judicial institutions can constitute a major barrier to women's equal access to justice and their ability to overcome discrimination in practice. It often translates into the underreporting of human rights violations, including violence against women. For example, women who are victims of violence do not turn to judicial institutions, as they believe that little will be done for them. This leaves victims defenceless while the perpetrators' sense of impunity perpetuates violence against women, as this portrays such violence as an accepted practice (Inter-American Commission on Human Rights, 2011[78]). In El Salvador, for instance, women usually have little confidence in authorities, fearing that laws will not be enforced, and therefore they do not file complaints. As a result, a large number of crimes remain unreported (OECD Development Centre, 2019[79]).

Among the many reasons for lack of confidence in the justice system is the fact that women in some countries cannot properly undertake judicial proceedings for acts of intimate partner violence, marital rape or sexual harassment. In such instances, these types of violence are often considered a private matter. In addition, women's low level of confidence in the justice system is exacerbated by the fact that their testimonies may be accorded an inferior status compared to those of men (OECD, 2019[1]).

Women's adequate representation in the judiciary is essential in order to ensure gender sensitivity in this area, and it can help to accelerate the reduction in the number of barriers women face in accessing justice. Between 2015 and 2018, the representation of women in LAC countries' highest courts or supreme courts increased from 28% to 32% (ECLAC, 2019[80]). Between 2017 and 2018, seven LAC countries[31] increased the number of women sitting on their respective supreme courts (ECLAC, 2019[80]). In the LAC region, Cuba, Jamaica and Barbados display among the highest shares of women sitting as judges in the highest court or supreme court, with 62%, 68% and 71%, respectively (ECLAC, 2019[80]).

In addition, although a woman's testimony carries the same evidentiary weight as a man's in customary and religious courts or tribunals in all LAC countries, some groups of women face additional difficulties in accessing justice. This is due to customary, religious or traditional practices or laws that discriminate against women's legal right to sue – notably in Bolivia, El Salvador, Grenada, Mexico and Uruguay. In Bolivia and El Salvador, women also face greater hardships than men when being sued. Furthermore, in

El Salvador, customary practices discriminate against women in terms of providing testimony in court. For example, when conflict occurs among members of indigenous communities, such as in cases of gender-based violence, each community has its own internal rules and tries to find a solution by convening its members. Only when the case cannot be resolved internally does the community reach out to the national judicial system (Instituto Interamericano de Derechos Humanos, 2010[81]). Similarly, discriminatory traditional practices in El Salvador discriminate against women's legal right to be judges, advocates or other court officers. This is notably the case among indigenous communities: traditional gender roles continue to make women mainly responsible for household chores and caring for children. This traditional subordination of women translates into the inexistence or very low representation of women in judicial positions and administrative responsibilities (Instituto Interamericano de Derechos Humanos, 2010[81]).

Ethnic minority status often magnifies the difficulties and forms of discrimination that indigenous women face in accessing justice. While indigenous women should have access to justice through the formal justice system, the latter should also take into account indigenous institutions and traditions. It should also consider the fact that the process of navigating the formal justice system may be even more difficult for indigenous women due to cultural and linguistic barriers. At the same time, indigenous women may also face obstacles in their own communities due to patriarchal and unequal structures, the beliefs and traditions of which can have adverse effects on women's health and development (Inter-American Commission on Human Rights, 2017[82]). For example, in some indigenous communities in Colombia, all official administrative and judicial positions are held by men, making it harder for women to denounce acts of gender-based violence (OECD Development Centre, 2019[83]). Guatemala has taken action to facilitate access to justice for Guatemalans who do not speak Spanish by drawing on the services of interpreters. The country has also developed a guide for all people working in the judiciary, so that they are able to observe the specific rights of indigenous women seeking judicial services (OECD Development Centre, 2019[84]). Nicaragua's *Política de igualdad de género del Poder Judicial 2016-2020* (Judiciary Gender Equality Policy 2016-2020) is also mindful of this challenge and recommends that educational materials related to gender and human rights be translated into indigenous languages (Box 6.6).

Box 6.6. Improving women's access to justice in Nicaragua

Nicaraguan national legislation includes elements designed to improve women's access to justice. One of the main objectives of the *Política de igualdad de género del Poder Judicial 2016-2020* (Judiciary Gender Equality Policy 2016-2020) is to improve the conditions for women accessing judicial services. The policy recognises the principle of multi-ethnicity, stressing that judicial acts should acknowledge the dignity, customs and cultural traditions of indigenous people, within the limits of the country's legal framework (Gobierno de Nicaragua, 2016[85]).

In particular, it aims to promote awareness campaigns to ensure that women are aware of, and able to exercise, their legal right to sue. The policy also states that educational materials and decisions of justice related to gender and human rights should be systematically translated into indigenous languages. Finally, it recommends establishing new family courts in isolated municipalities and districts (OECD Development Centre, 2019[5]).

Policy options related to "Access to justice"

- Grant women the same rights as men to access justice, irrespective of their group of origin.
- Increase female representation in judicial systems by promoting justice-related careers and providing appropriate training and support.

> *In 2019, Mexico amended the country's Constitution to introduce the principle of gender parity across all branches of the government. The reform compels the judicial branch, but also municipal townhalls, autonomous agencies and cabinets of the Federal and State governments, to establish gender parity (Gobierno de México, 2019[86]).*

- Create justice systems that are responsive to the rights and needs of women and girls, and provide gender-related training to judicial and law enforcement officials.

> *For instance, Guatemala has developed a guide for all people working in the judiciary, so that they are able to observe the specific rights of indigenous women seeking judicial services (OECD Development Centre, 2019[84]).*
>
> *In Nicaragua, the* Política de igualdad de género del Poder Judicial 2016-2020 *(Judiciary Gender Equality Policy 2016-2020) explicitly recommends creating and developing training programmes with gender and intercultural perspectives for all people working in the judiciary (Gobierno de Nicaragua, 2016[85]).*

- Ensure the accessibility of legal information for all women, including women from minority groups, by making the laws available in local and indigenous languages.

> *For example, in Nicaragua, the* Política de igualdad de género del Poder Judicial 2016-2020 *(Judiciary Gender Equality Policy 2016- 2020) recommends that educational materials and decisions of justice related to gender and human rights be translated into indigenous languages (Gobierno de Nicaragua, 2016[85]).*

- Enact legislation or special measures to protect all women from violence in political and public life, and ensure that they are enforced.

Conclusion

Overall, the LAC region's legislation fares well in terms of ensuring women's civil liberties: their basic freedoms such as citizenship rights, freedom of movement and access to justice are generally guaranteed. Women also have the right to hold public and political office in the legislative, executive and judicial branches of government across the LAC region. The region also has strong feminist movements, and women's political participation in parliaments is higher than the global average.

However, these important gains should not hide the fact that legal loopholes and discriminatory practices still restrict some groups of women, such as indigenous or rural women, from exercising their rights. Moreover, in some areas of the "Restricted civil liberties" dimension, discrimination is linked to a woman's relationship status. Perceptions also matter, and they point to inadequacies in this dimension as well. Across the LAC region, women's feelings of insecurity when travelling restrict their access to public spaces.

Negative attitudes towards female political leaders still constitute an additional barrier for women who wish to pursue a political career. Also, in some countries, the low feeling of trust in the justice system means that women do not necessarily report offences committed against them. The disproportionate amount of unpaid care work that women carry out – which is associated with perceptions of traditional gender roles in the household – is yet another obstacle that limits their time available to engage in other activities such as political activism.

Addressing the remaining discriminatory legal frameworks, social norms and practices across the "Restricted civil liberties" dimension, and intensifying measures to promote women's political participation, would multiply the impressive strides that LAC women, through their active civic engagement, have already made towards achieving gender equality.

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Notes

[1] Social Institutions and Gender Index (SIGI) scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

[2] Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Grenada, Jamaica, and Trinidad and Tobago.

[3] These LAC countries are, from the highest to the lowest proportion of female parliamentarians: Bolivia, Cuba, Nicaragua and Mexico.

[4] Barbados, Belize, Dominica, Grenada, Guyana, Haiti, and Trinidad and Tobago.

[5] Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Uruguay and Venezuela.

[6] Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guyana, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela.

[7] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guyana, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

[8] Other countries with voluntary political party quotas include Argentina, Bolivia, Brazil, Costa Rica, El Salvador, Mexico, Nicaragua and Uruguay.

[9] Argentina, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Haiti, Mexico, Paraguay and Venezuela.

[10] Argentina, Colombia, Dominican Republic, El Salvador, Guatemala, Haiti, Mexico and Paraguay.

[11] Bolivia, Brazil, Ecuador, El Salvador and Venezuela.

[12] Bolivia, Brazil, Ecuador and El Salvador.

[13] Bahamas, Colombia, Costa Rica, Ecuador, El Salvador and Venezuela.

[14] Chile, Dominican Republic, El Salvador, Haiti, Honduras, Mexico and Panama.

[15] Chile, Dominican Republic, El Salvador, Haiti, Mexico and Panama.

[16] These LAC countries are, from the highest to the lowest proportion of female parliamentarians: Bolivia, Cuba, Nicaragua and Mexico.

[17] Argentina, Bolivia, Costa Rica, Cuba, Ecuador, El Salvador, Grenada, Guyana, Nicaragua, and Trinidad and Tobago.

[18] Antigua and Barbuda, Bahamas, Belize, Cuba, Grenada and Jamaica.

[19] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.

[20] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Jamaica, Mexico, Peru, Trinidad and Tobago, and Uruguay.

[21] Antigua and Barbuda, Barbados, Bolivia, Brazil, El Salvador, Jamaica, Mexico, Nicaragua, Trinidad and Tobago, and Uruguay.

[22] Antigua and Barbuda, Barbados, Belize, Bolivia, Brazil, El Salvador, Guyana, Jamaica, Mexico, Nicaragua, and Trinidad and Tobago.

[23] Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Jamaica, Mexico and Nicaragua.

[24] Argentina, Bolivia, Brazil, El Salvador, Mexico and Nicaragua.

[25] Bahamas, Barbados, Bolivia, Cuba, Guyana and Paraguay.

[26] Antigua and Barbuda, El Salvador, Grenada, Honduras, Jamaica, Mexico and Venezuela.

[27] Argentina, Bahamas, Guatemala, Peru and Venezuela.

[28] Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, and Venezuela.

[29] Bolivia, Chile, Colombia, Peru and Venezuela.

[30] Bolivia, Brazil, Chile, Ecuador and Uruguay.

[31] Barbados, Chile, Cuba, Dominican Republic, Jamaica, Suriname, and Trinidad and Tobago.

Annex A. International and regional standards on women's rights

International and regional recognition of women's rights in the family sphere

Child marriage is recognised in international legal instruments as a serious violation of a child's human rights:

- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962) establishes that all States Parties should take "legislative action to specify a minimum age of marriage" (Arts. 1, 2 and 3) (United Nations, 1962[1]).
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) states that "the betrothal and the marriage of a child shall have no legal effect" (Art. 16 (2)) (United Nations, 1979[2]).
- The Convention on the Rights of the Child (1989) precludes States Parties from permitting or giving validity to a marriage between persons who have not attained the age of majority (United Nations, 1989[3]).
- The 2030 Agenda for Sustainable Development aims to "eliminate all harmful practices, such as child, early and forced marriage" under Sustainable Development Goal (SDG) Target 5.3 (United Nations, 2016[4]).
- The Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030 reaffirms the right to a life free of all forms of violence, including forced marriage and cohabitation imposed on girls and adolescents (ECLAC, 2017[5]).

The right to gender equality in the family sphere is enshrined in international treaties and benefits from a wide international consensus, including the following:

- The CEDAW (1979) affirms women's and men's equal rights and responsibilities as parents (Art. 16 (c)) and acknowledges that women have the same rights and responsibilities as men concerning guardianship, wardship and trusteeship of children (Art. 16 (g)) (United Nations, 1979[2]).
- The Beijing Declaration and Platform for Action (1995) promotes men and women sharing equal responsibility for the family and considers equality's critical role in their well-being and that of their families (Art. 15) (Fourth World Conference on Women, 1995[6]).
- Target 5.4 of the SDGs (2015) advocates "the promotion of shared responsibility within the household and the family" and highlights the need to "recognize and value unpaid care and domestic work" (United Nations, 2016[4]).
- The Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030 recognises the economic, social and cultural rights with respect to unpaid care work performed by the female head of household (ECLAC, 2017[5]).

Although women's entitlement to equality on and after divorce is not considered a human right, it has been acknowledged by the CEDAW:

- The CEDAW (1979) calls on States Parties to eliminate discrimination against women at the inception of and during marriage, and at its dissolution by divorce (Art. 16 (1)) (United Nations, 1979[2]).

The poverty incidence as a result of women's restricted inheritance rights has been recognised:

- The Beijing Declaration and Platform for Action (1995) calls on governments to undertake legislative and administrative reforms to give women and girls full rights to the inheritance of land and other property (para. 60 (f)), and to review national inheritance tax systems to eliminate any existing bias against women (para. 165 (f)) (Fourth World Conference on Women, 1995[6]).
- The General recommendation No. 29 on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution) (2013) establishes the principle of equal treatment of surviving females and males, and prohibits the disinheritance of the surviving spouse (para. 53) (United Nations, 2013[7]).
- Target 5.A of the SDGs (2015) calls on all governments to "undertake reforms to give women equal rights to […] inheritance" (United Nations, 2016[4]).

International and regional recognition of women's right to physical integrity

Violence against women is widely recognised as a fundamental rights violation:

- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (also known as the Convention of Belém do Pará) (1994) has been ratified by all countries in the region of Latin America and the Caribbean (LAC), except Cuba. It guarantees every woman "the right to be free from violence in both the public and private spheres" (Art. 3), and outlines States' obligation to "condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence" (Art. 7) (OAS, 1994[8]).
- CEDAW General recommendation No. 19: Violence against women obliges States Parties to "ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity", and to provide "appropriate protective and support services" to victims (United Nations, 1992[9]).
- The Brasilia Consensus (2010) has called for preventative and punitive measures that further the eradication of all forms of violence against women in the public and private spheres, with special attention to afro-descendant, indigenous, lesbian, transgender and migrant women, and women who live in rural areas (United Nations, 2010[10]).

Female genital mutilation is internationally recognised as a harmful practice and a violation of women's and girls' human rights:

- The CEDAW, in particular General recommendation No. 14: Female circumcision (1990), calls on States Parties to "take appropriate and effective measures with a view to eradicating the practice of female circumcision" (United Nations, 1990[11]).

States have an obligation to eliminate discriminatory practices leading to the phenomenon of missing women:

- The American Convention on Human Rights "Pact of San José, Costa Rica" (1969) entitles "every person" to have the right to life "protected by law and, in general, from the moment of conception" (Art. 4.1) (Organization of American States, 1969[12]).
- The CEDAW (1979) (Art. 5) and the Convention of Belém do Pará (Art. 8b) require States Parties to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes" (United Nations, 1979[2]).

Women's sexual and reproductive health and rights are enshrined in international agreements despite being a controversial issue in the LAC region:

- The CEDAW (1979) calls on States Parties to ensure, on a basis of equality of men and women, "the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights" (Art. 16), and to take all "appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning" (Art. 12) (United Nations, 1979[2]).
- The Santo Domingo Consensus (2013) calls for the implementation of measures to guarantee access to quality health services – including sexual and reproductive health services – for women, adolescent girls, young women, indigenous and afro-descendant women, rural women, and women with disabilities (ECLAC, 2013[13]).

International and regional recognition of women's right to access productive and financial resources

Women's equal access to, use of and control over land is grounded in core international human rights instruments:

- The Universal Declaration of Human Rights (1948) recognises the right to property for all individuals (Art. 2) (United Nations, 1948[14]).
- The International Covenant on Civil and Political Rights (1976) guarantees equality between women and men (Art. 3) (United Nations, 1966[15]).
- The International Covenant on Economic, Social and Cultural Rights (1976) calls on States Parties "to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights" (Art. 3) (United Nations, 1966[15]).
- The CEDAW (1979) acknowledges that "States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development" (Art. 14.2). Furthermore, the CEDAW Committee considers "women's rights to land, natural resources, as well as fisheries as fundamental human rights" (United Nations, 1979[2]).
- The International Labour Organization's (ILO's) Indigenous and Tribal Peoples Convention (1989) (No. 169) states that "the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised" (Art. 14.1) (ILO, 1989[16]).
- The Beijing Declaration and Platform for Action (1995) calls on governments to "ensure women's equal access to economic resources, including land", and "to formulate and implement policies and

programmes that provide access to and control of land" (para. 58(n)) (Fourth World Conference on Women, 1995[6]).

- The Habitat Agenda (1996) commits governments to providing "legal security of tenure and equal access to land to all people, including women and those living in poverty", and to undertaking "legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land" (para. 40 (b)) (United Nations, 1996[17]).
- The 2030 Agenda for Sustainable Development recognises women's secure access to land as a key pillar of women's economic empowerment. The international community has committed to securing, enforcing and monitoring progress on women's land rights in order to achieve the SDGs by including land-specific SDG indicators (1.4.2 and 5.a.1) (United Nations, 1979[2]).

Numerous international and regional instruments guarantee women's right to own property and non-land assets:

- The Universal Declaration of Human Rights (1948) establishes the right of everyone to own property regardless of sex (Arts. 17.1 and 2) (United Nations, 1948[14]).
- The CEDAW (1979) explicitly calls on States Parties to take all appropriate measures to ensure "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property" (Art. 16.1 (h)) (United Nations, 1979[2]).
- The Beijing Declaration and Platform for Action (1995) calls on national and international non-governmental organisations (NGOs) and women's groups to protect women's right to full and equal access to economic resources, including the right to inherit land and other property (para. 60) (Fourth World Conference on Women, 1995[6]).

Women's access to formal financial services is enshrined in a number of international treaties:

- The CEDAW (1979) calls on States Parties "to take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: the right to bank loans, mortgages and other forms of financial credit" (Art. 13 (b)) (United Nations, 1979[2]).
- The Beijing Declaration and Platform for Action (1995) states that governments should "promote and support women's self-employment and the development of small enterprises, and strengthen women's access to credit and capital on appropriate terms equal to those of men through the scaling up of institutions dedicated to promoting women's entrepreneurship, including, as appropriate, non-traditional and mutual credit schemes, as well as innovative linkages with financial institutions" (para. 166 (a)) (Fourth World Conference on Women, 1995[6]).
- The CEDAW Committee, in its General recommendation No. 25: Article 4, paragraph 1, of the Convention (temporary special measures) (2004), noted that States Parties should implement special temporary measures where necessary in the areas of credit and loans, as well as legal awareness. Such measures should be directed at women who are subject to multiple forms of discrimination, including rural women (United Nations, 2004[18]).

States have international and regional legal obligations to protect women's workplace rights:

- The CEDAW (1979) calls on States Parties to "take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

  - The right to work as an inalienable right of all human beings;
  - The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service, and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
  - The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work" (United Nations, 1979[2]).
- The Beijing Declaration and Platform for Action (1995) underlines the need to take appropriate measures in consideration of women's reproductive role and functions and "eliminate discriminatory practices by employers […] such as the denial of employment and dismissal due to pregnancy or breastfeeding, or requiring proof of contraceptive use, and take effective measures to ensure that pregnant women, women on maternity leave or women re-entering the labour market after childbearing are not discriminated against" (para. 165 (c)) (Fourth World Conference on Women, 1995[6]).
- Core ILO Conventions establish key labour standards that promote effective equality between women and men in employment:
  - The Equal Remuneration Convention, 1951 (No. 100) (ILO, 1951[19])
  - The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ILO, 1958[20])
  - The Workers with Family Responsibilities Convention, 1981 (No. 156) (ILO, 1981[21])
  - The Maternity Protection Convention, 2000 (No. 183) (ILO, 2000[22])
  - The Domestic Workers Convention, 2011 (No. 189) (ILO, 2011[23]).
- The 2030 Agenda for Sustainable Development (2015) recognises the importance of "achieving full and productive employment and decent work for all women and men, and equal work for work of equal value" in Target 8.5 (United Nations, 2016[24]).

International and regional recognition of women's rights regarding civil liberties

The right to a nationality is mandatory under a number of international and regional agreements:

- The Universal Declaration of Human Rights (1948) states that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (Art. 15) (United Nations, 1948[14]).
- The American Declaration of the Rights and Duties of Man (1948), which is non-binding, specifies that "every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him" (Art. 19) (Organization of American States, 1958[25]).
- The American Convention on Human Rights "Pact of San José, Costa Rica" (1969) states that "(a) every person has the right to a nationality; (b) every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality; (c) no one shall be arbitrarily deprived of his nationality or of the right to change it" (Art. 20) (Organization of American States, 1969[12]).
- The Convention on the Nationality of Married Women (1957) specifies that "neither the celebration nor the dissolution of a marriage […] shall automatically affect the nationality of the wife" (Art. 1) (United Nations, 1957[26]).

- The CEDAW (1979) explicitly calls on States Parties to "grant women equal rights with men to acquire, change or retain their nationality", as well as to "grant women equal rights with men with respect to the nationality of their children" (Art. 9) (United Nations, 1979[2]).
- The Brasilia Consensus, held between 13 and 16 July 2010 in Brasilia, Brazil, involved 33 LAC countries. Among other actions, the Consensus calls on authorities and governments in the LAC region to strengthen women's citizenship and to enhance their participation in decision-making processes and in the echelons of power (United Nations, 2010[10]).
- Resolution 32/7 on the right to a nationality (women's equal nationality rights in law and in practice) adopted by the Human Rights Council (2016) urges States to "adopt and implement nationality legislation consistent with their obligations under international law, including with respect to the elimination of all forms of discrimination against women and girls in nationality-related matters" (para. 3) (Human Rights Council, 2016[27]).

Equal access to publicly elected bodies and balanced representation of men and women in public life have been acknowledged by the international and regional community:

- The Universal Declaration of Human Rights (1948) states that "everyone has the right to take part in the government of his country" and "to equal access to public service in his country" (Art. 21) (United Nations, 1948[14]).
- The Inter-American Convention on the Granting of Political Rights to Women (1948) states that "the High Contracting Parties agree that the right to vote and to be elected to national office shall not be denied or abridged by reasons of sex" (United Nations, n.d.[28]).
- The Convention on the Political Rights of Women (1952) establishes that women shall be "entitled to vote in all elections", "eligible for election to all publicly elected bodies" and "entitled to hold public office and to exercise all public functions" on equal terms with men (Arts. 1, 2 and 3) (United Nations, 1953[29]).
- The American Convention on Human Rights "Pact of San José, Costa Rica" (1969) states that "every citizen shall enjoy the following rights and political opportunities: (a) to take part in the conduct of public affairs, directly or through freely elected representatives; (b) to vote and be elected in genuine periodic elections which shall be by universal and equal suffrage and by secret ballot, that guarantees the free expression of the will of the electors; (c) to have access, under general conditions of equality, to public service in his country" (Art. 23) (Organization of American States, 1969[12]).
- The Inter-American Commission on Human Rights has repeatedly stressed that the participation and adequate representation of women at all levels of government is a necessary prerequisite for the strengthening of democracy in the Americas.
- The CEDAW (1979) calls on States Parties to "take all appropriate measures to eliminate discrimination against women in the political and public life of the country" (Art. 7). In its General recommendation No. 23: Political and public life (1997), it further encourages "the use of temporary special measures in order to give full effect to articles 7 and 8" (United Nations, 1979[2]).
- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (1994) states in Article 4 that "every woman has (j) the right to equal access to public service in her country and to take part in the conduct of public affairs, including decision-making" (OAS, 1994[8]).
- The Beijing Declaration and Platform for Action (1995) lists women in power and decision-making positions among its 12 Strategic Objectives. Specifically, it instructs States to "take measures that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and at the same level as men" (Strategic Objective G.1.b) (Fourth World Conference on Women, 1995[6]).

- Resolution 66/130 on women and political participation adopted by the General Assembly (2011) calls on States to "enhance the political participation of women" (para. 3) (United Nations, 2011[30]).
- The Declaration on Political Harassment and Violence against Women (2015) was adopted by the Committee of Experts of the Follow-Up Mechanism to the Belém do Pará Convention. It represents the first comprehensive regional instrument on violence against women in politics and calls on political parties, political and social organisations, and trade unions to create their own internal instruments and mechanisms to prevent, punish and eliminate violence against women in politics, and to conduct internal awareness-raising and training activities (Organization of American States, 2015[31]).
- The Inter-American Model Law on the Prevention, Punishment and Eradication of Violence Against Women in Political Life (2016) was adopted by the Committee of Experts of the Follow-Up Mechanism to the Belém do Pará Convention. It defines such violence as "any action, conduct or omission carried out directly or through third parties that, based on gender, causes harm or suffering to a woman or to various women, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of their political rights" (Art. 3). The purpose of the law is to assist in the process of harmonisation of national legal frameworks with the Convention on this issue (Organization of American States, 2017[32]).
- SDG Target 5.5 explicitly calls on States to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life" (United Nations, 2016[4]).

Freedom of movement is a universal human right recognised in the following instruments:

- The Universal Declaration of Human Rights (1948) states that "everyone has the right to freedom of movement" and "to leave any country, including his own, and to return to his country" (Art. 13) (United Nations, 1948[14]).
- The International Covenant on Civil and Political Rights (1966) reaffirms that everyone shall "have the right to liberty of movement and freedom to choose his residence" and "be free to leave any country" (Art. 12). (United Nations, 1966[15]).
- The American Convention on Human Rights "Pact of San José, Costa Rica" (1969), with Article 22 on "Freedom of Movement and Residence", establishes that "every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law" (Organization of American States, 1969[12]).
- The CEDAW (1979) calls on States Parties to "accord to men and women the same rights with regards to the law relating to the movement of persons and the freedom to choose their residence and domicile" (Art. 15) (United Nations, 1979[2]).
- More recently, the necessity to "provide universal access to safe, inclusive and accessible, green and public spaces" (SDG Target 11.7) and to "significantly reduce all forms of violence and related death rates everywhere" (SDG Target 16.1) has been integrated into the 2030 Agenda for Sustainable Development (United Nations, 2016[33]; United Nations, 2016[34]).

The right of access to justice, and equality between men and women in this regard, are guaranteed in the following international instruments:

- The CEDAW (1979) calls on States Parties to "accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity" (Art. 15). Its General recommendation No. 33 on women's access to justice (2015) recalls the "obligations of State Parties to ensure that women have access to justice" (United Nations, 1979[2]).

- SDG Target 16.3 aims to “promote the rule of law at the national and international levels and ensure equal access to justice for all” (United Nations, 2016[34]).

Annex B. Social Institutions and Gender Index methodology

The Social Institutions and Gender Index (SIGI) covers four dimensions, spanning major socio-economic areas that affect the entire lifetimes of women and girls (Figure A B.1):

- The "Discrimination in the family" dimension captures social institutions that limit women's decision-making power and undervalue their status in the household and the family.
- The "Restricted physical integrity" dimension captures social institutions that increase women's and girls' vulnerability to multiple forms of violence and limit their control over their bodies and reproductive autonomy.
- The "Restricted access to productive and financial resources" dimension captures women's restricted access to, and control over, critical productive and economic resources and assets.
- The "Restricted civil liberties" dimension captures discriminatory laws and practices restricting women's access to, and participation and voice in, the public and social spheres.

Figure A B.1. The composition of the SIGI 2019

Source: (OECD, n.d.[35]), Social Institutions and Gender Index, www.genderindex.org.

Each dimension builds on four indicators. In theory, each indicator builds on a combination of three variables: the first variable aims to measure the level of discrimination in formal and informal laws, while the second and the third variables aim to measure the level of discrimination in social norms and practices, respectively. The variables used as proxies for each indicator depend on data availability and reliability, and on country coverage. For example, some variables are not available at all (such as information on the social acceptance of discriminatory inheritance practices), and some variables are only available for a few countries (such as the time spent on unpaid care work).

Consequently, discrepancies exist between the theoretical framework and the variables effectively included in the SIGI 2019. Overall, the SIGI framework builds on 27 core variables:

- Fourteen categorical variables describe the level of discrimination in legal frameworks (available for all SIGI indicators but two: missing women and female genital mutilation). These variables are based on 144 questions out of the 312 used to draft the SIGI country profiles.
- Three attitudinal variables describe the level of discrimination in social norms.
- Ten variables on prevalence rates describe the level of discrimination in practices.

Aggregation and construction of the index

The variables, indicators, dimensions and, ultimately, the SIGI are built according to the steps below.

Step 1: Building the Gender, Institutions and Development Database

Quantitative variables: Truncating data at the equality benchmark and inverting the scale

Quantitative data are collected and harmonised to be comparable across countries/territories. Data sources vary according to the country/territory and the variable. For example, the prevalence of child marriage among girls is collected through the UN World Marriage Database, while the proportion of women members of parliament is based on the Inter-Parliamentary Union Database.

All the SIGI components (variables, indicators, dimensions and index) range from 0, indicating no discrimination, to 100, indicating absolute discrimination:

- For some variables, equality is reached at 50 instead of 100. Equality in political representation, for example, is achieved when 50% of MPs are women. Therefore, countries/territories where 50% or more of their MPs are female have a score of 0.
- For some other variables, the scale from no discrimination to absolute discrimination may be inverted to fit with the 0-100 scale.

Qualitative variables: Assigning a score

The qualitative legal information detailed in the SIGI country profiles is quantified using a coding manual based on a 5-level scale (0, 25, 50, 75 and 1) (Table A B.1).

Table A B.1. Scoring methodology for legal variables

	Score assigned
The legal framework provides women with the same rights as men, with no exceptions, and applies to all groups of women. There are no customary, religious or traditional practices or laws that discriminate against women.	0
The legal framework provides women with the same rights as men, with no exceptions, and applies to all groups of women. However, some customary, religious or traditional practices or laws do discriminate against women.	25
The legal framework provides women with the same rights as men.	50

However, it foresees exceptions, or does not apply to all groups of women.	
The legal framework restricts some women's rights.	75
The legal framework fully discriminates against women's rights.	1

Source: (OECD, n.d.[35]), Social Institutions and Gender Index, www.genderindex.org.

Step 2: Building the indicators

The variables composing each indicator are aggregated using the SIGI aggregation formula.

Some indicators are based on one variable, while others are based on several. In the latter case, the indicator is calculated only if all variables are assigned a value.

For example, for the "Violence against women" (VAW) indicator, the aggregation is:

$$VAW = \ln\left(\frac{1}{3}e^{Laws\ on\ VAW} + \frac{1}{3}e^{Attitudes\ towards\ domestic\ violence} + \frac{1}{3}e^{Prevalence\ of\ domestic\ violence}\right)$$

Step 3: Building the dimensions

The indicators composing each dimension are aggregated using the SIGI aggregation formula.

The dimensions aim to provide a summary measure of each area of discrimination. The dimension is calculated only if all indicators are assigned a value.

For example, for the dimension "Discrimination in the family" (DF), the aggregation is:

$$DF = \ln\left(\frac{1}{4}e^{Child\ marriage} + \frac{1}{4}e^{Household\ responsibilities} + \frac{1}{4}e^{Inheritance} + \frac{1}{4}e^{Divorce}\right)$$

Step 4: Building the SIGI

The SIGI is calculated only if all dimensions are assigned a value, using the same aggregation formula.

$$SIGI = \ln\left(\frac{1}{4}e^{DF} + \frac{1}{4}e^{RPI} + \frac{1}{4}e^{RAPFR} + \frac{1}{4}e^{RCL}\right)$$

Definition of the variables

Table A B.2. Variables used in the analysis and the construction of the SIGI 2019

Variable	Coding	Sources
DISCRIMINATION IN THE FAMILY		
Child marriage		
Laws on child marriage (S) Whether the same minimum legal age for marriage applies to both women and men	0: The law guarantees the same minimum legal age for marriage at 18 years for both women and men, without legal exceptions regarding consent or for some groups of women. Customary, religious or traditional practices or laws do not encourage child marriage among girls.	SIGI country profiles
	0.25: The minimum legal age for marriage might be different for men and women, but they must be at least 18 years old, without legal exceptions regarding consent or for some groups of women. Some customary, religious or traditional practices or laws encourage child marriage among girls.	
	0.5: The minimum legal age for marriage might be different for men and women, but it is over the age of 18 years. However, legal exceptions exist concerning consent and/or some groups of women.	
	0.75: The law allows child marriage for both women and men, or there is no	

	minimum legal age for marriage for either women or men.	
	1: The law allows child marriage for women but not for men.	
Prevalence of child marriage among girls (S) Percentage of girls aged 15-19 years who have been or are still married, divorced, widowed or in an informal union	0-100%	UN World Marriage Data (2017)
Prevalence of child marriage among boys Percentage of boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union	0-100%	UN World Marriage Data (2017)
Household responsibilities		
Laws governing household responsibilities (S) Whether women and men have the same legal rights, decision-making abilities and responsibilities within the household	0: Women enjoy the same legal rights and decision-making freedoms and responsibilities within the household as men, without legal exceptions for any groups of women. Customary, religious or traditional practices or laws do not discriminate against women's legal rights.	SIGI country profiles
	0.25: Women enjoy the same legal rights and decision-making freedoms and responsibilities within the household as men, without legal exceptions for any groups of women. However, customary, religious or traditional practices or laws discriminate against women's legal rights.	
	0.5: Either not all groups of women enjoy the same legal rights and decision-making freedoms and responsibilities within the household as men, or there is no law regulating household headship.	
	0.75: Women do not enjoy the same legal rights as men either to be recognised as the head of household or to have parental authority.	
	1: Women do not enjoy the same legal rights as men to be recognised as the head of household and to have parental authority.	
Attitude towards housewives Percentage of the population aged over 18 years that thinks that "Being a housewife is just as fulfilling as working for pay"	0-100%	International Social Survey Programme World Values Survey
Attitude towards women earning money Percentage of the population aged over 18 years that agrees or strongly agrees that "If a woman earns more money than her husband, it is almost certain to cause problems"	0-100%	International Social Survey Programme World Values Survey
Attitude towards working mothers (*) Percentage of the population aged over 18 years that agrees or strongly agrees that "When a mother works for pay, the children suffer"	0-100%	International Social Survey Programme World Values Survey
Women's and men's share of unpaid care work responsibility (*) Female-to-male ratio of time spent on unpaid, domestic, care and volunteer work in a 24-hour period		Various sources[1]
Women's contribution to unpaid care work Women's average time spent (in hours) on unpaid domestic, care and voluntary work in a 24-hour period		Various sources[1]

Men's contribution to unpaid care work Men's average time spent (in hours) on unpaid domestic, care and voluntary work in a 24-hour period		Various sources[1]
Inheritance		
Laws on inheritance (S) Whether women and men have the same legal rights to inherit land and non-land assets	0: Widows and daughters enjoy the same rights as widowers and sons to inherit land and non-land assets. This applies to all groups of women. Customary, religious or traditional practices or laws do not discriminate against women's inheritance rights.	SIGI country profiles
	0.25: Widows and daughters enjoy the same rights as widowers and sons to inherit land and non-land assets. This applies to all groups of women. However, there are some customary, religious or traditional practices or laws that discriminate against women's inheritance rights.	
	0.5: Widows and daughters enjoy the same rights as widowers and sons to inherit land and non-land assets. However, this does not apply to all groups of women.	
	0.75: Either widows or daughters do not enjoy the same rights as widowers and sons to inherit land and/or non-land assets.	
	1: Neither widows nor daughters enjoy rights to inherit land and/or non-land assets.	
Divorce		
Laws on divorce (S) Whether women and men have the same legal rights to initiate divorce, with the same grounds and evidential requirements for divorce or annulment	0: Women have both the same rights to initiate divorce and have the same requirements to finalise divorce or annulment as men, without negative repercussions on their parental authority. This applies to all groups of women. Customary, religious or traditional practices or laws do not discriminate against women regarding divorce or their parental authority after divorce.	SIGI country profiles
	0.25: Women have both the same rights to initiate divorce and the same requirements to finalise divorce or annulment as men, without negative repercussions on their parental authority. This applies to all groups of women. However, there are some customary, religious or traditional practices or laws that discriminate against women regarding divorce and/or their parental authority after divorce.	
	0.5: Women have both the same rights to initiate divorce and the same requirements to finalise divorce or annulment as men, without negative repercussions on their parental authority. However, this does not apply to all groups of women.	
	0.75: Women do not have the same rights regarding divorce as men: either their rights to initiate divorce and/or their requirements to finalise divorce or annulment are unequal, or their parental authority after divorce is restricted.	
	1: Women do not have the same rights regarding divorce as men: their rights to initiate divorce and/or the requirements to finalise divorce or annulment are unequal, and their parental authority after divorce is restricted.	
RESTRICTED PHYSICAL INTEGRITY		
Violence against women		
Laws on violence against women (S) Whether the legal framework protects women from violence – including intimate partner violence, rape and sexual harassment – without legal exceptions and through a comprehensive approach	0: The legal framework protects women from violence – including intimate partner violence, rape and sexual harassment – without any legal exceptions and through a comprehensive approach.	SIGI country profiles
	0.25: The legal framework protects women from violence – including intimate partner violence, rape and sexual harassment – without any legal exceptions. However, the approach is not comprehensive.	
	0.5: The legal framework protects women from violence, including intimate partner violence, rape and sexual harassment. However, there are some legal exceptions.	
	0.75: The legal framework protects women from some forms of violence, including intimate partner violence, rape, or sexual harassment, but not all.	
	1: The legal framework does not protect women from any form of violence: neither, intimate partner violence nor rape nor sexual harassment.	

Attitude towards domestic violence (S) Percentage of women aged 15-49 years who consider a husband to be justified in hitting or beating his wife for at least one of the specified reasons: if his wife burns food, argues with him, goes out without telling him, neglects the children, or refuses to engage in sexual intercourse with him	0-100%	Pan American Health Organization (2014) UNICEF global databases (2017) World Health Organization World Values Survey (2005-16)
Lifetime prevalence of domestic violence (S) Percentage of women who have suffered intimate partner physical and/or sexual violence during their lifetime	0-100%	Various sources[2]
Prevalence of domestic violence in the last 12 months Percentage of women who have suffered intimate partner physical and/or sexual violence in the previous 12 months	0-100%	Various sources[2]
Female genital mutilation		
Attitude towards female genital mutilation (S) Percentage of women aged 15-49 years who have heard about female genital mutilation and think the practice should continue	0-100%	UNICEF Global Databases (2017)
Prevalence of female genital mutilation (S) Percentage of women aged 15-49 years who have undergone female genital mutilation	0-100%	UNICEF Global Databases (2017)
Missing women		
Missing women (S) Sex ratio among 0-4-year-olds (number of males per 100 females)	105-116	UNDP World Population Prospects (2017)
Reproductive autonomy		
Laws on reproductive autonomy (S) Whether the legal framework protects women's sexual and reproductive health and rights	0: The legal framework protects women's reproductive health and rights in the case of unintended pregnancy, without conditions.	SIGI country profiles
	0.25: The legal framework protects women's reproductive health and rights in the case of unintended pregnancy, but imposes conditions.	
	0.5: The legal framework only protects women's reproductive health and rights in the case of unintended pregnancy with some conditions.	
	0.75: The legal framework only protects women's reproductive health and rights in the case of unintended pregnancy under strict conditions.	
	1: The legal framework does not protect women's reproductive health or rights in the case of unintended pregnancy.	
Access to family planning (S) Prevalence of unmet need for family planning – percentage of currently married or in-union women of reproductive age (15-49 years) who	0-100%	United Nations Population Fund (2017) United Nations, Department of

want to cease or delay childbearing but are not using any method of contraception		Economic and Social Affairs, Population Division (2018)
RESTRICTED ACCESS TO PRODUCTIVE AND FINANCIAL RESOURCES		
Secure access to land assets		
Laws on access to land assets (S) Whether women and men have the same legal rights and secure access to land assets	0: Women and men have the same legal rights and secure access to land assets, without legal exceptions. This applies to all groups of women. Customary, religious or traditional practices or laws do not discriminate against women exercising their legal rights.	SIGI country profiles
	0.25: Women and men have the same legal rights and secure access to land assets, without legal exceptions This applies to all groups of women. However, some customary, religious or traditional practices or laws discriminate against women exercising their legal rights.	
	0.5: Women and men have the same legal rights and secure access to land assets. However, this does not apply to all groups of women.	
	0.75: Women and men have the same legal rights to own land assets, but not to use, make decisions about and/or use land assets as collateral.	
	1: Women do not have the same legal rights as men to own land assets.	
Access to land ownership (*) Percentage of men in the total number of agricultural holders	0-100%	Demographic and Health Surveys
Secure access to non-land assets		
Laws on access to non-land assets (S) Whether women and men have the same legal rights and secure access to non-land assets	0: Women and men have the same legal rights and secure access to non-land assets, without legal exceptions. This applies to all groups of women. Customary, religious or traditional practices or laws do not discriminate against women exercising their legal rights.	SIGI country profiles
	0.25: Women and men have the same legal rights and secure access to non-land assets, without legal exceptions. This applies to all groups of women. However, some customary, religious or traditional practices or laws discriminate against women exercising their legal rights.	
	0.5: Women and men have the same legal rights and secure access to non-land assets. However, this does not apply to all groups of women.	
	0.75: Women and men have the same legal rights to own non-land assets, but not to use, make decisions about and/or use non-land assets as collateral.	
	1: Women do not have the same legal rights as men to own non-land assets.	
Access to house ownership (*) Percentage of men in the total number of people who own a house alone	0-100%	Demographic and Health Surveys
Secure access to formal financial services		
Laws on access to formal financial services (S) Whether women and men have the same legal rights to open a bank account and obtain credit at a formal financial institution	0: Women and men have the same rights to open a bank account and obtain credit at a formal financial institution, without legal exceptions. This applies to all groups of women. Customary, religious or traditional practices or laws do not discriminate against women exercising their legal rights.	SIGI country profiles
	0.25: Women and men have the same rights to open a bank account and obtain credit at a formal financial institution, without legal exceptions. This applies to all groups of women. However, some customary, religious or traditional practices or laws discriminate against women exercising their legal rights.	
	0.5: Women and men have the same rights to open a bank account and obtain credit at a formal financial institution. However, this does not apply to all groups of women.	
	0.75: Women and men have the same rights to open a bank account at a formal financial institution. However, women do not have the same rights as men to obtain credit.	
	1: Women do not have the same rights as men to open a bank account at a formal	

	financial institution.	
Access to bank account services (S) Percentage of women in the total population aged 15 years and over who have an account at a financial institution (by themselves or together with someone else)	0-100%	Global Findex database
Access to financial loans Percentage of women in the total population aged 15 years and over who borrowed any money from a financial institution in the past 12 months	0-100%	Global Findex database
Access to credit card services Percentage of women in the total population aged 15 years and over who own a credit card	0-100%	Global Findex database
Workplace rights		
Laws on workplace rights (S) Whether women and men have the same legal rights and opportunities in the workplace	0: The legal framework guarantees equality between women and men in the workplace. Parental leave is available to mothers and fathers, and the law protects women's rights during pregnancy and maternity/parental leave. Customary, religious or traditional practices or laws do not discriminate against women in their legal right to enter certain professions, choose a profession and register a business.	SIGI country profiles
	0.25: The legal framework guarantees equality between women and men in the workplace. Parental leave is available to mothers and fathers, and the law protects women's rights during pregnancy and maternity/parental leave. However, there is evidence of customary, religious or traditional practices or laws that discriminate against women who exercise their legal right to enter certain professions, choose a profession or register a business.	
	0.5: The legal framework guarantees equality between women and men in the workplace. Parental leave is available to mothers and fathers, and the law protects women's rights during pregnancy and maternity/parental leave. However, this does not apply to all groups of women.	
	0.75: The legal framework guarantees equality between women and men in the workplace. However, parental leave is not available to mothers and fathers, and/or the law does not protect women's rights during pregnancy and maternity/parental leave.	
	1: The legal framework does not guarantee equality between women and men in the workplace.	
Attitudes towards working women (S) Percentage of the population that disagrees with "It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants to"	0-100%	International Labour Organization and Gallup Inc. (2017) Latinobarometer World Values Survey
Representation in managerial positions (S) Percentage of women in the total population employed in management	0-100%	International Labour Organization
RESTRICTED CIVIL LIBERTIES		
Citizenship rights		
Laws on citizenship rights (S) Whether women and men have the same citizenship rights and ability to exercise their rights	0: Women and men have the same rights to acquire, change and retain their nationality, and to confer their nationality on their spouse and children, without legal exceptions. This applies to all groups of women. Customary, religious or traditional practices or laws do not restrict these rights.	SIGI country profiles
	0.25: Women and men have the same rights to acquire, change and retain their	

	nationality, and to confer their nationality on their spouse and children, without legal exceptions. This applies to all groups of women. However, some discriminatory customary, religious or traditional practices or laws restrict these rights.	
	0.5: Women have the same rights as men to acquire, change and retain their nationality, and to confer their nationality on their spouse and children. However, this does not apply to all groups of women.	
	0.75: Women and men have the same rights to acquire, change and retain their nationality. However, women face legal restrictions on their rights to confer their nationality on their husband and/or children.	
	1: Women and men do not have the same rights to acquire, change or retain their nationality.	
Freedom of movement		
Laws on freedom of movement (S) Whether women and men have the same rights to apply for national identity cards (if applicable) and passports, and to travel outside the country	0: Women and men have the same rights to apply for national identity cards (if applicable) and passports, and to travel outside the country, without legal exceptions. This applies to all groups of women. Customary, religious or traditional practices or laws do not discriminate against these rights.	SIGI country profiles
	0.25: Women and men have the same rights to apply for national identity cards (if applicable) and passports, and to travel outside the country, without legal exceptions. This applies to all groups of women. However, some customary, religious or traditional practices or laws discriminate against women exercising these rights.	
	0.5: Women and men have the same rights to apply for national identity cards (if applicable) and passports, and to travel outside the country. However, this does not apply to all groups of women.	
	0.75: Women do not have the same rights as men either to apply for national identity cards (if applicable) or passports, or to travel outside the country.	
	1: Women do not have the same rights as men to apply for national identity cards (if applicable) or passports, and to travel outside the country.	
Security feeling (S) Percentage of women in the total number of people who declare not feeling safe walking alone at night in the city or area where they live	Rescaled to 0-100%	Gallup World Poll (2017)
Political voice		
Laws on political voice (S) Whether the legal framework promotes women's equal political representation	0: Women and men have the same rights to vote and to hold public and political office in the legislative and executive branches of government. There are special measures to promote women's political participation at the national or sub-national levels. Customary, religious or traditional practices or laws do not restrict these rights.	SIGI country profiles
	0.25: Women and men have the same rights to vote and to hold public and political office in the legislative and executive branches of government. There are special measures to promote women's political participation at the national or sub-national levels. However, some discriminatory customary, religious or traditional practices or laws restrict these rights.	
	0.5: Women and men have the same rights to vote and to hold public and political office in the legislative and executive branches of government. There are no legal quotas or special measures or incentives for political parties to promote women's political participation.	
	0.75: Women and men have the same rights to vote. However, women face discrimination against their rights to hold public and political office in the legislative and executive branches of government.	
	1: Women and men do not have the same rights to vote.	
Political representation (S) Percentage of women in the total number of representatives of the lower or single house of parliament	0-100%	Inter-Parliamentary Union (2018)

Attitude towards women's political leadership (*) Percentage of the population that agrees with "On the whole, men make better political leaders than women do"	0-100%	World Values Survey
Access to justice		
Laws on access to justice (S) Whether women and men have the same rights to provide testimony in court, to hold public or political office in the judiciary, and to sue	0: A woman's testimony holds the same evidentiary weight as a man's in all types of court cases, and women have the same rights as men to hold public or political office in the judiciary, and to sue. Customary, religious or traditional practices or laws do not discriminate against women's legal right to provide testimony in court, or to be a judge, advocate or other court officer, or to sue.	SIGI country profiles
	0.25: A woman's testimony holds the same evidentiary weight as a man's in all types of court cases, and women have the same rights as men to hold public or political office in the judiciary, and to sue. Women's testimony carries the same evidentiary weight as men's in customary/religious courts/tribunals. However, some customary, religious or traditional practices or laws discriminate against women in their legal right to provide testimony in court, or to be a judge, advocate or other court officer, or to sue.	
	0.5: A woman's testimony holds the same evidentiary weight as a man's in all types of court cases and women have the same rights as men to sue. However, women do not have the same rights as men to hold public or political office in the judiciary.	
	0.75: Women and men have the same rights to sue. However, a woman's testimony does not hold the same evidentiary weight as a man's in all types of court cases.	
	1: Women and men do not have the same rights to sue.	
Confidence in the judicial system and courts (S) Percentage of women in the total number of people who declare not having confidence in the judicial system and courts of their country	0-100%	Gallup World Poll (2017)

Notes:

(S) Variables included in the computation of the SIGI.

(*) Variables not included in the computation of the SIGI but stored in the Gender, Institutions and Development Database.

Source: (OECD, n.d.[35]), Social Institutions and Gender Index, www.genderindex.org.

Questions used to calculate the SIGI scores

The SIGI country profiles are derived from a questionnaire on gender-related legal frameworks – both formal and traditional/cultural – in the countries and territories covered. The questions are mainly divided into two groups: legal framework (formal laws) and *de facto* (customary, religious or traditional practices or laws). While most of the questions have "Yes" or "No" answers, two of them have numeric values (i.e. the questions on the minimum legal age for marriage for women and men). The list of questions is presented in Table A B.3.

Table A B.3. SIGI questionnaire

DISCRIMINATION IN THE FAMILY	
Child marriage	
Legal framework	What is the legal age of marriage for women?
	What is the legal age of marriage for men?
	Is the legal age of marriage the same for women and men?
	Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of: a. Parent

	b. Guardian c. Judge d. The court e. Other authority. Please indicate which authority is concerned.
	Does the legal age of marriage apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that allow or encourage early marriage of girls?
Household responsibilities	
Legal framework	Does the law provide women with the same rights as men to be recognised as the head of household?
	Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?
	Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?
	Regarding women's legal rights to be recognised as the head of household, does the law apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to be recognised as the head of household?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to be the legal guardians of their children?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to choose where to live?
Divorce	
Legal framework	Does the law provide women with the same rights as men to initiate divorce?
	Do women have the same requirements as men to finalise a divorce or annulment?
	Does the law provide women with the same rights as men to be the legal guardians of their children after divorce?
	Regarding divorce, does the law apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal rights to initiate divorce?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to be the legal guardians of their children after divorce?
Inheritance	
Legal framework	Does the law provide daughters with the same rights as sons to inherit land?
	Does the law provide daughters with the same rights as sons to inherit non-land assets?
	Does the law provide female surviving spouses with the same rights as male surviving spouses to inherit land?
	Does the law provide female surviving spouses with the same rights as male surviving spouses to inherit non-land assets?
	Regarding inheritance rights of daughters, does the law apply to all groups of women?
	Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that discriminate against daughters' legal rights to inherit?
	Are there customary, religious or traditional practices or laws that discriminate against female surviving spouses' legal rights to inherit?
RESTRICTED PHYSICAL INTEGRITY	
Violence against women	
National legal framework on violence against women	
	Does the law provide for a comprehensive approach to address violence against women with specific provisions for: a. Investigation, prosecution and punishment of the perpetrator b. Protection and support services for victims/survivors
	Has legislation provided for the removal of provisions which reduce penalties in the case of so-called honour crimes?
Laws addressing domestic violence	
Legal framework	Is domestic violence a criminal offence?
	Does domestic violence legislation cover the following abuse: a. Physical? b. Sexual? c. Psychological? d. Economic?
De facto	Are there any exceptions included in the customary, religious or traditional practices or laws that reduce penalties for domestic violence?
Laws addressing rape	
Legal framework	Is rape a criminal offence?
	Does the legal definition of rape include marital rape?
	Does the law repeal discriminatory practices such as reduced sentences or escaping punishment if the perpetrator marries the victim?

Laws addressing sexual harassment	
Legal framework	Does the legal framework provide legal protection from sexual harassment?
	Does the law on sexual harassment include criminal penalties?
	Does the definition of sexual harassment cover: a. The workplace? b. Educational establishments? c. Sporting establishments? d. Public places? e. Cyber harassment or cyber stalking?
Reproductive autonomy	
Legal framework	Is abortion legal?
	Are there any conditions on legal abortion? a. No restrictions on reasons for abortion b. To preserve the mental health of the woman c. Due to rape, statutory rape, or incest d. To preserve the physical health of the woman e. Due to foetal inviability f. To save the woman's life
RESTRICTED ACCESS TO PRODUCTIVE AND FINANCIAL RESOURCES	
Secure access to land assets	
Legal framework	Regarding land, does the law provide married women with the same rights as married men to: a. Own b. Use c. Make decisions d. Use as collateral
	Regarding land, does the law provide unmarried women with the same rights as unmarried men to: a. Own b. Use c. Make decisions d. Use as collateral
	Regarding land, does the law apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal rights regarding land to own, use, make decisions and use as collateral?
Secure access to non-land assets	
Legal framework	Regarding property and other non-land assets, does the law provide married women with the same rights as married men to: a. Own b. Use c. Make decisions d. Use as collateral
	Regarding property and other non-land assets, does the law provide unmarried women with the same rights as unmarried men to: a. Own b. Use c. Make decisions d. Use as collateral
	Regarding property and other non-land assets, does the law apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal rights regarding non-land assets to own, use, make decisions and use as collateral?
Secure access to formal financial services	
Legal framework	Does the law provide married women with the same rights as married men to open a bank account at a formal financial institution?
	Does the law require married women to obtain the signature and authority of their husband/guardian to open a bank account at a formal financial institution?
	Does the law provide married women with the same rights as married men to obtain credit?
	Does the law provide unmarried women with the same rights as unmarried men to obtain credit?
	Regarding access to formal financial services, does the law apply to all groups of women?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to open a bank

De facto	account?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to obtain credit?
Workplace rights	
Legal framework	Does the law mandate non-discrimination on the basis of sex in employment?
	Does the law mandate equal remuneration for work of equal value?
	Does the law prohibit women from entering certain professions?
	Does the law allow women to work the same night hours as men?
	Does the law mandate paid maternity leave?
	Does the law mandate paid paternity leave?
	Does the law mandate parental leave?
	Does the law require women to have permission from their husband or legal guardian to: a. Choose a profession/occupation or work b. Register a business
	Regarding women's legal right to choose a profession/occupation or work, and/or to register a business, does the law apply to all groups of women?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to enter certain professions?
	Are there customary, religious or traditional practices or laws that require women to have permission from their husband or legal guardian to: a. Choose a profession/occupation or work b. Register a business
RESTRICTED CIVIL LIBERTIES	
Citizenship rights	
Legal framework	Does the law provide married women with the same rights as married men to acquire nationality?
	Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?
	Does the law provide married women with the same rights as married men to change their nationality?
	Does the law provide unmarried women with the same rights as unmarried men to change their nationality?
	Does the law provide married women with the same rights as married men to retain their nationality?
	Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?
	Does the law provide married women with the same rights as married men to confer nationality on their spouse?
	Does the law provide married women with the same rights as married men to confer nationality on their children?
	Does the law provide unmarried women with the same rights as unmarried men to confer nationality on their children?
	Regarding women's nationality rights, does the law apply to all groups of women?
De facto	Are there discriminatory customary, religious or traditional practices or laws that discriminate against women's legal rights to acquire, change or retain their nationality?
	Are there discriminatory customary, religious or traditional practices or laws that discriminate against women's legal rights to confer nationality on their spouse and/or children?
Freedom of movement	
Legal framework	Does the law provide married women with the same rights as married men to apply for identity cards?
	Does the law provide unmarried women with the same rights as unmarried men to apply for identity cards?
	Does the law provide married women with the same rights as married men to apply for passports?
	Does the law provide unmarried women with the same rights as unmarried men to apply for passports?
	Regarding identity cards and/or passports, does the law apply to all groups of women?
	Does the law provide married women with the same rights as married men to travel outside the country?
	Does the law provide unmarried women with the same rights as unmarried men to travel outside the country?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's rights to apply for identity cards or passports?
Political voice	
Legal framework	Does the law provide married women with the same rights as married men to vote?
	Does the law provide unmarried women with the same rights as unmarried men to vote?
	Does the law provide women with the same rights as men to hold public and political office in a. Legislature? b. Executive?
Enforcement, monitoring	Do legal quotas exist to promote women's political participation at the national level?
	Do legal quotas exist to promote women's political participation at the local level? For the respective country, please define local

and promotion	level.
	Does the law provide for special measures other than quotas to promote women's political participation at the national level?
	Does the law provide for special measures other than quotas to promote women's political participation at the local level? For the respective country, please define local level.
	Are there incentives for political parties to include women on candidate lists for national elections?
	Are there incentives for political parties to include women on candidate lists for local elections?
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to vote?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to hold public office?
Access to justice	
Legal framework	Does the law provide women with the same rights as men to hold public and political office in the judiciary?
	Does the law provide married women with the same rights as married men to sue?
	Does the law provide unmarried women with the same rights as unmarried men to sue?
	Does a married woman's testimony carry the same evidentiary weight in court as a married man's in all types of court cases such as: a. Civil b. Criminal c. Family court d. Tribunal
	Does an unmarried woman's testimony carry the same evidentiary weight in court as an unmarried man's in all types of court cases such as: a. Civil b. Criminal c. Family court d. Tribunal
De facto	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to sue?
	Does a woman's testimony carry the same evidentiary weight in customary/religious courts/tribunals as a man's?
	Are there customary, religious or traditional practices or laws that discriminate against women in terms of providing testimony in court?
	Are there customary, religious or traditional practices or laws that discriminate against women's legal right to be judges, advocates or other court officers?

Source: (OECD, n.d.[35]), Social Institutions and Gender Index, www.genderindex.org.

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Notes

[1] ActionAID (2013); Bangladesh Bureau of Statistics (2013); Cabo Verde National Institute of Statistics (2012); ECLAC (2010); ECLAC (2016); General Statistics Office of Viet Nam (2014-15); Instituto Nacional de Estadistica y Censos – Costa Rica; National Institute of Statistics of Rwanda (2013-14); National Statistics, Republic of China (Chinese Taipei) (2000); OECD SIGI Burkina Faso country study (2018); OXFAM (2017); République de Guinée (2002-03); Statistics Sierra Leone (2003-04); Timor-Leste Ministry of Finance (2007); Troisième enquête camerounaise auprès des ménages; UNSD time use data portal (2016); Zimbabwe 2014 LFS.

[2] ActionAID (2013); Bangladesh Bureau of Statistics (2013); Cabo Verde National Institute of Statistics (2012); ECLAC (2010); ECLAC (2016); General Statistics Office of Viet Nam (2014-15); Instituto Nacional de Estadistica y Censos – Costa Rica; National Institute of Statistics of Rwanda (2013-14); National Statistics, Republic of China (Chinese Taipei) (2000); OECD SIGI Burkina Faso country study (2018); OXFAM (2017); République de Guinée (2002-03); Statistics Sierra Leone (2003-04); Timor-Leste Ministry of Finance (2007); Troisième enquête camerounaise auprès des ménages; UNSD time use data portal (2016); Zimbabwe 2014 LFS.

Social Institutions and Gender Index

SIGI 2020 Regional Report for Latin America and the Caribbean

Gender equality and women's empowerment can only be achieved if countries take action to tackle and eliminate discrimination in their legal frameworks, social norms and practices. *The SIGI 2020 Regional Report for Latin America and the Caribbean* provides new evidence-based analysis on the setbacks and progress in achieving gender equality between 2014 and 2019. The report uncovers discrimination in social institutions faced by Latin American and Caribbean women in various dimensions; within the family and household context, in relation to physical integrity and access to productive and financial resources, as well within the political and civil spheres. It also explores various development perspectives such as the cost of discriminatory social institutions for Latin American and Caribbean countries and the socio-economic consequences of the COVID-19 pandemic for women and girls. Building on the regional and sub-regional analysis of how discriminatory social institutions continue to hinder efforts toward SDG 5, the report provides a set of policy recommendations to reshape gender norms, promote women's empowerment and build a truly inclusive society.

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