

**FROM PERSUASION TO POWER?  
WOMEN'S POLICY MACHINERIES IN LATIN AMERICA**

Susan Franceschet  
University of Calgary  
Canada

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## From Persuasion to Power? Women's Policy Machineries in Latin America

Throughout Latin America and the Caribbean, women's policy agencies<sup>1</sup> (WPAs) have been created in the context of democratization and state modernization, a context which has exerted considerable influence over the trajectory of these agencies throughout the 1990s and 2000s. Because the recent wave of democratization in the region occurred amidst heightened global awareness of gender inequality and the emergence of transnational norms prescribing more proactive state responses for improving the status of women, all Latin American and Caribbean countries have created some form of policy machinery for women.<sup>2</sup> Although some countries created agencies in the 1980s, most did so in the 1990s. While the most visible role played by these agencies is to design policies to promote women's rights, a less visible but nonetheless crucial role is to help to create an environment in which women in other arenas—civil society and electoral politics—can have a greater impact. Despite substantial progress in recent years however, numerous challenges remain in ensuring that the gender equality commitments made by Latin American and Caribbean governments at international and regional forums are translated into reality. In this paper, I outline the central roles that WPAs can play in the struggle for gender equality, and then analyze the extent to which agencies in the region are able to fulfill these roles effectively.

### *The key roles of women's policy agencies:*

WPAs play a number of specific roles in the broader struggle for gender equality. First, these agencies are often involved in educating the public about the status of women, and communicating the extent of gender-based discrimination in various spheres of society and the state. This function can be critical. For example, greater support for legislative initiatives to improve Chile's domestic violence legislation followed from the dissemination of studies carried out by Chile's National Women's Service (Sernam) about the extent of domestic violence in the country. Of course, carrying out this function requires a prior capacity to gather data (both through quantitative and qualitative studies about women's social, economic, and political roles), along with a capacity to disseminate findings widely, not just via the media, but also through public awareness campaigns that educate society about the seriousness of problems such as domestic violence and sexual harassment in the workplace (see Rai 2003).

A second role for WPAs is to design public policies and in some cases legislation that improves women's status. In addition to designing policies and legislation addressing domestic violence, labour force discrimination, and reproductive health, WPAs have also addressed the problem of women's under-representation in politics. Many WPAs played a key role in lobbying for candidate gender quotas, or, where quota laws are already in place but are relatively ineffective, WPAs have proposed reforms to make them more effective.<sup>3</sup> In addition to

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<sup>1</sup> Amy Mazur (2005) defines a women's policy agency as "any state-based agency...that seeks to promote the advancement of women and gender equality."

<sup>2</sup> The creation of state agencies to promote gender equality emerged as a key recommendation at successive international conferences on women and was one of the twelve recommendations of the Beijing Platform for Action in 1995.

<sup>3</sup> In Chile, a country where quota legislation does not exist and women's participation in electoral politics is well below the regional average, Sernam's current director has engaged in extensive consultation with political parties to

promoting quota legislation, an important role for WPAs in countries with quota laws is to monitor parties' compliance with the law. Argentina's National Women's Council (CNM) played a crucial role in monitoring the implementation of that country's quota law. In the first round of elections following the adoption of the quota law, the CNM scrutinized electoral lists and enlisted the support of female journalists around the country to publicize cases of non-compliance. It also organized the support of female lawyers to initiate judicial proceedings for non-compliance (Krook 2005, 339). Costa Rica's National Women's Institute likewise initiates judicial proceedings for party lists that violate that country's quota law (CEDAW, 2003).

A third crucial role for WPAs is to help to create an environment where women's participation in electoral politics can have a greater impact. Although quota laws in Latin America have produced an unprecedented increase in the number of women elected, they do not, on their own, create the conditions needed for female legislators to have a positive impact. There is substantial evidence from both developed and developing countries that "strategic partnerships" are necessary for successful policy outcomes (Mazur 2005, 3). These partnerships include female legislators, women's policy machineries, and women's movement organizations.<sup>4</sup> Relationships between female legislators and "femocrats"<sup>5</sup> in WPAs can be critical given that political systems in Latin America are executive-dominated, and thus legislators frequently lack the resources necessary to produce highly technical legislative initiatives (see Haas 2005). The location of WPAs in the political executive often means that they enjoy greater access to technical and human resources that can be crucial to producing successful gender rights bills. While this can potentially create a competitive dynamic between WPAs and female legislators, women in the two arenas can also develop co-operative relations to promote favourable policy outcomes. Female legislators in Chile worked with Sernam officials to achieve far-reaching reforms to the country's domestic violence law in 2005. Brazil's reformed domestic violence law, signed by the president in 2006, also emerged out of cooperation between the Special Secretariat for Women and female legislators.

WPAs can also create both formal and informal spaces for dialogue and agenda-setting among female legislators, "femocrats," and civil society organizations who seek gender equality. This task is critical because, if increases in women's "descriptive representation" (the number of women holding public office) are to have a positive impact on women's "substantive representation" (the promotion of women's interests), then it is important for political women to engage in consultation with women's organizations to establish a set of priorities that give content to "women's interests."

To what extent are WPAs in Latin America and the Caribbean fulfilling the roles outlined above? In the remainder of this paper, I outline the considerable variation in terms of the capacity of WPAs in the region to be important sources of policy changes that improve the status of women. While there are some encouraging trends in the region, for example WPAs in at least

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try to mobilize support for affirmative action policies. In Brazil, where quota legislation has failed to increase the number of women elected, legislators have introduced bills to reform the law to make it more effective and Brazil's Special Secretariat for Women (SPM) has been lobbying to have these bills approved.

<sup>4</sup> This is similar to what Vargas and Weiringa (1998) call "triangles of empowerment."

<sup>5</sup> The term "femocrat" was first coined in Australia to refer to feminists working in state bureaucracies. While the term initially had a negative connotation, today it is used in a more neutral manner to refer particularly to feminists working in women's policy machineries.

four countries have been restructured in ways that increase their power and influence within the state, many of the problems that researchers noted in the 1990s have yet to be resolved. There are two factors, present to a greater or lesser extent throughout the region, that pose challenges to the effectiveness of WPAs. First, the very dynamics associated with the institutionalization of gender policy in the state can lead to a weakening of societal-based mobilization around women's rights issues in some cases. Although WPAs in many cases have created opportunities for women's organizations to participate in policy discussions on gender issues, women's movements in some countries remain divided over the question of engaging with state actors. Second, all too often, the policy commitments to gender equality made by political leaders are not matched with a sufficient outlay of administrative and financial resources. Although legislation that advances women's rights is increasingly the norm in Latin America, there is insufficient political will to enforce the law or to devote sufficient financial resources to ensure effective implementation. In a context where women's movements in some countries have become more fragmented, political leaders often do not perceive enough pressure "from below" to translate their rhetorical commitments into reality. In this context, a crucial role for WPAs is to undertake measures that will help to rebuild stronger women's movements.

*Women's policy agencies in Latin America and the Caribbean: the determinants of institutional weakness*

One way of gauging political leaders' commitment to gender equality is by the nature of the policy machineries that governments create, in particular, their placement in the institutional hierarchy of the state, and their level of staff and funding. Unfortunately, only eight WPAs in the region (in Brazil, Chile, Costa Rica, Guatemala, Honduras, Mexico, Paraguay, and Peru) have directors or heads that hold ministerial rank, thereby permitting them to participate in cabinet meetings. According to a study of women's policy machineries conducted by the Women and Development Unit of the UN's Economic Commission for Latin America and the Caribbean (ECLAC), the influence that WPAs exercise within the state is determined not only by their location in the state, but also by their level of funding and staff. The authors determined that agencies must have the ability to negotiate their own budgets and have an administrative staff of at least 50 persons (ECLAC 1998, p. 3). With the exception of Chile, Costa Rica, and Mexico, few of the region's WPAs meet these characteristics. The majority are located at relatively low levels in the state's institutional hierarchy, have insufficient levels of funding,<sup>6</sup> and, in many cases, have insufficient staffs. In addition to funding and staffing shortages, many agencies lack the authority to compel other departments within the state to incorporate a gender perspective. Hence, gender policy institutions are often characterized as "soft," because "even though gender machineries have a legal mandate to formulate policies, in fact, their scope of action is limited to persuasion ...and their agenda is not fully integrated into the decision-making process" (ECLAC 2004, 9).

One of the most serious problems for many of the region's WPAs is the lack of institutional stability.<sup>7</sup> With the exception of Chile's Sernam and Costa Rica's National Women's Institute, few agencies have maintained their original institutional design. Most have been vulnerable to frequent re-organization and downgrading, especially when new governments

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<sup>6</sup> Many WPAs rely on international donors for large portions of their budgets.

<sup>7</sup> Between 2000 and 2004 the continuity of WPAs was under threat in at least five countries (ECLAC 2004, 64).

take office. Argentina's first post-transition government, headed by Radical president Raúl Alfonsín, created the Sub-Secretariat for Women in 1987. When his government was replaced by Peronist president Carlos Menem in 1989, Menem replaced the agency with the National Women's Council (CNM). Initially, the agency was well-staffed, well-funded, and headed by a respected feminist, Virginia Franganillo, who established open relations with women's organizations in the country. When conflict emerged between the CNM leader and President Menem over the preparations for the 1995 Beijing Conference, Franganillo resigned, and the agency lost influence, resources, and became quite closed to women's organizations in society (Blofield 2006; Waylen 2000). Four years later, the CNM suffered further downgrading. In 1999 it was relocated to the Ministry of Social Action, and in 2002, it was placed under the mandate of the National Council for Social Policy Coordination. The agency also suffered a further round of budget cuts in 2000. Although movement activists and female legislators in Argentina have been vocal opponents of these changes, with some legislators introducing bills to improve the agency's institutional rank, these efforts have been unsuccessful.<sup>8</sup> As a result, women's movement activists in Argentina do not perceive the CNM as a potential ally that will vigorously advance a gender equality agenda in the state. Recent gains for women in the Argentina, for example, a 2002 Sexual Health Law and the 2006 ratification of CEDAW's Optional Protocol, were achieved through the efforts of female legislators and civil society mobilization, without a significant role played by the CNM.

An important source of vulnerability for WPAs in the region is that many were created by presidential decree rather than by law. Although executive decrees are quite common in the region, policies and measures established through executive decree normally have less legitimacy than those that make their way through the legislative process and are openly debated by legislators. Over half of the WPAs in Latin America were initially established through presidential decree, creating a situation where the agency is too closely bound up with the person of the president. These are precisely the agencies that have been most vulnerable to frequent re-organization and downgrading of status and influence. In contrast, those agencies that were established through law (for example, Chile's Sernam and Costa Rica's National Women's Institute) have enjoyed more legitimacy. These agencies have also had higher levels of stability and continuity.<sup>9</sup>

Recently, an encouraging trend in some countries is for governments to restructure an agency in such a way that increases its status and influence, and also entrench it in law. This occurred in Uruguay, where the National Institute for Women and the Family, created in 1988 through presidential decree, saw its mandate expanded and entrenched in law in 1992. Likewise, a greatly strengthened agency—the Ministry for Women and Social Development—replaced an earlier agency in Peru, and the Fox government in Mexico replaced the National Women's Programme with the National Women's Institute (Inmujeres). The latter was created by law, with a budget that was ten times the size of its predecessor (Rodríguez 2003, 133-134). Brazil's WPA has also undergone numerous changes. The National Council on Women's Rights (CNMD) was first created in 1985 with a relatively large staff, a substantial budget, and leaders who were drawn from the feminist movement. In 1990, however, it was substantially

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<sup>8</sup> Interview with Cecilia Lipszyc, August 15, 2006, Buenos Aires.

<sup>9</sup> It is therefore not surprising that female legislators in Argentina have introduced bills to have the Consejo Nacional de la Mujer entrenched in national law.

downgraded, losing a majority of its staff, budget, as well as any financial and administrative autonomy it had enjoyed (Macaulay 2006, 48).<sup>10</sup> More recently, however, Brazil's WPA has enjoyed a reorganization that has improved its status within the state. In 2002, the outgoing Cardoso government created the National Secretariat for Women's Rights (through an executive decree) with an expanded staff and budget. In 2003, the incoming Workers Party (PT) government transformed it into the Special Secretariat for Policies on Women (SPM) and attached it directly to the President's office. Moreover, its director has cabinet status (Ibid.).

For those institutions not entrenched in national law, the lack of broader political legitimacy has created difficulties when it comes to exerting influence within state institutions. These agencies also have fewer entrenched defenders when new governments come to power or when political calculations create incentives for leaders to reduce the resources allocated to gender policy initiatives. Because the original motivation to create these agencies in many cases is partly to enhance a state's legitimacy in the eyes of international actors, there is not always substantial societal pressure to defend the gender machineries when they are under threat. This is especially the case where the dynamics associated with the institutionalization of gender policy in the state generate conflict in feminist movements.

#### *Feminist movements and women's policy agencies: expanding spaces for civil society participation*

Throughout Latin America, feminists have been confronted with the dilemma of pursuing their goals through the new institutional mechanisms being created or remaining outside of state institutions. Out of this dilemma, a fairly divisive debate emerged between the "autónomas" (autonomous feminists) and those who were labelled "institucionales" (feminists who worked in gender machineries or in NGOs who often carried out work for state agencies). In a number of countries, this debate led to a fairly divided feminist movement that was less able to confront political adversaries (whether the state itself or conservative social forces) in a united and coherent manner. While a great deal of attention has been paid by scholars to the fragmenting and possibly demobilizing impact of the institutionalization of gender policy in the state (see Alvarez 1999; Franceschet 2003; Ríos Tobar 2003), somewhat less attention has been paid to the fact that gender machineries can also create opportunities for networking among women's organizations and opportunities for dialogue between state and societal actors. These possibilities have emerged out of the mediating mechanisms created by many WPAs. All of the gender machineries in Latin America have held roundtables with NGOs to gather input from organized women, and many agencies have created some kind of formalized mechanism for mediating between state and society. El Salvador has NGO members sitting on the board of directors of its Institute for Women's Development, and Mexico has established a "Permanent Dialogue Mechanism with Civil Society Organizations" (Guzmán 2004, 25; 46). Significantly, many of the gender machineries were created around the same time as the Beijing conference, a period that also coincided with broader projects of state reform involving the creation of mechanisms for the participation of civil society in governance. In part, the creation of participatory mechanisms was a legitimation strategy on the part of governments worried about

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<sup>10</sup> According to Fiona Macaulay, "from occupying two floors in the main Ministry of Justice building, it was reduced to two rooms in the annex." Moreover, the staff decreased from around 150 people to approximately three persons (2006, 48-49).

losing support due to the negative impact of neoliberal economic reforms.<sup>11</sup> The end result, however, was that in nine countries, governments created committees composed of state and societal representatives to monitor compliance with international and domestic gender rights agreements. This allowed societal-based women's movements to become involved in organizing around gender equality promises made by state actors.

Unfortunately, expanded access for civil society organizations does not always translate into increased influence, and many of the goals of women's organizations have not been realized. Despite ongoing lobbying efforts of women's organizations, few governments in the region have significantly expanded women's reproductive rights or reformed domestic violence legislation so as to improve women's security.<sup>12</sup> For example, despite a fairly strong network of women's organizations working on domestic violence in Argentina, the country lacks a national plan for preventing domestic violence, and also lacks mechanisms for coordinating the actions of different levels of government or the different bodies that must implement domestic violence legislation (Birgin and Pastorani 2005). In fact, across the region, ineffective implementation of domestic violence laws remains a central problem for women (Rioseco 2005). Deeply engrained cultural values that prioritize family unity have led to the creation of laws aimed at protecting the family by encouraging reconciliation instead of prosecution. Additionally, the police, judges, and other public officials who must apply the law receive insufficient training, leading to highly inconsistent application of the law in many cases (Guerrero 2002, 20).<sup>13</sup>

#### *The challenges of policy coordination:*

Domestic violence is a clear example of the policy challenges faced by WPAs. Effective policies in this area require cross-sectoral coordination across a range of ministries (such as health and justice), a task that few of the region's WPAs are capable of performing. This lack of administrative capacity is exacerbated by a lack of financial resources that could be dedicated to public awareness and prevention campaigns. In fact, many of the programmes for addressing domestic violence in an integral way (for example, through public education and training of personnel), are ultimately financed by international donors (Guerrero 2002, 24; ECLAC 2004, 67-68). The problem here is that programme funding is highly unstable. Effective programmes are often initiated only to cease operating when the funding dries up. Significantly, there is some evidence that state-civil society coordination in addressing domestic violence can be effective. Ecuador's National Women's Council (CONAMU) has allied with the parliamentary commission for Women, Children, and the Family, as well as NGOs, to create the National Office for Women's Commissaries. This office designs and delivers training programmes geared toward those who implement the country's Law Against Violence Against Women and the Family (ECLAC 2004, 69).

The challenges in addressing domestic violence effectively are also present across a range of policy areas, including gender discrimination in the labour force and women's health. An

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<sup>11</sup> Ana García Quesada (2005, 9) notes that this desire was also behind government support for quota legislation.

<sup>12</sup> Some notable exceptions include the reform of domestic violence laws in Brazil and Chile, reforms that substantially increase penalties and improve the extent to which protective and proactive measures can be taken.

<sup>13</sup> An encouraging trend, however, is that in Argentina, Chile, and Costa Rica, many law schools are adding courses on gender and the law (Rioseco 2005, 29).

important problem is that few WPAs are powerful enough to compel other ministries to prioritize gender issues. While women's agencies may view equity in the workforce as a priority, ministries of labour who would have to implement equity policies rarely display the same level of commitment. To some extent, this is the potentially irreconcilable tension that lays at the heart of state-based initiatives to promote gender equality. Where governments create WPAs as autonomous ministries, they may command more state resources, but they will still face challenges in commanding influence in other powerful ministries. Given that most gender issues tend to be cross-cutting (i.e., they require coordination across different ministries and departments), the creation of stand-alone ministries may run the risk of weakening the idea that gender should be a consideration in policy-making across all state ministries and departments. On the other hand, where WPAs are created within an existing ministry or attached to the president's office, their efforts may be geared more to encouraging a gender perspective across all government activities, but the impact they have is limited to their capacity to persuade more powerful actors to adopt their priorities. One factor that can mitigate this situation to some extent is to ensure that WPAs are headed by individuals with sufficient political influence, individuals who will be more likely to secure cooperation from their counterparts in other ministries. Although researchers frequently criticize WPAs across Latin America for being headed by individuals with few links to the organized women's movement, it may well be the case that leaders with trajectories in the women's movement will lack the influence or clout within the political class to negotiate successfully with other political leaders (Guzmán 2004, 29).

#### *Recent Trends: From Persuasion to Power?*

Despite the ongoing challenges for WPAs outlined above, there have also been developments that give cause for optimism. There has been a clear trend toward the creation of institutional mechanisms at higher levels to co-ordinate gender policies across ministries and departments. For example, in 2000, Chile's president created the Council of Ministers for Equality of Opportunities as an institutional space in which to co-ordinate policies, and to improve the extent to which all ministries incorporate a gender perspective (CEPAL, 2004, 106). Another important advance is the increase in the number of states that have created mechanisms for the compilation of data that is disaggregated by gender.<sup>14</sup> Even more encouraging are the moves underway to include gender impact in national or subnational budgets. While the latter development is still at a very early stage, there is a growing network of NGOs and academics who have allied with women's agencies in the state to lobby for gender sensitive budgeting (Sugiyama 2002).<sup>15</sup>

There has also been a trend toward the creation of gender or equality commissions in a variety of locations within the state. Argentina, Colombia, El Salvador, Guatemala, Mexico, and Peru have either Ombudspersons or some sort of commission specifically for women's human rights (Guzmán 2004, 54), and the majority of parliaments in the region have a standing committee on women or family issues, although the scope and mandates of these committees

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<sup>14</sup> Such mechanisms are in place in: Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Peru, and the Dominican Republic.

<sup>15</sup> A female legislator in Argentina—Diputada Nacional Graciela Rosso—noted that she was actively working on a proposal to promote the use of gender sensitive budgets in Argentina (Personal interview, September 4, 2006, Buenos Aires).



vary considerably. In Mexico, both the Chamber of Deputies and the Senate have a Gender and Equity Commission, and these commissions now coordinate the annual Women's Parliaments that bring together female legislators and women's movement activists with the purpose of crafting a legislative agenda for women's rights.

Perhaps one of the boldest policy innovations has occurred in Chile. In 2001, Sernam officials seized on the opportunities created by Chile's Program for Improving Public Management (PMG), a programme launched in 1998 to improve the delivery of public services. Sernam officials designed a programme within the PMG that would require public services to incorporate gender-based goals into their programme, and to disaggregate all indicators by sex.<sup>16</sup> As a result, the Gender Focus System became part of the PMG in 2002, essentially requiring all public services "to incorporate a gender focus in their regular practices and assume actions so that their products arrive in an equitable manner to men and women (SERNAM 2004). Most important, the programme works through an incentive system whereby non-compliance with the programme's objectives results in the loss of yearly salary bonuses (up to 4 percent of salary) for the public servants in that department. To date, fifteen ministries and 175 services throughout the country are required to submit progress reports, which are then evaluated by Sernam. This programme is perceived as a very effective mechanism largely because it does not solely rely on the goodwill of other departments to incorporate a gender perspective. Instead, departments are obligated to do so, and there are financial consequences for non-compliance. Moreover, according to the Head of the Legal Reform Department within Sernam, the increased availability of gender-disaggregated data also enhances Sernam's ability to promote women's rights legislation because it now has access to concrete data that illustrate the extent of gender discrimination and gender-related social problems.<sup>17</sup>

### *Conclusions:*

According to Mala Htun (2001), "women do not lack abstract rights; they lack concrete rights." Unfortunately, this situation has not changed substantially, despite repeated commitments of Latin American and Caribbean governments at regional summits to promote women's equality by strengthening women's policy machineries. While all governments in the region have created WPAs, few governments have met their commitments to adequately fund their work and ensure sufficient human and technical resources. The uncertainty over resources and funding is a serious obstacle to the development of long-term programmes and policies to promote gender equality. Given the complexity and cross-cutting nature of gender issues, it is imperative that WPAs be sufficiently powerful to be able to encourage other ministries and departments to prioritize gender policy goals more highly. The ineffectiveness of domestic violence policies and legislation throughout much of the region speaks to the need for governments to match rhetorical commitments with greater financial commitments, and also to the challenges of cross-sectoral coordination which are inherent in a number of policy areas relating to women's rights.

Despite the numerous challenges that WPAs continue to face in many countries of the region, there are some encouraging trends. In at least four countries, institutional re-organization has led

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<sup>16</sup> Interview with Silvia Musalem (Sernam), November 23, 2006 and María de la Luz Silva (Sernam), November 10, 2006, Santiago, Chile.

<sup>17</sup> Interview with Marco Rendón (Sernam), November 20, 2006, Santiago, Chile.

to increased influence and more resources for WPAs, and additional gender institutions are being created in other parts of the state, including parliamentary commissions and ombudspersons for women's rights. Likewise, recognition of the importance of better policy coordination is leading to the creation of inter-sectoral committees at more senior levels of administration. Perhaps the most encouraging trend is the growing production of gender indicators and the practice of keeping gender-disaggregated statistics. In Chile, for example, Sernam has entered into agreements with the National Statistics Institute to produce more information that contains statistics that are disaggregated by gender. Developments such as these are important because this kind of information can be a powerful tool for women's movements, female legislators, and WPAs to raise public awareness about the situation of women and the reality of gender-based discrimination. To the extent that gender-sensitive budgeting also expands in the region, it will become increasingly difficult for political leaders to make rhetorical commitments to women's rights policies while not increasing budgetary outlays. It's important to note that many of the improvements that have occurred owe to successful mobilization by women's movements, often in alliance with legislators and "femocrats" in WPAs. Hence, women's movements need to keep up their pressure on governments. Female legislators and WPAs, in turn, should encourage the formation of strategic alliances with women's organizations.

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