

Policy Brief on gender-based discrimination in social institutions

Why is gender equality fundamental to foster social inclusion in LAC?

Key highlights

- Gender-based discrimination in social institutions is relatively low in LAC compared to the global average, but with some disparities across the region's countries. Yet, challenges remain with implications for women's social inclusion.
- Social norms perpetuate women's traditional role as mother and caretaker which can limit their available time to fully participate in society and the economy and/or reinforces women's overrepresentation in the care sector where most of them work under precarious conditions and without access to social protection.
- Despite important progress, more efforts are needed to ensure that women and men enjoy the same rights in all aspects of their lives and are fully protected against any harmful practices. This is essential to ensure equal participation in society.

What's the issue?

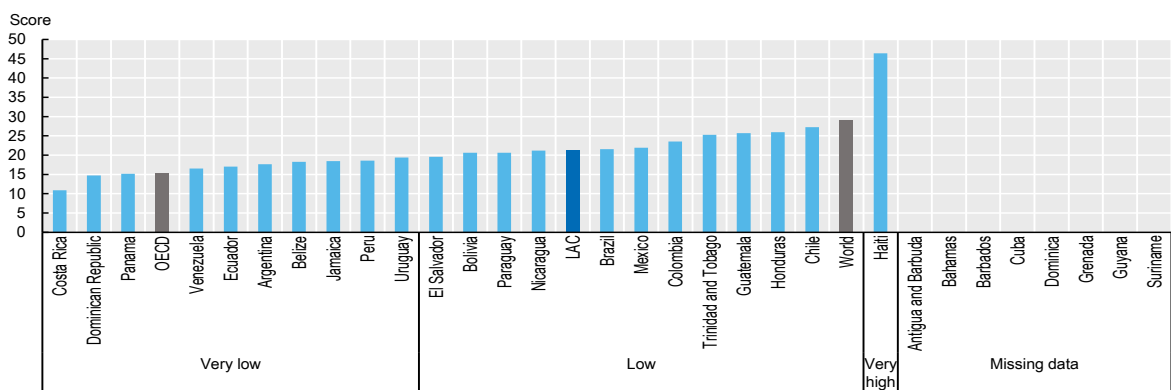
Social institutions play a crucial role in governing people's lives and shaping their participation in society. Yet, these social institutions – i.e., formal and informal laws, social norms and practices – are often not gender neutral. When they are biased, they tend to disproportionately discriminate against women and other vulnerable groups, limiting their rights and opportunities, and overall social inclusion.

Data from the Social Institutions and Gender Index (see below) show that, on average, levels of gender-based discrimination in social institutions are low in Latin America and the Caribbean (Figure 1). Despite the progress, significant challenges remain. Notable advancements have been made in women's civil liberties, especially in political participation, freedom of movement, and access to justice. Nonetheless, persistent barriers to women's social inclusion are rooted in

2 | laws and norms that prescribe traditional gender roles and responsibilities within the family and economic spheres.

Figure 1. Discriminatory social institutions undermine women’s rights and opportunities

SIGI 2023 scores for Latin America and the Caribbean



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. SIGI scores could not be calculated for

Source: (OECD, 2023^[1]), “Social Institutions and Gender Index (Edition 2023)”, OECD International Development Statistics (database), <https://doi.org/10.1787/33beb96e-en>.

Social norms according to which women’s primary role is that of a mother and housewife remain pervasive. In line with global trends, over half the region’s population (52%) believe that children suffer when their mother works for pay, and 40% think that it can cause problems when a woman earns more than her spouse. In contrast, attitudes towards women’s economic rights are less discriminatory and acceptant of women’s economic participation. For instance, ‘only’ 22% of the region’s population agree that men should have priority to employment when jobs are scarce. Globally, this share accounts for 45%. In Latin America and the Caribbean, these somewhat opposing views risk to translate into a double burden for women where they are expected to fulfil their traditional role as a carer but also that of an economically empowered woman.

Care is a central pillar for social inclusion, but its provision remains highly gendered. In Latin America and the Caribbean, women spend 4.2 hours on unpaid care and domestic work every day, compared to 1.7 hours for men (OECD Development Centre/OECD, 2023^[1]). The economic contribution of unpaid care work is estimated between 16% to 25% of the region’s GDP, with 75% of this value being provided by women (UN Women and ECLAC, 2021^[3]). Like unpaid care provision, the paid care sector is also highly feminised: 95% of paid care workers in the region are women (Fabiani, 2023^[4]). Precarious working conditions and high rates of informality in the care sector put thus disproportionately women’s social inclusion at risk. For instance, it is

estimated that 76% of women in the region who are employed in the care sector do not have access to social security. The latter guarantees workers with a certain level of income security and access to essential healthcare over the course of their life. Without access to social security benefits, women's ability to actively take part in society may be compromised (UN Women and ECLAC, 2021^[3]).

Demographic trends will increase the demand for care services. In Latin America and the Caribbean, family structures are changing in light of declining fertility rates, an ageing population, and more single-parent families. Considering that women's labour force participation is relatively high in the region, the demand for care cannot be met by women's unpaid care work. Countries must find solutions to ensure the availability and affordability of care services and decent working conditions for care providers (UNICEF, 2023^[5]).

Beyond social norms, restrictive legal frameworks can further hamper women's socioeconomic inclusion. In nine countries¹ of the region, the law does not permit women to work in certain sectors or professions, and in 14 countries² the labour law does not mandate equal pay for work of equal value (OECD Development Centre/OECD, 2023^[3]). These legal shortcomings risk to reinforce horizontal segregation and structural pay inequalities in jobs or sectors typically considered 'feminine' such as care. Similarly, laws that fail to effectively prohibit child marriage jeopardise disproportionately young women's ability to fully participate in society. In 21 countries of the region, child marriage (under the age of 18) is legal with the consent of a judge or parent (OECD Development Centre/OECD, 2023^[3]). In 2023, 23% of women aged 20 to 24 years were married before the age of 18 (OECD Development Centre/OECD, 2023^[2]).

The OECD's Social Institutions and Gender Index (SIGI) measures the degree of gender-based discrimination in laws, social norms and practices worldwide since its inception in 2009. It is the official source for the Sustainable Development Goals Target 5.1.1 on *whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex* (UNSD, 2023^[7]). In other words, the SIGI permits tracking progress towards gender equality by closely monitoring changes in social institutions. When these are discriminatory in nature, they can perpetuate gender gaps in education, employment or health.

The fifth edition of the SIGI was published in 2023 and covers 179 countries corresponding to 98% of the global population. Data on legal frameworks was collected by the OECD with the help of legal experts and was validated by governments. Data on social norms and practices were compiled from secondary data sources (OECD, 2023^[4]). Moreover, the SIGI relies on an established network of focal points across 83 countries who actively participate in working group meetings and in the dissemination of the key findings.

In 2023, the OECD Development Centre organised several events in Latin America and the Caribbean to discuss and disseminate the findings from the latest edition of the SIGI. Dedicated events were organised in Colombia, the Dominican Republic, Panama and Peru as well as with the OECD Mexico Centre. National policymakers and other key stakeholders reflected upon

¹ Argentina, Barbados, Chile, Colombia, Guatemala, Honduras, Jamaica, Panama and Uruguay.

² Antigua and Barbuda, Barbados, Belize, Brazil, the Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Suriname, Trinidad and Tobago and Venezuela.

results for the region and shared good practices on how to eradicate persistent discrimination with the aim of enhancing women's rights and opportunities.

Examples from OECD countries and/or LAC countries

Eradicating legal loopholes to safeguard girls' rights and opportunities

Countries across the region have taken action to eradicate discriminatory laws or enact new laws that support women's social inclusion through gender equality measures. For instance, in 2019, Antigua and Barbuda amended its Marriage Act to no longer permit marriage under the age of 18 years with the consent of a judge or the parents. In 2021, the Dominican Republic amended the Civil Code and the Civil Status Acts by raising the minimum legal age to 18 years for both girls and boy without any exceptions (OECD Development Centre/OECD, 2023^[6]). In doing so, the countries aligned their legislation with international standards and took important steps to address child marriage. Provided that the respective laws are strictly enforced, these legal changes can positively affect girls' social inclusion and agency over their own lives.

Latin American women as driving forces behind more inclusive care policies

Several countries in Latin America and the Caribbean have recently enacted laws, policies and programmes to create more comprehensive care systems at the national and international level. Feminist movements and organisations are the driving forces behind increased incorporation of care in public policies as they have been relentlessly advocating for a social reorganisation of care. This notably requires recognising the importance of paid and unpaid caregivers, redistributing care work by increasing men's responsibility at home and providing affordable and high-quality institutional care services while reducing the care work shouldered by women (UNICEF, 2023^[5]; UN Women and ECLAC, 2021^[3]).

Most recently, Colombia enacted the Law No 2281 of 2023 which sets forth the creation of the Ministry of Equality and Equity. Notably, the law establishes that the new Ministry is in charge of the National Care System and tasked to promote a new social organisation of care that responds the households' care demands by making care a shared social responsibility of the state, the private sector, civil society, communities, and men and women (Government of Colombia, 2023^[9]; OECD, 2023^[10]). At an international level, the government of Mexico through its National Institute of Women (INMUJERES) has played a key role in positioning care on global and local agendas. In 2021, together with UN Women, Mexico launched the Global Alliance for Care. This multistakeholder community aims to facilitate dialogue and peer learning about care among key stakeholders. It further serves to enable knowledge and data sharing on care, and to advocate for an increased focus on care in international and multilateral spaces (Global Alliance for Care, n.d.^[11]).

Suggested Policy Actions

- Eradicate discriminatory legal provisions to grant all women and men equal rights and set up institutional measures to ensure law enforcement. Policymakers can use the SIGI database to identify persisting shortcomings and learn from countries who have already updated their laws.
- Design and implement programmes and policies aiming to transform discriminatory social norms that perpetuate rigid gender roles and responsibilities. This requires working both with women/girls and men/boys in order to foster the adoption of more gender-equitable norms by everyone.
- Continue sex- and gender-disaggregated data collection efforts to closely monitor the evolution of social norms and develop evidence-based policies and programs that can simultaneously foster social inclusion and gender equality.

Further reading

- OECD (2023), SIGI 2023 Global Report: Gender Equality in Times of Crisis, Social Institutions and Gender Index, OECD Publishing, Paris, <https://doi.org/10.1787/4607b7c7-en>.
- OECD (2023), Gender Equality in Colombia: Towards a Better Sharing of Paid and Unpaid Work, Gender Equality at Work, OECD Publishing, Paris, <https://doi.org/10.1787/9f829821-en>.
- OECD (2022), Gender Equality in Peru: Towards a Better Sharing of Paid and Unpaid Work, Gender Equality at Work, OECD Publishing, Paris, <https://doi.org/10.1787/e53901b5-en>.
- OECD (2021), Man Enough? Measuring Masculine Norms to Promote Women's Empowerment, Social Institutions and Gender Index, OECD Publishing, Paris, <https://doi.org/10.1787/6ffd1936-en>.
- OECD (2021), Gender Equality in Chile: Towards a Better Sharing of Paid and Unpaid Work, Gender Equality at Work, OECD Publishing, Paris, <https://doi.org/10.1787/6cc8ea3e-en>.
- OECD (2020), SIGI 2020 Regional Report for Latin America and the Caribbean, Social Institutions and Gender Index, OECD Publishing, Paris, <https://doi.org/10.1787/cb7d45d1-en>.
- OECD, Social Institutions & Gender Index, <https://www.oecd.org/stories/gender/social-norms-and-gender-discrimination/sigi>