



Organización de los Estados Americanos
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Organization of American States

QUESTIONNAIRE

Forms of Discrimination that Restrict Women's Full Exercise of their Economic, Social, and Cultural Rights

This questionnaire has been prepared as part of the work plan of the Rapporteurship on Women's Rights ("Women's Rapporteurship" or "Rapporteurship") of the Inter-American Commission on Human Rights ("IACHR" or "Commission"), with a view to gathering information on the main advances and challenges faced by women in different countries with respect to the exercise of their economic, social, and cultural rights, particularly with regards to employment; education; and access to, and control over resources, among other areas of the economic, social and cultural rights of women. The information gathered will be analyzed in a report containing specific recommendations for the member states of the Organization of American States, aimed at enhancing and strengthening the legislation, policies, and practices to address the problem of discrimination and to guarantee that the economic, social, and cultural rights of women are duly respected and protected.

The binding principles of equality and non discrimination are core principles of the inter-American human rights system and its instruments, such as the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belém do Pará"). Consequently, the States have obliged to guarantee the exercise of women's human rights under equal conditions and free of all forms of discrimination. The Protocol of San Salvador likewise contains a long list of human rights, including the right to work, labor union and social security rights, the right to health, the right to food, the right to education, among others. Article 3 of the Protocol of San Salvador establishes the obligation of the State parties to guarantee the exercise of these rights without discrimination of any kind.

In the past, the Inter-American Commission on Human Rights has addressed discrimination against women in the exercise and enjoyment of their civil and political rights through individual petitions and reports on these issues. However, it is impossible to address civil and political rights without also addressing economic, social, and cultural rights, given the interdependence and integral nature of those rights. With that in mind, the Inter-American Commission has been focusing on other forms of discrimination that go beyond the sphere of civil and political rights and touch on economic, social, and cultural rights. An example of that new focus can be seen in *Access to Justice as a Guarantee of Economic, Social, and Cultural Rights. A Study of the Standards Adopted by the Inter-American Human Rights System*, prepared by the IACHR as a contribution to guarantee economic, social, and cultural rights in the region. Recently, the IACHR also published a document entitled *Guidelines for Preparing Progress Indicators in the area of Economic, Social, and Cultural Rights*.

Although significant progress has been made in the region, particularly with regards to formal equality between men and women, States still need to promote new and diversified actions to promote equality and equity, particularly with respect to economic, social, and cultural rights. In the course of its work in the inter-American human rights system, the IACHR, through its

Rapporteurship on Women's Rights, has noted with concern how discrimination against women is manifested to a particularly glaring extent in the structural inequities between men and women in the economic, educational, labor, health, justice, and decision-making spheres.

To gain more insight into what is happening, the Rapporteurship will conduct a diagnostic assessment of the obstacles that women still face throughout the Hemisphere in the effective protection of their economic, social, and cultural rights, without discrimination of any kind. The Rapporteurship is especially interested in generating standards, from a human rights perspective, that can guide State actions to overcome the hurdles that women still face to achieve the effective protection in the exercise of these rights without discrimination. In that framework, the Rapporteurship will focus on (i) employment; (ii) education; and (iii) women's access to resources, and their control over them, in equal conditions with men.

Replies to this questionnaire should be forwarded to the following address by June 10, 2010, at the latest:

Inter-American Commission on Human Rights
Organization of American States
1889 F Street, N.W.
Washington, DC 20006
cidhoea@oas.org

Information requested:

This **questionnaire** seeks to elicit quantitative and qualitative information on the main advances and challenges faced by women with respect to the exercise of their economic, social, and cultural rights, particularly as regards employment; education; and access to, and control over, resources, in equal conditions with men, within the broader context of discrimination against women and from a human rights perspective. Thus, you are invited to submit reports and specific assessments of this area, graphs, and statistical and budgetary data, as well as other material. It is requested that the information includes insight into the situation at both the national and local, urban and rural levels. In federal countries, information is needed for all states and provinces. You are invited to submit information on the specific situation of women in groups that are particularly exposed to violence and discrimination, such as afro-descendent women, indigenous women, girls, elderly women, and others.

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Section One: Employment

- 1) Specify the principal provisions in the national and/or local legal framework, policies and programs that address equality of opportunity with respect to:
 - a. Access to employment
 - b. Equal pay
 - c. Measures of protection in the access to social security.
- 2) Specify the principal provisions in the national and/or local legal framework that protect women workers during pregnancy and breastfeeding and against sexual harassment and abuse at the workplace.
- 3) Indicate whether labor statistics are compiled systematically at the national and/or local level. If they are, please provide statistics for the following:
 - a. The labor situation in the country as a whole. Include data disaggregated by sex, age, race, ethnicity, and type of work performed.
 - b. The situation of women in the social security system. The number of women enrolled in the system and their age of retirement compared to that of men.
 - c. The level of unemployment, disaggregated by sex, age, race, and ethnicity.
 - d. The situation of informal labor in the country, with data disaggregated down by sex, age, race, and ethnicity.
 - e. Number of female domestic workers, including female immigrants.
- 4) Please specify:
 - a. Who are entitled under labor law to reproductive licenses (paternity or maternity leaves) and how are these rights exercised in practice.
 - b. Legislative measures and/or programs provided by the State to take care of children whose parents are at work (e.g., establishment of child care or day nursery facilities).
 - c. Legislative measures and/or programs provided by the State to take care of seniors.
- 5) Laws, policies, and measures pursued by the State to facilitate and promote women's access to the labor market. Include in your reply:
 - a. The main challenges women face to enter and stay in the labor market.
 - b. Specific measures designed to promote access to employment by low-income women, such as indigenous women and women of African descent.
 - c. Existing mechanisms to address the labor needs and protection of migrant women.
 - d. Regulations governing the treatment of domestic workers.
 - e. In the answers to items (b), (c), and (d), indicate which monitoring systems are in place to verify compliance.
- 6) Indicate what mechanisms are available under domestic law for women victims of discrimination in the labor sphere.

Section Two: Education

- 1) Specify the principal provisions in the national legal framework that protect the right to education on fair and equal conditions. Include any laws that specifically protect the right to education of women and girls.
- 2) Provide information on:
 - a. The illiteracy rate, disaggregated by sex, age, race, ethnicity, and region (urban/rural).
 - b. The number of pupils enrolled in public schools, by gender, in all levels of education (primary and secondary schools, high schools, colleges and universities).
 - c. Evaluations of the quality of public education, by gender and region.
 - d. Number of pregnant students in public schools.
- 3) Access to free education:
 - a. Indicate up to what grade/level free education is provided.
 - b. Describe measures or policies pursued by the State to foster and guarantee women's access to primary, secondary and higher education.
- 4) Provide statistics on school drop out rates, disaggregated by sex, age, race, ethnicity, and region, and indicate what steps are taken to re-enroll girls and adolescents who drop out and/or abandon school.
- 5) Identify the main – structural, economic, cultural, and social – challenges:
 - a. for girls to attend school;
 - b. to guarantee that girls complete their school studies;
 - c. to address the issue of illiteracy among adult women;
 - d. to protect pregnant students from all forms of discrimination.
- 6) Describe what mechanisms are available under domestic law to denounce sexual harassment in schools and/or academic training institutions and other forms of discrimination against women.
- 7) Indicate what mechanisms are available under domestic law for women victims of discrimination in the educational sphere.

Section Three: Access to, and control of, resources on equal conditions

- 1) Indicate whether laws differentiate between the legal capacity of men and women, both inside and outside marriage, to enter into contracts, administer property, purchase land and/or housing, and gain access to credit.
 - a. How do existing laws, policies, and practices guarantee equality between men and women regarding the various aspects of the right to adequate housing, the right to land, and the right to take out bank loans, mortgages, and other forms of financial credit?
 - b. What programs and/or policies is the State pursuing to promote women's ownership of homes and land, as well as their access to credit and technology? In your reply, specify any measures adopted with respect to the protection of women living in rural areas.
- 2) Describe the legal provisions regarding the division of property in the event of divorce and inheritance taxes and say whether they protect men and women on equal terms.
- 3) Provide statistics on housing and land, broken down by gender (forms of urban/rural property, households headed by women, homeless people, access to basic services, etc.)
- 4) Identify the main – structural, social, and cultural – challenges impairing equal access by women to housing, land, credit, and technology.
- 5) Identify the main – structural, social, and cultural – challenges impairing equal access by women to social programs.
- 6) Indicate what mechanisms are available under domestic law for victims of discrimination in the area of access to, and control of, resources.