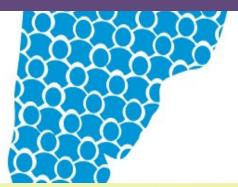


ANALYSIS OF DISCRIMINATORY LEGISLATION ON WOMEN'S ECONOMIC AUTONOMY AND EMPOWERMENT IN LATIN AMERICA AND THE CARIBBEAN



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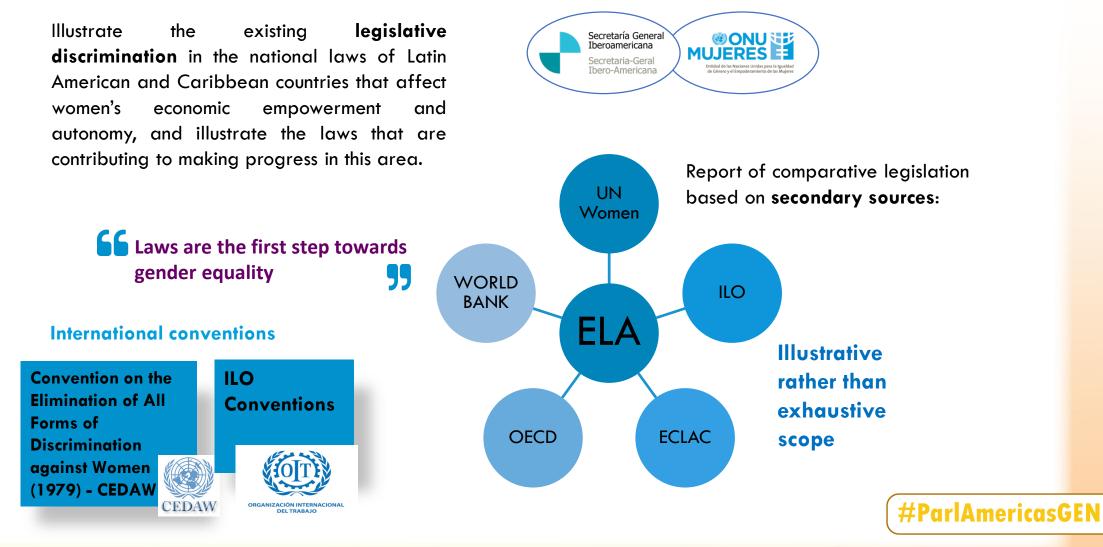
Beatriz García

UN Women, Americas and the Caribbean Regional Office

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Objective



Contents

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Access to goods and resources

- Property regulations.
- Inheritance rules.
- Land tenure.
- Access to credit.

Discriminatory legislation with regard to economic empowerment and autonomy



Access to remunerated work

- Employment and occupation.
- Access to employment.
- Equal pay.
- Social security and pensions.
- Protection of domestic workers.



Non-remunerated work

- Maternity protection.
- Shared responsibility of men.
- Right to childcare.

Main finding



In accordance with the development of international norms and conferences, Latin America and the Caribbean has evolved satisfactorily in equalizing the rights of women and men over the last 20 years.

Still, significant challenges persist in which progress is necessary.



1. Ratifying international conventions and agreements



2. Overcoming property and asset discrimination



3. Eliminating discrimination in remunerated work



4. Applying the principle of equal remuneration for work of equal value



5. Eliminating discrimination in terms of social protection and pensions



6. Expanding the rights of domestic workers



7. Better maternity cover and protection



8. Extending and delving deeper into legislation on shared responsibility



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1. Ratifying international conventions and agreements



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33 countries analyzed

CHALLENGES

PROGRESS

- 16 have not signed the Optional Protocol to CEDAW.
- 22 have not ratified **ILO Convention 156** on workers with family responsibilities.
- 29 have not ratified **ILO Convention 183** on maternity protection.
- 19 have not ratified ILO Convention
 189 on domestic workers.

All of the countries have ratified:

- CEDAW.
- **ILO Convention 100** on equal remuneration.
- **ILO Convention 111** on employment and occupation discrimination

2. Overcoming property and asset discrimination

- Norms persist that link the man as representative of the family home and, only in his absence, the woman.
- In some countries, married women continue to be affected by restrictions, particularly with regard to the **administration and enjoyment of assets**.
- The rights of women can be **affected in the case of divorce** (community of property vs. separation of property).

In some countries fewer rights for unmarried women (common law unions are not recognized as having the same rights).

Different countries in the region have legal mechanisms – that need to be activated by the justice system – to **put into effect a child support obligation**, such as obliging employers to retain a percentage of the worker's salary for amounts owing when they receive a court order to this effect; registration in list of child support debtors; prohibiting leaving the country or renewing driver's license; charging interest; civil or penal sanctions or physical detention. Source: UN Women, 2017



2. Overcoming property and asset discrimination

Access to land

Women represent one third of agricultural land owners in the region, ranging from 8% in Guatemala to 30% in Chile y Panama (OECD, 2014)

Conditions for land access: Work experience in the rural sector required.

Public service practices: Preference for communicating with men when distributing land.

Progress in the agricultural field: recognizing that men and women have the right to land; preference for female heads of household in allocation of state land; establishment of joint titling.

Access to credit

In Latin America and the Caribbean, only 49% of women have a bank account, 11% have savings and 10% have access to credit, values that for men represent 54%, 16% and 13% respectively (World Bank, 2018)

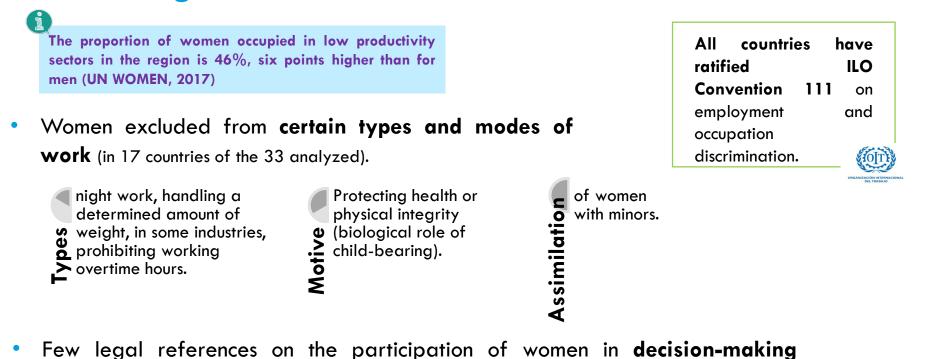
Conditions for access to credit: Guarantees, bank sureties, income levels.

Financial institution practices: Requiring spouse's signature to grant loans.



BEST PRACTICES. The **Consumer Protection Law** in Nicaragua prohibits those providing financial services from discriminating for reasons of gender or civil status.

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positions

[®]Only 21% of senior positions in companies in the region are held by women (OIT, 2017)



POSITIVE ACTION MEASURES:

Law N° 56 of 11 July 2017 in Panama: minimum 30% women on Boards of Directors of Central Government institutions, decentralized institutions, public companies, financial intermediaries and those regulated by them

3. Eliminating discrimination in remunerated work



4. Applying the principle of equal remuneration for work of equal value

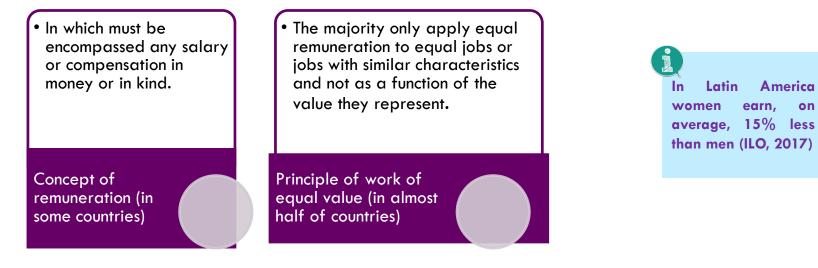
Latin

America

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earn, on

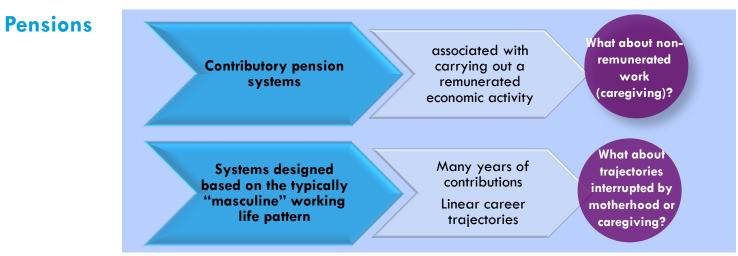
Restrictive criteria in terms of the application of ILO Convention 100:



Lack of systems to objectively evaluate job posts; limited collaboration with social agents; no mechanisms for inspection or audit.

5. Eliminating discrimination in terms of social protection MUJERES

• Gender discrimination influenced by two routes:



• Direct discrimination that must also be eliminated:



6. Expanding the rights of domestic workers

14 countries in the region have not ratified ILO Convention 189

 Rights not standardized with the rest of categories of workers:

Approximately 18 million people in Latin America work in housekeeping, representing 7% of occupations in the region. 93% are women and 17% migrants, of which, in turn, 73% are women (ILO, 2018)

Exclusion of specific categories (casual work, rural domestic work)

Minimum salary (lower or not regulated)

Working days, breaks and vacations (not regulated, less vacations,...)

Access to social protection (special regimes with fewer benefits)

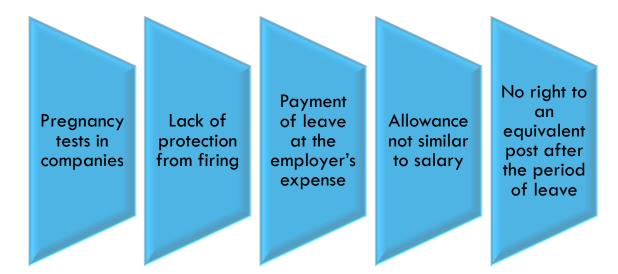
Source: (Documentation and Research Centre (CDE) and UN Women , 2016); (ILO, 2018)



7. Better maternity coverage and protection



• Only 11 countries respect the basic threshold of 14 weeks of maternity leave. (ILO Convention 183)



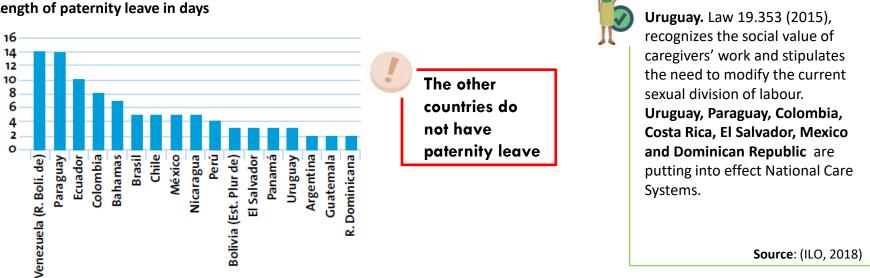
• Other discriminatory aspects detected are:

• Leave focused on the periods of pregnancy, childbirth and breastfeeding.



8. Extending and delving deeper into legislation on shared responsibility

Paternity leave non-existent or very limited.

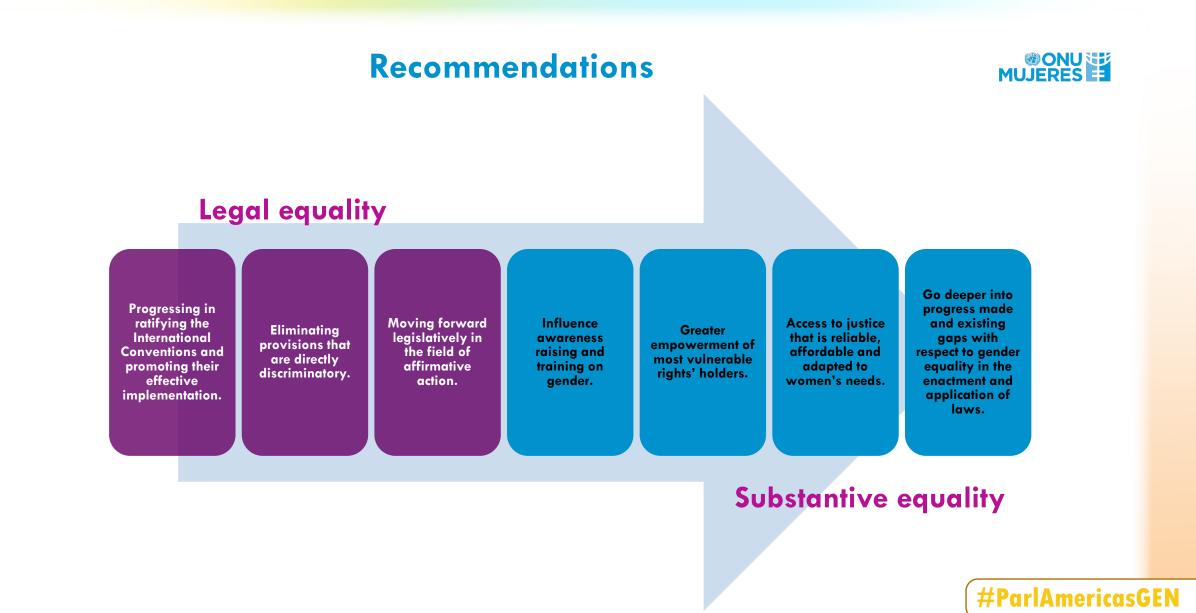


Length of paternity leave in days

Source: (ELA, 2018); (World Economic Forum, 2017)

- Legislation and practices on the right to give and receive care are in their infancy.
- Laws directed at introducing flexible ways to organize work are by far the minority and are, in some cases, directed only at women.







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Thank you very much!

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