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The Local, the Regional and the Global: Transforming the Politics of Rights!

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This book addresses the recent evolution of women's movements in Latin America, and, in so doing, seeks to demonstrate the wider relevance of this history for the comparative study of women's rights. To those who live in conditions of stable democracy, issues of rights and legal reform tend not to appear urgent or pressing unless as occurred in regard to reproductive rights, social movements make them so. In Latin America where liberal guarantees had been violated by decades of authoritarian rule, women's movements from the 1980s

placed a special value on the 'right to have rights' and worked for the re-formation of the rule of law, democracy and basic civil liberties. But at the same time, the language of rights and citizenship was deployed not only to restore or to improve upon formal legal rights, but also to deepen the democratic process. The affirmation of a culture of rights grew out of popular social movements in Latin America. 'Rights talk' was used to raise awareness among the poor and the socially marginalised of their formal legal rights, but also to call into question their lack of *sustantive* rights. The language of rights thus became a way of making claims for social justice as well as for recognition in an idiom that framed such demands 'as a basic right of citizenship' (Baierle 1998: 124).

The focus of this book is on a central political issue facing Latin American women's movements, that of the potential and limits of post-authoritarian democracies as vehicles for the promotion of greater gender justice. The 1980s in Latin America were marked by the human and social costs of stabilisation and adjustment policies on the one hand, and the transition from authoritarian rule on the other.

By the 1990's, however, the end of the Cold War signaled a new international conjuncture which saw a more confident assertion of economic and political liberalism, but also a greater emphasis on human rights. The collapse of Soviet communism in 1989, coming after the painful reality of Latin America's 'lost decade' of economic crisis was followed by a major reassessment of the goals of development agencies. In the 1990s a wave of UN Summits and Conferences sought to place issues of democracy, justice and rights on the development agenda. In the context of the continent-wide process of democratic consolidation that characterised the decade, women's movements were able to focus their attention on issues of rights and democracy in ways that were unthinkable in the 1970s and 1980s when the region's second wave feminism developed under the heel of military rule.

If issues of democracy, rights and justice were both revitalised and radicalised in the post-authoritarian democracies, this was a development that was also impelled by the international endorsement it received through the global summits that took place in the 1990s. This was an extraordinary period for international policy-making and standard setting in which UN conventions and regional agreements multiplied. Latin American governments readily signed up to many of these agreements to mark their re-entry into the international community. In so doing, they provided women's movements with the opportunity to advance reforms in women's position in a comparatively benign set of political circumstances.

The chapters in this volume analyse how, within specific national contexts, Latin American women's movements engaged the language of rights and the practice of democracy. They consider campaigns to change the law, including those which centered on improving female political representation through quotas, and those which made the issue of violence against women a major issue of public policy. Several authors examine critically the international instruments that served as a lever to press for reforms in the practice and letter of the laws pertaining to women. Others consider the ways that women's movements worked with notions of rights within poor communities. Taken together, these studies present a complex and contrasting picture of women's legal gains in post-authoritarian Latin America. While they show how the struggle for rights has potential for achieving greater gender equality, they also highlight the significant limits and difficulties of rights-based work.

Gender, rights and citizenship: twentieth-century developments

Women's activism around rights issues, including that engaged in by self-designated feminist organisations, has a long history in Latin America. In the late nineteenth century, feminist organizations, along with socialist and anarchist movements, demanded that women should be treated 'as equals not slaves' in the workplace and in the home. Suffrage movements were also active throughout Latin America, as were reform groups emerging from conservative Catholic and socialist currents campaigning for social rights and protection for mothers. Women therefore played an active part in the emergent civil societies of their nation-states, and through the course of the twentieth century came to occupy an increasingly visible role in political life as voters, movement and party activists and occasionally, as in the case of Eva Peron, as actors at the apex of political power.² Yet while some reforms were introduced over the course of the century, and women gained greater equality in the family and workplace as well as social rights as mothers, their presence

in the public sphere as workers, professionals and traders co-existed with marked inequalities between the sexes in all areas of social life. This second class citizenship, both social and legal, was a source of growing female discontent. As the student movements of the late 1960s gathered momentum in Mexico, Argentina, Brazil and elsewhere, demands for equality, and for an end to illegitimate authority in the political and personal realms, became part of the language of revolt. In the 1970s following international trends, the region spawned a vibrant second wave feminism and an active and increasingly feminist popular³ women's movement: these combined to provide the dynamic and support for women's demands in the region as a whole.

These movements were, however, overshadowed by the rise of military dictatorships in more than a dozen countries in the region. Some of these regimes resorted to forms of state terrorism, seeking not only to extinguish political life but engaging in extreme forms of human rights violations. In Central America and the Southern Cone where the repression was fiercest, many thousands were sent to their deaths, were 'disappeared' or were forced into exile. It was only slowly and where political conditions permitted, that the forces of civil society were able to regroup, and to demand the restitution of civilian rule. The literature on Latin America's transition from authoritarian rule has debated the relative importance, among other factors, of social movements and elite pacts in precipitating

the demise of military rule. It varied though the influence of these political forces was in the final outcome, few scholars doubted the importance of social movement activism in helping to accelerate regime change. Yet while the contribution of civil society as a whole was given early recognition in the transition literature, it took far longer for that of women's movements to be acknowledged. Feminist scholarship brought to light the *gendered* character of social movement activism and identified the multiple forms of women's movement that contributed to it.⁵ Among the most celebrated were the protest movements of mothers of the disappeared such as the Madres de la Plaza de Mayo who succeeded in drawing international attention to human rights abuses in Argentina. However, also important were the feminist groups that worked in a wide range of activities such as publishing, advocacy and voluntary projects, and the sometimes extensive movements of low-income women who mobilised against the conditions of scarcity occasioned by the debt crisis and the stabilisation policies imposed to contain it.⁶

This gender-aware research demonstrated that women's activism in a variety of arenas made its own distinctive contribution to bringing the era of authoritarian states to a close. Women's movements contributed to the development of an autonomous civil society and helped to foster the spread of democratic and humanitarian values. They gained support from an international climate which was itself becoming more responsive to pressure from human rights movements both national and international. But, if women's movements were a vital force in the transition, and helped to create some of the conditions for revitalising democratic life, it was unclear if they would be able to sustain their momentum in the different conditions signaled by the return of civilian rule, and of 'politics as usual'. Some observers doubted that they could make the shift from being in opposition to securing a stake in the new 'masculinised' democracies that were emerging in the region (Safa 1990). Moreover, even if they did adapt their politics to take account of the new context, what role would these movements play, what campaigns would they advance, and what success would they have in meeting their demands?

The Latin American context

Here we come to the question of how far we can speak of a shared Latin American experience. While the case studies show that it is possible to identify many common trends in the strategies and perspectives of women's

movements in Latin America, they also reveal considerable variations among countries with regard to outcomes. This reflects the region's historical, social and economic diversity. The specific evolution of state-society relations, the political complexion of post-authoritarian or post-conflict governments and the character and strength of civil society in particular countries have shaped the priorities, strategies and objectives of their women's movements. Latin America underwent major political change in the course of the last century, some provoked by external intervention, some reflecting the acute social tensions that accompanied the region's development. In its most recent convulsions were occasioned by brutal military regimes, its history from the 1930s was marked by the emergence of nationalist and populist leaders and by the impact of revolutionary upheavals in Bolivia, Cuba and Nicaragua. These more colourful moments, however, should not be seen as idealtypical of Latin American formations: there were also states that managed to preserve stable democratic rule throughout these periods of change and to deliver a measure of well-being to their populations, Venezuela and Costa Rica among them.

Despite these contrasting histories, by the turn of the twenty-first century Latin America appeared to have achieved a consensus on core political values, with regional summits of the Organisation of American States (OAS) repeatedly affirming their commitment to institutional democracy and economic liberalism. Even so, political systems in Latin America and the Caribbean remained diverse, with liberal democracies co-existing with authoritarian quasi-democracies and, in Cuba, one case of state-centered socialism. In some countries too, the armed forces retained considerable influence over the political process.

Such political diversity is matched by a strikingly uneven range in the size of population and economic performance of Latin American states. At one extreme are the countries of five million or less inhabitants (Central America and Uruguay) and, at the other are the giants of the region, Brazil and Mexico with populations of over 170 million and 100 million respectively. Income per capita too, spans a wide spectrum from \$1997 in Nicaragua to \$12730 in Chile, which are ranked 121 and 34 respectively in the global human development index.⁷ This reflects the truism that there is no one 'Latin America', but a diverse range of dissimilar formations. While apparently united by a common history of Iberian colonialism, this too left markedly different traces across the continent. Those most adversely affected by the system of ethnic exclusion perpetuated by colonial rule, the indigenous and black populations, confronted distinctive legacies of rights and entitlements. It is only in recent decades that

the significant numbers of Amerindian and Afroamericans have begun to realise their aspiration to be included as moral equals within their states and that governments, for their part, have begun to recognise the multicultural character of their formations.⁸

The commonalities of Latin America reflect, in part, *global* trends. Latin American states are part of the global community and their policies respond both politically and economically to transnational forces and influences. If some of these influences may be judged benign, even positive in the region, others are contested, none more so than the policies associated with 'neoliberalism'. While it would be facile to attribute the spread of these policies in the region to external forces alone the latter do wield considerable power, especially over the weaker states, through the practice of making aid conditional on compliance with donors' policy specifications. Governments frequently claim, often justifiably given these circumstances, that they have little room for manoeuvre over macroeconomic policy. Harsh and unpopular policies are said to be necessary if countries are to compete in an increasingly global and interdependent world, but in Latin America they have had a mixed economic record (ECLAC 2000). The human costs of such policies have been high and have fallen disproportionately on women.⁹ The recessive conditions of the 'lost decade' and the accompanying stabilisation and adjustment policies sent millions into poverty. International agencies were slow to acknowledge the depth of the harm caused by the adjustment process. The policy instruments needed to protect the poor were not put in place until much damage had been done (Bulmer Thomas 1996; Green 1995; Cornia *et al.* 1987).

By the early to mid-1990s, however, Latin America had begun its recovery; most countries registered positive growth rates. But international economic instability, including the South East Asian crisis of 1997, took its toll, and Latin America's average growth rate for the decade remained below 4 per cent. Poverty is a persistent feature in a region marked by deep and often growing income inequalities. Latin American countries register high levels of inequality when measured by the Gini coefficient (between 0.42 and 0.63 where 1 is absolute concentration of wealth). At 0.61 Brazil ranks as one of the most unequal societies in the world (compared with the UK at 0.32 and the USA at 0.35) (UNRISD 2000a: 12) and between 1990 and 1997 ECLAC notes that at least seven Latin American countries, including some of the stronger economies, became more unequal. In Bolivia, Honduras, Mexico and Uruguay saw slight improvements, but as the Bolivian experience shows, this

was from such a low base that improvement still meant that the poorest 40 per cent's share of income only increased from 12 per cent to a paltry 13.5 per cent (ECLAC 1999: 61, fig. 11.1a). These inequalities, in turn, make attempts at achieving greater equality between women and men all the more difficult (ECLAC 2000: 6).¹¹ Poverty also remains a significant challenge and, while it has decreased relatively, it has increased absolutely, in that the number of those in poverty has gone up and is expected to continue to rise over the decade to come.¹² For the majority of Latin America's population, democracy has, in the 1990s, not delivered the results it promised; electorates have shown that they are capable of punishing governments which have failed them (Ecuador, Argentina) at times leading to considerable political volatility (Venezuela). The desire for radical change has sometimes resulted in maverick political choices, where unknown and untried independents have come to power (Peru). A distrust of political parties and government feeds voter disillusion, evident in low and declining electoral turnouts in a significant number of countries in the region. Elsewhere, notably in Mexico, these trends have served to open up a sclerotic political system.

This social and political context helps in two ways to define the terrain upon which Latin American women's movements manoeuvre. First, their political agendas cannot ignore the painful reality of deepening socioeconomic inequalities and the limited scope offered for addressing them by neoliberal policies. Governments see themselves as caught between the twin imperatives of boosting economic growth and adhering to economic policies which limit both their capacity to redistribute and their commitment to social welfare. But at regional and international fora women's NGOs repeatedly demand greater attention to social inequality, not least because women are disproportionately represented among the region's poor and unemployed.¹⁴ The return to civilian rule and democratic governance restored political and civil rights, but was accompanied by an erosion of some of the social and economic rights that were associated with earlier developmental and populist states. For many women's rights campaigners these rights are indivisible and cannot be separated.

Second, democracy is far from consolidated in the region. Following an initial period of optimism, there was growing concern about the character of the 'new' democracies that were being put in place. As these democracies were consolidated throughout the 1980s and 1990s many were judged to be deficient; if electoral processes were in the main respected, forms of corruption and clientelism continued to dog attempts to establish 'good

governance'. In some countries (notably Mexico) accusations of rigged elections undermined government legitimacy. In others, rulers manipulated the limits of the constitutionally permitted period of office (both Fujimori in Peru and Menem in Argentina rewrote constitutions to their advantage). Furthermore, charges of corruption brought some governments to electoral defeat,¹⁵ while many repeatedly failed to deliver policies adequate to growing social needs and popular expectations. Issues of women's rights, indeed of rights in general, could not be detached from the broader question of the quality and character of democratic rule. This, as we shall see, faced women's movements with a series of political dilemmas.

International developments and the women's movements(s)

These shared, regional concerns were however addressed within a broader international context. While Latin American women's movements were active participants in the national struggles and debates that attended the turn to democratic rule, it was during the years of authoritarian rule that they also engaged with the international arena. The first international women's conference, held in Mexico in 1975, ushered in the UN Decade for Women (1976-85) and during this period Latin American women's movements became increasingly involved in 'transnational networking' (Keck and Sikkink 1998). At the same time, the changing geopolitical circumstances of the late twentieth century gave international conferences and conventions a new significance. No longer were they caught up in the bi-polar world of the Cold War, but they were able, potentially, to aid democratisation in many parts of the world that had been junior, but significant, players in the hostilities.

The international terrain was one where Latin American women were particularly active and influential. It is no exaggeration to say that the movement became even more internationalised in the 1980s and 1990s than at any time in its history.¹⁶ This was so in three main ways. First, activists made full use of international networks and institutional arenas to give movements additional organisational capacity, to coordinate campaign strategies and to harness resources. Second, these instruments were used in popular education campaigns to inform both women and men of their rights and to debate how they should be interpreted. Third, such international agreements were used to hold governments accountable and to press for policy shifts consistent with them; if modern statecraft is forged with an eye to external approbation this could itself allow women's movements some additional leverage.

While this process placed specific national movements in an international context, it was also accompanied by a critique, and revision, of existing policy and of rights themselves. The international human rights movement had emerged in the immediate aftermath of World War II and its declarations resonate with that political moment, reflecting a horror of the abuses of war and in particular of genocide. The United Nations has been the focal point of these declarations, although some human rights instruments have been developed in regional form such as the OAS. The 1948 Universal Declaration of Human Rights remains the reference point for subsequent rights-based conventions and has itself undergone numerous revisions. To reinforce basic human rights, the 1960s saw the focus shifting to particular bodies of rights and the development of new covenants: political and civil rights (ICCPR), and economic and social rights (ICESCR). The former embodied a liberal democratic perspective where procedural democracy was highlighted, whilst the latter, promoted by the Soviet bloc, placed greater emphasis on social and economic rights, rather than civil liberties. In the event, both covenants were adopted for signature in 1966,¹⁷ although they only came into effect in 1976. They too reflect the limitations of their moment of conception.

The expansion in rights instruments was, however, accompanied by a questioning of women's place within them. Feminist and other critics argued that useful though these international human rights instruments were, they were insensitive to specific needs related to gender and ethnicity. Some, following feminist democratic theorists such as Pateman (1988) and Elshtain (1981), argued that their gender blindness derived from premises based on masculine norms. III Where gender was incorporated it generally focused on discrimination against women but without questioning women's structural marginalisation; as such, the focus was on negative rather than positive rights. Moreover, in their original conception human rights did not apply to the 'private' sphere of relations within the family, thereby ignoring many of the ways in which women were at risk from violence, and denied justice (Cook 199-1).

Throughout the 1960s and 1970s, the international policy debate had been less concerned with women's *rights* than with how to incorporate women into the development process. At first such efforts at incorporation were restricted to welfare issues but later attention was paid to 'integrating' women into the modern economy (Moser 1989). Ester Boserup's (1970) path-breaking book on women in development challenged many of the assumptions of these policies, stressing that women were already 'integrated' even though the

work that they did was more often than not unpaid and undervalued. Boserup drew attention to the importance of making women's reproductive, non-monetised and subsistence work visible while she highlighted their exclusion from decision-making processes.

These, and other theoretical advances within the gender and development field, challenged the ways in which women were seen (and saw themselves) and coincided with the spread of feminist movements and ideas across the world. A new gender awareness gave rise to, and was reinforced by, the UN's Commission on the Status of Women (CSW). Set up in the early 1970s this was 'the only international institution specifically assigned to attend to issues of justice for women' (Freeman 1999: S 19). The CSW was responsible for the Decade for Women and the four International women's conferences that followed, and it drafted the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) adopted in 1979. Although these were important steps forward, the CSW 'concentrated on analyzing development-based economic and social issues concerning women rather than defining and pursuing rights issues' (ibid. 519-20). Further theoretical and methodological developments at this time also side-stepped rights. Molyneux's analytic distinction (1985), focused attention on strategic and practical gender interests, and Caroline Moser (1989), drawing on this work differentiated between types of *needs*,¹⁹ rather than rights. While International conferences in their different ways offered some scope for focusing attention on women and their position in society, it was not until the 1990s that the focus shifted to questions of how rights could be incorporated into a general questioning of women's place in their own societies.

It was during this decade, with UN summits on the environment, social welfare, human rights and population, that rights came to the fore.²⁰ Of particular interest for women activists in Latin America and elsewhere were the Vienna Conference in 1993 on human rights, the Cairo Conference in 1994 on population, and the Fourth World Conference on Women held in Beijing in 1995. At Vienna the major step was taken of recognising that women's rights are human rights; this revitalised rights-based discourses as a strategic tool as well as placing violence against women on the human rights agenda.²¹ In Cairo the thorny issue of sexual and reproductive rights was debated and was partially incorporated into health policy issues. Whilst this latter conference may not have gone as far as some would have liked on the question of decriminalising abortion, it did clarify many issues and it made reproductive choice part of the human rights agenda, by reinforcing woman's

right to choose the number and spacing of her children (Lyklama and Nijeholt *et al.* 1998). At the regional level, significant developments occurred in 1994 at summits held in Mar del Plata in Argentina and in the Brazilian town of Belem do Para both of which tackled the issue of violence against women. The global campaign against such violence has been one of the great successes of the 1990s and was both important and effective in Latin America.

The Beijing conference of 1995, attended by some 30000 women (20000 of whom participated in the NGO Forum), was of particular significance in advancing the commitment to pursue women's rights issues. It saw the ratification of the Cairo agreements and went further in tacitly recognising sexual rights. Its final document, the Platform for Action, contained a set of policy recommendations, which were adopted by 189 countries and served as a basis for NGO advocacy.²² The UN committed itself to a five-year review of the progress achieved on the recommendations, and this was conducted at the Special Session of the UN General Assembly in New York in 2000. These regional and international events were important for women activists. In several ways, first, governments were required to report to the relevant committees on their actions in relation to specific agreements.²³ These reports are normally biannual and they force states to account for their policy commitments. Whilst governments endeavour to put their accomplishments in the best possible light, their reports are submitted along with 'alternative' accounts produced by NGOs and other actors within civil society. Women's NGOs held their own follow-up conferences to monitor government compliance with conventions and produced documents that were often highly critical.²⁻¹ Second, they provide organised women with an opportunity for lobbying governments and highlighting particular areas of concern. The more effective the women's organisations within civil society, the better they are able to use such opportunities to advance their demands and to put pressure on governments to fulfill their commitments.

The growth in the number of international conventions coincided, as we have seen, with the consolidation of democracy in Latin America. States participated in debates at regional and international levels over how to respond to the new conventions, and the preparatory and follow-up meetings of these events brought new opportunities for debate and exchange between governments and women activists. At the regional level Latin America participated in a number of agenda-setting institutions all of which began to take up gender issues as part of their broader remit.

The OAS, of which all Latin American states are members, has its own commission on women (CIM)-25 There is also an Inter-American Commission for Human Rights which had new life breathed into It In this period, Latin America Is also peculiarly advantaged by the presence of ECLAC which pursued an active research and policy agenda on women. These Institutions have reinforced the participation of Latin American states in UN deliberations and have helped to encourage a regional perspective on these global developments.

It is against this background that we can assess the changes of the 1990s. International developments interacted in important ways with Latin American politics and were particularly significant for women's rights campaigns. Women's organisations played a leading role in promoting a more inclusive and socially aware view of development and of citizenship, while human rights, and specifically women's rights became a focus of organisational strategy. As governments signed international agreements to respect democratic principles and human rights, women's movements were able to use these instruments to press for reforms, as issues of equal opportunities, positive discrimination and female representation in parliament became the focus of campaigns across the region. Through public discussion and debate, the issue of women's right to be treated as moral equals became in the words of one scholar, 'part of the common sense of the region.²⁶ Where democratic institutions acquired a more secure foundation, Latin American women's movements showed themselves to be adept at adjusting to the new political context. They made the move from being an oppositional force whose efforts were pitched against the state, to being an effective force for reform.

National developments and international processes

These advances raised, however, difficult questions about the limits of participation, ones familiar to women's movements elsewhere. As noted earlier, the highly uneven and in many cases partial process of democratisation helped to determine what was achieved in the political and policy domains. Faced with the dilemmas posed by such 'democratic deficits', the region's social movements feared that collaboration with flawed democracies might serve to arrest rather than to advance more general democratic reform. Even in states with a credible record of good governance In the post-transition period, women's movements divided over whether to remain outside government or to enter into the power struggle being waged within. Those who chose to work with governments found the new terrain of institutional politics unfamiliar and difficult to navigate.

This challenge was expressed as one of moving from 'la protesta a la propuesta' (from protest to proposal) and as requiring new strategies to deal with the changed political reality. The state, formerly a hostile force, was now offered as a site of engagement; many former opposition activists were faced with the possibility of working with, or even within, government as women's units, sometimes women's ministries, were established or reactivated with new 'women-friendly' briefs. Tensions between those who chose to work with or within the state and those who worked within civil society remained, however, and were particularly marked in Chile, Mexico and Peru

Despite these differences, over the course of the 1990s women's movements increasingly directed their attention to securing improvements in women's legal and political status through a combination of pressure from below and working with the state. The period of democratic consolidation coincided with a growth in the importance of nongovernmental organisations (NGOs) matched by a corresponding rise in responsibility and international funding. Many women's movements took advantage of this development to institutionalise themselves, and in the process submitted to the pressures on them to professionalise their work, and to develop goals commensurate with donors' agendas. In Latin America, as a consequence, the distinction between women's movements and NGOs in the post-transition period was not always clearly drawn, as some NGOs owed their existence to women's movements, were managed by activists from the movement, and maintained close ties with the movement.

At the same time, a new regional collaboration developed. From the outset, Latin American women's movements worked on a transregional level, creating strong networks, some of which were formed during the experience of exile from military rule (Vargas 1992), and were subsequently fortified by the international initiatives discussed above. Latin American NGOs participated actively in the UN women's events and advisory committees. As these networks developed, they enabled those involved to prepare their suits, achieve some unity on core issues and to speak with conviction within international and national policy arenas.

Transregional networking was not only evident in regard to public institutional fora but was also a crucial resource in the practice of civil society organisations. Important among these were the series of regional feminist meetings (*Encuentros*) which, from 1981, occurred every 2-3 years (Sternbach *et al.* 1992). These regional initiatives fostered an exchange of ideas and experiences and helped to keep governments alive to gender issues. Networks could at times generate tensions and sharp disagreements, but they

did enable both coordination on specific campaigns and a sharing of collective learning experiences that deepened the impact of in-country initiatives.

Such regional networks have worked both nationally and internationally to considerable effect. They were crucial in advancing specific campaigns such as the struggle for quota laws and the campaigns around domestic violence, and for legal literacy. Among the most notable networks have been those concerned with health, the Latin American and Caribbean Women's Health Network (RSMLAC), domestic violence (the Network against Violence towards Women), and the women's human rights organisation, the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM). CLADEM has taken the lead in promoting women's access to rights in terms of engendering rights and in making political institutions take women's human rights seriously. The organisation emerged in the aftermath of the third UN conference on women in Nairobi 1985 which brought together a group of legal activists from across the region. They took a critical view of the law arguing, 'Power is legitimised through law and law legitimises women's subordination.'²⁷ Within two years, in July 1987, CLADEM was founded in Costa Rica and has subsequently grown into a campaigning organisation that has offices or links in sixteen of the region's countries, as well as links with other organisations and networks. CLADEM sees these regional links as a 'spider's web without hierarchies.'²⁸ Its activities focus principally on promoting women's human rights in international fora and in monitoring government compliance, but their engagement with the juridico-institutional terrain is complemented by work within communities and with social movement organisations. They have developed a regional perspective on legal reform which helps in the formulation of new legal projects at national level as well as comparing government efforts to comply with international agreements. Whilst Latin America may not be unique in its regional organisations, these contribute to the continued struggle for engendered citizenship and women's rights in key ways, as well as helping to support local civil society activity through an exchange of expertise and experiences. The regional dimension of these campaigns has been one of the strengths of the women's movement as well as a distinguishing feature of it.

Issues and cases

The case studies that make up this book illustrate the dynamic inter-action between international factors and regional particularities within women's

rights campaigns. The following eight chapters examine what have been. Over the last decades, the central campaigns for women's rights and demands for full citizenship in the region: these are reproductive rights, protection from domestic violence, socioeconomic rights, democratic participation and representation, and issues of identity and difference.

Chapter 2 by Mala Htun and Mark Jones, and Chapter 3 by Elizabeth Friedman, focus on campaigns for greater gender equality in democratic representation. Htun and Jones examine one of the most radical measures taken to redress the under-representation of women in national parliaments; that of quota laws. Although in the United States support for such affirmative action measures has been diminishing in recent years, Latin America has followed the Northern European example in adopting quota laws to improve female representation in parliaments. However, while the European measures are voluntarily applied by political parties, the trend in Latin America is to go a step further and to write the requirement for gender quotas into national law.²⁹ Argentina initiated this trend when in 1991 it became the first democratic country to include a quota law in its electoral code.

The passage of these laws in Latin America resulted in the first place from the combined efforts of local and regional women's movements, but the success of the quota law campaigns also depended in large measure on cross-party and multisectoral collaboration by women parliamentarians and their male allies within the legislature itself.³⁰ The example of Argentina along with the impact of the Beijing Declaration in 1995 which called for quotas, and the regional meetings to discuss its import also helped to inspire women in other Latin American countries to press for quotas. As Htun and Jones attest, throughout the 1990s more than a dozen Latin American countries adopted legislation requiring parties to place between 20 per cent and 40 per cent of women on their lists.³¹ Once in force, these laws resulted in almost doubling the average female representation in Latin American parliaments during the decade, from a low base of 6 per cent to 15 per cent for the lower house, and 14.4 per cent for senates in 2000.³² This is higher than the UK, the United States and some European countries. Latin America comes third regionally to Nordic countries (at 38.8 per cent) and non-Nordic Europe (at 16.4 per cent). However, Htun and Jones point out that crucial to the effectiveness of quota laws in bringing about greater female representation is the electoral system itself: closed list systems such as in Argentina, are more likely to favour the election of women through quotas than open voting for candidates.³³ Such variations in electoral systems as well as in the letter

of the quota laws themselves influence the results obtained. While all countries with quota laws have seen some increase in the number of female representatives, in some cases such as Brazil, the increase in women candidates was small. In the 1998 elections the results were only 5.7 per cent of women in the lower house and 7.4 in the senate, leaving Brazil in 85th place internationally. It is moreover arguable whether the small increase was due to the quota law. As Htun and Jones demonstrate, if quota laws are to have a greater impact on reducing inequality in political representation, and if they are indeed to serve as effective democratic mechanisms, they will need more teeth.

It has been widely acknowledged, however, that the mere presence of women in parliaments is no guarantee of greater gender sensitivity in policy-making. Latin American advocates of quotas argue that not only do they serve as a democratic mechanism for redressing persistent inequalities in access to decision-making power, but that there are advantages in women constituting a critical mass in the decision-making process. Although not all women delegates necessarily serve the interests of their female constituencies, research has shown that in practice female representatives tend to collaborate on legislative matters concerning women and that gender legislation is more often put forward by women. Once in power, female representatives can be an important resource for civil society campaigners who call upon them to be responsive to women's demands (UNRISD 2000b). However, they also stress that to recognise these positive aspects of quotas does not imply that they remedy the structural gender inequalities which limit women's access to political and decision-making power in society.

In Chapter 4 Elisabeth Friedman examines the alliance-building process in a campaign to reform the labour code in Venezuela in the late 1980s. In the case of Venezuela, female parliamentarians from different parties combined with women active in trade unions and in independent women's groups to promote the reforms. Their success was due in part to the enhanced political clout that this gave to their campaign, but important too, was careful strategising in regard to securing consensus for the demands. Feminist activists sought to change provisions in the law that discriminated against women workers by promoting the principle of equal treatment, but they did so in a way that recognised rights related to maternity. Here, they aimed to reconcile principles of equality and difference in a context where motherhood retains significant cultural value and where equality feminism is far from being widely accepted. Catholicism has exerted an enduring influence on the region's gendered ideologies, and femininity is strongly associated with motherhood and domesticity in Latin America even as it is

refigured through divisions of class, race and ethnicity. Laws concerning women and the family continue to reflect a traditional division of responsibility between the sexes in the family, as well as to restrict women's reproductive rights. Advocates of women's equality have had to formulate their demands in ways that take account of these sometimes tenaciously held motherist identifications. In the case of the revised Venezuelan labour code, women were recognised as having special responsibilities in the family, but whereas this had been a basis for discrimination under the previous code, employers were now required to hire women on the same terms as men. This represented a significant legal advance, with two qualifications. First it would take more than a reformed law to ensure that employers complied with it, and second, the law did not cover domestic workers, still a sizeable part of Latin America's female labour force. The women delegates, Friedman suggests, were not all ready to surrender their class privileges and embrace the cause of their own employees.³⁴

In the following two chapters, other key issues of legal reform are examined in the context first of Brazil and then of Uruguay. In Chapter 4, Fiona Macaulay analyses the importance of advocacy as activism for the promotion of women's rights. In this context, advocacy work includes lobbying for changes in the law as well as in the *practice* of the law. Legal reform has been considered a fundamental part of the consolidation of democracy in Latin America, and many countries have embarked on reform programmes of different kinds. International development institutions, such as the World Bank, have been paying particular attention to this issue and have supported efforts to reform judiciaries and legal practice as part of their general support for good governance. Social movements across the continent have also campaigned in citizens' groups and networks for such reforms. The complex and often inefficient legal systems in much of Latin America have made claims on rights all the more difficult since access to the legal system is limited by its opaqueness and expense. Making the legal system open and accessible is seen by legal advocacy campaigners as central to deepening the democratic process. It is a strategy which operates at different levels in society, aimed as much at legal practitioners at the highest levels of the justice system as forming part of the practice of grassroots organisations. The efforts of Latin American women's movements to promote legal advocacy need to be seen as one of several strategies in the pursuit of greater gender justice and women's citizenship. Macaulay's examination of the innovative work of a feminist organisation shows how it has worked to promote legal

literacy and trained 'paralegals' among women from the popular classes in Porto Alegre, Brazil. If women are aware of their rights they will also be able to be more effective in claiming them, and their capacity to exercise political agency can be enhanced.

The contrasting example of the development of the law on domestic violence in Uruguay is analysed in Chapter 5. Niki Johnson traces the evolution of the campaign to improve women's legal rights in this area by making bodily integrity central to gendered understandings of citizenship. As noted earlier, the campaign against domestic violence has been, perhaps the most successful across Latin America as well as having a powerful international resonance.¹⁵ The entire region signed up to CEDAW between 1980 (Cuba) and 1989 (Chile) and this provided some basis for legal change. Over the course of the 1990s several countries made significant changes in their laws and state provision in protecting women and children. As an issue, violence against women received support from international human rights declarations as well as from the church. Here again, within specific countries, the importance of cross-party collaboration and links with civil society organisations made a decisive difference to the outcomes. Johnson, like Friedman, demonstrates the complexities involved in developing laws which are acceptable both to the campaigners and to the more conservative lawmakers. She also raises the important issue of how women's rights campaigns can succeed in changing laws, but in ways that were not envisaged or desired by women's movements. In Uruguay campaigners demanded educational measures to support changes in attitudes towards women. Instead, what eventuated were tougher laws for the perpetrators of violence against women. In other words governments can react selectively to social movement campaigns, and can use their demands to push through changes that otherwise might have been resisted.

Another issue that emerged in the Latin American region during the campaign on domestic violence was that of whether and to what extent it was desirable to make its gender dimensions explicit. In Uruguay, as Johnson shows, women activists campaigned to highlight the gender dimension of the violence and to link it specifically to the extension of women's rights rather than calling for measures which were focused on the family. In contrast, in Mexico the government decided to focus on 'intra-family' violence. This downplayed the fact that women make up the bulk of the victims and derailed the legislative and policy provision for women, causing concern not only among women activists in Mexico but also in other parts of Latin America.

The broadening of the definition of rights by women's movements to include issues of bodily integrity is also the subject of C.eri Willmott's Chapter 6 on Chile. The idea that women have the right to choose in relation to such contested areas as sexuality and reproductive rights is at odds both with Catholic teaching and with Chilean law. Reproductive rights are a sensitive and bitterly disputed issue in Latin America. Abortion rates remain high with the least advantaged women at greatest risk from death and illness from illegal terminations. Conservative, religious opposition to women's reproductive rights strengthened in recent decades; the Vatican under John Paul II has promoted a strict policy on contraception while reinforcing its refusal to permit abortion under any circumstances. If attitudes towards contraception have been changing under the impact of the AIDS epidemic, abortion remains a deeply contentious issue. It is completely illegal in Chile (which with Peru has the highest per capita number of abortions) and whilst legal in some form in the rest of the region, in reality access to safe abortion is extremely restricted and affordable only by an advantaged minority.³⁶ That the abortion debate in Latin America can be highly politicised, and risks being captured by conservative forces was brought into sharp relief in Mexico in the summer of 2000. The state of Guanajuato attempted to increase the penalties even in the case of rape. The subsequent protest meant that abortion was discussed in all the media, opening up public debate for the first time. The law in Guanajuato was eventually vetoed by the governor but, at the same time, attempts to liberalise the law in Mexico City were also shelved. Although official views on abortion remain conservative, surveys in Chile and Mexico indicate that there is public support for its legalisation in many circumstances and that a majority favours legalisation. Much rests on *how* the question is asked with many questionnaires prone to bias.³⁷ Furthermore, whatever the law and opinion surveys say, women do resort to terminations, often in very difficult and dangerous circumstances. It is estimated that abortion is the main cause of maternal death in Argentina (30 per cent) and Chile (26 per cent) and there is no reason to suppose that these two countries are worse than others in the region (ECLAC 2000: 39-40).

Within Latin America, Chile stands out as one of the most socially conservative nations, with predominantly negative attitudes towards women's rights and equality.³⁸ Whilst it scores highly in the Human Development Index, where it is ranked 34th, in terms of gender empowerment it ranks 54th. This compares poorly with high-ranked Costa Rica (45th and 23rd respectively), and low-ranked Ecuador (72nd and 29th) and Guatemala (117th and 44th) (see Table A.I on p. 222). The combination of these factors

has affected women's own perception of their sexuality and reproductive needs. Drawing on research in low-income settlements in Santiago, Willmott shows how reproductive rights and sexuality are being refigured as sites over which women *can* exercise more individual choice. While women often found these issues painful and difficult, Willmott argues that women's groups have opened up these issues for discussion, allowing their experiences to be shared, needs to be expressed, and rights reconsidered.

Chapter 7 by Sarah Radcliffe examines questions of identity through a discussion of indigenous women in the Andean region. With reference to Peru and Ecuador she shows that with few exceptions, indigenous women were historically excluded from citizenship in Latin America and how they have, in recent times, sought to assert their claims in ways that recognise both their ethnic identities and their rights as women. The indigenous or Amerindian population of Latin America is estimated at 40 million, or around 8 per cent of the region's total population. The majority lives in conditions of poverty and fares badly on all human development indicators. If issues of Amerindian rights gradually achieved some limited recognition from the 1960s onwards, it was only in the 1990s that an effective regional movement emerged. The catalyst was the quincentenary celebration in 1992 of Columbus's arrival in the Americas. This sparked a global campaign challenging the premises of the celebration from the perspective of those who had been at the sharp end of the colonisation process. Campaigners were able to highlight questions of rights and identity, promote common interests, and work towards developing an agreed platform. From the late 1980s there had been a shift away from the assimilationist policies favoured by governments and development agencies towards a greater emphasis on cultural rights and indigenous identities. This move was accelerated with constitutional and legal reforms recognising Amerindian rights introduced *inter alia* in Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay and Colombia (Brysk 2000). However, as Radcliffe shows, while these developments have been welcomed by indigenous women, they have also generated tensions between their individual rights and their group rights. Indigenous women, so often made responsible for preserving 'ethnic authenticity' in a way that can undermine their individual rights as women, have found it difficult to reconcile the prevailing version of authenticity with their own claims for rights and recognition.

The final two chapters, 8 and 9, focus on some important challenges faced by women's movements. Whilst significant gains have been made in securing women's rights and political representation in recent times, and while the

emphasis on rights has served as a useful strategic resource, these gains have occurred in a region still gripped by major social and economic problems. For women's movements two major questions remain unresolved: how to make macroeconomic policy more gender-sensitive, and how to negotiate with states that may well fall short of fulfilling their commitment to democracy while using their support for women's rights in an instrumental fashion.

Chapter 8 by Jasmine Gideon is concerned with international instruments such as the 1966 International Convention on Economic and Social Rights (ICESCR). She considers to what extent they can be said to be effective and to be appropriately sensitive to gender difference. At the Beijing conference the indivisibility of economic and political rights was reaffirmed, and this together with the impact of the feminist critique of structural adjustment policies drew attention to the need for gender-sensitive macroeconomic policies.³⁹ The extreme poverty of Central America makes these issues all the more urgent, but as Gideon argues, while states have signed up to these agreements, the results have been limited. This is in part because of deficiencies in the formulation of the agreements; women's unpaid work, in agriculture for example, is not recognised as work. But they are also ineffective because adherence to them would commit states to making active policy commitments and to providing financial and other resources. Governments, however, are reluctant to expand their responsibilities in the economic domain, and are under pressure to shrink public sector expenditure in conformity with the neoliberal agenda. If international agreements themselves are insufficiently gender aware, their usefulness as campaigning tools for women activists is limited, Gideon suggests where improvements could be made in the ICESCR to promote greater gender sensitivity.

The failure to make socioeconomic rights more meaningful is disappointing given that the original focus of the UN's Commission on the Status of Women (CSW) was on socioeconomic issues, in keeping with the then prevalent welfarist approach. At that time in the 1960s and 1970s it was women's civil and political rights that were ignored in favour of encouraging development (Freeman 1999: fn. 14). It was only in later years that the focus shifted to the political arena. As Gideon argues however, the key issue is the *indivisibility* of different types or generations of rights, with each reinforcing the others; only policies which recognise this interdependency will succeed in tackling the multiple forms of female deprivation that are such a persistent feature of the Central American region.

Virginia Vargas (Chapter 9) echoes this sober reflection on the limits of the process of generalising rights agendas. Vargas is one of Latin America's

most prominent feminist activists, founder of the Flora Tristán Women's Centre in Peru, and coordinator of the Latin American and Caribbean NGO delegation to the Beijing Conference. Drawing on her considerable experience at both national and International levels, she addresses a major and continuing problem for feminists and women's movements; that of how interact with states. Whilst acknowledging the Importance of state as a terrain of engagement, she emphasises that there are dangers of cooption and over-reliance on the state to fulfil feminist agendas. For over a century, feminists have struggled for greater state recognition of their demands, but Vargas argues that women's movements should maintain a distance from the state and that their own organisational autonomy should not be placed at risk of being colonised by the state or instrumentalised into fulfilling its agenda. This was a particular concern during the Fujimori administration (1990-2000) which increasingly suspended democratic guarantees. Women's issues achieved considerable prominence and their representation within the state increased, but not without costs. There is always a risk that women's organisations might serve as a vehicle for the realisation of government goals as latter coopt movements for their own ends. In countries where this has occurred, it is unsurprising to find women's organizations wary of close interaction with the state, Yet, at the same time, states can offer opportunities and resources to campaigning organisations. Vargas shows how the old tension between autonomy and Integration remains a particular challenge in Latin America. It is, perhaps, in Mexico under the PRI, and in Peru under Fujimori, where this has been a major problem, and with the demise of both administrations in 2000, these countries are undergoing significant political change. But this tension has been more widely debated in Latin America, and even in the democratic administrations which succeeded Pinochet in Chile from 1990, there has been criticism of the close relationship between feminist NGOs and the state women's committee, SERNAM.⁴⁰

Conclusion

While Latin American experience shares some common elements with other parts of the world, the region's recent history of authoritarian rule has given to struggles for democracy, citizenship and rights a special significance. Yet the case studies in this volume highlight the variability and contingency of rights-based struggles in the region. Issues of rights and citizenship, while apparently universal and occupying such a central a place in women's demands for full citizenship, are nonetheless associated with different political

objectives, and are contested, reframed and reinterpreted by different political forces. In the 191-m~ and 1990s women's movements in Latin America worked to promote and to spread awareness of women's rights in their 'actually existing democracies', but they also helped to shape, through their active participation in a variety of arenas, the international and regional legal instruments that were developed in this period.

However successful women's movements have been in this domain, and however committed many remain to extending and deepening the meaning and effectiveness of rights, there is a keen awareness among activists of the pitfalls and limitations of such rights-based strategies. International and national legal Instruments can be unwieldy; working with them requires long-term commitments of time and energy on the part of campaigners, as well as a favourable policy environment in which to work. Such instruments are themselves still far from meeting standards consistent with the principles of equality and fairness promoted by the International women's movement (Charlesworth *et al.* 1991).⁴¹ Gideon's critique of the assumptions of the 1966 International Convention for its focus on the paid economy and for overlooking women's unpaid work, is an illustration of these limits. Moreover, since these instruments must be accepted by often widely differing states, they can often lack teeth in having the character of 'lowest common denominator'. They are also vulnerable to attacks from opponents: at the CEPAL Beijing + 5 meeting in Peru in February 2000, and at the June 2000 meeting in New York, opponents of the Platform for Action recommendations tried to subvert agreement to continue pressing for implementation and questioned the document's terminology and formulations.⁴² As many participants in these fora have argued, the recommendations which eventuate from international conferences need clearer benchmarks, measurable goals and time-bound targets if they are to move off the paper and into policy.⁴³ In practice, too, these instruments are only useful if the rights enshrined in them can be put into effect at the nation-state level, and if they serve to promote policy changes that impact positively on the lives of women. Governments more often than not lack the political will to implement the measures and to put the necessary resources into making compliance meaningful; without continued pressure by activists most states are content to treat these agreements as mere window-dressing.⁴⁴ It was not for nothing that NGO forum activists demonstrated at the Latin American UN governmental fora with tee shirts and placards reading 'Deeds not Words!' Moreover, as Macaulay shows, while valuable and innovative

work in legal education is being undertaken at the grassroots level in Brazil, the effectiveness of such work is hampered by the absence of a broader process of legal reform.

A second set of reservations concerns the political risks associated with working with rights-based agendas. legal reform in matters of women's rights is often a highly politicised process and campaigns can eventuate in unintended outcomes. If these can sometimes be judged broadly positive, at other times they can be thwarted, diluted or captured by states to serve their own ends. As Vargas illustrates in the case of the Fujimori administration in Peru, women's movements in Latin America have had to be especially cautious in regard to engaging with states given the dangers of co-optation and resulting loss of autonomy. More women in government as a result of the quota laws is a step in the direction of equality as Htun and Jones argue, but where those governments serve authoritarian and or corrupt states, the gains are minimal or nullified. Women, many of whom are former movement activists, have entered the institutional domain in large numbers. While they could make an impact on legislation, service delivery and policy, there was a danger that this 'institutionalisation' might be at the expense of reduced links with the movement and a corresponding bureaucratisation of women's issues. Campaigns around women's rights can also serve to mobilise conservative opposition or to create acrimonious divisions among women themselves over the interests advanced and the tactics and strategies deployed. While women's coalitions and networks have shown themselves able to overcome many social and political differences in the pursuit of legal reform, vested interests often remain important, as evidenced by Friedman in the case of the failure to address the rights of domestic workers, and by Radcliffe's discussion of the marginalisation of indigenous women's voices in political policy debates. Many questions remain concerning the ability of universal discourses of rights to recognise and respect difference. Indigenous and Amerindian rights involve acknowledging a history of colonial oppression and racialised systems of inclusion and exclusion, a process which has only just begun in Latin America.

This volume therefore provides evidence not only of the considerable advances secured by women's movements in the domain of rights and policy, but also serves to highlight the significant difficulties that attend such strategies. The accelerated pace of globalisation over the past two decades has had contrasting effects. On the positive side the proliferation of international fora, conventions and agreements have helped to reinforce rights and have served as a lever for women's rights campaigners.

The focus on rights has introduced new tactics and strategies into women's movements and has delivered some notable gains. Of these three stand out as of particular significance: the passage of quota laws in more than a dozen countries (with more awaiting confirmation); greater protection for women from violence through better legal framing, police training and provision of support for the victims of abuse; and legal and policy reforms to provide for greater equality in the family and at work, through promoting greater gender-sensitivity in policy making.⁴⁵

At the same time however, these gains made only a small contribution to alleviating the human cost of the adjustment policies,⁴⁶ and without a corresponding rise in economic returns poverty and inequality stalk the region. The focus on rights has made states responsible and accountable in new ways, but even where new rights have been achieved or where existing rights have been put in the spotlight, constant campaigning is required both to ensure that women's rights are understood as central, not marginal, to human rights, and that women are aware of their rights and can defend them if need be. As noted earlier, activists are duly sceptical of the narrow individualism that can be associated with normative definitions of rights. In Latin America, where social policy issues remain urgent, the struggle for rights has to be accompanied not only by considerations of need, but also of the diversely situated demands of indigenous populations. If rights are not promoted in a way which makes them accessible and acceptable to the disadvantaged, they remain the preserve of the privileged few. Women's movements have emphasised the need to radicalise and popularise rights demands, while they have stressed the indivisibility of rights and the need for political guarantees to protect and advance those rights. The pursuit of rights in themselves, divorced from broader questions of democracy and social justice, has little meaning if they are not accompanied by the conditions which make it possible to claim them. As Virginia Vargas argued in her address to the NGO forum at the Beljng + 5 conference in New York 2000, speaking for many in the region:

The twenty-first century will be a 'women's century' only if it also democracy's century, [democracy understood in its] political, social, economic and cultural aspects. Only with democratic governments that fulfill their political and juridical commitments and with strong civil societies with the capacity to monitor the management of public resources and formulate proposals will we be able to face the challenges that the new millennium poses. (REPEM 2000)