

Opportunities: Towards effective enforcement of women's rights laws

By Emily Aguilar

Many developing countries around the world already have constitutions and laws proclaiming equal rights for men and women and prohibiting discrimination in areas such as health and education. However, these laws are rarely enforced in practice.¹ Weak democratic institutions and government corruption contribute to this, but in many countries, it is the underlying social reality that makes enforcement of such laws almost impossible. Perhaps the most pressing social reality affecting realization of women's rights is poverty. Poverty and gender inequality are inextricably linked, as one perpetuates the other. When women are subordinated and helpless, society as a whole suffers, as it is missing out on a large portion of human capital. Indeed, when countries close the gender gap in education, their economy inevitably grows.² Poverty also disproportionately affects women, as women make up more than seventy percent of the 1.5 billion people who live on less than one dollar a day.³ Social practices perpetuate this cycle, as girls are pulled out of school before their brothers in order to help support their family, and girls often receive less medical care than boys. It is therefore necessary to promulgate laws and policies that

¹ Latin America tends to be one of the biggest offenders. Peru and Mexico are two examples. See Peru: Governance, USAID.GOV, <http://peru.usaid.gov/governance> (Last visited Jan. 9, 2013); Suzanne Trimel, *State of Women's Rights in Mexico 'Alarming,' Authorities Urged to Stop Escalating Violence Against Women* (July 12, 2012), <http://www.amnestyusa.org/news/news-item/mexico-fails-to-tackle-increased-levels-of-violence-against-women>.

² See *Gender and rural poverty*, RURAL POVERTY PORTAL, <http://www.ruralpovertyportal.org/en/topic/home/tags/gender> (last visited Jan. 9, 2013).

³ *Half the Sky: Turning Oppression Into Opportunity for Women Worldwide*, JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY RICE UNIVERSITY, <http://www.bakerinstitute.org/events/half-the-sky-from-oppression-to-opportunity-for-women-worldwide> (last visited Jan. 9, 2013).

direct resources to social programs that target these inequalities. Only then will women's rights laws actually be enforced.

Some countries are realizing the potential of empowering women through alleviating poverty and are implementing programs that focus on education and health. Mexico is among these countries, and has implemented a unique and groundbreaking program that not only empowers women, but also empowers the future generation of women. The results have been astounding.

Mexico began implementing the *Oportunidades* (Opportunities) program in 1997.⁴ The program aims to break the intergenerational cycle of poverty through helping poor families invest in their children. This is done through improving the children's education, nutrition, and health.⁵ The program gives money directly to the mothers of poor households who sign a contract to raise healthier and better-educated children.⁶ In order to receive the money, families must keep their children in school and bring them for regular check-ups at health clinics where services are provided by the government. Families get more money for every school year their children complete, and they also receive money for school supplies.⁷

⁴ SANTIAGO LEVY, PROGRESS AGAINST POVERTY: SUSTAINING MEXICO'S PROGRESA-OPORTUNIDADES PROGRAM 2006, available at <http://www.brookings.edu/research/books/2006/progressagainstpoverty>.

⁵ Shanghai Poverty Conference pdf.

⁶ *PBS NewsHour: In Mexico, a Plan to Beat Poverty With Health Care and Education* (PBS Broadcast Dec. 29, 2009), available at http://www.pbs.org/newshour/bb/health/july-dec09/mexico_12-29.html (last visited Jan. 9, 2013).

⁷ *Id.*

The program has been has had a widespread, measurable impact on poverty indicators and has received overwhelming international support.⁸ Children participating in the *Oportunidades* program between one and five years old have a twelve percent lower incidence of illness than children that do not participate in the program.⁹ One of the reasons it has been so successful is because it was carefully designed and implemented. From the start, framers were careful to ensure that the results could be measured in order to see if the program was working.¹⁰ They were also concerned with ensuring the program could make a dramatic difference in Mexico's social situation.¹¹ The program's short-term and long-term focus is designed to do just that. The short-term solution of paying families ensures that the families continue to comply with regulations, and the long-term aspect of keeping children in school ensures that the benefits are passed on to the next generation. Mexico has even recently extended the program to the high school level.¹²

If other countries implement similar programs, they are also likely to benefit. One of the central aspects of the *Oportunidades* program is that it focuses on women. Mothers are given the money, both because they are more likely than their husbands to spend the money on their children, and because various studies show women make better use of

⁸ See Shanghai Poverty Conference: Case Study Summary, *Mexico's Oportunidades Program*, available at <http://info.worldbank.org/etools/docs/reducingpoverty/case/119/summary/Mexico-Oportunidades%20Summary.pdf> (last visited Jan. 9, 2013).

⁹ *Id.* at 2.

¹⁰ *Id.* at 2-3.

¹¹ *Id.*

¹² See *Oportunidades, A Human Development Program*, SECRETARIA DE DESAROLLO SOCIAL DE MEXICO, http://www.oportunidades.gob.mx/Portal/wb/Web/oportunidades_a_human_development_program (last visited Jan. 9, 2013).

financial resources.¹³ Giving women this small amount of money also has an immediate effect on their lives, as it dramatically changes the power balance in households, and can even help reduce domestic violence.¹⁴

The *Oportunidades* program also gives families more money for girls enrolled in school than for boys. This is because girls are often the first to be pulled out of school in order to help support their family, and therefore have a higher dropout rate.¹⁵ This is an extremely efficient way to improve society, as “[o]ne study after another has shown that educating girls is one of the most effective ways to fight poverty.”¹⁶ Educating women allows them to contribute to the economy when they enter the workforce and start businesses; it gives women confidence to fight back against domestic abuse and other inequalities; and even leads to women having fewer children.¹⁷ In short, education gives women a voice- something that is lacking in many countries where women are subservient and virtually invisible. The fact that *Oportunidades* pays families to keep their children in school targets the social system that perpetuates poverty and the subordination of women.

¹³ See Shanghai Poverty Conference: Case Study Summary, *Mexico's Oportunidades Program*, available at <http://info.worldbank.org/etools/docs/reducingpoverty/case/119/summary/Mexico-Oportunidades%20Summary.pdf> (last visited Jan. 9, 2013); HALF THE SKY: TURNING OPPRESSION INTO OPPORTUNITY FOR WOMEN WORLDWIDE, NICHOLAS D. KRISTOFF AND SHERYL WUDUNN (2009) [hereinafter HALF THE SKY].

¹⁴ See HALF THE SKY at 207. The authors explain how giving women small micro financing loans allows them to bring money into the household and dramatically changes the power balance in the household. One woman from South Africa said now that she makes money, her previously abusive husband “doesn’t bother me [anymore]...He sees that I can do things, so he asks my opinions.”

¹⁵ See Shanghai Poverty Conference, *supra* note 13.

¹⁶ HALF THE SKY, *supra* note 13 at 176.

¹⁷ Press Release, Economic and Social Council, Speakers Link Higher Education Among Girls to Declining Fertility Rates as Commission on Population and Development Continues Session, U.N. Press Release POP/994 (April 14, 2011), available at <http://www.un.org/News/Press/docs/2011/pop994.doc.htm>.

In such programs, girls who were “previously considered a financial drain on the family are a financial bonus.”¹⁸ This changes yet another power imbalance, and can be particularly effective in countries such as China and India where discrimination against girls can be lethal, as female infanticide is common and girls often receive less medical care than boys.¹⁹

Programs that pay families to educate their children, and especially girls, can also combat other areas of human rights concerns. For example, bonded child labor is a rampant problem in India, and is also a system that disproportionately affects females, as girls get paid less for bonded labor and are more susceptible to gender abuse like rape.²⁰ Children work in conditions of servitude in order to pay off modest debts incurred by their parents.²¹ Parents are often forced to take on these debts in order to feed their family or care for a sick loved one. A program like *Oportunidades* could break this vicious cycle. If parents are getting paid for sending their children to school, then it may not be necessary to take out loans. Even if they still need money, they may be resistant to become indebted to bond masters, as in most cases it will prove more profitable to keep their children in school than to send them to a master who pays far below minimum wage.²² In turn, children will increase their earning capacity through education and will be less likely to subject their future children to bonded labor.

Though *Oportunidades* has had a lot of success and has the potential to dramatically improve the situation of women and the rest of society in many other countries, it is clear

¹⁸ See *PBS Newshour*, *supra* note 6.

¹⁹ See *HALF THE SKY*, *supra* note 13 at 12-13.

²⁰ HUMAN RIGHTS WATCH, *THE SMALL HANDS OF SLAVERY: BONDED CHILD LABOR IN INDIA* (SEPT. 1, 1996), available at <http://www.un.org/News/Press/docs/2011/pop994.doc.htm> (last visited Jan. 9, 2013).

²¹ *Id.*

²² *Id.*

that these programs are just one step in the struggle for women's rights. Such programs will help get at the root of the problem, and will allow more women to reach positions of power, but women still must take the next step and ensure the laws are enforced. For example, though Mexico has been implementing the *Oportunidades* program since 1997, Amnesty International still considers the situation of women's rights in Mexico "alarming", especially with regards to violence against women.²³ "In the past years, Mexico has approved a number of laws and institutions designed to protect women from discrimination and violence...[m]uch of the problem, however, lies in the lack of effective implementation of these laws and the weaknesses of the institutions."²⁴ Educated women are perfect candidates to pressure the government to enforce such laws. Education can give women voices, but women around the world have to decide to use those voices in order to stand up for themselves. If governments feel significant pressure from society, then they will be more likely to enforce their laws in order to keep their political legitimacy.

True advancement in women's rights therefore requires laws that create social programs similar to *Oportunidades* which will give women the tools they need to survive poverty and effect real, measurable change in society through pressuring governments to enforce their laws. When there is true equality, all of society will benefit greatly.

²³ Suzanne Trimel, *State of Women's Rights in Mexico 'Alarming,' Authorities Urged to Stop Escalating Violence Against Women* (July 12, 2012), <http://www.amnestyusa.org/news/news-item/mexico-fails-to-tackle-increased-levels-of-violence-against-women>.

²⁴ *Id.*