



Legal Vice Presidency  
The World Bank

# The Gender Dimension of Human Rights

## A Development Perspective



Proceedings of the conference organized in  
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Legal Vice Presidency and the Gender and Law  
Thematic Group of the World Bank Group

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## Preface

**F**IVE years after the Beijing conference, and a fortnight ahead of the Special Session of the United Nations General Assembly on “Women in 2000: Gender Equality, Development and Peace for the 21st Century”, the World Bank has convened a conference bringing together high-level experts and representatives from the legal community, nongovernmental organizations (NGOs), donor agencies, international organizations, and Academia, to take stock of progress achieved in protecting and promoting women’s rights, to identify the remaining challenges, to review examples of Law and Gender programs introduced in developing countries, and to determine how the World Bank and other donors can improve their strategy of assistance in this area.

More specifically, the objectives of the conference were to enable participants to:

- Articulate the linkage between Gender, Law, and Development.
- Increase their awareness and understanding of the international and regional instruments that seek to promote and protect the Human Rights of Women.
- Review some of the long-established and emerging forms of discrimination and obstacles faced by women in securing or enforcing their rights in developing countries.
- Review examples of programs and initiatives designed, led or supported by Civil Society or International Financial Institu-

tions in a number of developing countries (using the Latin America and the Caribbean (LAC) region as example) to alleviate some of these discriminations, barriers, and obstacles in the legal and judicial systems.

- Identify “lessons learned” and “best practices” emerging from these experiences.
- Provide recommendations to donors and other international organizations on how to improve their strategy of assistance in this area.
- Explore innovative approaches for partnerships between Civil Society, Government, and the International Community to tackle the remaining challenges in Gender and Human Rights.

The one-day conference was attended by 80 participants including members of the legal and judicial professions, NGO representatives, staff of the World Bank and other international organizations.

The organizing committee comprised Teresa Genta-Fons, Senior Counsel, Isabel Mignone-Del Carril, Operations Analyst, the World Bank, and Xavier Forneris, international development consultant.

In addition to the experts whose papers are summarized hereinafter, and whom they thank for their invaluable contribution, the organizing committee would like to express its gratitude to their World Bank colleagues who accepted to chair the various sessions and to pronounce inaugurating and closing remarks. They are (in order of intervention):

- Rudolf Van Puymbroeck, Chief Counsel, Latin America Division.
- Hans Juergen Gruss, Chief Counsel, Middle-East and North Africa Division and head of the Legal and Judicial Reform Unit.
- Maria Correia, Regional Gender Coordinator, Latin America and the Caribbean Region.
- Elizabeth Morris-Hughes, Gender and Law Thematic Group.



Finally, the organizing committee also wishes to thank Laura Perez and Mia Oh, both from the World Bank's Legal Department, for their kind and efficient assistance.

The proceedings of the conference were coordinated by Mr. Forneris who edited the papers submitted by the experts for this purpose.

*Teresa Genta-Fons*

**SESSION 1**

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**The Legal and Institutional Framework for  
the Protection and Promotion of Human  
Rights of Women: the Regional Approach**



# **The Inter-American System for the Protection and Promotion of Human Rights: An Analysis of the Legal and Institutional Framework**

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CLAUDIO GROSSMAN

## **National, Regional, and International Frameworks for Human Rights**

**I**N today's world, institutions at the national, regional, and international level work together to ensure that human rights are respected. International human rights organizations make independent assessments of human rights conditions and national courts and regional organizations use international human rights treaties to guide their own decision-making.

I will discuss how the Inter-American System fits in this interlocking domestic, regional, and international framework. The regional system's goals are similar to those of the international system. It provides a mechanism to address the particular problems faced by the states of the region. It provides more actual remedies for victims of violations of human rights norms than the international system, through adjudication of individual claims, the issuance of advisory opinions, and the use of *in loco* visits.

## Structure of the Regional Framework

### *Conventions and Legal Instruments*

The Inter-American System for the Protection and Promotion of Human Rights consists of two layers: a charter and a convention. The Charter of the Organization of American States (OAS) is a treaty binding on its 35 member states. It includes general reference to human rights norms described in greater detail in the American Declaration of the Rights and Duties of Man of 1948 (seen as the authoritative, binding interpretation of the rights referred to in the OAS Charter). The Charter was amended to create the Inter-American Commission on Human Rights whose role is to promote compliance with the Charter and the Declaration. The second layer is the American Convention on Human Rights, opened for signature in 1969 and ratified by 24 countries in the region. These countries have agreed to protect a broader range of civil and political rights. The Convention also provides for the creation of the Inter-American Court of Human Rights. States must separately accept the compulsory jurisdiction of the Court—20 have now done so.

### *The Commission and the Court*

The primary actors supervising compliance with human rights norms in the Inter-American System are the Inter-American Commission on Human Rights (the Commission) and the Inter-American Court of Human Rights (the Court). The Commission's broad powers include visiting countries accused of rights violations, adjudicating cases, referring cases to the Court for adjudication, appointing human rights rapporteurs, and drafting declarations and treaties.

#### **VISITS IN LOCO**

In the past, due to frequent gross human rights violations in the Americas, these visits were the main activity of the Commission. They enabled to bring human rights violations to the attention of the world and to send a message that such violations are not tolerated. The Commission's reports documented the violations and provided moral and legal support to those fighting dictatorship. With the recent democratic changes, visits in loco are used in rare in-

stances where there are charges that state policies violate human rights. These visits are now used to analyze alleged violations of a category of rights, such as prison conditions or the condition of refugees. Such visits are also increasingly requested by states to show their support for human rights or address problems before they escalate.

#### **CASE SYSTEM**

The case system has become the most valuable tool for human rights protection. It allows individuals from OAS countries to file a petition with the Commission alleging a violation of their human rights by a member state. The Commission can hear the case and publish a report establishing the violation, or it may decide to refer the case to the Court (if the state has accepted its compulsory jurisdiction). The case system serves as an early-warning mechanism to avoid regression to authoritarianism.

#### **REFERRALS TO THE COURT**

The Commission has referred 34 cases to the Court. When it refers a case, the Commission becomes “counsel” and represents the victims in that case. Individuals cannot directly petition the Court. To allow for their participation, the Commission appoints the victims’ lawyers as legal advisors to the Commissioner who is handling the case. The Court’s decisions, often quoted by domestic courts, interpret the scope of basic rights and key procedural issues. Jurisprudence has been supplemented by 16 advisory opinions by the Court in interpretation of human rights treaties. The Court and the Commission also issue precautionary measures such as protective orders to avoid irreparable violations of basic rights in urgent cases.

#### **SPECIAL RAPPORTEURS**

Special rapporteurs have been created by the Commission to address specific human rights issues. They make proposals for legal reform, bring a situation to the attention of the hemispheric community, and address problems faced by marginalized groups (women, indigenous population, immigrants, and children). To highlight concern over the killing of over 150 journalists during the last ten years, the Commission created a Special Rapporteur on Freedom of Expression.

### **DECLARATIONS AND TREATIES**

The Commission is also involved in rights creation by preparing declarations and conventions and by engaging in consultations with other regional organs. For example, the Commission helped prepare the American Declaration of the Rights of Indigenous Groups. The Commission, as an independent semi-judicial body, has been instrumental in bringing about new legislation protecting the rights of marginalized groups.

### **Strengths and Weaknesses of the System**

Many advances have taken place in the promotion and protection of human rights in the region. Elections are now held in 34 out of 35 countries of the hemisphere; elected governments have resulted in a dramatic decrease of disappearances, summary executions, and other forms of brutal repression. Serious problems remain. Societies still struggle to overcome the inheritance of dictatorship and the deep-rooted authoritarian structures and traditions it has produced. Democracy and human rights require more fundamental changes: a vibrant civil society; independent and modern judiciaries; law-abiding enforcement agencies; freedom of the press; the end of impunity, etc. In a region where a high proportion of women are the victims of domestic violence, indigenous populations face serious violations to their minority rights, millions of children live on the streets, and poverty is widespread, democracy must also embody a dynamic process of expansion of fundamental values, making every person count.

Inter-American entities have created a positive and dynamic layer within the international system that allows for the expansion of rights and guards against their regression. This process, though valuable, is by no means guaranteed. Compliance with recommendations and rulings still depends primarily on the goodwill of the state involved and there is little action that the Commission or the Court can take against blatant regressions. It is therefore imperative that the political organs of the OAS, the General Assembly and Permanent Council, call for strict compliance with the decisions of the supervisory organs.

Acceptable human rights conditions and the expansion of democracy in a country are more often than not the result of complex processes that include education, strengthening of domestic institutions and procedures, and interaction with international organs and norms that promote and protect human rights and the rule of law. It is crucial, therefore, to continue to support the slow and exhausting process of reform and expansion of rights in the Americas on all possible levels. Only through vigilance and adherence to the Inter-American System will it be possible to bring this region into full compliance with human rights norms and to avoid being surprised in the future with crises that might have been averted.



# Challenges of Gender Equity and Human Rights in Latin America and the Caribbean

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INÉS BUSTILLO

## Recent Trends in Gender Equity

ONE of the most significant developments of the 20th century was the way in which gender relationships have changed. Women have made great strides in winning their rights along with greater visibility and recognition. In spite of this progress they remain subject to various forms of exclusion and discrimination. Women have helped to combat poverty and build democracy in many ways. Even as women in Latin America and the Caribbean (LAC) now enjoy greater recognition of their rights, study more, work more, continue to shoulder the responsibility for performing unpaid work at home, they still earn less, play a limited role in public decision-making and are often faced with public policies relating to women that are short-term welfare-based and place great importance on their roles as mothers and wives.

### *Remaining Challenges in Gender Equity and Human Rights in the LAC region*

In spite of substantial advances, many contradictions and ambiguities in the status of women in Latin America still exist. As part of its continuing effort to deal with these challenges the Economic Commission for Latin America and the Caribbean (ECLAC) recently concluded the 8th session of the Regional Conference on Women in Lima, Peru. This meeting also served as the region's preparation for the extraordinary session of the United Nations' General Assembly, called "Women in 2000: Gender Equality, Development and Peace for the 21st Century," held in New York in June. A direct result of the meeting was the adoption of the Lima Consensus with these main points for consideration in the 21st. Century:

- Revise public policies to place social and gender equity at the centre of governmental concerns.
- Redirect State policies so as to redress inequalities and to guarantee human rights of women and girls, particularly sexual and reproductive rights, with special attention to the most vulnerable groups.
- Strengthen democracy in the region and women's rights to full and equal citizenship, and fight violence against women.
- Promote the recognition of the social and economic contribution of women's unpaid work.

### *ECLAC's Institutional Role in Gender Equity and the Advancement of Women*

ECLAC has been carrying out studies on the status of women in the region on a systematic basis since 1975. These studies, undertaken in response to ECLAC's concern to mainstream the gender perspective into development assistance, have covered a wide range of topics, including socio-demographic factors, the participation of women in education, in employment, in politics and in social movements, family responsibilities, gender violence, etc.

National and regional diagnostic studies have been prepared and policy guidelines have been formulated. National, sub-regional and regional projects have been designed, assessed and executed.

This work has led to the publication in book form of research findings concerning specific groups of women, women in the most vulnerable sectors, young women, women in urban and rural low-income sectors, etc. ECLAC has been designated as the United Nations focal point in the region for follow-up activities relating to regional and world agreements that deal with gender equity and the advancement of women. The growing awareness of the need to develop systems of gender statistics to monitor changes in the situation of women as against that of men, has led to recognition of how vitally important it is to select indicators that are appropriate for this purpose. The legal framework for action in this field is derived from:

- 1973, ECLAC Resolution 321 (XV) on the Participation of Women in Latin American Development (Quito, Ecuador).
- 1977, Regional Plan of Action for the Integration of Women into Latin American Economic and Social Development, ECLAC (Havana, Cuba).
- 1979, Convention on the Elimination of All Forms of Discrimination against Women, United Nations General Assembly.
- 1985, Nairobi Forward-looking Strategies for the Advancement of Women.
- 1995, Fourth World Conference on Women, (Beijing, China).

# Law, Gender and the Inter-American Human Rights System

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ELIZABETH A. H. ABI-MERSHED

OVER the last five years, the inter-American human rights system, the regional framework for the protection and promotion of the rights of individuals, has undertaken a concerted effort to address the specific causes and consequences of human rights violations based on gender. The Inter-American Commission on Human Rights (the Commission) and a range of other actors within the system, including the Inter-American Commission of Women, individual member states and civil society, have taken on the challenge of re-envisioning traditional approaches and formulating innovative strategies to respond to such violations.

In terms of standard setting, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará), which has been ratified by 29 of the 35 member states of the Organization of American States (OAS), represents a new vision of how rights-based approaches can be brought to bear on the problem of gender violence. In defining this violence, articulating its link to discrimination, and establishing

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The opinions expressed are those of the author and do not necessarily reflect those of the Commission or the OAS.

the duties of the state with respect to what had long been set aside as a “private” issue, the Convention has ventured beyond traditional paradigms, and sets standards which correspond to the gender specific aspects of the problem.

The adoption of the Convention of Belem do Pará was possible because of a strong regional consensus on the priority nature of the problem and need for a commitment to action. The Convention both drew from and serves as a catalyst for state and non-state action ranging in nature from rudimentary to highly innovative. For example, in preparation for or pursuant to ratification of the Convention, the majority of the states parties have adopted legislation on gender violence and/or violence within the family. A number of countries have adopted new programs and policies designed to provide victims of such violence with the legal, medical and social services required. Clearly such action remains in its initial stages, and is nascent at best in a number of countries. The current challenge for the system is enforcing the implementation of the Convention of Belem do Pará through the protection mechanisms it provides, which include the possibility of filing individual complaints before the Commission alleging the violation of a protected right by a state party.

The Inter-American Human Rights System offers a range of approaches that can be brought to bear on the gender dimension of human rights protection. The Commission has in recent years given specific attention to such issues through its individual case system, as well during on site visits, and in its country and thematic reports. The Commission’s appointment of a Special Rapporteur on the rights of women provided the basis for a thematic study of the compatibility of member state legislation and practice with respect to the rights to equal protection and non-discrimination—the results of which are set forth in the Commission’s 1998 Report on the Status of Women in the Americas—and a point of focus for its actions in this area across the spheres of its competence.

The Commission’s examination of individual cases complaining of the violation of a right protected under the American Convention, the American Declaration, the Convention of Belem do Pará, or the other human rights treaties of the system provides its most concrete mechanism to examine and pronounce upon human

rights violations with gender specific causes and consequences. In this capacity, the Commission has decided individual cases in which it condemned rape as a form of torture (Case of Martin de Mejia, 1996), and set standards for the use of invasive physical searches of women (Case of X and Y, 1996). It has more recently admitted cases concerning the compatibility of civil code provisions conferring economic power within a family upon the husband/father (Case of Morales de Sierra, 1998), and the ability of a victim to invoke the domestic violence she suffered as a defense to a criminal charge (Case of Ramjattan, 1998). The Commission is just beginning to receive individual complaints invoking the Convention of Belem do Pará. The presentation and examination of such cases will play a crucial role in enabling and requiring the Commission to move forward in further defining the duties of states parties with respect to the fundamental right of women to live free from gender violence.

The Commission's experience to date in this sphere provides some indication of the acute challenges to be met in countries throughout the region in order for women to be able to freely and fully exercise their basic rights. The system is now positioned to begin taking on these challenges in a more responsive and comprehensive way. The principles set forth in the Convention of Belem do Pará demonstrate that it is possible to re-envision traditional human rights law to better respond to the causes and consequences of human rights violations based on gender. These principles in turn must play an important role in orienting the development of law and procedure within the system.

The Commission's nascent work in this sphere, touching as it does on the full range of its functions, demonstrates that not only is it possible but necessary to utilize a diverse range of approaches in dealing with the barriers that restrict the ability of women to exercise their rights. It also points out the importance of continuing to advance beyond traditional paradigms, utilizing interdisciplinary approaches to implement and enforce rights, and seeking further opportunities for collaboration in inter-governmental, state and non-state action.



**SESSION 2**

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**Violations of the Human Rights of Women  
and Gender-Based Discriminations:  
A Daily Reality in Many Countries**





## Access to Justice: The Case of Brazil

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ELLEN GRACIE NORTHFLEET

AS the judicial system only reacts to the parties' initiative, it is crucial that citizens be informed of their rights and given the opportunity and means to enforce these rights through the court system. An interesting initiative aimed at abused women has been going on for 12 years in Brazil. In several large cities special police precincts, *Delegacias da Mulher*,<sup>1</sup> have been set-up in order to encourage battered women to come forward in a friendly environment where they are heard with sympathy and receive appropriate counseling. This was launched as a pilot in 1985 in São Paulo; today we have over 150 such facilities in Brazil. Statistical data from the Delegacia da Mulher of Porto Alegre reveal that this system actually encouraged women to report such acts of violence; some analysts also believe that the system has led aggressors to think twice before beating their wife and children. These specially trained police officers also educate people on women's rights and on the consequences of acts of violence. In the case of household or marital violence, many women who come forward eventually withdraw the complaint out of fear of depriving the family of economic support if the husband goes to jail. For minor offenses, for which pun-

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<sup>1</sup> These police stations have the power to investigate certain crimes where the victim is female (menace, aggression, rape and other sexual offenses, etc.) Their jurisdiction is concurrent with other regular police stations.

ishment does not exceed one year, judges can now impose alternative sanctions such as fines or community service. This innovation was brought by Laws N°. 7.209/84, 9.099/95 and 9.714/98, and is widely used. Some deplore that the system enables aggressors to “buy” the right to commit an act of violence against women. However, repeated acts of violence are severely punished and judges can also refer offenders and victims to psychological counseling. Overall, most people concur that the Delegacia da Mulher has been a very positive measure.

There is now a need to establish a network of shelters and to make social and legal services available throughout the country. Police staff must include professionals such as lawyers, psychologists, and social workers. Brazilian society still constitutes a striking example of structural violence against women. Women are still discriminated against in employment opportunities and in salaries.<sup>2</sup> Not much progress has been achieved in this area during the last decade. In the Congress there are only 30 women out of 500 representatives, and 6 women out of 80 senators. In the civil service 44% of the work force is female but only 13% of these women can be considered decision makers. The feminization of poverty, an undesired by-product of globalization, is a sad reality in Brazil. In a shrinking economy, with high rates of unemployment, women receive smaller wages, or have to work in the informal sector where they do not receive any social security benefits. In order to sensitize judges to women’s rights, the International Association of Women Judges with support of the Inter-American Development Bank, devised a project called Jurisprudence for Equality to be developed in five Latin American countries. Awareness campaigns are much needed both at the country level and in international forums such as this one. Promotion and protection of women’s rights must become a priority in the human rights agenda and in the development agenda.

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<sup>2</sup> Women get on average 67% of a man’s wages reports IBGE (Instituto Brasileiro de Geografia e Estatística), on a survey that was released on May 23, 2000. (Women: R\$542,98 per month; Men R\$805,84 per month).

# Challenges to Shift from Law to Practice in Gender Equity Issues

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MIGUEL SARRE

## Judicial Practice

**I**N Mexico there are fewer women than men in jail<sup>3</sup> owing to informal controls over women's behavior (religion, family, cultural pressure, etc.). However, when the judicial system judges women it does it with greater severity. Gender discrimination can also exist in sentencing as a 1994 study conducted in Mexico City clearly revealed. There is no justification for discriminatory practice in the criminal law field; courts should punish offenses not gender. Police abuse affects both men and women. However, women are especially vulnerable to sexual abuse during detention. Body search of visitors in Mexican jails is standard practice both for men and women, but women are subject to various forms of abuse and humiliation during this process.

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<sup>3</sup> According to official statistics, in February 2000, out of 145,139 persons in jail only 6,179 were women (4.26%).

## **Law and Administration**

In recent years important legal changes sought to provide better protection to women. Among those, the adoption of the *Ley de Asistencia y Prevención de la Violencia Intrafamiliar* (Prevention of Domestic Violence Act) in 1996 enables the public authorities at the Federal district level to hear cases of violence inside families and to intervene as conciliator or to issue administrative sanctions. Criminal codes at the federal and state level now include a chapter on domestic violence.

In Mexico there is a general tendency to legislate in the criminal sphere and to underestimate the necessary administrative actions. Passing new criminal laws will not be enough to bring the problem of domestic violence to an end. On the contrary, a woman victim of such domestic violence often suffers a double injury: the one from the act of violence and the lack of resources once her aggressor (often the main provider of the family) is sent to jail. Strict law enforcement without a welfare system leads in many cases to injustice. In spite of the development of conciliation procedures in domestic violence, most acts of family violence are still handled by the inflexible criminal justice system. Many of the ordinary crimes related to domestic violence do not allow for a conciliatory process, since they must be prosecuted. Criminal law enforcement sometimes aggravates the situation instead of improving it. Alternative dispute resolution methods recently introduced in civil and commercial law have not yet been extended to criminal law.

## **Reinforcement of Gender Stereotypes through Mass-Media**

Recently a section on offenses against individual dignity was added to the criminal code of Distrito Federal. It prescribes stiff penalties for discriminatory conducts on the basis of gender. Given this positive step in the fight against discrimination, a better result could be obtained if the use of mass media to stigmatize or ridicule women was forbidden.

## **Remaining Challenges**

To conclude, I will mention two cases of serious violations of the human rights of women in Mexico: forced contraception in public

hospitals and the fact that female housemaids do not have effective social security or labor protection. Despite the many efforts to protect women's rights through legislation, our culture and everyday practices resist gender equity. One just has to take a look through the corporate, political, academic and religious organizations to realize that there are almost no women in the very top positions.<sup>4</sup>

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<sup>4</sup> The Mexican census of 1995 shows that only 19% of the top positions in public, private and social sectors were held by women. They represented 12.1% of the managing positions in publicly and privately owned companies. Only 13.6 % of the NGO, trade unions and political organizations are managed by women. Only 21.4% of government high officials and legislators are women. (Source: INEGI-STPS. National Employment Survey. 1995. Database).

# Women and Justice: The Argentine Case

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MARCELA V. RODRÍGUEZ

**T**HIS paper derives from a recent research I conducted<sup>5</sup> with a colleague on the attitude and role of Argentina's justice system in the prevention and control of violence against women.

## Legislative Framework

The recent reform of the Constitution was considered a significant advancement for the promotion and protection of women's human rights. It gave constitutional status to the principal treaties and covenants on human rights, particularly the Convention on the Elimination of All Forms of Discrimination against Women. The Constitution guarantees equality for women in the political parties and the electoral system through affirmative action. It forces political parties to have a minimum of 30% women on their lists of candidates. The Constitution also empowers the National Congress to dictate and promote affirmative action measures in order to guarantee real equality of opportunities and treatment for women. Finally, it also accords standing to the ombudsman (Defensor del Pueblo) and nongovernmental organizations in relation to legal remedies in cases of discrimination.

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<sup>5</sup> This research was conducted by Cristina Motta and Marcela Rodríguez and was financed by the World Bank.

However, one of the major features of Argentina's legal system is the gap between law and practice. The Judiciary does not effectively or efficiently enforce existing legislation. The Executive Power has not fulfilled its obligations under international treaties. The Convention of Belem do Pará, ratified in 1996, is a good example. It requires that States take steps to prevent and punish violence against women. Argentina's enforcement of the convention has not been satisfactory. Public policies are fragmentary and deficient. The government has not taken appropriate measures to reduce violence against women, to train law enforcement officers, to provide services to the victims, or to promote public awareness. There is no legislation against sexual harassment in the workplace. The antidiscriminatory law has different standards regarding sex discrimination and discrimination based on race, nationality and religion.

The Law on Protection against Family Violence was adopted in 1994 but is gender neutral, not based on gender violence. It also tends to provide the same response to different problems (violence against women, children, people with disabilities, elder people) and is only enforced in Buenos Aires. There are no sanctions, no allocation of resources to combat violence. Finally, the law requires that the judge attempt to reconcile the two parties but judges have not received special training in this area. Until recently sexual availability of married women was considered part of marital obligation and courts did not consider as rape a sexual intercourse without penetration. The laws that punish sexual violence provide for "private instance actions" meaning that legal action can only be taken by the victim.

Congress has recently adopted a law reforming the Criminal Code. It established stronger punishments and defined the public policy for better protection of women. Victims can receive legal aid or representation by associations for the protection of victims. Since this reform is very recent it is difficult to gauge its impact.

### **Argentina's Judiciary and Violence against Women**

The analysis of court decisions and sentencing in cases of sexual and physical violence against women reveals obvious gender stereotypes. Many judges feel that a man's act of violence against his



own wife is a special situation, not as serious as an act of violence against a stranger; and that jealousy or even a woman's negligence in her domestic duties are reasons justifying an aggression. The attitudes and lack of understanding and sensitivity of many judges and judicial personnel concerning sexual and domestic violence are the most difficult problem facing the victims. When analyzing the decisions of the Supreme Court we were struck by the lack of interest in women's issues and gender equality and the small number of cases concerning women's rights. The Supreme Court has not promoted affirmative action measures and has not enforced the constitutional provisions related to the equality of opportunities and treatment for women.

### **Access to Justice**

There are economic, cultural and procedural obstacles to effective access of women to justice. Women avoid litigation not only because of its cost but also because of the lack of proper information about their legal rights. Litigation in Argentina is extremely costly and slow. There is no comprehensive program of social legal assistance; the legal aid services for the disadvantaged are overwhelmed and only offered in urban areas. There are almost no specific services for women.

Although the problem of gender violence and discrimination has increased during the last decade, the numbers of investigations, prosecutions and sentencing of offenses remain extremely low. The government does not provide victims with adequate services but relies on NGOs, most of which do not receive any kind of public support.

Women, as the rest of the population, suffer from the weaknesses of the Judicial and Legal system. The weak rule of law creates high legal uncertainty. The poor feel the law does not protect them. Government is suspected to influence judges. The problems of the Judiciary in Argentina are structural rather than related to a group of wrongdoers. The courts seem disconnected from reality and unaccountable. To improve the performance of the judicial system we need to involve actors coming from different sectors of society. The judicial system must be simplified and brought closer to

the people, for instance, by decentralizing the courts. These are measures that would help all citizens including women in obtaining protection against abuse and enforcement of their rights.



**SESSION 3**

**Efforts by Civil Society, International  
Financial Institutions, and Academia to  
Mainstream Gender in Development Activities**



# **The Politics of Gender, Law and Rights: Integrated Strategies for Using Law and Policy to Promote Social Justice, Empowerment and Democracy**

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LISA VENEKLASEN

**T**HE rich discussions surrounding the Poverty Reduction Strategy Paper and the Policy Research on Engendering Development indicate that the World Bank is increasingly concerned about the exclusion of large sectors of the population from both the process and benefits of social and economic development. The discussion of disadvantage has landed squarely on the question of power including gender, class, race, ethnicity, urban, rural, etc. Gender is recognized as a key determinant of exclusion and thus a major stumbling block in the task of poverty alleviation. Today's discussion about law and gender is a dialogue with some potential for reconfiguring and expanding the rigid confines of the economic discussion.

## **The Pivotal Role of Law: Practical Frameworks for Analysis**

Starting in the 1980's we have assisted Latin American women's groups in using the legal system as a tool for empowerment. They were frustrated by the limited impact of education, social services

and economic schemes on the kinds of discrimination, subordination and abuse which women were facing. Women's ability to participate in economic and public life were also hindered by domestic violence, inability to control family size, and the triple burden of children, household and work. Women turned to the legal system to gain access to resources, a level of safety within their homes, and some choices over their lives. Lawyers are often unable to make law relevant to ordinary women. The tendency is to simplify the language of the law but the most effective strategies use as starting point the problems women face everyday. The first step is to understand what the problem is and only then to see how the law contributes to the problem and potentially to its solution. Effective legal strategies have a clear understanding and analysis of the problem, its extent and causes, and how the law contributes to it or can respond to it.

Law can subordinate women by three means:

- Laws and policies. The content is unjust or discriminatory.
- Application. The structures and procedures to enforce and interpret the law are prejudicial toward women or legal solutions are too expensive for women.
- Behavior. Cultural and social values, habits and behavior are negative or unjust toward women regardless of what the law say. Women and men are unaware of the law.

The triangular framework (Law, Enforcement, Culture) helps to determine the possible focus of legal strategies. For instance, if there is no law or laws are inadequate to address a given problem, then one solution is to introduce or reform the law. Sometimes women assume that a new or better law is necessary to solve the problem. However, when the different aspects of the legal system are closely analyzed they realize that the law is adequate and that the solution lies in improvements in the enforcement structures or in training to overcome the cultural factors that inhibit people from using the law and exercising rights.

Women use law and human rights to battle the barriers of discrimination and exclusion because economic and social interventions alone do not work. Their advocacy clearly supports the Bank's

increasing attention to the questions of law and legal rights in developing strategies for combating poverty. What are the strategic options and priorities for this work and what is the process for deciding where and how to intervene? The following examples of women's legal strategies, and their success and challenges, will hopefully shed some light on these questions and make a strong case that local women's groups are an invaluable source of advice for the Bank in determining how and where to intervene.

### **Women's Legal Strategies: Expanding the Concept and Practice**

Legal reform is not enough. When resources are scarce, support for innovative legal literacy and community-based legal aid schemes can generate valuable results. In Latin America, community-based initiatives have trained dozens of community leaders to serve as legal promoters and paralegals, providing women information about their rights and how to access them. In Chile and Argentina women's groups established community-based legal support centers offering a combination of legal and psychological advice in conjunction with economic and health programs. From training of judges to the creation of women's police stations, the legal strategies that women have used to address this problem are instructive of the challenges posed by deeply held social beliefs and the possibilities for correcting them through the law.

### **The Nature and Limits of Law in Advancing Women's Rights and Equality**

Laws are influenced by politics and relationships of power. Regardless of the technical quality of a law, its enforcement is embedded in highly contested structures of power where large sectors of the population have no voice and are convinced they do not deserve a voice. To be effective legal reformers, we need to understand the systems of power that shape the content and application of law as well as the attitudes affecting its successful exercise. Even where the structures and procedures of the judicial system have been made more accountable, bias, exclusion and corruption abound. These practices persist in making public decision making either fearful or irrelevant to women and poor people. These barriers are fre-



quently invisible, yet they are at the heart of the problem of powerlessness that women have identified as a central impediment to their ability to exercise their rights and participate in public life.

Women work to expand the meaning and practice of law and human rights. By reframing traditional legal notions about what is private and public they have helped to ensure that domestic abuse is a crime and not assigned to the private realm of social relations. Women's groups have revealed how seemingly neutral instruments and structures embody gender bias. Since the early 1990s, many women's rights groups have added an international dimension to their work and made significant headway in pushing the international human rights system to expand the very notion of rights. From international agreements like CEDAW to the 1994 Vienna Conference where women's rights were officially recognized as human rights, women advocate for mechanisms that they can use to seek protection under the law as well as to advance its scope and jurisdiction. Women have also sought direct participation in decision-making processes. Initial efforts focused on expanding the number of women in elected office. Women's groups also support gender-sensitive initiatives within government and legislatures and then work to hold officials accountable to these commitments and policies.

### **A Web of Culture and Politics**

Culture is one of the more divisive questions in the progress toward women's equality and the promotion of human rights as the foundation for development. Culture is a catch-all term referring to religion, the privacy of family, age-old belief systems, local tradition or custom, and/or some combination thereof. There is no question that culture, in all of the forms described above, is both the densest and most elusive obstacle to women's equality and participation. The role that culture plays in perpetuating the gender imbalance of power is profoundly political. When "culture" meets consumerism, inheritance rights become property grabbing, just as when "culture" related to the practice of dowry in India meets consumerism, family marriage arrangements lead to acid throwing and bride burning. It is difficult to defend age-old practices of abuse and exclusion simply because they are part of local culture. Con-

cern and sensitivity about imposing thinking models from outside is usually well placed but in the case of women's rights there is an already established consensus that human rights are universal and that women's rights are human rights. At the same time, it is legitimate to exercise caution when outside interventions throw off the balance of power. When the balance has to do with gender relations, the backlash can be violent. For this reason, interventions must be guided by the wise counsel of local and international women's groups with a long track record in this area. For twenty years, activists and scholars have been analyzing and reinterpreting religions and cultural norms, and have practical advice on how to proceed into this battle ground for promoting internationally accepted standards for human rights.

For the Bank, the best place to start is the bottom line: there is no question that the denial of basic freedoms and opportunities is a major obstacle to economic and social development and that it constitutes an enormous loss of resources and human capital. Law is an important starting point in addressing this problem. "Law", as my colleague Valerie Miller points out, "can set the crucial legal framework for rights and cultural change but it is not enough. To be effective, legal reform must involve a wide range of strategies that encompass the content, structure and culture of the law and that incorporate a careful analysis of women's powerlessness and subordination." For women, the web of politics and culture becomes their unavoidable foe and their strategic target for change and action.

# Promoting Access to Justice for Women

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LISA L. BHANSALI

## Definitions of “Access”

**D**IFFERENT people have different definitions of “access”. Access may mean access to a lawyer or to legal aid; existence of a legal remedy and enforcement mechanisms that make the law a reality; economic access (often pursuing a legal case is too costly: hiring a lawyer; taking time from work, etc.); physical access to justice institutions and judges; linguistic and cultural access, which includes being able to receive information in your own language and which makes sense in your cultural context; but access also means freedom from discrimination (or stereotypes), which refers to the personal views judges and others in law enforcement may hold about women.

## The Inter-American Development Bank’s Policy on Gender

The policy of the Inter-American Development Bank (IDB) on gender is unchanged since 1987: to incorporate gender issues into the projects it finances to promote development and fight poverty. This is done in many ways: (1) during the project documentation review, the Committee on Environmental and Social Impact (CESI)

specifically looks at gender dimensions; (2) staff from the Women in Development Unit sometimes serve as project team members/leaders; and (3) the Women in Development Unit recently started recognizing projects for their success in incorporating gender into project design.<sup>6</sup>

### **Examples of IDB-Financed Justice Sector Programs**

I will give two concrete examples of judicial reform programs financed by the IDB to show how access to justice can be pursued and how a project can be designed to enhance access for women.

#### *Reform of the Justice Sector in Guatemala (\$31 million loan, 1998)*

The project was not specifically for women but sought to improve access to justice for indigenous communities. It financed the construction of eight Administration of Justice Centers (Centros de Administración de Justicia or CAJ) in indigenous communities, with a local coordinator, a legal aid office, and a judicial information officer in charge of educating people about the CAJs and their rights. Specific measures to improve access for women included training on fundamental human rights, literacy and support with filling out legal forms; flexible schedule for CAJs to be able to respond to women's needs; locating CAJs near health clinics, schools, churches, etc. Awareness campaigns about CAJs targeted indigenous women (radio programs at the time of day when women were likely to listen); and public legal education included many outreach programs for women. In fact, preliminary evaluations showed that more women than men accessed the judicial services of the CAJs. There were two additional obstacles: Guatemala had recently passed legislation on intra-family violence but justice officials had not received any training on it; also the judicial system offices that provided specialized services to female victims were weak and concentrated in Guatemala City (physical access problem). To address these obstacles, the project financed specialized training on intra-family violence (based on the new legislation), sex crimes, and child abuse. It

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<sup>6</sup>See IDB pamphlet entitled "Investing in Women", Women In Development Unit, Sustainable Development Department.

also provided institutional strengthening for 10 Victim Assistance Offices inside the Public Prosecutor's Office.

**Argentina & Brazil: Judicial Education; Toward an Equality of Jurisprudence (\$150,000 grant, 1996)**

One problem was that judges and other judicial personnel were not familiar with international human rights law and rights of women although their government had signed and ratified treaties like the Convention of Belem do Pará. Responding to a request from the Argentina and Brazil chapters of the International Association of Women Judges the IDB financed a "Training the Trainers" program focusing on the enforcement of international women rights. This included training for judges, prosecutors, NGOs, the private bar, and the police in the various conventions (UN Convention on All Forms of Discrimination; Inter-American System, Convention of Belem do Pará, etc.). It also helped increase the institutional capacity of the local chapters of the Association of Women Judges.

In many countries where we operate we see more and more lawsuits that refer to international conventions but whether or not the outcomes of trials are always supportive of women's rights remains to be determined. A more thorough review is required.

# **Integrating Gender Into Legal Education: A Strategy for Promoting Gender Equity in Latin America**

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ANN SHALLECK

**T**O show how gender can be integrated into legal education I will use the example of the Transforming Women's Legal Status in Latin America project developed by the Women and International Law Program at the Washington College of Law. The project's objective was to strengthen the legal status of women in Latin America and to address the problems of violence against women and gender bias in Latin American legal systems. The project was designed in close collaboration with our Latin American partners including women's rights advocates, judges, legal practitioners, NGOs, law schools, legislative officials, and regional organizations such as the Organization of American States (OAS) and the Pan American Health Organization (PAHO). The goals of Transforming Women's Legal Status are rooted in the recommendations of a 1996 Pan-American Consultation of Legal and Health Experts, which included findings that (1) the traditional model of legal education in Latin America is a great obstacle to legal protections for women; and (2) there is an urgent need to create legal doctrine that incorporates an understanding of women's human rights. In response to these findings, the Transforming Women's Legal Status Project has taken a comprehensive approach to foster the work

of Latin American legal scholars and women's rights advocates to integrate women's human rights into legal education and legal doctrine. The program's focus on gender and the meaning of women's experiences in diverse cultural, political and economic contexts not only benefits women, but also contributes to the development of a healthy democracy, in which all women are able to participate fully and meaningfully, and to a vibrant civil society.

The project has had four components: (1) a Pan-American Conference and Workshop where advocates and academics examined Latin American legal systems from a gender perspective, and worked together to develop curriculum and strategies to integrate gender into legal education and doctrine; (2) Teaching, Research and Advocacy Fellowships at the Washington College of Law for noted Latin American women's rights advocates; (3) Regional Fellowships in Argentina, Brazil, Chile, Costa Rica, Guatemala and Peru for women's rights advocates to write and teach from a gender perspective, each one adapting her practices to the country and the particular institution where she was working; and (4) the publication of legal texts and teaching materials, including the creation of the first Latin American legal textbook on Gender and the Law, a book conceptualized and written by Latin American scholars of women's rights that provides curricular materials for teaching, articulates legal theories and interpretations of doctrine that take account of gender, and legitimates the scholarship of those scholars.

By equipping grassroots advocates with the necessary skills and resources and by supporting these advocates to teach at law schools, the Transforming Women's Legal Status Project has nurtured the definition of new forms of legal thought, increased the number of law professors teaching from a gender perspective and law courses focusing on women's rights, developed materials on gender and the law, increased awareness among legal educators of the importance of incorporating gender in legal curricula, developed pedagogies for teaching women's human rights (including the use of clinical education methods), contributed to the creation of a network of scholars of women's human rights, helped to educate a new cadre of legal practitioners, judges, and policymakers, and fostered links between the paradigms of women's rights and human rights. These accomplishments of the Transforming Women's Le-

gal Status Project have laid a strong foundation for further efforts to bring about an equitable and responsive legal sector and to enable women to participate fully in all aspects of society through changing in the basic modes of thought and action that are shaped and perpetuated through legal education. The Women and International Law Program hopes to build on the achievements of the Transforming Women's Legal Status Project by securing additional fellowships for Latin American women's rights advocates; by continuing to work with Latin American legal educators and advocates to develop an effective curriculum and teaching methodologies, especially in the area of clinical legal education; and by developing and publishing more legal texts and teaching materials.



# Overview of Gender Issues in the Latin American and the Caribbean Region

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MARIA-VALERIA PENA

**G**ENDER was first introduced in the World Bank as a women's issue. This is still true in most of our operations focusing for instance on girls' education, on micro and informal credit for women, etc. The experience in the Latin American and the Caribbean (LAC) region has been to intervene on gender disparities rather than focusing on women's status. Gender reviews have concluded that countries in the region are consistently heterogeneous regarding social indicators with Chile, Argentina, Uruguay, Costa Rica and Panama the best performers and Honduras, Nicaragua and Haiti lagging behind. However, countries are remarkably similar regarding their gender issues and the direction of their gender gap. Overall, the LAC region has progressed significantly in addressing gender issues and reducing gender gaps and inequalities. Among the most important advances we should note:

- Fertility rate and the size of households have decreased in all countries owing to more widespread use of contraceptives.
- Schooling has increased for all and the education gap between boys and girls has almost disappeared.
- Female participation in the labor market has steadily increased with average annual growth rates greater than the male's.

- In countries as diverse as Panama, Nicaragua and Guatemala, female headed households are no longer poorer than traditional households.
- Laws now recognize the rights of single women to land tenure and the rights of married women are being increasingly taken into account in land market and land registration programs.
- Both women and men are active in small-scale borrowing despite some notable differences. Men tend to participate to a greater extent in the regulated financial sector; women appear to predominate in non-regulated lending schemes, often managed by NGOs, and they borrow lesser amounts of money.

In spite of these advances, many challenges remain:

- On average men have shorter life expectancy than women. As a consequence, women, aging lonely and very often without pensions, need to rely on their children's income or charity to survive.
- Teen pregnancy remains high. As a consequence, many children grow up without an adequate emotional environment and without parents with adequate survival means.
- The maternal mortality ratio per 100,000 births continues to be dismayingly high in some countries (160 in Nicaragua, 200 in Guatemala, 220 in Honduras, and 300 in El Salvador). This means that health care resources are inefficiently spent.
- Schooling has increased for women to a point in which it surpassed men's. However, the economic rate of return of education is higher for the latter than for the former possibly owing to labor market segregation,
- The majority of reported HIV/AIDS cases are men. However, its growth is faster among women. Married women of reproductive age are becoming the riskier group.
- Reproductive health programs tend to target women and exclude men, who are important decision makers and affect contraception choices. Uninformed decisions have negative impacts on household productivity and are a drain on the country's resources.
- Street violence and civil war have been charging a toll on men, whose life have been cut prematurely; and on women, who are aging without male companions.

- Indigenous communities have not felt much of the progress on gender issues in the region: their health status and access to reproductive services remain precarious, their educational attainment is lower and more dismaying for girls, substance abuse among men is an important worry for their communities, and access to resources and income opportunities is still more fragile with women than men.

The recently negotiated Mexico Gender Equity Project is the first in the region to be fully devoted to gender issues. Its aim is to promote equality in access to poverty alleviation programs. A key indicator to evaluate the performance of the project is the extent to which the gap has diminished, rather than the proportion that credit has increased for women (if the increase doubles for women, but triples for men, the gap might be greater).

# **The Gender Dimension of Human Rights: A NGO Perspective: From Beijing to the Special Session of the U.N. General Assembly**

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JACKIE SHAPIRO

THE principle of “equal rights of men and women” is basic to both the United Nations Charter and the Universal Declaration of Human Rights. Under the UN Charter, the Economic and Social Council (ESC) consults with nongovernmental organizations (NGO) with experience or knowledge of value to the Council’s work. NGOs with consultative status can send observers to ESC meetings and submit statements. The Commission on the Status of Women (CSW) was established in 1947 to monitor U.N. actions on behalf of women. Its sessions have offered the opportunity for extensive cooperation between government delegates and NGO representatives.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) bears witness to U.N. recognition of the on-going presence of discrimination throughout the world. CEDAW aims to achieve more than equality and equal protection by law. It promotes substantive equality between men and women in political, social, cultural and economic life. Many coun-

tries have made reservations to their CEDAW obligations, primarily in regard to potential conflicts with customary and religious or family relations. CEDAW offers enormous opportunity to promote gender equality by reforming national laws.

Reports prepared for the Third World Conference on Women in Nairobi (1985) showed that development strategies, developed primarily by men, were not serving the needs of women. The Nairobi Forward Looking Strategies for the Advancement of Women emphasizes the need for women to be active agents in the development of initiatives for gender equality. The Nairobi Conference adopted the position that all issues are women's issues, leading to an explosion of participation by women's NGOs in world conferences.

Participation in world conferences led to the establishment of a global network of NGOs. Latin American, African and Asian NGOs brought new issues and perspectives to NGO meetings. NGOs began to work to create support for issues in their own countries and to advocate with their own governments prior to international meetings.

The World Conference on Human Rights (Vienna, 1993) declared violence against women a human rights violation. The Fourth World Conference on Women (Beijing, 1995) adopted The Beijing Declaration and Platform for Action for Equality, Development and Peace (PFA). It identified twelve critical areas of concern for the advancement of women. The PFA sets out strategic objectives and specific proposals for actions to be taken by all elements of society to achieve its goals. Member States were asked to submit national plans of action for implementation of the PFA. In preparation for the five-year review, Beijing+5, questionnaires on progress made in implementation were also sent to governments. NGOs have used the information in these two documents plus CEDAW reports to create alternative reports on progress made by individual countries, regions and on specific issues.

The Special Session of the U.N. General Assembly to be held in New York this month (Beijing+5) should be viewed as a continuum of the work of the U.N. to promote and protect women's human

rights. Its goal is to reaffirm all the commitments made to the promotion and protection of women's human rights embodied in the PFA and to find new ways to accelerate each nation's implementation of these commitments. The March 2000 Commission on the Status of Women and the two-week Preparatory Committee meetings for Beijing+5 were an opportunity for NGOs to consolidate their views and present them to governments. The five-year period since Beijing has not been enough to fully realize the goals of the PFA. Two major goals of Beijing+5 will be to identify continued obstacles to implementation of the PFA and to put into place concrete and meaningful measures to accelerate implementation of the PFA.

Recommendations from the Caucus on Institutional Mechanisms suggest areas of weakness:

- Political will.
- More women in decision-making.
- Men need to participate in promoting & protecting women's human rights.
- More resources, financial and human, for national machineries for the advancement of women.
- Political support at the highest level.
- Time-bound targets and benchmarks needed.
- Transparent legal process.
- Statistics disaggregated by sex and age.
- Right to information on government commitments & actions.

Other obstacles to implementation of the PFA are the impact of structural adjustment programs and globalization and the devastating consequences of armed conflict and the AIDS pandemic. The five-year review of the World Summit on Social Development (Geneva, June 2000) will take up gender and human rights in the context of poverty eradication and access to education.

The recent adoption of the International Criminal Court statute has a tremendous potential for redressing violations for women's human rights. It is a "hard" instrument meaning that, if ratified, it will become part of international law. The Beijing, Cairo and Vienna Platforms were "soft" documents; they have moral and political

weight, but are not treaty obligations. Since the PFA has no monitoring mechanisms of its own, the ICC has potential as a legal instrument to further implementation of the PFA. ICC ratification can also help push for reform of discriminatory national laws. However, the creation of this permanent court will not take effect until 60 countries have ratified it. To date, only six States have done so.

Major progress has been achieved in the past 20 years, yet, the majority of the world's women and girls are still excluded from these advances. Getting to the core of the pervasive, structural and systematic denial of the rights of women and girls remains difficult. We need to continue to press for a concept of universal human rights, which must encompass civil, cultural, economic, political and social rights.

**FINAL SESSION**

**How can the World Bank and Other International Financial Institutions be More Effective in Addressing Gender Issues?**





## Roundtable Discussion

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LED BY TERESA GENTA-FONS

**W**HILE we approach the conclusion of this conference, I would like to draw your attention to the recent World Bank Report on Engendering Development. I also think we can say that this conference has already been a positive event: we have learned about each other and most importantly we have learned from each other. I hope we will find opportunities to work together in the near future.

During this event we have come to the conclusion that in spite of the progress achieved in recent years, gender inequalities remain pervasive across many dimensions of life worldwide. We also agreed that the nature and extent of gender discrimination vary across countries and regions.

In opening this final session, which will be in the form of a discussion with our panelists, I would like to pose two questions:

1. What are the key actors who need to be involved in the development of a global strategy to address gender and human rights issues and what can they bring to the effort?
2. How can we work together to design a future Plan of Action to implement the strategy?

In the lively discussion which followed, the panelists underlined that all relevant actors must actively engage in designing and implementing the strategy. The State, the international community, civil society, including the NGO community, the academia and the private sector all have an important role to play. All these actors need each other and need to work together, and there are comparative advantages in engaging different actors in different parts of a proposed strategy. There are of course critical challenges requiring utmost attention from all.

## **The State**

The State may fail to address gender inequalities for various reasons: it can see it as a small part of a larger rule of law issue; it can fail to design policies that support vulnerable groups; there may be limited financial and administrative capacity; there can be resistance to change from groups of people with entrenched interests. As a result of a combination of factors, the fight against gender discrimination is seldom a priority on the public policy agenda.

The first role of the State is with respect to the legal and regulatory framework: it must safeguard basic rights for all by:

- Mitigating or removing discriminatory elements in laws, government functions and market structures; promoting affirmative action and constitutional reforms (such as in Argentina).
- Enforcing such laws and regulations. Adopting new legislation is not enough. Weak implementation capacity, weak and inefficient judiciaries, lack of awareness of gender and human rights by the general public and by members of the legal professions, particularly the magistrates, can undermine enforcement efforts and thus result in a situation where there is the ‘law on the books’ rather than the law in practice. As part of the efforts to improve the enforcement of the laws protecting women’s rights, the state must:
- Remedy the poor legal literacy of women—especially within the underprivileged groups—through legal aid and public awareness programs.

- Educate and sensitize the key enforcement institutions: the Judiciary and the Police.

## **The International Community**

The international community has a critical role to play to promote and finance gender-sensitive access to justice programs and legal and judicial reform initiatives. More generally, the international community must continue to assist in improving the Rule of Law in developing countries through good governance and anti-corruption initiatives. In supporting these programs it must be careful to avoid the perception of “foreign-imposed” or imported reforms by promoting consultation of and participation by all interested parties including civil society, indigenous groups, and rural communities and the poor.

## **The World Bank and the other International Financial Institutions (IFIs)**

The World Bank and other international financial institutions have a very positive role to play in promoting the policy dialogue on these issues, in enabling gender considerations to permeate the economic policy discussions, and in including gender and human rights considerations in the Country Assistance Strategy (CAS) papers. The World Bank and other institutions now utilize the Comprehensive Development Framework (CDF) which calls for a more inclusive development assistance, including social and human aspects of development.

The IFIs can support gender-friendly or gender-focusing programs through lending and non-lending activities and in disseminating international best practices (such as the Delegacias—shelters for women—we learned about from the Argentinean experience).

The World Bank and the IFIs can be powerful catalysts of donor funding, particularly for new frontier issues such as violence against women or the impact of structural adjustments on women.

They can help build the capacity of local institutions in developing countries through training and technical assistance, including conferences such as this one and other learning events.

The IFIs should seek to develop partnerships with academia and civil society on issues such as gender and human rights.

## **Civil Society**

The role of civil society is a critical one for the success of these strategies and programs as we have seen from the World Bank-funded Judicial Reform Project in Ecuador.

- Professional associations such as Women’s Lawyers Associations where they exist can assist in identifying key problems in a country’s legal or judicial systems, in designing a project or program to address these issues, and in implementing the program.
- NGOs and other civil society organizations can play an important catalytic role in integrating gender issues onto the policy agenda in a given country.
- They should engage in an active dialogue with government representatives as little can be done without involving the Government at national or local level.
- Through lobbying and advocacy activities, civil society can build support and political will for governments to more quickly and forcefully improve the status of women..
- NGOs, particularly women’s groups, are well positioned to demand greater accountability, especially with regard to implementation of appropriate institutional and policy reforms, to promote public education and awareness, and to provide gender-sensitive services (where public services fail for instance in the area of micro-credit for women).
- In case of wars and conflicts, women NGOs can give the opportunity to women to talk and negotiate (Women Waging Peace).

### **How can these actors jointly design a plan of action to implement such strategy?**

- By establishing and supporting legal, economic and social institutions with a focus on providing equal rights for women and men.
- By fostering economic development and income growth.
- By promoting active policy measures to promote gender equality in the control of resources.

## **Conclusion of the final session and roundtable**

The IFIs are well positioned, due to their vast resources and influence, to do even more in the years ahead to further promote human rights in their member countries through their own operations and activities and through closer collaboration with other international and national agencies. But the solution will not come from the international donor community or even from governments alone. Every individual and every organ of society must carry the torch forward. Women are agents for their own change.



# APPENDIX A

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## PROGRAM

- 08:30-08:45 AM      **Opening Remarks**  
Rudolf V. Van Puymbroeck, Chief Counsel,  
LEGLA, World Bank
- 08:45-10:15 AM      **Session 1 - The Legal and Institutional  
Framework for the Protection and Promo-  
tion of Human Rights of Women : The Re-  
gional Approach**
- Chair: Hans Juergen Gruss, Chief Counsel,  
LEGMN, and head of the Legal and Judicial  
Reform Unit, World Bank
- Speakers:
- Claudio Grossman, Dean, American Uni-  
versity Washington College of Law, and Spe-  
cial Rapporteur on Women for the  
Organization of American States
  - Inés Bustillo, Representative, U.N. Eco-  
nomic Commission for Latin America, Wash-  
ington
  - Elizabeth Abi-Mershed, Senior Human  
Rights Specialist, Inter-American Commis-  
sion on Human Rights, Organization of  
American States



10:15-10:30 AM	Coffee-break
10:30-12:00 PM	<p data-bbox="441 269 993 373"><b>Session 2 - Violations of the Human Rights of Women and Gender-Based Discriminations: A Daily Reality in Many Countries</b></p> <p data-bbox="441 407 993 477">Chair: Isabel Mignone-Del Carril, LEGCF, World Bank</p> <p data-bbox="441 477 568 506">Speakers:</p> <ul data-bbox="441 506 993 703" style="list-style-type: none"> <li data-bbox="441 506 993 598">• Gracie Ellen Northfleet, Magistrate, Professor of Constitutional Law, Porto Alegre, Brazil</li> <li data-bbox="441 598 993 668">• Miguel Sarre, Professor of Law, Instituto Tecnológico Autónomo de México</li> <li data-bbox="441 668 993 703">• Marcela Rodriguez, Lawyer, Argentina</li> </ul>
12:00-01:00 PM	Lunch
01:00-03:15 PM	<p data-bbox="441 802 993 940"><b>Session 3 - Efforts by Civil Society, International Financial Institutions, and the Academia to Mainstream Gender in Development Activities</b></p> <p data-bbox="441 975 993 1045">Chair: Maria Correia, LAC Regional Gender Coordinator, World Bank</p> <p data-bbox="441 1045 568 1074">Speakers:</p> <ul data-bbox="441 1074 993 1449" style="list-style-type: none"> <li data-bbox="441 1074 993 1144">• Jackie Shapiro, Chairman, Zonta International, United Nations Committee</li> <li data-bbox="441 1144 993 1213">• Lisa VeneKlasen, Assistant Director, Global Women in Politics, Asia Foundation</li> <li data-bbox="441 1213 993 1282">• Lisa Bhansali, Operations Region III, Inter-American Development Bank</li> <li data-bbox="441 1282 993 1387">• Ann Shalleck, Professor of Law, Director, Women &amp; the Law Program, American University.</li> <li data-bbox="441 1387 993 1449">• Maria Valeria Pena, Senior Social Scientist, LCSEO, World Bank</li> </ul>
03:15-03:30 PM	Coffee-break

03:30-05:00 PM

**Final Session - How Can the World Bank and Other International Financial Institutions Be More Effective in Addressing Gender Issues?**

Panelists:

- Teresa Genta-Fons, Senior Counsel, LEGLA, World Bank
- Viviana Krsticevic, Executive Director, Center for Justice and International Law (CEJIL)
- Gita Gopal, Senior Evaluation Officer, Operations Evaluations Department, World Bank
- Fiona Clark, LCSES, World Bank.

05:00-05:15 PM

**Closing Remarks**

Elizabeth Morris-Hughes, Gender & Law Thematic Group, World Bank



## **APPENDIX B**

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### **SPEAKERS**

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