



Newsletter of the Network of Women Parliamentarians of the Americas

NOVEMBER 2012 – OCTOBER 2013

News from the Network
News from the President
Themes of study
Articles from the members

A WORD FROM THE PRESIDENT

October, 2013



Dear colleagues,

I am pleased to release another issue of the Newsletter. As you will see, though it has been more than a year since our last annual meeting, the Network has not slowed down in the least.

This issue recaps the Network's activities since November 2012. It features news from across the Network and highlights of the activities in which I took part in my capacity as President.

IN THIS ISSUE

A Word from the President 1

News from the Network..... 3

News from the President .. 6

Themes of Study 8

Articles from the Members..... 12

At the Executive Committee meeting held in November 2012 in Mexico City, the members unanimously adopted a new work plan extending into 2013 and outlining proposed activities through to the next annual meeting. At the same meeting, I submitted several documents: my end-of-term report, an issue of the Network newsletter, the book *Acceso de las mujeres a una vida libre de violencia en los países de las Américas* and a comparative table looking at the year women obtained the right to vote and gender quota legislation by country of the Americas.

We also followed up on the consultation conducted jointly with the Inter-American Commission of Women (CIM) among women parliamentarians and our participation in the Second Hemispheric Forum on Women's Full Citizenship for Democracy held in July 2012 in Santo Domingo, Dominican Republic. Reports were tabled in connection with these activities, namely, the preliminary consultation report and the report prepared for the Forum.

This issue of the Newsletter also contains articles on our two study themes and contributions by our members, whom I would like to thank for their input.

It is my hope that this 11th Annual Meeting will allow the Network to strengthen its ties with CIM and provide us, as women parliamentarians of the Americas, with an opportunity to continue working hand in hand to fulfill our role and address the concerns of women throughout the region.

Diva Hadamira Gastélum

Senator of the Republic of the Union of the United States of Mexico

NEWS FROM THE NETWORK

EXECUTIVE COMMITTEE MEETING OF THE NETWORK OF WOMEN PARLIAMENTARIANS OF THE AMERICAS MEXICO CITY, MEXICO, NOVEMBER 30, 2012

The last Executive Committee meeting was held on November 30, 2012, at the Senate of the Republic in Mexico City. The report on the Executive Committee meeting held in San José, Costa Rica, on March 6, 2012 was adopted without amendment. The President of the Network presented several documents: her end-of-term report, the Network newsletter, the book *Acceso de las mujeres a una vida libre de violencia en los países de las Américas* and a comparative table looking at the year women obtained the right to vote and gender quota legislation by country of the Americas. An extended work plan outlining proposed activities through to the next annual meeting was unanimously approved by the members.



The President touched on the participation of Network members in two events organized by the OAS Inter-American Commission of Women (CIM) in July 2012 in Santo Domingo, Dominican Republic: a Consultation among women parliamentarians of the Americas and the Second Hemispheric Forum on “Women’s Full Citizenship for Democracy”. The President submitted a report on each event. CIM Executive Secretary Carmen Moren gave a presentation on CIM and proposed ways to further enhance collaboration between the Network and CIM, including holding a second consultation.

Marie Bouillé, Member of the National Assembly of Québec, presented a draft report on “Poverty, pay equity and women’s economic empowerment” on behalf of the other rapporteurs who also worked on this study theme (Ileana Brenes from Costa Rica and Alicia Gutiérrez from Argentina). Ms. Bouillé indicated the final report would be presented for approval along with a draft resolution at the next annual meeting.

To mark AIDS World Day, participants attended a lecture presented by Monica Rodriguez, coordinator of the United Nations’ consolidated HIV/AIDS team for Mexico. A resolution to extend the mandates of the Network’s Executive Committee members was presented and adopted.

Finally, a discussion was held concerning a letter sent by deputies Gloria Bidegain and Mireya Zamora about the mandate of the President of the Network. It was agreed that members would discuss statute modifications at the next annual meeting.




**PARTICIPATION OF NETWORK PRESIDENT AND REPRESENTATIVES IN
THE HEMISPHERIC FORUM HOSTED BY CIM AND THE CONSULTATION WITH
PARLIAMENTARIANS OF THE AMERICAS, HELD IN SANTO DOMINGO, DOMINICAN
REPUBLIC, FROM JULY 18 TO 21, 2012**

Following the agreement reached by the Network's Executive Committee meeting in March 2012, two collaborative projects involving the Network and the Inter-American Commission of Women (CIM) of the Organization of American States (OAS), the two bodies discussed the joint organization of certain activities planned for the Second Hemispheric Forum hosted by CIM.

The Second Hemispheric Forum "Women's Full Citizenship for Democracy" was a high-level event that brought together representatives from the executive, legislative and judicial branches of all levels of government of the Americas, from international organizations concerned with gender issues, and from academia and civil society, for the purpose of identifying and discussing the political and state reforms necessary in order to expedite the exercise of women's full citizenship in the Americas by promoting the creation of pluralistic dialogues, synergies and concerted actions.

As part of the Forum, CIM invited the Network of Women Parliamentarians of the Americas to moderate the "Status and current perspectives on legislative-level reforms for real equality" panel. Moderated by Diva Gastélum, President of the Network and Deputy from Mexico, the panel enabled Network representatives Norma Esparza Herrera, Senator of Mexico, Alicia Gutiérrez, Deputy of the province of Santa Fe in Argentina, Mireya Zamora, Deputy of Costa Rica, and Danielle Doyer, Member of the National Assembly of Québec to present laws and good practices for gender equality in their respective governments.



In parallel with the Forum, the Network organized the “Consultation with Parliamentarians of the Americas” in cooperation with CIM and the Commission on Gender Equality Issues of the Chamber of Deputies of the Dominican Republic. The main objective of this Consultation was to develop a hemispheric initiative to strengthen the capacity for incidence and for fiscalization of legislative commissions and parliamentary groups on women and gender equality. The Consultation was held on July 18, in the presence of the presidents of the Commissions on Gender Equality in the legislative assemblies of the 34 member States of the OAS and parliamentarians concerned with the promotion of women’s rights. Within the framework of that event, the President moderated a debate on laws and programs for gender equality.

The Forum helped to consolidate the relationship between the Network and CIM and to identify the next possible stages of cooperation between our organizations. Moreover, this event allowed the President to heighten the awareness of political representatives from a number of American states and international organizations about the activities of the Women Parliamentarians of the Americas and to plan future collaborative efforts.

NEWS FROM THE PRESIDENT

REGIONAL MEETING OF PARLIAMENTARIANS “ADVANCING THE HUMAN RIGHTS PROGRAM: THE ROLE OF PARLIAMENTARIANS IN ACHIEVING EQUALITY”

PANAMA, NOVEMBER 26, 2012

Discussions were held during this meeting with respect to increasing the number of women in the legislature. It has been suggested that, in addition to improving a country's democratic system, it would safeguard the exercise of women's citizen rights. Moreover, it has a positive impact on a country's development program because items that used to be overlooked in political agendas would now be included.

WORLD PARLIAMENTARY FORUM OF G8/G20

UNITED KINGDOM, MAY 9-10, 2013

Senator Gastélum attended the World Parliamentary Forum of G8/G20, during which discussions focused on the future of family planning. She expressed her views on the reproductive rights of women, their reproductive health and their right to choose how many children they want, when they want them, and the number of years in-between, if applicable.

SOCIALIST INTERNATIONAL WOMEN'S REGIONAL MEETING

MEXICO CITY, JUNE 1, 2013



In February 2013, Mrs. Gastélum was elected Vice-President of the Socialist International Women's Central American branch for the period of 2013-2015. During this meeting, she received the support of the organization's president, Mrs. Ouafa Hajji, to set up a regional meeting on June 1, 2013 in Mexico City. The regional meeting focused on "Pay equity, working conditions and informal employment".

**SPECIAL CONFERENCE ON WOMEN'S EMPOWERMENT AND LEADERSHIP,
INTERNATIONAL CONFERENCE OF ASIAN POLITICAL PARTIES (ICAPP)
SEOUL, SOUTH KOREA, SEPTEMBER 12-14, 2013**

The International Conference of Asian Political Parties (ICAPP) hosted a special conference on women's empowerment and leadership from September 12 to 14, 2013. Senator Gastélum attended this event on behalf of the Permanent Conference of Political Parties of Latin America and the Caribbean (COPPPAL).

It was the first time Mexico took part in the event as an observer. As Vice-President of the Socialist International Women for Central America, Senator Gastélum pointed out that Mexico has signed almost every international agreement concerning women's human rights, and that Mexico's legislation contains laws that favour a move toward gender equality. She particularly referred to the General Gender Equality Law, which includes a section on equal political gender participation and representation.



THEMES OF STUDY

By the Network Secretariat

The Network decided to focus on two themes for the period 2010-2013. The purpose of this section is to report some of the progress made with respect to those themes and to submit supporting documents providing further details to parliamentarians.

WATER, ENVIRONMENT AND STATUS OF WOMEN

Previous editions of the Newsletter provided a general introduction of the theme (March 2012) as well as bibliographic references on the latter (November 2012). In this edition, it is interesting to carry out an assessment on the state of our knowledge on the subject, in order to conclude our study of the theme.

According to UN-Water¹, water management based on gender is connected to two Millennium Development Goals: to promote gender equality and the empowerment of women (Goal 3) and to ensure environmental sustainability (Goal 7). Specifically, Target 10 of the above-mentioned Goal, states the intention of halving, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation.

According to the latest available data, dated 2010, 96% of the world's urban population was drinking from a treated water source, while this percentage dropped to 81% in rural areas. In the region of the Americas, 94% of the urban population drank from a treated water source. As such, Target 10—which was set at 93% for the region—was reached before 2015. However, we noted that the gap between urban and rural areas is still wide².

In addition, in Latin America and in the Caribbean, the water demand is expected to increase, as well as the frequency and impact of extreme weather events such as floods and droughts³. In this regard, the Beijing Declaration and Platform for Action of 1995 acknowledged that women were more affected by environmental degradation and disasters than men⁴. It is therefore imperative to further facilitate access to water and sanitation based on gender. In this regard, several reports and studies have drawn conclusions on the actions to be taken. Several of these actions call upon women parliamentarians in the Americas.

First of all, the need to include women in government agencies in charge of policy development and law-making concerning water, the environment and related fields has been amply emphasized. To that effect, the introduction of positive discrimination toward women has been proposed to give them access to positions of power in those areas. Nevertheless, it is important that participating women are aware of the gender issues for them to play a significant role in this regard⁵.


1. Gender, Water, and Sanitation: Policy briefs, UN-Water, June 2006.

2. Millennium Development Goals Report 2012, United Nations.

3. 4th UN World Water Development Report: Managing Water under Uncertainty and Risk, FAO-Stat, 2012, p. 203.

4. Gender and Water Alliance Report: Perspectives on Policies in the Water Sector, Gender and Water Alliance, 2003, p. 11.

5. Ibid., p. 12.



Emphasis must also be placed on improving current policies. On the one hand, lawmakers are called upon to better define social concepts used in the legislation, to consider the fact that water users and suppliers are not homogeneous entities. In effect, the current concepts are often insensitive to gender in this regard, whereas gender differences are not reflected. On the other hand, it has been pointed out that the notion of water as a resource should be redefined in order to consider its various uses, such as for domestic, productive and environmental purposes. These various aspects would be further discussed in policies concerning water and its related fields under a redefined notion⁶.

In order to ensure the empowerment of women in the management of water, it is imperative to grant them a greater role in managing water within their community. Indeed, women are under-represented in careers related to water management. In order to alleviate this deficiency, programs and grants could be established with the specific purpose of training women in careers related to water and sanitation⁷. Engineers and water treatment practitioners could also benefit from courses and information material⁸. On the other hand, projects can be created to allow female citizens to help manage water resources in their community. Such a project, *The Watersheds and Gender project*, was created in El Salvador notably to train women to operate small water management businesses and to acquire knowledge in agriculture⁹.

In addition, women's lack of access to land is one of the underlying causes for their limited access to water. In fact, in most Latin American countries, land ownership is a condition for access to water. And since women only own 2% of private lands in the world, their access is strongly limited¹⁰. It is therefore imperative that reforms prohibiting discrimination against women in terms of land access and ownership have to be set up¹¹. Costa Rica and Colombia have enacted such reforms concerning property law. These reforms have helped improve women's entitlement to land and, consequently, to water¹².

Finally, in order to be able to develop policies that consider gender differences, and that monitor the progress made, sex-disaggregated data concerning water and its related aspects should be collected¹³. So far, most of the data collected used households as the unit of analysis, thus concealing the gender dynamics within the household, whereas data and studies that use gender are able to identify the various needs of women and men¹⁴.

These recommendations, along with the many other presented in the reference documents, can inspire members of the Network in their actions with respect to water, the environment and the status of women. Although Target 10 of the Millennium Development Goals has been reached, there are still many challenges to overcome in this area.

6. Ibid., p. 37.

7. UN-Water, op. cit., p. 7.

8. Gender and Water Alliance, op. cit., p. 24.

9. UN-Water, op. cit., p. 7.

10. Ibid., p. 4.

11. The Future Women Want: A Vision of Sustainable Development for All, UN-Women, 2012, p. 15.

12. Gender and Water Alliance, op. cit., p. xi.

13. Gender and Water Report, UN, 2009.

14. Gender and Water Alliance, op. cit., p. 25.

POVERTY, EQUITY AND ECONOMIC EMPOWERMENT OF WOMEN

This theme was also summarily presented in a previous edition of the Newsletter (March 2012), and bibliographical references were provided in another edition (November 2012). This edition takes stock of the situation in order to conclude our assessment on this topic.

As a reminder, the March 2012 Newsletter identified three main dimensions concerning the empowerment of women, namely: economic opportunities for women, improving women's legal statuses and rights, and women's participation and inclusion in economic decision-making. The Newsletter also pointed out that the third Millennium Development Goal (MDG), to promote gender equality and the empowerment of women, is connected to our theme.

Women's involvement in the economy has changed drastically over the past few years. This was particularly noted in Latin America and in the Caribbean, where women's participation in the labour market increased by 18% between 1990 and 2010. However, the gender gap is still wide as the activity rate of women only represents two-thirds of the activity rate of men.¹⁵ In addition to this gap in activity rates, there are significant and systemic gaps between women and men's employments, particularly with respect to wages and quality.¹⁶ In this regard, the World Economic Forum's Global Gender Gap Index, created in 2006, measures the extent of these gaps based on some indicators. In 2012, it was reported that, according to the Index, Latin American and the Caribbean accounted for 69% of the global progress made with respect to gender gaps. Moreover, according to the Economic Participation and Opportunity Index, the region of Latin America and the Caribbean ranked fourth in the world, ahead of Asia, the Pacific, sub-Saharan Africa, the Middle East and North Africa¹⁷.

Women have been greatly affected by the global economic crisis that began in 2008. It was found that, in general, the impacts of such crises on employment are larger among women because most of them either hold contract positions, or they work in particularly vulnerable sectors¹⁸. However, Latin America stood out with its ability to go through this economic crisis, particularly in terms of women's working conditions¹⁹.

As indicated in the March 2012 Newsletter, it was noted that these persistent global gender gaps are due to discriminatory social institutions. Therefore, the economic and social role of women is restrained by laws, social standards and practices²⁰.

Parliamentarians need to act on many fronts if they wish to change these social institutions and make them more favourable to women²¹. First, a legal reform is necessary in order to eliminate legislation that discriminates against women. Such laws include those that force women to obtain permission from their husbands in order to open a bank account, or a company and certain laws that restrict women's right to inheritance and private property.

15. Women are less likely than men to participate in the labor market in most countries, World Bank, 2012.

16. UN-Women, op. cit., 2012, p. 85.


17. Global Gender Gap Report, World Economic Forum, 2012, p. 25.

18. Economic crisis and women's work: exploring progressive strategies in a rapidly changing global environment, UN-Women, 2013, p.2.

19. Ibid., p. 37.

20. Closing the Gender Gap: Act Now, OECD, 2012, p. 35.

21. Paid work, women's empowerment and inclusive growth: Transforming the structures of constraint, UN-Women, 2013, p. 10.



Second, laws that seem neutral but have biased consequences depending on the gender must also be targeted. These laws include complex bureaucratic procedures required in order to start a business. Women are penalized by such laws as they often have less money and time to fill out forms than men do. Certain taxes on value-added products may also unintentionally discriminate against products and services mainly provided by women.

Third, parliamentarians can promote laws designed to provide equal opportunities for women and men with respect to employment and living conditions. Such laws can come in the form financial support for maternity leave and benefits for private firms in order to minimize its impacts. Brazil implemented this kind of legislation in the "My home, my life" (*Minha Casa Minha Vida*) program, which provides financial assistance for low-income families to enable them to find an apartment and to be able to afford it. Its purpose is also to support the women and their children who find themselves in vulnerable situations when the father, who in most cases is the provider, abandons them without compensation. This type of measure can change behaviours and mentalities²².

Finally, it is important to keep in mind that no strategy can be systematically applied in various countries and allow equal access to economic opportunities for women and men. Parliamentarians should rather review the contexts within which they legislate in order to find the multiple constraints that prevent women from getting the same opportunities as men²³.

According to the 2012 Global Gender Gap Report drafted by the World Economic Forum, no country has reached gender equality. Among the 111 countries studied in 2006-2012, 88% of them improved their performance while 12% rather expanded the gap during this period. The Global Gender Gap improved since 2006 in Latin America, the Caribbean, and North America²⁴. It is widely known that the way in which a nation educates its women and uses their skills influences its competitiveness²⁵, as such, it is important that all parliamentarians continue to work in order to establish policies to allow women's economic empowerment.

22. OECD, op. cit. , 2012, p. 40.

23. UN-Women, op. cit. , 2013, p. 82.

24. World Economic Forum, op. cit. , p. 33 and 37.

25. UN-Women, op. cit. , 2013, p. 29.

ARTICLES FROM THE MEMBERS



GLORIA BIDEGAIN
FEDERAL DEPUTY OF THE REPUBLIC OF ARGENTINA

GENDER VIOLENCE: UPDATING OF ARGENTINE LEGISLATION


Violence against women and girls is one of the most widespread human rights violations in the world. It knows no boundaries as to age, race, culture or social class. It manifests itself in various ways, from psychological or symbolic harassment to domestic violence, sexual abuse and extreme forms of violence resulting in death.

In accordance with both the United Nations Declaration on the Elimination of Violence Against Women (1993) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994), which since 1994 have taken their place in the hierarchy of constitutional standards, the Argentine Republic has in recent years mounted a major campaign through legislative reform and public policies that take gender issues into account and give them more visibility, with the ultimate goal of eliminating violence against women.

The following Argentine laws have a bearing on this theme: Law 25.673 on sexual health and responsible procreation; Law 26.150 on sexual education; Law 25.929 on humanized childbirth; Law 26.130 on tubal ligation and vasectomy; Law 26.364 on the prevention and repression of human trafficking and assistance to trafficking victims; Law 26.171 on the approval of the Optional Protocol with regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and Law 26.485, the Comprehensive Law on the Prevention, Punishment and Elimination of Violence against Women in their Interpersonal Relations.

Argentina's prescriptive approach is an improvement over past national and provincial legislation, since it rejects arguments to the effect that violence against women is a private matter to be resolved by families, and acknowledges that it is a public matter that must be dealt with by the State, since the roots of the problem are social, cultural and, very often, economic.

Argentina's legislation therefore clearly distinguishes between the different types of violence and the different places it occurs: domestic and institutional violence; violence at work; violence against procreative liberty; obstetric violence and violence in the media.



The successes obtained so far have been the result of much effort, not only on the part of women deputies and senators, but also on the part of Argentina's women's movement, supported by public, private and international institutions dedicated to the eradication of violence against women.

Despite legislative progress, however, violence against women involves multiple realities which demand our close attention; in light of these realities, we must constantly revise the tools at our disposal for preventing violence against women and protecting all potential victims.

A step forward was taken in 2012, when the crime of "femicide", which implies the death of a woman because of her gender, was introduced into the Criminal Code, in contradistinction to "homicide", where the gender of the victim is irrelevant.

In November 2012, Law 26.791 amended Argentina's Criminal Code to impose more severe penalties for crimes involving gender violence. The executive branch promulgated the law with all dispatch, in December 2012, by Decree 2396.

A free, dedicated 24-hour phone line (144) was also set up so that the National Women's Council could make emergency responses to cases of gender violence throughout the country.

I believe that these changes, along with the recent reform of the human trafficking law, bear witness to Argentina's clear commitment to defend women's rights, and in particular their right to liberty and to respect for their physical integrity.

Original text in Spanish



MARIE BOUILLÉ
MEMBER OF THE NATIONAL ASSEMBLY OF QUÉBEC
REPRESENTATIVE OF THE SECRETARIAT OF THE NETWORK OF
WOMEN PARLIAMENTARIANS OF THE AMERICAS

QUÉBEC WOMEN AND THE FAMILY-WORK BALANCE

In Québec, the participation of women in the labour market is increasing. The participation rate²⁶ of women aged 25 to 54 rose from 45.9% in 1976 to 84% in 2011.²⁷ Yet, women continue to spend a disproportionate amount of time providing care or assistance to the elderly and children or performing domestic work.²⁸ Finding a balance between family life and work therefore raises a gender issue. The responsibilities assumed by women affect their access to employment and force them to hold a greater share of low-quality jobs than men.²⁹

In its *2011–2015 Government Action Plan on Gender Equality*,³⁰ Québec defined three objectives for reconciling work and family obligations: foster fair distribution of family responsibilities, encourage workplaces to institute measures to improve the balance between family and work, and heighten collaboration among stakeholders.

To help balance family life and work, the Québec government has put in place a number of innovative measures. The two pillars of its program are subsidized daycare and the Québec Parental Insurance Plan (QPIP).

Created in 1997, the subsidized daycare program offers childcare services at a minimal cost for children under 5. The Government now offers around 215,000 subsidized places.³¹

The QPIP has been in force since January 1, 2006. It provides financial support to working parents of newborn babies who wish to take a leave of absence. It is innovative in that it offers a five-week leave of absence that is reserved exclusively for fathers, to encourage them to become more involved with their children. For women, the Plan offers 18 weeks of maternity leave with 70% of their income or 15 weeks with 75%. For men, the Plan covers 5 weeks with 70% of their

26. The participation rate for a particular group (age, sex, marital status, geographic area, etc.) is the total labour force in that group, expressed as a percentage of the total population in that group (Statistics Canada, 2008).


27. Institut de la Statistique du Québec, 2012.

28. Ibid., p. 27.

29. In 2010, 34.1% of women held jobs in the low quality category, compared with 26.1% of men (Statistics Canada, Labour Force Survey).

30. 2011–2015 Government Action Plan on Gender Equality, Secrétariat à la condition féminine (consulted on February 7, 2012).

31. Ministère de la Famille (French only) (consulted on February 7, 2013).



income or 3 weeks with 75%.³² Parental and adoption benefits are also offered. Since the Plan was implemented, the number of male beneficiaries has increased from 36.1% in 2008 to 37.4% in 2012.

The Government has also adopted a number of measures to encourage businesses to take action. This includes consensual standards, with optional certification for businesses that meet good practices criteria for family-work balance, and a financial assistance program for workplaces to help them implement measures to balance family and work obligations. Such measures include allowing employees to create a bank of hours to be used as needed, offering more paid holidays than those prescribed by the *Act respecting labour standards*, and allowing employees to work from home.

We are therefore achieving gender equality by giving women greater access to high-quality jobs. This is possible thanks to initiatives that make it easier for them to balance family and work obligations, while fostering empowerment. The measures implemented to date clearly represent a step forward in the advancement of gender equality in Québec.

Original text in French

32. [Québec Parental Insurance Plan](#) (consulted on March 5, 2013).



ANA MARIA CORRADI DE BELTRAN
SENATOR FOR THE SENATE OF
THE REPUBLIC OF ARGENTINA

VIOLENCE BASED ON GENDER AND INCLUSION OF THE DIVERSITY OF GENDER

Portrait of the legislation in Argentina

The Republic of Argentina has an abundant domestic legislation concerning the protection of women. Our legislation is testimony to the commitment of the national government to the international community as regards the prevention and fight against all forms of violence against women.

I think there will always occur new incidents of the perversion that escape the law. An exchange of experiences enriches us all and helps us to improve what we have already undertaken.


Act No. 26,485 regarding the full protection for the prevention, punishment and eradication of violence against women in areas where their interpersonal relationships are formed, develops, in accordance with international conventions, a complete classification of the types and modalities of violence, either domestic violence, institutional violence, violence in the workplace and violence in the media.

The national Law No. 26,364 on "the prevention and sanctions related to the trafficking of persons and assistance to the victims" focuses on one of the cruellest incidents of violence linked to the issue. The standard is based on two fundamental aspects: prevention, protection and assistance to victims, on the one hand, and the final criminal sanction on the other.

The standard has recently been amended to specify that the consent of the victim cannot be taken into account, the woman victim of a network trafficking in persons not having given her free consent in any case. Our judges will no longer consider as admissible the consent given by an adult woman to legitimize a relationship of exploitation of her own person.

In the same way, and for the purpose of promoting and contributing to the eradication of any form of violence against women, we organized, with the collaboration of the municipality of La Banda, province of Santiago del Estero, where I come from, the "Days for non-violence" during which various aspects of the theme of violence based on gender have been discussed: domestic violence, violence in during the betrothal, media violence and trafficking of persons.

In order to avoid future assaults, we have taught the young women participating in this event to identify attitudes that reveal potentially violent personalities.



To put an end to the harsh reality reflected by the statistics, I have introduced a bill proposing the amendment of article 80 of the Argentine Penal Code to include femicide as a homicide aggravated by violence linked to gender. This initiative, as well as that of other legislators, has been taken into consideration by the Parliament that has approved it, imposing a sentence of life imprisonment for anyone who kills, for reason of violence linked to gender, a woman or any person considered to be one.

In May 2012, Argentina ratified Act No. 26,743 on the identity of gender which grants the Argentines a new right and that is a convincing example of the advancements in our legislation regarding recognition of minority rights. This new law places the Argentinian law in the avant-garde of the law on an international scale and testifies to the numerous efforts that have been made, over the past few years, by the various non-governmental organizations for the recognition of the identity of gender.

In the interests of consistency with the legislation, the municipality of La Banda (province of Santiago del Estero) opened "The diversity office" run by members of the Association of LGTB (lesbian, gay, bisexual and transgendered) thus creating a place of real inclusion.

I would like to thank the network of women parliamentarians of the Americas of the COPA for having given me the opportunity to present the political actions that we are developing in Argentina with the aim of eradicating any form of violence against women.

Original text in Spanish



ALICIA GUTIÉRREZ
PROVINCIAL DEPUTY
SANTA FE, ARGENTINA

**MEMBER OF THE EXECUTIVE COMMITTEE
OF THE NETWORK OF WOMEN PARLIAMENTARIANS
OF THE AMERICAS**

ARGENTINA ADOPTS MARRIAGE EQUALITY ACT

In July 2010, Argentina gave legal recognition to marriages between persons of the same sex, thus extending to all citizens such fundamental rights as the right to liberty, equality and non-discrimination.

Law 26.618 amends the Argentine Civil Code by clearly stating that “Marriage entails the same obligations and effects regardless of whether the parties are of the same sex or of different sexes.”

Consequently, under the law, commonly known as the Marriage Equality Act, heterosexuals, gays, lesbians, bisexuals, transvestites and transsexuals have the right to marry.


The amendment to the Code also takes into account other aspects of family law: family relations, children’s rights, filiation, adoption, and matrimonial partnership with regard to estate rights.

New family paradigms have obliged the State to create new avenues of social development and, in particular, to establish a prescriptive framework that guarantees the rights of all by adapting legal provisions to the demands of society. For the past ten years in Argentina the movement in favour of same-sex marriage has found its impetus among groups formed mainly of homosexual persons.

In recent decades many persons have lived together while being denied the legal status of married couples. These couples now have the right to be mothers and fathers, and their children are protected by the same rights as other children.

The Marriage Equality Act was only passed after much heated debate, not only in the National Congress but also between different groups in society. Conservative groups strongly opposed the Act, but their fundamentalist arguments did not ultimately override the principle of equality and non-discrimination guaranteed by the National Constitution and by a number of equally important international treaties. In addition, the same legal instruments recognize the right of all persons to enter into a marriage contract without mentioning the sex of the contracting parties.

An important forerunner of the Marriage Equality Act was the National Anti-Discrimination Act, passed in 1988. It imposed sanctions against those who engage in discriminatory practices on the basis of sex, race, religion, nationality, ideology, physical characteristics, etc.



The following sections of the Marriage Equality Act (Law 26.618) sum up the essence of the amendments:

“SECTION 2: Replace section 172 of the Civil Code by the following section:

Section 172: In order for a marriage to exist, the two contracting parties must each give their complete and freely expressed consent in the presence of the proper authority.

A marriage entails the same obligations and effects regardless of whether the contracting parties are of the same sex or of different sexes.

A marriage certificate from which any of those requirements is absent does not affect civil status unless the contracting parties acted in good faith, with the exception of the provisions in the following section.

SECTION 42: Application. All references to the institution of marriage in our regulations apply equally to marriages involving two persons of the same sex and to marriages involving two persons of different sexes.

Family members issuing from marriages involving either two persons of the same sex or two persons of different sexes have the same rights and obligations.

No Argentine regulation may be interpreted or applied to limit, restrict, exclude or suppress the exercise or enjoyment of the same rights and obligations as regards marriages involving two persons of the same sex and marriages involving two persons of different sexes.”

Argentina is the first country in Latin America and the Antilles to adopt marriage equality legislation. It is essential that other countries in these regions undertake the same struggle—that they put an end to prejudices, respect the choice of their citizens as to sexuality and identity, and treat all citizens as equal persons with equal rights.

Original text in Spanish



LIZA PRADO
DEPUTY OF THE LEGISLATIVE ASSEMBLY
OF MINAS GERAIS, BRAZIL

GENDER INEQUALITY IN BRAZIL:
ACTIONS OF THE SPECIAL COMMITTEE ON VIOLENCE AGAINST WOMEN CREATED BY
THE MINAS GERAIS STATE LEGISLATIVE ASSEMBLY


Women in Brazil have achieved numerous victories in recent decades in the struggle to obtain full citizenship and equal rights. The election of Dilma Rousseff, the country's first woman president, is proof of women's growing empowerment in our society. However, many Brazilian women from all classes of society, regardless of age or ethnic origin, continue to experience violence and discrimination in their daily lives.

According to the National Secretariat to Combat Violence Against Women, a woman falls victim to violence every ten minutes in Brazil. Paradoxically, less than 10% of municipalities have specialized services for this clientele. Violence against women tends to be underestimated, because many victims fail to report or acknowledge incidents out of fear or shame, or because they do not interpret the abuse as violence, but rather consider it an aspect of family life.

In order to better grasp this complex problem and suggest ways of fighting it, the Minas Gerais state legislative assembly set up a Special Committee on Violence Against Women on March 28, 2012. Special committees are used by legislators to exercise the oversight role granted to them by the Constitution; they are created to promote discussion and to study specific themes of social interest.

During its mandate, which ran from April to August 2012, the Committee held 16 meetings. The Parliament of the State of Minas Gerais carried out its mission of promoting public participation in developing laws and public policies. The Committee was able to count on the co-operation of more than 40 authorities and bodies, in both the public and the private sector, including the executive and judiciary branches of government and non-governmental organizations. Through dialogue with civil society, legislators were able to gather extremely relevant information, which was then summarized in a final report.

The Committee's work was inspired by studies by Joan Scott, Cecília Sardenberg, Teresa de Lauretis and Jane Flax. It began with the hypothesis that violence against women is part of a broader context of domination, sexism and patriarchy. The State, through its laws and government policies, often helps perpetuate this structure of domination, either through inaction, by refraining from intervening in the private lives of citizens and tolerating abuse and other forms of domestic violence, or through actions that ultimately yield an institutional structure dominated by men.



Evidence of institutional gender domination is found in the poor participation rate of women in the spheres of power. In the list established in 2010 by the Inter-Parliamentary Union to evaluate the political participation of women in 146 countries, Brazil ranked 110th, despite the enactment of Law 9.100 of 1995, which reserves 30% of the seats in municipal, state and federal elections for women. In 2012, women comprised only 8.7% of the members of the Chamber of Deputies. In the Minas Gerais state legislative assembly, only 5 of the 77 parliamentarians, or 6.5%, are women.

Despite the difficulty of shaking the influence of sexism, Brazil has achieved some major cultural changes generated by legal and judicial innovations. A major milestone is the 1988 promulgation of the federal Constitution, which officially established gender equality and obliged the State to implement mechanisms for combating family violence. Another benchmark is federal Law 11.340 of 2006, referred to as the *Maria da Penha Law*, which put in place mechanisms to curb and prevent family and domestic violence against women and measures to protect and assist victims. It is considered by the UN as one of the three best laws in the world on the matter.

The Special Committee has made exceptional efforts to investigate the adequacy of state structures to deal with gender violence through an analysis of the legislation in force, the procedures adopted by various government bodies, the role of the social players concerned and the public policies implemented. We now understand that to attain gender equality, we must continue to encourage debate and research on the issue, while adopting attitudes and practices based on respect and fraternity.

Original text in Portuguese



MIREYA ZAMORA ALVARADO
DEPUTY OF THE LEGISLATIVE ASSEMBLY
OF COSTA RICA

THE LEGISLATIVE ASSEMBLY OF COSTA RICA ADOPTS A GENDER EQUALITY AND EQUITY POLICY

San José, Costa Rica. In 2011, the Legislative Assembly of Costa Rica signed an agreement under the United Nations Development Program (UNDP) which allowed it to obtain the technical and financial assistance needed to draw up a gender equality and equity policy (PIEGAL in Spanish).

Introduced into the Assembly, the policy will set the tone for specific actions in the coming years to ensure that a gender equality approach is brought to bear on the Assembly's main functions as legislator, overseer of government action and administrator.

The first task, carried out during the first half of 2012, was to diagnose the gender situation as it then stood. This allowed the administration to gather the general information needed to establish the cornerstone elements of the new policy. The final version of the policy was in place at the end of 2012.

This means that, as of 2013, the Legislative Assembly is committed to integrating a horizontal gender-based approach as a priority intrinsic to all legislative work, by guaranteeing that gender equality and non-discrimination are built into all bills passed by the Assembly and all of the Assembly's internal activities, such as strategic planning and annual operation plans.

Since the policy must be implemented this year, the Assembly's 2013 budget provides for two new items, one to develop a gender equality and equity management system, the other to finance gender equality training for 50 civil servants, both male and female.

Under the management system, methodologies will be defined that will allow each department or administrative unit to integrate a gender equality approach into its daily activities and to plan the actions required for the Assembly to obtain the Gender Equality Certificate awarded by the National Women's Institute.

Thus the Legislative Assembly of Costa Rica continues to make solid progress in integrating a gender equality approach into all its activities. This is not merely a new order of the day, but a measure that has implications far beyond the Assembly's doors, a measure that will impact the family, the job market, educational opportunities and women's participation in national politics.

Original text in Spanish



MESSAGE FROM THE WOMEN'S LEGISLATIVE NETWORK OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES

WOMEN IN THE STATE LEGISLATURES OF THE UNITED STATES

There are approximately 1,784 women serving in the legislatures of the 50 states in 2013. Women make up 24.2 percent of all 7,383 state legislators nationwide. This ratio is slightly higher than it was before the 2012 elections, though the number of women in state legislatures has, overall, grown quite slowly since the mid-1990s. The National Conference of State Legislatures has complete data about women in each state legislature on our website. Visit www.ncsl.org/default.aspx?TabId=25455.

There are 59 women serving in major legislative leadership positions. Fifteen women serve in the presiding officer roles of their state House of Representatives or state Senate.

The Women's Legislative Network recently produced a web conference about women in politics. "Wise Women: Sage Advice from Seasoned Lawmakers for New Female Legislators" features five current and former legislators discussing how women can find success in the legislature. The experts provided tips on how to master the rules, carry legislation, provide constituent service and earn the respect of fellow lawmakers. They shared advice about maximizing your strengths, building relationships with your colleagues, finding a mentor, and staying true to yourself. The conference was recorded and can be viewed on our website, www.ncsl.org/default.aspx?TabId=25496.

We hope you find it interesting and encourage you to share it with your colleagues, as much of the advice is general in nature, rather than specific to United States legislatures.

The National Conference of State Legislatures is a bipartisan organization founded to:

- Improve the quality and effectiveness of state legislatures;
- Promote policy innovation and communication among state legislatures;
- Ensure state legislatures a strong, cohesive voice in the federal system.

The Women's Legislative Network of NCSL is the professional development organization that includes every female state legislator in the fifty states, United States territories, and the District of Columbia. The mission of the Women's Legislative Network is to promote the participation, empowerment, and leadership of women legislators.

**Produced by the
SECRETARIAT OF QUÉBEC OF THE COPA**

1020, rue des Parlementaires
Édifice Jean-Antoine-Panet, 6^e étage
Québec (Québec) G1A 1A3
CANADA

Telephone: 1 418 644-2888
Fax: 1 418 643-1865

feminamericas@assnat.qc.ca
feminamericas.net

