

# **CEDAW: Compliance and Contestation in Latin America**

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## **Abstract**

Integrating legal history and social science method of analysis is helpful for understanding women's human rights in comparative context. This study examines the roles of Latin American states in the development of CEDAW, the international treaty on women's rights. By then reviewing reports on Peruvian and Chilean compliance with CEDAW, the study begins to assess whether the international women's convention has relevance for non-governmental organizations (NGOs) and practitioners who seek to promote women's rights. At the state level, women's human rights are neither imposed by the CEDAW Committee nor are rights simply constructed locally within the confines of isolated states. In-depth analysis of Peru's and Chile's recent compliance efforts suggests policymakers and activists have used CEDAW as a tool to push for more equitable legal, institutional, and social reforms.

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**Keywords:** CEDAW, Women's Rights, Peru, Chile

## **Introduction**

Following the establishment of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the international women's bill of rights, many scholars of international relations doubted the treaty would have more than a negligible impact on signatory states. Thirty-five years later, 189 states have agreed to become party to the treaty. Despite considerable social scientific research into women's transnational activism, there is still a dearth of investigation into national compliance with international women's rights law. Classical international relations scholarship has ignored the efforts of local women's organizations to promote women's human rights, and legal studies focused at the state level have neglected global influences on human rights. By reviewing the role of Latin American states in the development of women's human rights, and Latin American states in the development of women's human rights, and

then examining reports on Peruvian and Chilean compliance with CEDAW, this study begins to assess whether the women’s convention has relevance for non-governmental organizations (NGOs) and practitioners who seek to promote women’s rights.

### **Women’s Human Rights**

The antecedents of the women’s convention began with the establishment of the United Nations. If it were not for the insistence and the pressure of a group of countries, primarily from Latin America, and non-governmental organizations (NGOs) from a host of states, who participated in the drafting of the UN Charter in San Francisco in April 1945, it is unlikely that the U.N. Charter would have incorporated a commitment to human rights (Sikkink, 2004, pp. 32-35; Snyder, 2006, pp. 25-26). Delegates from Brazil and the Dominican Republic advocated for equality between men and women, and Article 1 of the Charter specifically mentioned the rights of women when it called for “...promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (Reilly, 2009, p. 48; Bruce, 1998, p. 72; UN Charter, 1945).

Further groundwork for the establishment of the women’s rights convention included the efforts of the UN Commission on the Status of Women (CSW), Latin American countries, and non-governmental organizations (NGOs) to secure the inclusion of human rights in the 1948 Universal Declaration of Human Rights (UDHR). Draft bills submitted by Panama, Cuba, and Chile helped provide the basis of the UDHR, and Chile’s Hernán Santa Cruz played a key role, working closely with Eleanor Roosevelt, to include a commitment to economic, social, and cultural rights in the UDHR (Sikkink, 2004 p. 37).<sup>90</sup> The UDHR became the basis for two successor treaties, the 1966 *International Covenant on Civil and Political Rights (ICCPR)* and the 1966 *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*. Together, the UDHR and its successor treaties, provided the core foundation of international law.<sup>91</sup>

With more prodding from developing states and the UN Commission on the Status of Women, the UN General Assembly adopted a resolution on women’s rights on November 7, 1967, but like the UDHR, the resolution

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<sup>90</sup> In addition to Roosevelt and Santa Cruz, the drafting committee included René Cassin of France, Peng-Chun Chang of China, and Charles Malik of Lebanon.

<sup>91</sup> Unlike UN resolutions, treaties provide a mechanism for states to incorporate human rights into domestic law. The ICCPR affirmed support for the rights to freedom of speech, assembly, religion, the right to a fair trial, equality before the law, and other protections against state intervention while the ICESCR promoted social, cultural, and economic rights.

provided no basis for securing a state's agreement to incorporate women's rights into domestic law (Hawkesworth, 2012, pp. 253-254). Momentum for the establishment of a women's rights treaty grew as social movement activists and women's rights advocates lobbied the UN Commission on the Status of Women to organize the first *World Conference on Women* in Mexico City in 1975. Representatives from 133 governments convened to develop a World Plan of Action, and over 4000 women representatives of NGOs met in a parallel forum to share strategies on how to pressure their governments to advance women's equality (Friedman, 1995, p. 23; Reilly, 2009, p. 54). Following the Mexico City World Conference, the UN Commission on the Status of Women produced a draft of the Convention on the Elimination of All Forms of Discrimination Against Women and the UN General Assembly declared 1976-1985 the UN Decade for Women (Reilly, 2009, p. 55).

In 1979 the UN General Assembly voted to approve the treaty for women's rights, and the treaty entered into force, as required in the convention, with the ratification of CEDAW by twenty countries in September, 1981. CEDAW defined discrimination against women and laid out 30 articles in the attempt to promote gender equality. Although the treaty was an international creation, responsibility for implementation rested with state governments. A head of government could sign the treaty signaling support, but ratification by a state's legislature was crucial to implementation. Article 2 of CEDAW "...mandates that state parties ratifying the Convention declare intent to enshrine gender equality into their domestic legislation, repeal all discriminatory provisions in their laws, and enact new provisions to guard against discrimination against women." Ratification also indicated the party's willingness "to establish tribunals and public institutions to guarantee women effective protection against discrimination, and take steps to eliminate all forms of discrimination practiced against women by individuals, organizations, and enterprises." (UN CEDAW, 1979).

Support for ratification of CEDAW grew quickly, and approximately 100 states ratified or voted for accession to the treaty within a decade. Legal scholars of international human rights have characterized this first international treaty specific to women's human rights as an important turning point in human rights law, but support for CEDAW was not universal. Many leaders and activists from outside of the United States and Western Europe viewed attempts to promote international human rights as efforts on the part of Western diplomats and women's rights activists to exert Western

hegemony (Rao, 1995, p. 167; Yuval-Davis, 2006, p. 290).<sup>92</sup> While some Western European states promoted CEDAW, critics within the United States viewed the treaty as a threat to U.S. sovereignty and traditional gender roles.<sup>93</sup> Opponents within the U.S. Senate were particularly opposed to CEDAW's reporting process. Under Article 18 of the Convention, each state would be required to submit periodic reports documenting their progress in implementing the convention. The reports would be reviewed by the CEDAW committee, a treaty monitoring body, comprised of twenty-three international experts, and the committee would recommend reforms to strengthen compliance.<sup>94</sup>

Following the creation of CEDAW, women's organizations met at World Conferences on Women in Copenhagen (1980), and Nairobi (1985) and Latin American women and Caribbean women also met at a series of regional feminist meetings, or *Encuentros*, beginning in 1981 (Frazier, 2009, p. 22). In most Latin American countries, women's civil organizations had emerged in opposition to authoritarian regimes or in response to economic difficulties. Women who sought the return of their missing loved ones played key roles in the establishment of women's organizations and the downfall of dictatorial governments (Friedman, 2010, p. 293). As transnational networks were established, national and local women's organizations were able to strategize about ways to challenge authoritarianism, sexism, racism, and economic inequalities. Although participants were precluded from discussing specific human rights violations, the 1993 Vienna Conference on Human Rights provided opportunities for Latin American women to promote the notion that "women's rights were human rights" (Friedman, 2010, P. 296).

Despite significant support among industrialized states for the establishment of international rights for women, CEDAW has not simply been a tool of western hegemony. As of 2016, the United States has still not ratified the treaty. Only Iran, Somalia, Sudan, Tonga, the Republic of Palau, and the United States have failed to become parties to the treaty (UN Treaty

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<sup>92</sup> This is not surprising given U.S. Cold War policy of supporting repressive authoritarian governments. In Latin America this policy involved promoting the National Security Doctrine (NSD) and supporting allies as they carried out political repression and state terror against a wide range of civil society.

<sup>93</sup> U.S. President Jimmy Carter called for an emphasis on human rights and signed CEDAW on July 17, 1980, but it soon became clear that he lacked the support needed for ratification by the US Senate. Throughout the decades, powerful US Senators, used their influence on the Senate Foreign Relations Committee to prevent ratification. As of 2016, only the United States, Iran, Somalia, Sudan, Tonga, and the Republic of Palau have failed to become parties to the treaty.

<sup>94</sup> Both the Convention and the review committee are known by the acronym CEDAW. For clarification purposes, CEDAW is used when referring to the Convention, and Committee or "treaty monitoring body" used refer to the review committee.

Collection, 1979).<sup>95</sup> The US refusal to ratify the treaty precludes its representatives from participating in the treaty monitoring process as the members of the review Committee are drawn only from member states. US leaders overwhelmingly oppose gender quotas, while many countries, including those facing significant economic challenges, have used CEDAW's temporary special measures to achieve significant gains in the election of women to national legislatures. According to data provided by the Inter-Parliamentary Union as of December 15, 2015, Rwanda ranked number one in terms of the percentage of women (63.8%) serving in the lower house of its legislature and Bolivia ranked number two with women holding 53.1% of its lower house. Eight of the twenty top ranking countries in terms of the percentages of women serving in the lower houses of national legislatures were located in Africa, and five of the top twenty countries were located in Latin America<sup>96</sup> (Interparliamentary Union, 2015). Although Nordic states implemented party quotas and have been supportive of expanding temporary special measures to corporate boards, support for these quotas has varied considerably among the more privileged western states.

Among those scholars and practitioners who have criticized the convention as inconsequential, most point to the large numbers of reservations filed by the member states as evidence that states are trying to appear as if they are supporting CEDAW without actually taking significant steps to advance women's rights (Henderson & Jeydel, 2014, pp. 244-245). When a state issues a reservation at the time of ratification, the state thereby asserts its intention to reject or alter the impact of some provisions of the treaty (Reilly, 2009, p. 28). States filed more reservations to CEDAW than to any other human rights treaty. Three South American states filed reservations to Article 29, a provision of the convention allowing states to refer disputes about interpretation of the treaty to arbitration and, failing resolution, submit the disputes to the International Court of Justice. This Article did not, however, make arbitration mandatory. The reservations filed by Argentina, Brazil, and Venezuela concerning Article 29 thus reject the option of using the International Court of Justice measure for dispute resolution but do not contradict the treaty (UN Treaty Collection, 1979).

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<sup>95</sup> Signing a treaty indicates that the state supports it in principal and, if state law or the constitution requires legislative approval of treaties, the state's signature signals the state's intent to seek approval through ratification. Ratification commits the state to be bound by the treaty.

<sup>96</sup>Only 19.4 percent of the seats in the U.S. House of Representatives were held by women as of January 2016 while women held 37 percent of Argentina's Chamber of Deputies in 2013 (Interparliamentary Union 2016 & International Institute for Democracy and Electoral Assistance 2015).

While reservations are sometimes indications of weak support for a treaty, a state's reporting patterns may also demonstrate unwillingness to comply with the convention (Zwingle, 2005, p. 406). CEDAW Art 18 requires states to submit periodic reports to the Committee for its review. In theory, the first report was to be due within one year of ratification and periodic reports were to be required every four years thereafter. In practice, CEDAW often extends the reporting periods.

To gain a better understanding of CEDAW's implementation among American states, it is worth examining more thoroughly treaty compliance among states which share some common characteristics. States located in South America whose cultures have been influenced by Spanish colonization are likely to share some similarities because of common historical, linguistic, and religious influences despite significant variations. These South American states also have in common their status as early supporters of the women's convention. Representatives of all but one of these governments signed the CEDAW treaty during 1980 or 1981, and all of the states completed the ratification process by July of 1990. If CEDAW has relevance to the gains achieved in women's human rights in Latin America, we might expect a more compliant member country to have adopted more significant legislative reforms than those agreed to by a more resistant state. Peru has been among the more compliant states in terms of its ratification and periodic reporting. Peru has filed periodic reports 1-8 and is currently in compliance with CEDAW's reporting timetables. The government has also signed and ratified the Optional Protocol expressing its willingness to grant the Committee authority to receive and consider allegations of treaty violations from individuals or groups within Peru.<sup>97</sup> Examining in detail the documents related to the most recent periodic report of Peru, including those provided to the Committee by Peruvian and transnational NGOs, may provide further insight into the state's commitment to CEDAW.

The government of Peru submitted its 7<sup>th</sup> and 8<sup>th</sup> periodic reports for review by the Committee on September 7, 2012. The treaty monitoring body reviewed the Peruvian government's report and used input from an independent Shadow report to produce its review document, the *Concluding Observations*. Sixteen non-governmental organizations began collaborating under the leadership of the Flora Tristán Center of the Peruvian Women in 2011 in an effort to provide the Committee with a *Shadow Report* on the Peruvian government's compliance.<sup>98</sup> The investigation by Peruvian and

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<sup>97</sup> In 2000, Peru signed the Optional Protocol and in April 9, 2001 the Peruvian Congress ratified the Protocol.

<sup>98</sup> These non-governmental organizations included: *CLADEM Perú, Centro de la Mujer Peruana FLORA TRISTÁN, DEMUS-Estudio para la Defensa de los Derechos de la Mujer, Lesbianas Independientes Feministas Socialistas-LIFS, Movimiento El Pozo, Centro de*

regional Latin American NGOs was submitted to the Committee and reviewed during the fifty-eighth session, June 30<sup>th</sup>- July 18<sup>th</sup>, 2014 (CLADEM, 2014 & UN CEDAW/C/PER/CO/7-8).<sup>99</sup>

The treaty monitoring body began the *Concluding Observations* by commending Peru for implementing significant reforms since its 6<sup>th</sup> periodic review. Among these were the 2007 Supreme Decree to establish equality between men and women as “the mandatory national policy that includes the elimination of domestic and sexual violence” and the establishment of a National Commission on Discrimination with the authority to review national legislation. New laws were passed in the effort to prevent and criminalize femicide (2013), prevent and punish sexual harassment (2009), combat human trafficking (2007), and promote the reintegration of pregnant girls and teen mothers into the educational system (UN CEDAW/C/PER/CO/7-8).

Other reforms included the use of quotas to ensure at least three members of each gender would serve on the Constitutional Court and gender quotas would be mandated for judicial and magistrate appointments. In addition, the new government introduced several national plans: the 2012-2017 National Plan for Gender Equality, the (2011-2016) National Plan to Combat Trafficking in Persons, a 2013-2021 Plan for Preventing Teenage Pregnancy, the 2009 Plan to Combat Violence Against Women, the 2013 Plan on Forced Labour, and the adoption of new guidelines on “therapeutic abortion” (UN CEDAW/C/PER/CO/7-8).

While commending Peru for initiating the above reforms, the Committee called on the government to dedicate more material and human resources to its efforts and recommended additional reforms concerning access to justice, political representation, violence against women, health, rural women, and marriage and family. The Committee expressed concerns about access to justice, especially in remote areas and particularly among those facing linguistic and economic barriers. The treaty monitoring body also recommended Peru increase its training of those involved in the administration of justice (including: Judges, lawyers, police, border officials, etc.) to improve their understanding and implementation of the convention (UN CEDAW/C/PER/CO/7-8).

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*promoción y defensa de los derechos sexuales y reproductivos–PROMSEX, Movimiento Manuela Ramos, Asociación Aurora Vivar, Asociación Pro Derechos Humanos-APRODEH, Instituto de Defensa Legal–IDL, Kolectiva Rebeldías Lésbicas-KRL, Instituto RUNA, Movimiento Homosexual de Lima, Red Peruana de Migración-REDPEMIDE, Paz y Esperanza, Capital Humano y Social–CHS, Articulación de Lesbianas Feministas de Lima, and Red de Educación de la Niña–Florecer.*

<sup>99</sup> “A Shadow Report At Seventh and Eighth Periodic Report of the Peruvian State, for the 58th Session of the CEDAW Committee.”

Recommendations concerning political rights focused on temporary measures for promoting equality, specifically Peru's weak mechanisms for enforcing electoral gender quotas. Twelve Latin American states have adopted some form of quotas in the effort to increase women's political representation and strengthen the influence of women on the policymaking process. Although Peru has legislated quota laws, the state was criticized for not sanctioning political parties which failed to elect women. Peru's quota laws thus tend to elect fewer women than do states with compulsory quota laws such as those of Argentina and Bolivia (Frazier, 38-41). CEDAW's recommendations to Peru called for strengthening its targets and timelines for ensuring women's representation and revoking the registration of political parties that placed women at the bottom of party lists thereby undermining existing regional and municipal quotas (UN CEDAW/C/PER/CO/7-8).

In contrast to recommendations focusing on political rights, CEDAW called for social and cultural reforms including a recommendation that the government adopt a comprehensive law to combat violence against women through "prevention, protection, and punishment of perpetrators" (UN CEDAW/C/PER/CO/7-8). The Committee's recommendations concerning women's health were focused predominantly on abortion rights. Peru recently revised its legislation so as to include provisions for what it characterizes as "therapeutic abortion." Under these guidelines, the state alleges women may be given authorization to have abortions in cases in which the pregnancy represents a threat to the mental or physical health of the mother. The guidelines, however, require the timely signature of a witness and the approval of a board to certify the need for "therapeutic abortion." Both the treaty monitoring body and the NGOs viewed these guidelines as overly restrictive and maintained that they may lead women to seek unsafe, illegal abortions. The Committee reminded Peru that in 2004 it had reported that unsafe abortions were the leading cause of maternal mortality and morbidity. The Committee called on the government to extend legalization of abortion "to cases of rape, incest, and severe foetal impairment," and to reform the General Health Act and Code of Criminal Procedure so as to remove "punitive measures in harmony with the Constitutional right to privacy" (UN CEDAW/C/PER/CO/7-8).

The *Concluding Observations* of the treaty monitoring body suggest Peru has made significant progress in its efforts to comply with CEDAW since the review of the sixth periodic report in 2007. Given this progress and the input of civil organizations into the critiques and recommendations of the *Concluding Observations*, it appears that CEDAW is being implemented through an interactive process involving the participation of state actors, civil society organizations, and international reviewers. The women's convention



is not a ruse in which the Peruvian state pretends to promote women's rights nor is it simply an effort on the part of external actors to undermine Peruvian institutions and civil society. Peru's civil organizations played an instrumental role in contributing to the critiques and recommendations of the Committee and the Peruvian state has implemented a wide range of reforms pursuant to its participation in the monitoring process.

In contrast to Peru, the Chilean state has been a more reluctant party to the Convention. Since its ratification, Chile has only submitted periodic reports 1-6. At the time of its signing of CEDAW, the Chilean government issued a declaration acknowledging it would take time for the state to reform its laws in accordance with the treaty, but it did not file any formal reservations to the treaty. Chile simply declared it had created a "Commission for the Study and Reform of the Civil Code" and endowed the study group with the responsibility "...to amend *inter alia* (*in other words, among other things*), those provisions which are not fully consistent with the terms of the Convention" (UN Treaty Collection, 1979).

Unlike Peru, Chile has not fully incorporated a comprehensive definition of discrimination into its constitution or laws allowing the Convention to supersede national law in cases of conflict (CEDAW/C/5 Add.60). President Eduardo Alfredo Frei Ruiz-Tagle signed the Optional Protocol on December 10, 1999, but the Chilean legislature has thus far failed to ratify the Protocol allowing individuals and civil society organizations to file complaints with the treaty monitoring body in cases where the state has allegedly violated the Convention. Previous studies of women's movements in Chile have documented the role of women's NGOs in the establishment of Chile's National Service for Women (SERNAM) and the studies attribute the push for legal changes in the equality law, marriage law, nationality rights, and child custody rights to the combined efforts of SERNAM, Chilean civil organizations, and transnational NGOs (Craske, 1999: 117 and Matear, 1997: 93).

Chile submitted its fifth and sixth periodic reports on March 16<sup>th</sup>, 2011 and the Committee evaluated the reports at its fifty-third session during October 2012. In its "Introduction" to the *Concluding Observations*, the Committee admonished Chile for its lack of current statistics but commended the state for its election of its first woman president, Michelle Bachelet, and its legislative advances in women's rights since 2006. The legislative gains since 2006 included: broadening the crime of parricide so as to include the killing of women by spouses and former partners (2010), protecting domestic workers from discrimination (2010), requiring public schools to provide some form of sexual education and the free distribution of birth control (2010), criminalizing human trafficking and the smuggling of migrants (2011), protecting refugees (2011), and prohibiting discrimination in civil

services (2012) (CEDAW/C/CHL/CO/5-6). In addition to these legislative changes, the treaty monitoring body recognized Chile's establishment of a National Institute of Human Rights (2010), SERNAM's new Gender Agenda plan (2010-2014), a new National Health Strategy (2011-2020), the state's third Plan for Equal Opportunities (2011-2020) and a new advisory panel on Trafficking in Persons (2008). (CEDAW/C/CHL/CO/5-6).

One area of great concern expressed in the *Concluding Observations* of 2012 was the lack of coordination between SERNAM and civil society organizations (CEDAW/C/CHL/CO/5-6, 13). Similar criticism were also emphasized by civil society organizations in two shadow reports submitted to the CEDAW Committee prior to the fifty-third session in 2012. The first shadow report, submitted jointly by Chilean civil society organizations, was particularly harsh in characterizing the Chilean state's process for preparing its periodic reports as top-down and centralized under the direction of the National Service for Women (SERNAM) and the Office of Human Rights of the Ministry of Foreign Affairs of Chile (CEDEM et. al., 2012).<sup>100</sup> The second independent report from Chile's civil society organizations, produced by groups calling themselves, *Articulación Feminista por la Libertad de Decidir*, also recommended greater collaboration between the Chilean state and women's organizations. While the Peruvian NGOs appear to have been more involved in an interactive, discursive process of preparing the state's report, Chile's NGOs appear to have had a much more adversarial relationship with the Chilean state. CEDEM accused SERNAM of prioritizing a pro-family approach rather than focusing on women's rights and empowerment (NGOs). Chile's NGOs were not only critical of the state for not carrying out sufficient consultations and shifting the focus from women's empowerment, they also voiced skepticism of the state's willingness to follow through with its commitments (CEDEM et. al., 2012).

Other criticisms directed at Chile by the civil society organizations and the CEDAW Committee involved the limited scope of sexual harassment law, the use of sexual violence by police forces against protesters, a persistent wage gap, the minimal state efforts to address the trafficking of women and girls, the lack of protections and housing for indigenous (particularly, Mapuche) women, insufficient protections for lesbian and

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<sup>100</sup> The second group of Chilean civil society organizations, collaborating under the name, *Articulación Feminista por la Libertad de Decidir*, included: *Ideas sin Género*, *Fundación Instituto de la Mujer*, *Red de Salud de las Mujeres Latinoamericanas y del Caribe (RSMLAC)*, *Feministas Feas*, *Red Chilena contra la Violencia hacia las Mujeres*, *Observatorio de Equidad de Género en Salud*, *Comité de Servicio Chileno (COSECH)*, *Movimiento pro Emancipación de la Mujer Chilena (MEMCH)*, *Colectivo Conspirando*, *Foro de Salud y Derechos Sexuales y Reproductivos*, *Educación Popular en Salud (EPES)*, *La Ciudad de las Diosas*, *Warmipura-Mujeres Inmigrantes (Articulación Feminista, 2012)*.

transsexual women, and the need for more temporary shelters for victims of trafficking (Articulación Feminista, 2012; CEDAW/C/CHL/CO/5-6; CEDEM et. al., 2012). In its effort to expand women's political participation in political and public life, the Committee and the NGOs called on the Chilean state to reform the electoral system and adopt temporary special measures to increase the representation of women (CEDAW/C/CHL/CO/5-6; CEDEM et. al., 2012).

Like the *Concluding Observations* and shadow reports for Peru, the reports for Chile encouraged the government to increase its dissemination of concluding comments and information about CEDAW, particularly among rural and minority populations, and to provide additional funding and human resources for addressing inequality. Other recommendations made to both Chile and Peru concerned the need to improve data collection and measurement protocols for assessment (CEDAW/C/CHL/CO/5-6; CEDAW/C/PER/CO/7-8 ). The treaty body experts and the authors of the shadow reports for both states expressed particular concerns about the lack of sufficient data on prostitution and trafficking of women and girls, including multidimensional data that would enable differentiation according to sex as well as ethnicity, age, disability, and rural dimensions. In the case of Chile, however, the Committee was particularly harsh in its criticism of the state for providing outdated statistical information (CEDAW/C/PER/CO/7-8).

The treaty monitoring body and local NGOs also encouraged Chile to reduce restrictions on abortion. Whereas Peru took steps to provide some, albeit limited, possibility of allowing abortions in cases involving threats to the life of the mother, the Chilean state asserted its claim to state sovereignty "...our legal system protects the life that is by birth" and expressly prohibits abortion "...in all its forms" (CEDEM et.al, 2012). Chilean nongovernmental organizations and the Committee expressed concerns that the criminalization of abortion has contributed to a high level of maternal mortality (Articulación Feminista, 2012; CEDAW/C/CHL/CO/5-6; CEDEM et. al., 2012). Although the civil society organizations accuse the state of being willing to violate international standards, the state claims to have introduced over 10 bills in 2011-2012 in the effort to weaken its restrictions on abortion (UN CEDAW/C/CHL/5-6).

While the treaty bodies and the NGOs called on the governments of Peru and Chile to increase women's involvement in the political process, the Peruvian government began the establishment of quotas much earlier and has been more effective at expanding temporary special measures and increasing women's representation. Since establishing its first Congressional quotas in 1997, Peru has continued efforts to strengthen legislative quotas and expand the use of quotas in other levels of government. In Peru, women made up

22.3% of the Single Chamber in 2011 and as of 2013, women held 15.8% of the seats in Chile's lower house, the Chamber of Deputies (Interparliamentary Union, 2015). During the 2011 elections, Peru elected a woman Vice-President, Marisol Espinoza, and in 2015 Chile reelected a woman president, Michelle Bachelet, for a second, nonconsecutive, term (UN CEDAW/ & UN CEDAW/C/CHL/5-6 p. 21). Given Bachelet's experience serving as the first executive director of the newly created United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) during her interregnum it seems likely the Chilean executive will continue working to advance women's rights in Chile.

### **Conclusion**

This comparative review of Chile's compliance efforts with those of Peru suggests both states have taken seriously their responsibilities under the women's Convention. The governments of Chile and Peru have introduced legislative reforms, created national plans for addressing the needs of women, and attempted to implement these plans at the national level. Although Chile seems to have been less compliant, it has made notable progress in implementing the CEDAW Committee's recommendations and advancing women's rights. More collaboration between Chile's state agencies and non-governmental organizations, may further these gains.

Despite expectations that CEDAW would be at best ineffectual or at worst a tool of Western imperialism, this overview of the history of the women's Convention and the treaty monitoring process in Peru and Chile suggests dialogue and contestation among international treaty monitoring bodies, state governments, and local women's advocacy groups may help advance women's rights. Women's human rights are neither the product of foreign imperialism nor are rights simply constructed locally within the confines of isolated states. Policymakers and activists have used CEDAW to push not only for representation of women through political reforms of electoral procedures, but for more equitable laws, institutions, and social policies. Unlike classical international relations scholarship which ignores local efforts to promote human rights, and case studies of human rights policy within single states which have often neglected global influences on human rights, this analysis suggests that human rights develop through a process of cross-fertilization involving global, state, and non-governmental actors.

### **References:**

Articulación Feminista por la Libertad de Decidir (2012). *Chile: Shadow Report to the UN Committee on the Elimination of Discrimination against Women*, for the 53<sup>rd</sup> Session of the CEDAW Committee. Retrieved from:

- [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CHL/INT\\_CEDAW\\_NGO\\_CHL\\_13161\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CHL/INT_CEDAW_NGO_CHL_13161_E.pdf) [accessed 4 February 2016]
- Bruce, M. K. (1998). Personal Notes on an Important Anniversary. *UN Chronicle*, 35(4), 72.
- Basu, A. Ed. (2010). *Women's Movements in the Global Era: the Power of Local Feminism*. Boulder, CO: Westview Press.
- \_\_\_\_\_ (1995). *The Challenge of Local Feminisms: Women's Movements in Global Perspectives*. Boulder, CO: Westview Press.
- CEDEM, Corporaciones Humanas, DOMOS, et. al. (2012) *Joint submission: Comments and Contributions from Civil Society related to the Fifth and Sixth Periodic Report of the State of Chile*, for the 53<sup>rd</sup> Session of the CEDAW Committee. Retrieved from: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CHL/INT\\_CEDAW\\_NGO\\_CHL\\_53\\_8337\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CHL/INT_CEDAW_NGO_CHL_53_8337_E.pdf) [accessed 4 February 2016]
- CLADEM Perú, (2014) *A Shadow Report At Seventh and Eighth Periodic Report of the Peruvian State*, for the 58th Session of the CEDAW Committee. Retrieved from: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PER/INT\\_CEDAW\\_NGO\\_PER\\_17371\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PER/INT_CEDAW_NGO_PER_17371_E.pdf) [accessed 4 February 2016]
- Craske, N. (1999). *Women and Politics in Latin America*. New Brunswick, NJ: Rutgers University Press.
- Ferree, M.M. & Tripp, A.M. (2006). *Global Feminism: Transnational Women's Activism, Organizing, and Human Rights*. New York: New York University Press.
- Frazier, M. (2009). *Women in Latin American Politics: Gender, Quotas, and the Struggles of Women's Movements in Latin America*. Berlin: Verlag Dr. Muller Aktiengesellschaft, and Co.
- Friedman, E. (2010). Seeking Rights from the Left: Gender and Sexuality in Latin America. In Basu, A. *Women's Movements in the Global Era: the Power of Local Feminism* (pp. 285-314). Boulder, CO: Westview Press.
- \_\_\_\_\_ (1995). Women's Human Rights: the Emergence of a Movement. In Peters, J., & Wolper, A. eds. (1995). *Women's Rights, Human Rights: International Feminist Perspectives* (pp.18-35). London/New York: Routledge.
- Henderson, S. L. & Jeydel, A.S. (2014) *Women and Politics in a Global World*. New York: Oxford University Press.
- IDEA, (2015) International Institute for Democracy and Electoral Assistance, Stockholms University, and the Interparliamentary Union, *Quota Project: Global Database of Quotas for Women*. Retrieved from: <http://www.quotaproject.org/uid/countryview.cfm?CountryCode=AR>
- Interparliamentary Union (2015) *Women in National Parliaments*. Retrieved from: <http://www.ipu.org/wmn-e/classif.htm> [accessed 4 February 2016]

- Jaquette, J. (2009). ed. *Feminist Agendas and Democracy in Latin America*. Durham, NC: Duke University Press.
- \_\_\_\_\_ ed. (1994). *The Women’s Movement in Latin America: Participation and Democracy*, 2<sup>nd</sup> edition. Boulder, CO: Westview Press.
- Matear, A. (1997). “Desde La Protesta a la Propuesta”: The Institutionalization of the Women’s Movement in Chile. In Dore, Elizabeth, ed. *Gender Politics in Latin America* (pp. 84-100). New York: Monthly Review Press.
- Peters, J., & Wolper, A. eds. (1995) *Women’s Rights, Human Rights: International Feminist Perspectives*. London/New York: Routledge.
- Reilly, N. (2009) *Women’s Human Rights: Seeking Gender Justice in a Globalizing Age*. Cambridge: Polity Press.
- Sikkink, K. (2004). *Mixed Signals: U.S. Human Rights Policy and Latin America*. Ithaca, NY: Cornell University Press.
- Snyder, M. (2006). Unlikely Godmother: The UN and the Global Women’s Movement. In Ferree, M.M. & Tripp, A.M. *Global Feminism: Transnational Women’s Activism, Organizing, and Human Rights* (pp. 24-50). New York: New York University Press.
- Tickner, J.A. (1992). *Gender in International Relations: Feminist Perspectives on Achieving Global Security*. New York: Columbia University Press.
- Yural-Davis, Nira, 2006. Human/Women’s Rights and Feminist Transversal Politics. In Ferree, M.M. & Tripp, A.M. (2006). *Global Feminism: Transnational Women’s Activism, Organizing, and Human Rights* (pp. 275-295). New York: New York University Press.
- Zwingel, S. (2005). “From intergovernmental negotiations to (sub)national change.” *International Feminist Journal of Politics*, 7(3), 400-424. doi:10.1080/1461674050016118

<b>United Nations</b>	<b>Documents</b>
<i>UN Charter and the Statute of the International Court of Justice</i> (1945). San Francisco.	Retrieved from: <a href="https://treaties.un.org/doc/Publication/CTC/uncharter.pdf">https://treaties.un.org/doc/Publication/CTC/uncharter.pdf</a> [accessed 4 February 2016]
UN CEDAW, <i>Convention on the Elimination of All Forms of Discrimination against Women</i> New York, 18 December 1979, Retrieved from: <a href="http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx">http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx</a> [accessed 4 February 2016]	
UN CEDAW/C/CHL/CO/5-6. UN Convention on the Elimination of Discrimination against Women, <i>UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the fifth and sixth periodic reports of Chile, adopted by the Committee at its fifty-third session</i> , 12 November 2012, Retrieved from:	

<http://undocs.org/CEDAW/C/CHL/CO/5-6> [accessed 4 February 2016]  
UN CEDAW/C/CHL/5-6. UN Convention on the Elimination of Discrimination against Women, UN Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention, Seventh and Eighth Periodic Report of State Party: Chile*, 17 March 2011, Retrieved from: <http://undocs.org/CEDAW/C/CHL/5-6> [accessed 4 February 2016]  
UN CEDAW/C/PER/CO/6. UN Convention on the Elimination of Discrimination against Women, *UN Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Peru, adopted by the Committee at its thirty-seventh session*, 2 February 2007, Retrieved from: <http://undocs.org/CEDAW/C/PER/CO/6> [accessed 4 February 2016]  
UN CEDAW/C/PER/7-8 UN Convention on the Elimination of Discrimination Against Women (CEDAW), *UN Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, Combined seventh and eighth periodic reports of State Party: Peru*, 12 November 2012, Retrieved from: <http://undocs.org/CEDAW/C/PER/7-8> [accessed 4 February 2016]  
UN CEDAW/C/PER/CO/7-8 UN Committee on the Elimination of Discrimination Against Women (CEDAW), *UN Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of Peru*, 24 July 2014, Retrieved from: <http://undocs.org/CEDAW/C/PER/CO/7-8> [accessed 4 February 2016]  
UN Treaty Collection, *Convention on the Elimination of All Forms of Discrimination against Women*. New York, 18 December 1979. Retrieved from: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) [accessed 2 February 2016]