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List of Acronyms and Abbreviations

AECID	Spanish Cooperation and Development Agency
CCA	Country Common Assessment
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CELADE	Latin American Demographic Centre
ECLAC/CEPAL	Economic Commission for Latin America and the Caribbean
IADB	Interamerican Development Bank
ICPD/CIPD	International Conference on Population and Development
ILO/OIT	International Labour Organization
MDGs	Millennium Development Goals
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner of Human Rights
PAHO/WHO	Panamerican Health Organization/World Health Organization
PAIGPI	Actions Programme for Gender Equality with Indigenous Population (Mexico)
RBM	Results-based Management
ToRs	Terms of Reference
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP/PNUD	United Nations Development Programme
UNEG	United Nations Evaluation Group
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN Women	UN Entity for Gender Equality and the Empowerment of Women

PROLOGUE

We are pleased to present the guide, "Expanding the View: The Integration of the Gender, Interculturality and Human Rights Approaches in Development Programming," which is the result of the inter-agency collaboration among the UNFPA, UNDP, UNICEF and UN WOMEN. This document is a preliminary inter-agency effort that seeks to integrate these three approaches in a coordinated and strategic manner, with the goal of deepening and sustaining the impact of UN agencies' work, reflecting the specific realities of the people.

Given the complexities of each of the three approaches, UN agencies working in development face daily challenges in trying to integrate them. Even though we have documents and agreements that separately explain how to apply each of the approaches, up to now there was no methodological guide to contribute to their integration and qualitatively improve the support provided by UN agencies to national efforts in development and human rights.

In the context of Latin America and the Caribbean, the linkage of all three approaches is a key challenge in order to contribute to responses better suited to the needs, interests and rights of women and girls, indigenous peoples, afro-descendants and other groups who suffer exclusion, marginalization or disadvantage, and who have historically lacked access to resources and the protection of their fundamental human rights. Thus, it is essential, amongst other things, to recognize and harmonize collective and individual rights so that men and women, girls and boys can develop the necessary skills to reach their full potential and development according to their gender and the stage in their life cycle.

This guide has been developed as a practical operational tool which we hope will be useful in the daily work of United Nations agencies in the region, as well as of that of other governmental and non-governmental cooperation agencies. Likewise, this tool can be of use in other regions in the world with populations who have historically been excluded on the basis of ethnicity, race and other identity-based characteristics.

Panama, March 2013

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"The scope of the real inequality of opportunities that persons have to face cannot be immediately deduced by the magnitude of income inequality, because what we can or cannot do, what we can or cannot achieve, depends not only on our income, but also on the diversity of physical and social characteristics that affect our lives and make us what we are".

Amartya Sen, Inequality Reexamined

PREFACE

Every day that goes by we encounter the complexity and dynamism of reality that show the limitations of our own capacities, both for comprehending it and for acting on it. The emerging phenomena that express in a set of themes: Gender equality, social inclusion, environmental sustainability, territoriality, cultural patrimony, participation and several other themes are pressuring duty-bearers to give more effective, articulated and comprehensive responses to a series of dimensions of development until now forgotten, postponed or fragmented.

"Due either to excess or defect, the fundamental categories with which we illuminate and comprehend social and political realities are becoming inoperative." This situation has proven especially surprising because it is happening against the predictions of the globalization processes of the last century concerning a gradual reduction of local, ethnic, sexual, linguistic diversity and the preponderance of socio-cultural patterns considered "universal", "homogenizing", and dominant. Instead, we are seeing an intensification of the processes and social movements in which the dimension of difference has been repositioned, yet at the same time that a positive force is gathering strength in favour of diversity and the human rights approach. The rescue of what is our own, of what identifies the region of Latin America and the Caribbean, has come about as a sort of renaissance and reaffirmation of identities and the "intersectionalities" that can contribute to the challenges of fully exercising citizenship, human rights, collective rights, and the intensification of democracy.

This Guide invites us, first, to examine holistically the reality that we live in. The gender equality, interculturality² and human rights approaches have a long history of conceptual development. However, they have been evolving in parallel, rarely interrelated, or at best related through partial intersections. Now we have the opportunity to view them as a whole, to observe how they are related, are empowered, amplify and ramify, to understand them from another vantage point and to intervene in the reality from the point of view of complex and multidimensional logics.

The challenge is to include **diversity and totality** as foci of the United Nations programming processes and recognize these dimensions as a value that enriches and contributes to development, and not as a scenario to be intervened in favour of more standardization and homogeneity, or as a scenario in permanent conflict.

The generation of new bridges and conceptual and methodological dialogues questions the emphasis or common places existing when we plan and intervene in reality. This Guide is an invitation to place new focuses, articulate, and take a comprehensive look at human development — evaluating and collecting all previous efforts, and attempting to facilitate the action of those who, day by day, are committed to working on human development addressing challenges and opportunities.

¹Esteban, José Emilio, "Política del reconocimiento y tipos de ciudadanía", Logos, Anales del Seminario de Metafísica, Vol. 40, 2007, p. 260. ("Policy on the recognition and types of citizenship")

^{2. &}quot;Interculturality" is different from "Multiculturalism" and the concept, will be explained in chapter II.

CONCERNING THIS GUIDE

The purpose of this Guide is to provide a methodological, operational and practical tool that can be used by the offices of the United Nations System – particularly UNDP, UNFPA, UNICEF and UN Women – in their support programmes in the region. It is an effort to articulate the human rights, gender equality and interculturality approaches in order to ensure that the support provided by the United Nations in the countries of the region is sustainable, can be adopted by civil society and governments, is based on the principles and norms of human rights, and is aimed at achieving equality of access to capacities to guarantee the human development of all people based on their gender, age group, cultural world view and ethnic/racial origin.

This Guide is not intended to replace official documents and manuals already developed for the purpose of United Nations programming. It is instead to facilitate the programs of the United Nations System and to shed light on intersections within the selected approaches so that the reader can base her or his efforts on those points. This document also makes it possible to cross-reference information among a wide range of documents, manuals and guides available electronically.

The Guide consists of two chapters. The first chapter demonstrates the conceptual, analytical framework that guides programming. It defines the main concepts used and the articulation among them. The second chapter includes the methodological proposal for integrating the three approaches around key aspects of the UN programming cycle.

To be more 'user friendly', the Guide follows a basic scheme for the three approaches, demonstrating how they intersect from the moment the programme cycle is implemented. In addition, a diagram is used to show the different elements of programming at the moments when country strategy is identified, designed and evaluated so that at any moment a view of the diversity in its totality is available.

Finally, the bibliography consists of two different sections. One is the list of documents consulted, which might be useful for those wishing to explore a theme further through one document alone or multiple documents in conjunction. The other is list of the URLs for manuals, guidelines and other aids. This is to help disseminate and share materials that are useful for the programming process. Many of these documents have been produced by the United Nations System and/or local teams, making it valuable for those who work on these themes in the region.



ABOUT LATIN AMERICA AND THE CARIBBEAN

Latin America and the Caribbean is a culturally diverse region with structural inequalities can only be understood through the history of colonization and the dominant hegemonies, processes of subordination, under-representation and lack of recognition that followed. The United Nations Declaration on the Rights of Indigenous Peoples (2007) states that, "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests". Studies today have shown the lasting effects of the domination, hierarchy, subordination and servitude that deconstructed ancient ancestral practices of the native peoples of the region.

These dominant colonial structures – many of them still in effect – are a fundamental factor in the gender, inter-ethnic, interracial and intergenerational relations in the region. They remain fundamental in the lingering hierarchies and reigning social stratifications. This does not mean that among indigenous peoples living on this continent before colonization there were no hierarchical and domination practices. But ancestral, indigenous culture was assimilated and transformed by this newly imposed colonial paradigm along with its values, its ideology, its religion and its institutionalism. There was some resistance to colonization but most ended in genocide. Still, today there are signs of hope based on the recognition and visibility of diversity, the rights-based approach and systematic policy advocacy (Peredo/CEPAL, 2004).

What is certain is that colonialism installed the patriarchal system of gender relations based on the hierarchical organization of the family, the masculinization of patrimony, the legitimization of violence and the subordinate place of women in society (Peredo/CEPAL, 2004).

1. HOW MANY INDIGENOUS AND AFRO-DESCENDANT PERSONS ARE THERE IN THE REGION, AND WHO ARE THEY?

- It is estimated that 10% of the population of Latin America and the Caribbean is indigenous (PNUD, 2004; in UNICEF/AECID, 2009), and between 20% and 30% are Afro-descendant (PNUDa, 2012).
- There are 522 indigenous peoples speaking 420 different languages (UNICEF/AECID, 2009).
- 108 indigenous peoples are cross-border (UNICEF/AECID, 2009).
- The majority of Latin American countries have indigenous populations between 3% and 10% of the total. Mexico, Bolivia, Guatemala, Peru and Colombia contain 87% of all indigenous persons in Latin America and the Caribbean (UNICEF/AECID, 2009).
- The population of Bolivia is 66% indigenous according to the country's 2001 national census (CELADE/SISPPI).
- In Brazil, around 50% of the population considers itself Afro-descendant (blacks and mulattos) (IBGE, 2010).
- According to a 2000 census, in Bolivia, indigenous women represent 62% of all women in the country. In Guatemala they account for 41% (CELADE/SISPPI).
- Of all indigenous people in the region around 40 million between 15 and 18 million are children and adolescents (UNICEF, 2007).
- It is estimated that 17.8% of the child population (31 million) are Afro-descendant (UNICEF/CEPAL, 2012).

³ UN (2007). United Nations Declaration on the Rights of Indigenous People. At: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

2. LINGUISTIC DIVERSITY

- In Latin America there are 103 cross-border languages spoken in two or more countries (UNICEF/AECID, 2009).
- Latin America and the Caribbean have the greatest wealth of linguistic families in the world, at around 100 (UNICEF/AECID, 2009).
- In this region, 44 indigenous peoples speak Spanish as their only language, and 55 speak only Portuguese (UNICEF/AECID, 2009).
- Náhuatl, the Aztec language, is spoken by 1.2 million persons in central Mexico. It has various dialects, including Náhuatl Pipil, which is spoken fundamentally in Guatemala and El Salvador (PROEL, s/f).
- Haitian Creole is a language based on French, but with the influence of African languages like Wolof and some Gbe languages. It has been the official language since 1961 and has kept that status in the constitution of 2012.
- Ithough it is clear that the majority of Colombian Palanquero derives from Spanish, a preeminence of vocabulary from Kikongo, an African language of the Bantu family, has been identified (Dleck, 2008). This language was declared a Cultural Patrimony of Humanity in 2005.
- Twenty-six per cent of the region's indigenous languages are in danger of extinction (UNICEF/AECID, 2009).
- Brazil has the greatest diversity of indigenous peoples, with 241 groups speaking 188 languages (UNICEF/AECID, 2009).
- Quechua is spoken in seven countries: Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador and Peru (UNICEF/AECID, 2009).
- The Garífuna people keep their language alive in the communities and cities of Belize, Guatemala, Honduras and Nicaragua (UNICEF/AECID, 2009).

3. INEQUALITIES ARE ALSO DIVERSE

a) Poverty

- Poverty is 1.7 times higher among minors than among adults and 1.15 times higher among women than among men (CEPAL, 2009).
- Poverty indexes among indigenous persons are much higher than in the rest of the population in several countries in Latin America: Paraguay, 7.9 times greater; in Panama, 5.9 times greater; in Mexico, 3.3 times greater; in Guatemala 2.8 times greater (UNICEF/ CEPAL, 2012).
- According to data for 2008, in Mexico 70% of the population between the ages of 3 and 17 speaking an indigenous language lives in conditions of food poverty, compared with 23% of non-indigenous children in that same age range (UNICEF/México, 2010).
- In Ecuador, according to data for 2006, 61% of the total rural Afro-descendant population lives in poverty, while the average for the total rural population living in poverty is 51%.
 Also, 40% of the Afro-descendants in urban sectors are living in poverty, compared to a national average of 25% (PNUD, 2010).
- In Uruguay, 40% of the Afro-descendant population lives in poor households, surpassing by more than 20 percentage points the incidence of poverty in the rest of the population. For Afro-descendant children the rate is higher than 55% (INMUJERES, 2010).

b) Economic resources

- An IADB study of 18 countries in Latin America with data from 2007 indicates that, on average, women earn 17% less than men. The most extreme differences are found in Brazil, where at the same age and education level the gap reaches 30% (Ñopo et al., 2009).
- In Peru, the gender gap is evident in indigenous women's salaries, which are just 31% of indigenous men's salaries. At the same time, in comparing the pay of indigenous women with their non-indigenous peers, the former's salary is only 30% of the salary of the latter (Calfio y Velasco, 2005).
- According to data from 2000 to 2005, in Honduras 12% of the deeds for plots of land belonged to women, 87% were in the hands of men, and 0.8% were co-owned. In the case of Mexico, 20% of land titles named women as the owners, 66% were men, and in 14% of cases there was co-ownership⁴ (Deere, 2011).
- In Guatemala, only 9% of the allocations of land between 1962 and 1996 were to indigenous women (Calfio y Velasco, 2005).

c) Education

- In 2008, 22 of the 36 countries in the region had parity in primary school (enrolments). At the same time, once girls enter primary school, they tend to progress as well as, or better than, boys through the different grades of this level (UNESCO, 2011). At the secondary school level, according to data from 2009, the female enrolment rate is higher than the male rate, with 71% for men and 76% for women (UNESCO database).
- However, challenges persist in terms of the education levels of women and men in the adult phase. In the 25-to-59 age group, in the majority of the region's countries, the urban female population has not yet achieved the same level of study as the male population. In Brazil and Bolivia, the gap with men is significant, since women' schooling is about 80% of the levels for men (Milosavljevic, 2007).
- According to a study covering 17 countries in Latin America, 19% of the indigenous population under 18 has not finished secondary education. The extreme case is Honduras, where 36% have not completed secondary school and 14% have not even passed a single year of schooling (considered severe deprivation) (CEPAL/UNICEF, 2012).
- According to a study on access to, and permanence in, primary school among youths aged 15 to 19 in 10 countries of Latin America, with the exception of Chile and Brazil, male indigenous youth of this age are able to finish primary school in greater proportion than indigenous women. For example, in Guatemala, for every 100 indigenous girls that finished the cycle, 143 indigenous boys finished (Del Popolo y Oyarce, 2005).
- In Panama, while there were 12% more indigenous boys than non-indigenous peers with education lag, in the case of girls the difference is almost double that rate (20%) (CEPAL/ UNICEF, 2012).
- In a study of eight countries, 10% of the Afro-descendant population had not completed the basic cycle. The extreme case was El Salvador, where 27% had not completed the basic secondary cycle and 9% were in a situation of severe privation (CEPAL/UNICEF, 2012).
- In Colombia, while 12% of all Afro-Colombian men finished higher education, 19% of mestizos did so. In turn, 14% of Afro-Colombian women finished higher education, compared to 20% of mestizo women who did so (DANA, 2005).
- In Ecuador, the percentage of Afro-descendant youth with higher education is half the percentage of the rest of young persons with that education level (UNFPA/CEPAL, 2012).

⁴ In the case of Honduras, the validation of property considered the holding of a formal document or title to the plot of land. In the case of Mexico, on the other hand, it considers all the plots of land the household considers to be the property of any of its members.

d) Health

- There are large differences in life expectancy between indigenous and non-indigenous peoples in the region. For example, in Guatemala the gap is 13 years, in Panama it is 10 years and in Mexico, 6 years. (UNFPII, 2010).
- Almost 16% of all children under age 5 (9 million) in the region suffer from chronic malnutrition or stunting (CEPAL/UNICEF, 2006).
- Hunger reduces school attendance among girls more than among boys (CEPAL/UNICEF, 2006).
- In Latin America, infant mortality among indigenous children is 60% higher than among non-indigenous ones (48 per thousand live births compared to 30 per thousand, respectively). If we consider the probability of dying before the age of 5, the gap is even greater, with a supermortality rate of 70% (Oyarce et al., 2010).
- Women do not have the support of men in household and care chores, and tend to sacrifice
 their own nutritional health to the benefit of the rest of the family. Since malnourished women
 give birth to low-birth-weight babies, this aggravates the vulnerability, which is transmitted
 from generation to generation (CEPAL/UNICEF, 2006).
- In the State of Paraná in Brazil, it is reported that "preta" (black) mothers have more than triple the risk of dying than the "brancas" (white women) (Oyarce y otros, 2010).
- Malnutrition among indigenous children is double the rate for non-indigenous children.
 In Honduras, approximately 95% of indigenous children under 14 suffer from malnutrition (UNFPA, 2010).
 In Guatemala, the total percentage of indigenous children with chronic malnutrition is 69% more than 20% above the national average (49%) (Oyarce y otros, 2010).
- According to data from ECLAC and UNICEF, a rural girl has 3.7 times greater possibility of suffering symptoms of malnutrition than a girl in an urban area. In the case of indigenous girls, the figure is four times higher (UNICEF/Guatemala, 2007).
- In Ecuador, recent studies indicate that the percentage of cancer in indigenous communities living near oil fields is 30 times higher than the national average: kidney and skin cancer is 15 times and stomach cancer 5 times higher (UNPFII, 2010).
- According to data from 2000, in Costa Rica, 30% of the indigenous population had no health insurance while 16% of the Afro-descendant population lacked this insurance, as did 18% of the rest of the population (PNUD, 2012).
- In Peru, while 35% of the Afro-descendant men have no health insurance, the figure for women in this population drops to 31% (PNUD, 2012).

e) Sexual and reproductive health

- In Latin America and the Caribbean, 45% of all deaths from unsafe abortions (900) are reported for women under 24 (OMS, 2007).
- At the beginning of 2000, maternity among young Afro-descendant women with school lag was 18% in Honduras and up to 30% in Ecuador, while among young Afro-descendant women without school lag this ranged between 4% and 11% (UNFPA/CEPAL, 2011).
- There is great heterogeneity in the use of contraceptive methods by women in the region.
 While in Guatemala 47% declare that they do not use any contraceptive method; in Ecuador, only a minority of women do not use them (25%) (Oyarce et al., 2010).
- Proportionally fewer indigenous women declare that they use family planning methods than do other women. In Guatemala and Nicaragua, 7 of every 10 indigenous women state that they do not use family planning methods. In Ecuador, the Plurinational State of Bolivia, Mexico and Peru, around 5 of every 10 indigenous women do not use any method. Another distinctive pattern is that, among women declaring the use of any method, indigenous women use proportionally more traditional contraceptive methods like periodic abstinence

- or rhythm, withdrawal, the Billings ovulation method, the counting days method and other unspecified popular techniques (Oyarce et al., 2010).
- Available figures for 2006 show that in Brazil, the percentage of sexually active young women aged 15 to 24 that systematically used condoms during the year previous to the survey was 30% for "white" women and 26% for Afro-descendants (UNFPA/CEPAL, 2011).
- According to data from UNAIDS, the national prevalence of HIV among Peruvian adults was 0.6% (0.3 to 1.7%). In other studies this figure had been even lower (0.2%). However, among the indigenous population the prevalence of HIV reached 7.5% among Chayahuita adults (ONUSIDA/OMS, 2008).
- In Trinidad and Tobago, the number of women between 15 and 19 infected by HIV was five times higher than that of males of the same age group. In Jamaica, HIV is also increasingly concentrated among sexually active adolescent women (Moya, 2002).

f) Discrimination

- More than 104 million girls in Latin America and the Caribbean lag behind in school only because they are young and are women (PLAN, 2012).
- Data from 2008 in Mexico show that 7 out of every 10 girls are discriminated against by their teachers compared to their male classmates merely because they are women (UNICEF/ INMUJERES/SEP, 2008).
- A study by UNDP in 2010 indicates that 55% of all Afro-Peruvians feel discriminated against and
 are attacked verbally in the street, with a greater impact on women. Also, 44% state that they
 are marginalized in bars and restaurants, 39% that they are marginalized in their workplace, and
 86% feel they are victims of "notorious racism" (PNUD, 2010, en: UNFPA/CEPAL, 2011).
- Perceptions of racism were also studied in Cartagena de Indias, Colombia. The data show that 53% of those interviewed felt that Afro-descendants were discriminated against. The perception of discrimination against Afro-descendants (53%) was greater than discrimination against indigenous persons (31%), mestizos (15%) and whites (5%) (Espina y Rodríguez, 2006, in: UNFPA/CEPAL, 2011).

4. POWER IS NOT DIVERSE

- In Latin America, 13 countries have passed gender quota laws to improve the political representation of women (Htun, 2012). However, in only 6 countries the position in the lists is mandated while in 10 countries the sanction for not complying is specified; the identification of the electoral organ that applies these laws is not always clear, however. Parity has been defined as law in Costa Rica and it has been declared in the constitutions of Ecuador and Venezuela (OIG/CEPAL, 2010).
- There are great disparities among the region's countries regarding participation in their national parliaments; the average number of posts occupied by women for 2012 was 22% (Valdés, 2010). Countries like Guyana, Ecuador and Cuba have rates between 30% and 45% while nations like Belize, Brazil and Guatemala are below 15% (OIG/CEPAL, 2012). At the level of local government, the indexes worsen. According to figures for the same year, in the majority of countries the percentage of women mayors is no higher than 10%. Once again, Cuba has one of the most positive rates in the region, with 30% (Ibid.).
- The case of institutional public participation of Afro-descendant women in the region is even more critical. They are even more under-represented than the entire Afro-descendant population as a whole and even than the entire population of women. For example, in Brazil they hold only 1% of the seats in the House of Deputies and in Colombia they do not hold any despite the fact that they are 25% and 6% of the total population of their countries respectively (Htun, 2012). In 2007, Afro-descendants represented 1% of all the legislators in the region. Afro-

descendant women represented only 0.3%.

• Only in Bolivia, Colombia and Venezuela do laws include mechanisms for promoting the election of candidates considering their ethnicity (Htun, 2012).

For the indigenous population in the region the situation is not very different:

- In México, of the 500 seats in the Senate, 6 were occupied by indigenous persons and of these only 1 is an indigenous woman. In the Chamber of Deputies, only one of the 128 seats was held by an indigenous woman (Chunji, 2011).
- In Guatemala, between 2008 and 2012, 25 indigenous men and 4 indigenous women were elected (Chunji, 2011).
- In Peru, between 2006 and 2011, only three indigenous women held seats in parliament (Chunji, 2011).
- One exception in the region is Bolivia, where measures have been taken to advance the political participation of indigenous peoples in general and indigenous women in particular. In its Article 147, the constitution of Bolivia establishes the three central criteria to be observed to guarantee the full participation of indigenous women and peoples in the Legislative Assembly: (a) in the election of assembly members, equal participation of men and women shall be guaranteed; (b) in the election of assembly members the proportional participation of native, indigenous, rural nations and populations shall be guaranteed; (c) in addition, Article 210 establishes that, "The internal election of male and female leaders and male and female candidates of citizen groups and the political parties shall be regulated and overseen by the Plurinational Electoral Organ, which shall guarantee the equal participation of men and women" and "The organizations of the indigenous nations and native indigenous rural peoples may elect their candidates in accordance with their own norms for community democracy" (CEADESC, 2010). In numerical terms, as of 2005 there were 50 indigenous men and 6 indigenous women occupying seats in the Chamber of Deputies (Chunji, 2011).



THEORETICAL-ANALYTICAL FRAMEWORK

The basic purpose of the United Nations is for all countries to achieve human development for all of their inhabitants. Among member states there is broad agreement that:

- Development should place persons at the centre of their concerns;
- The purpose of development is to expand all human choices, and not only incomes;
- The human development paradigm is concerned both with the construction of human capacities and the maximum use of these capacities;
- The human development paradigm has four basic pillars: equity, sustainability, productivity
 and empowerment. Economic growth is essential, but there is also a need to pay attention to
 the quality and distribution of this growth, to keep it tied to human lives and to assure longterm sustainability; and
- The human development paradigm defines the objectives of development and analyses the adequate options for achieving them⁵.

As a result of the growing complexity deriving from the expansion of citizenship, it is increasingly necessary to explore the conceptual frameworks, the theories of change and the very concepts with which UN agencies work to achieve the described purpose. The goal is to share a basis that allows the counting and articulation of common distinctions.

Without lapsing into excess and redundancy, it is necessary to distinguish the following concepts and approaches that will be used systematically, both in the situation analysis and in the following phases of programming and evaluation presented in this Guide.

1. HUMAN RIGHTS AND A HUMAN RIGHTS-BASED APPROACH

Human rights correspond to universal legal guarantees that seek to protect individuals and groups against omissions and actions that interfere with liberties and fundamental rights. In brief, the right to human dignity. Legislation on these matters obligates governments and other duty bearers to do certain things and it impedes their doing others⁶. Among their main characteristics are universality, dignity and the intrinsic value of all human beings; these elements are equal, are indivisible, are interdependent and are protected by law (OHCHR, 2006).

Under this framework, the reform programme undertaken by the Secretary-General of the United Nations in 1997 called for the integration of human rights into all elements of the United Nations System and the preparation of practical instruments for making the Declaration and the Programme of Action of the Human Rights World Conference (Vienna 1993) a reality. The importance of human rights was emphasized in the mandates of different agencies, along with the need to integrate these rights into all these organizations' activities.

In May 2003, at an inter-institutional seminar held by the United Nations Development Group (UNDG) at Stamford (United States), the UN Statement of Common Understanding on the Human Rights-Based Approach to Development Cooperation and Programming was adopted in order to clarify the meaning of that approach and offer guidance on how to apply it in the context of the common programming processes of the United Nations⁷.

The statement contains three key points8:

All development cooperation, policies and technical assistance should further the realization
of human rights as laid down in the Universal Declaration of Human Rights and other
international human rights instruments.

^{5.} Extract from: Haq, M. u. (2004). El paradigma del desarrollo humano. In P. Fukuda, & K. Shiva (Edits.), Cited In: PNUD (2011), Políticas públicas para la inclusión de la población afrodescendiente. Centro Regional PNUD, Ciudad de Panamá. ("The Human Development Paradigm").

^{6.} By virtue of the United Nations Charter, the States parties agreed to promote and protect human rights at the national level and cooperate for this purpose at the international level. In fact, the Vienna Declaration and Programme of Action reiterate that "their promotion and protection is the first responsibility of Governments".

^{7.} See: http://www.unfpa.org/derechos/enfoque_eng.htm

^{8.} See: OHCHR (2007). Background Note Annual meeting of Special Procedure Mandate-Holders Session on System-Wide Coherence and Engagement with UNCTs. At: http://www.ohchr.org/Documents/HRBodies/SP/AMeetings/14thsession/engagement_UNCTs_en.pdf

- Human rights standards and principles guide all development cooperation and programming in all sectors and phases of the programming process.
- Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

This guide follows the concepts and proposals indicated in this Statement. The **rights-based approach** will be understood to mean "a conceptual framework for the human development process which, from a normative viewpoint, is based on the international norms of human rights and, from the operational viewpoint, is oriented to the promotion and protection of human rights" (OHCHR, 2006).

Human rights are universal legal guarantees that protect individuals and groups against the actions and omissions that interfere with fundamental freedoms, rights and human dignity.

All human rights are **indivisible**, which means that **whether they are civil**, **cultural**, **economic**, **political or social** in nature, they all are inherent to the dignity of every human being. Therefore, all rights have the same status and cannot be placed in a hierarchy. They are also **interdependent** and interrelated, which means that the exercise of any single right depends on the exercise of all other rights.

The central objective of the Human Rights–Based Approach is to serve as a tool for identifying and analysing the inequalities affecting development in order to correct discriminatory practices and unjust power relations. This vision calls for going beyond the concept of "right" in its mainly legal sense, to address the needs, possibilities and strategies necessary to ensure fulfilment and implementation. Plans, policies and social programmes should promote the realization of rights and the improvement of the rights-bearers' capacities to exercise them.

The human rights based approach is centred explicitly on discrimination and marginalization in the development process. Commitment among organisations to achieve these goals is high and "requires addressing the challenges in a more comprehensive manner. This means that the persistent patterns of inequality and discrimination must be confronted, and responses must be formulated with reference to the structural causes that permit a political and social environment to foster exclusion and marginalization, and in the final instance, the negation of human rights"⁹.

To the degree that rights are obligatory, institutions and States have the duty to enforce them and guarantee their "demandability" in order to ensure equality independent of economic variables, such as scarcity of resources.

Since the 1980s, United Nations organizations have established "good programming" practices, and a human rights-based approach adds value to "good programming" as follows:

- i. Normative level: An approach based on human rights lends legitimacy to the development process, as it is based on universal values reflected in laws and regulations that are binding on States. All UN programmes must contribute to the objectives in the area of human rights.
- ii.Instrumental value: A human rights-based approach helps to achieve more sustainable development results by exhaustively addressing the problems of development. This means determining, and trying to end, persistent patterns of inequality, discrimination, exclusion and other structural causes that ultimately impede the realization of human rights. The application of human rights principles guarantees a process that is more participatory and more responsible, and that integrates marginalized groups or groups that been the victims

of discrimination. Human rights norms also clarify the objective of strengthening capacity, determining what specific capacities should be created among rights holders and duty bearers to foster the implementation of human rights.

In a human rights-based approach, attention must be paid to the results because the desired result and impact of any programme are what contribute to promoting the very realization of these rights. At the same time, it is crucial to ensure that the development process does not increase inequality, discrimination or any pre-existing conflicts. The principles and standards of human rights establish objective criteria for acceptable development processes: It is necessary to carry out participatory, inclusive and responsible processes that prioritize the most marginalized and excluded groups.

There are different types of rights as well, and this requires the establishment of specific classifications based on the contents of each right and the timing of their origin and validation. However, this in no way implies hierarchy because, as already mentioned, all rights have the same importance and value. Thus, there are civil and political rights, or "first generation rights, economic, social and cultural rights, considered "second generation", and most recently a third generation of rights pertaining to development, peace, artistic and cultural patrimony and collective rights in general (Grijalva, 2009; en Ordoñez y Ledesma, 2009).

2. GENDER AND THE GENDER EQUALITY APPROACH

The concept of **gender** emerges in contemporary societies as a descriptive, analytical and political category for understanding the importance of history and social context in the definition of the sexuality, identities and roles that arise around these definitions. It seeks to address the mechanisms by which this principle discriminates against persons, determining unequal opportunities for

1ST TENSION: INDIVIDUAL RIGHTS AND COLLECTIVE RIGHTS

There is currently a debate between individual rights and collective rights and this is one of the principal tensions in human rights programming. Indigenous and Afro-descendant peoples have voiced their demand for recognition of their rights as peoples and not only as persons inhabiting a territory. The United Nations Declaration on the Rights of Indigenous Peoples (2007) reaffirms individual rights and includes other, collective rights as well. The exercise of many individual rights of indigenous persons is only possible and effective to the degree that the rights of their peoples are guaranteed. The declaration ratifies the right to the free determination of peoples, which gives rise to other, collective rights like self-government and the right to maintain their legal, political, social, economic and cultural institutions. The instrument recognizes their rights to land and the territory; to manifest and practice their traditions and customs; to establish and control their own teaching systems and to receive education in their own language; to participate in decision-making; to labour rights; to participate in the design and execution of programmes in health, housing and other areas of interest to them; to their traditional medicines and health practice; to the conservation of their patrimony, including genetic resources and knowledge; and to a life free of violence (in the special case of adult women, girls and boys) – and other rights¹⁰.

10 CEPAL, UNFPA, UNICEF (2011). Contar con Todos, Caja de herramientas para la inclusión de pueblos indígenas y afrodescendientes en los censos de población y vivienda, CEPAL, UNFPA, UNICEF, AECID. At: http://www.eclac.cl/publicaciones/xml/9/45609/Modulo1-full.pdf ("Counting everyone. Toolkit for the inclusion of

indigenous peoples and Afro-descendants in population and housing censuses").

integrating and participating in society based on sex.

One of the most common perspectives in this regard is the difference between gender and sex. While sex refers to biological characteristics and differences, which would be common to all societies and cultures, gender is related to the way in which this biological difference is constructed socially and culturally.

People play different roles and are regulated by socially constructed norms that establish ways of being and feeling, speaking and thinking. Gender roles have historically placed women in a position of exclusion and subordination.

Therefore, the **gender equality approach** is designed to observe, study and transform cultural, economic and political differences in the roles and positions of men and women, boys and girls. From the progressive incorporation of this approach in planning and public management among Member States, and of the United Nations itself, the

need to understand situations from the perspective of justice and equality becomes clear. The gender approach attempts to control the possible adverse effects of gender discrimination and also promotes equality of opportunities with special emphasis on the strengthening of women and girls' capacities and competencies through their empowerment as rights holders.

Historically, implementation of human rights has revealed the inequalities existing among diverse population groups and here is where programming should focus. The world's women's movements, for example, have played a key role by pressing for the extension and overall advancement of the second-generation rights or by making the inequalities between men and women a focus of concern for development. This process has resulted in the emergence of the category of "Gender" and the study of gender relations.

The women's movement has a long history.¹¹ Important victories in this area have been the Inter-American Convention on the Granting of Political Rights to Women, in 1948, and the Universal Declaration on Human Rights, also in 1948, which addressed the right not to be discriminated against based on sex. Another victory has been the ratification of the Convention on the Political Rights of Women in 1952.

However, it was not until the 1960s and 1970s that women's movements and their demands acquired great visibility and progressively began to occupy a priority place in development planning. In 1975, at the initiative of a group of women's organizations, and with support from the UN, the First International Women's Year Conference was held in Mexico, inaugurating the "Decade for Women". This important milestone marked the beginning of substantial activity by the United Nations with respect to the situation of women, establishing the system of World Conferences to address women's problems (Anzorena, 2006). One of the important milestones of that period was the proposal, and finally the passing by the Commission on the Status of Women created by the United Nations Economic and Social Council, of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. This convention establishes the basic international standards and obligations for promoting the egalitarian legal status of women and for ensuring the effective enjoyment of their fundamental rights and freedoms. During the 1990s, the gender approach began to be positioned within the UN, a process that crystallized around the Fourth World Conference on Women in Beijing, an event at which the imperative of mainstreaming the gender perspective in all policies and themes relevant to development was established (Fries, 2000). It was amid these debates and their impact that the Inter-American Commission on Human Rights in 1994 approved the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the "Belém do Pará Convention".

3. "INTERCULTURALITY" AND THE INTERCULTURAL APPROACH

The **intercultural** approach recognizes the coexistence of cultural diversities in contemporary societies. Cultures must coexist with other cultures that have different world views, different views on human rights, and different views on rights as peoples. In terms of overall development, this "interculturality" grows out of a new emphasis on diversity and matters related to identity in the framework of development, which has gradually surpassed its exclusive dependence on socioeconomic matters. This is evident in the universalization of economic, social and cultural rights. From this perspective and these principles, it is transformed into a legitimate imperative that the indigenous and Afro-descendant peoples of the region of Latin America and the Caribbean must be an egalitarian part of modern citizenship that must include particular ways of doing and thinking that define the region's identity. This identity is based on multiple and diverse specific identities which, far from constituting a difficulty or problem – as they usually are considered – provide vast possibilities for growth and development in consonance with processes of integration and intercultural social cohesion (Bello and Rangel, 2002).

It is also important to consider "race" and "ethnicity", 12 especially when working with the Afrodescendant population. The concept of "race" has been constructed to justify the phenotype differentiations among human beings. This notion alludes to the taxonomic division of the human species based on biological, morphological and physiological distinctions. Historically, "race" is understood as the division of human groups according to physical characteristics that are evident or can be observed easily. This term also refers to "lineages", or the line of descendants linked through a common ancestor.

In Latin America and the Caribbean, populations or cultural groups sharing certain distinguishing phenotype components have been established under this concept too. Peoples or communities

2ND TENSION: GENDER EQUALITY IS NOT THE SAME AS GENDER EQUITY13

Gender equality aims for every human being to have "the right to have rights", regardless of her or his personal characteristics. Gender equality does not mean that men and women are identical, or that it is necessary to make women more similar to men for them to enjoy the same rights. Equality between women and men implies identical or differentiated treatment that results in a total absence of discrimination against women because they are women, with respect to the enjoyment and exercise of all their human rights.

By contrast, gender equity aims at an impartial treatment of women and men according to their respective needs, either with identical treatment or a differentiated treatment, depending on different circumstances.

A substantial difference between the two concepts is that equality is a human right, and therefore a legal obligation that the States cannot neglect. The right to equality between men and women requires that each State take specific and concrete actions to eliminate discrimination against women. Gender equity, on the other hand, is a partial reference to a complex problem in that it seeks to directly respond to practical – and not necessarily strategic – needs.

An example may be seen in the measures to face the exclusive responsibility of women for domestic work. With an equity approach, a salary for women heads of household might be established. However, an action of this nature does not take into account that women being in charge of all domestic work produces discrimination, not only because of the lack of remuneration, but because it also means less free time, maintains a relation of subordination with their partners, and excludes domestic work from qualifying for all the benefits of paid labour (such as training, promotions, etc.). From a gender equality approach, domestic tasks should be redistributed so that nobody has a greater workload, and both men and women can enjoy a fairer work-life balance.

are classified as whites, mestizos, "Negros", indigenous, "Indians" and other groups corresponding to racial connotations, which are used as ethnic markers. Nonetheless, each one of the racial characterizations also corresponds to mental and social constructs aligned with stereotypes and prejudices deriving from specific epochs and circumstances.

But the meaning of "race" is not the only problem, the impact that it has is another one. The indiscriminate use of this notion as a differentiating social category of the human species has led to racism or the "scientific" justification of ideological attitudes cultivated by the dominant cultures that impose their hegemony and the exploitation of some societies by others. Racism feeds off a belief in the existence of "superior races" that would "naturally" have a greater capacity of adaptation and attributes of domination, while others would be substantially inferior. Another important aspect is the relationship between race and ethnicity, where "race" has typically been used to identify a people, ethnic group or "cultural minority". Yet once the perverse

^{12.} CEPAL (2009). Afrodescendientes en América Latina y el Caribe: del reconocimiento estadístico a la realización de derechos, CEPAL, Serie Población y Desarrollos N°87. Santiago de Chile. ("Afrodescendants in Latin America and the Caribbean: from statistical recognition to the realization of rights").
13. Facio, Alda. (s/f). ¿Igualdad y/o Equidad? Área de Género del Centro Regional del PNUD. Nota para la Igualdad N°1. Panamá. ("Equality or Equity? Gender Area of the UNDP Regional Centre. Note for Equality No. 1. Panama".)

effects of racism were identified in the Twentieth Century, this notion was abandoned in favour of "ethnic group".

The term ethnic group, in turn, alludes to a people or community that share a culture, a history, a territory and certain customs. Its members are united by the awareness of an identity that is manifested through determined behaviour, ways of speaking, world view, dress, social organization, institutions, spirituality and folklore. Both Afro-descendants and indigenous peoples fit this description.

Here it is also necessary to bear in mind the cultural diversity of Afro-

descendants and indigenous peoples. Within each group there is a vast diversity of peoples with their own world views, identity and history. In the case of Afro-descendants, it is important to explain that this term, "Afro-descendants" is used to refer to all peoples and persons in the world that descend from the African diaspora. In Latin America and the Caribbean, the concept refers to the different "black" or "Afro-American" cultures deriving from the descendants of Africans that survived the slave trade or commerce between the sixteenth and nineteenth centuries. Politically, the concept of "Afro-descendant" was coined in 2000, when social organizations mobilized for the Durban Conference. According to Romero Rodríguez, in December of that year, in Santiago de Chile, where the Preparatory Conference of the Americas was held, "we came as blacks and left as Afro-descendants" 14.

Following the Universal Declaration on Human Rights, the clause on non-discrimination has been included in almost all universal instruments for the protection of human rights, either in subordinate or autonomous form. However, it was not until the Durban Conference that the specific victims of discrimination were recognized, together with the causes and consequences. The Durban Conference made a historic reading of racism with emphasis on slavery and colonialism as precursors of the current causes of the inequality of Afro-descendants. The Santiago Declaration indicated that Afro-descendants have been the main victims of racism, racial discrimination and slavery for centuries, with subsequent negation of their rights. It also indicated that they should be treated with equity, respect and dignity, and should not have to suffer any discrimination because of their origin, culture, skin colour or social condition. Thus, for the first time an international document approved by the majority of States and firmly supported by civil society organizations identified the victims of racism, stating its causes and offering a set of recommendations for its elimination¹⁵.

As with women's movements, the indigenous movement has a long history too, including in Latin America and the Caribbean. ¹⁶ Yet it has only been since the 1970s that the demands of indigenous groups have focused on their recognition as peoples at the level of international and national norms. One important milestone was the 1971 Declaration of Barbados, by the World Council of Churches, which produced a radical shift in the recognition and inclusion of indigenous persons in

3RD TENSION: "GENDER" IS NOT A SYNONYM OF "WOMEN"

Often gender is considered to be a synonym of women and it is often believed that in order to incorporate the gender approach it is sufficient to mention women or include them as beneficiaries of projects without questioning the socially constructed relations, roles or stereotypes. But it is not enough for a policy, a programme or a project to be aimed at women for it to be considered to have a gender perspective. A project may in fact be focused on women without taking into consideration the relational and structural nature of the gender relations. For example, a microcredit programme for women might solve their problem of lack of economic resources, but that does not mean they are being provided with the means for improving their position in society compared to men. If women are recipients of microcredit because they are more responsible than men and greater percentages of them repay the loans than do men, then this is only reinforcing the gender roles structured by society.

At the same time, a project aimed at men and working with them on sensitization to stereotypes and egalitarian affective-sexual relations with the purpose of transforming gender relations, even though women are not part of the action it would be a project with a gender equality perspective.

development.¹⁷ The document is especially critical of the role played by States, religious personnel and anthropologists, defending, among others, the right of indigenous persons to self-government and to have their own representation (Arregui Orue, 2009).

From 1971 onward, indigenous movements would come to represent indigenous peoples who – despite their differences – demanded that States implement public policies on recognition and respect. Then, during the 1980s and 1990s, these movements acquired special prominence during an "explosion" of the indigenous situation in the world (Ba Tiul, 2006). And during this period, international institutions assigned special importance to the "Study on the Problem of Discrimination against Indigenous Populations"¹⁸ by United Nations Special Rapporteur José Martínez Cobo. The document compiled information on this issue around the world, offering recommendations that generally supported indigenous peoples. This study promoted the implementation of activities and advances on indigenous issues within the United Nations (Anaya, 2006).

Another important milestone has been the ILO's Convention 169 on Indigenous and Tribal Peoples in Independent Countries (1989), which has been key in the establishment of indigenous people's right to live according to their culture and traditions, to not be discriminated against, and to be afforded the right to consultation on, and participation in, public policy.

Other important events in this period were the United Nations Permanent Forum on Indigenous Issues, the first International Decade of the World's Indigenous People (1995-2005) and the International Year for People of African Descent (2011).

However, one of the most important advances towards the recognition of indigenous rights was the approval of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. This document states in its preamble that, "indigenous individuals are entitled, without discrimination, to all human rights recognized in international law" (United Nations, 2007a).

4. "INTERSECTIONALITY"

The term **intersectionality** was coined by Kimberlé Williams Crenshaw in 1995, in her work on violence against Afro-descendant women in the United States. She defines intersectionality as "a complex system of structures of oppression that are multiple and simultaneous" (Muñoz Cabrera, 2011). In general terms, it is a model for analysing the social differences that lead to "disempowerment", which is when different modalities and forms of discrimination coincide in a single person, including racial and sexual/gender discrimination (Gil Hernández, 2011).

The concept of intersectionality began to gain importance in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001. In preparation for the conference, the UN's Division for the Advancement of Women held a meeting of experts on race and gender in Croatia to generate conceptual elements and produce a common, clear and precise language to facilitate the action of the Women's Social Movement at that conference.

In this conceptualization, "in addition to the system of patriarchal oppression that characterizes

^{16.} See: Echeverría, X. (2006). "La Tradición de los Derechos Humanos y los Pueblos Indígenas: una interpelación mutua". ("The Human Rights Tradition and the Indigenous Peoples: A Mutual Interpolation").

In: (Berraondo, M.) (coord.) Pueblos Indígenas y Derechos Humanos. Serie Derechos Humanos, vol. 14, Instituto de Derechos Humanos, Universidad de Deusto, Bilbao, España. ("Indigenous Peoples and Human Rights").

^{17.} Among the most important international norms before the decade of the 'Seventies were the UN's passing of the International Convention on the Elimination of all forms of Racial Discrimination" (CERD) and the ILO Indigenous and Tribal Populations Convention 107 (1957). Although the two promote non-discrimination and recognition of the existence of other cultures in the member states of the system, they have a more assimilationist slant regarding the differences of the peoples in each nation.

^{18.} Vid. Subcomisión de Prevención de Discriminaciones y Protección a las Minorías, Estudio del Problema de la Discriminación contra las Poblaciones Indígenas, E/CN.4/Sub.2/1986/7 &Adds. 1-4 (1986) (JOSÉ MARTÍNEZ COBO, Special Rapporteur). ("Subcommission on Prevention of Discrimination and Protection of Minorities. A Study of the Problem of Discrimination against Indigenous Populations").

Latin American societies, and which historically has discriminated against women, there are other systems that promote exclusion and impede the development of persons. Racism and xenophobia have historically discriminated against all ethnic-racial groups different to the dominant one; hetero-centrism, homophobia and trans-phobia inflict terrible suffering on the LBGT population (lesbians, gays, bisexuals, transsexuals and transgender persons); adult-centrism ignores the needs of girls and boys, youths and the elderly; the conceptualization of 'physiological normality' implemented by the biomedical system obscures the potential of persons with special needs and States often do not facilitate sufficient accessibility for this population to resources and opportunities. Finally, the accumulation of capital and services in cities obviates the needs for development in rural areas and the pernicious effects of the overwhelming density of urban population on individuals. Therefore, this concept of intersectionality or cross-connections, is understood as compound, double or multiple discrimination, related to the interaction between two or more forms of discrimination - for example the intersection of gender, race and ethnicity"20.

4TH TENSION: "MULTICULTURALITY" IS NOT THE SAME AS "IN-TERCULTURALITY"

Although "multiculturality" and "interculturality" have often been held as equal there are important differences, both contextual and in their meaning. "Multiculturalism" emerged "at the end of the 1960s mainly in countries like Canada and the United States" (Muñoz, 2001); Reyna, 2007), and was referred to a series of demands by minority groups – gays, African Americans, feminists, ethnic groups and others – whose claims focused mainly on legal and educational matters. It is a concept that indicates the cultural diversity occurring de facto in contemporary societies, so it is thus a descriptive concept¹⁹.

"Interculturality", on the other hand, came about at the end of the 1970s and was developed both in Europe and in Latin America. While on "the old continent" the concept was related to the progressive arrival of migrants, in Latin America, interculturality has been associated with the demand for cultural and political recognition by the region's indigenous and Afro-descendant groups. While multiculturality alludes to the diversity of cultural groups in a society, interculturality seeks to explore the interaction between two or more cultural groups. Interculturality emphasizes dialogue, interaction and relations even of groups that do not share the same state (Reyna, op.cit.)..

From the outset, each actor in a society participates in multiple, differing relations: economic, political, gender, ethnic, generational and others. These relations determine subjective positions constructed linguistically through the discourses, norms and knowledge/power that determine them. Each subject has diverse identities and social positions, based on which she or he generates – in an unstable and contradictory manner – an articulation among them that constitutes her or his "self". In this process, the subject is not an essential and stable category but is rather based on a conception of a person that goes about constructing identity actively through dialogue among these diverse roles that, even though they establish the subject, do not define it, since there is always a distance between the self and the role it occupies in these relations.

Therefore, identity is the product of a constant interchange of discourses and legislation. For example, in a given society, a person may be a woman but simultaneously be young (age category), indigenous (ethnic category), and poor (social class category). In the case of indigenous women, who suffer violence and discrimination related to multiple identities, the concept of intersectionality is not just a theoretical construct, it is experienced every day (FIMI, 2006).

One group that has been considered in the framework of the establishment of rights in international law is children. While the UN General Assembly approved the Convention on the Rights of the Child in 1989, progress in this sphere had begun long before. In 1924 the then League of Nations, precursor to the UN, approved the Geneva Declaration on the Rights of the Child, establishing, among other measures, the right of children to have the means for their material, moral and spiritual development and freedom from economic exploitation. In 1966, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights established among their provisions, the protection of children against exploitation and the right to education. In 1973, ILO Convention 138 established 18 as the minimum age for performing all work not harmful for the health, security or the morals of an individual. After the

^{19.} Multiculturality is different from multiculturalism. The latter is a concept with greater normative content, associated with a political project to the degree that it has advocated fundamentally for the recognition of the cultural diversity of minority groups in the sphere of legislation and the exercise of public policies, even while promoting cultural diversity in other aspects. This proposal was developed by the communitarian current of development, of which an important proponent is author Will Kynlicka (1996, IN Reyna 2007: 434).

^{20.} Área Práctica de Género RSCLAC-PNUD (2009). Transversalización de la diversidad. Nota preliminar. At: http://www.americalatinagenera.org/es/documentos/20100223_transversalizacion_de_la_diversidad.pdf ("Mainstreaming of Diversity. Preliminary Note").

HIGHLIGHTED EXPERIENCE

To illustrate the scope of interculturality, we might note the experience of the Intercultural Bilingual Education in the Amazon programme (EIBAMAZ) implemented by UNICEF in Ecuador, Peru and Bolivia. This programme has developed teacher training for more than 6,000 teachers and 90,000 textbooks "friendly" to Amazonian children and teachers, which are in accordance with their culture and language and relevant for each of the 17 Amazonian peoples living in the mentioned countries. Children are being taught in their mother tongue and the curriculum includes:

- images of heroes and spiritual guides from the culture of each Amazonian people
- · stories citing the heroes and spiritual guides
- reference to the wisdom of the peoples
- the philosophy of Mother Earth
- good practices in relation to diversity
- gender equality, that is, men and women with equal opportunities and rights
- information about human rights

UNICEF (2012), Bolivia, Ecuador, Perú. EIBAMAZ, Educación Intercultural Bilingüe, UNICEF, Ecuador.

passage of the Convention on the Rights of the Child, in 1999, ILO Convention 182 then addressed the prohibition of the worst forms of child labour and outlined immediate action for its elimination.

The Convention on the Rights of the Child marks a substantive change of approach. It recognizes that children are subjects of rights and not just persons that need to be protected by adults. This perspective has not been entirely internalized by societies where practices of corporal punishment and the need for parental consent to access services persist, and various violations of their rights generally occur. Similarly, it is necessary to enhance our understanding of the violation of children's rights from a gender equality perspective, since such violations are not equal for boys and girls.

Studies of intersectionality (Muñoz Cabrera, 2011) have attempted to provide an analytical framework for understanding the formation of mobile and crossed identities based on the diversity of roles and power relations in which each subject and social group is immersed. Within their relations of class, gender, culture, ethnicity and family position – to mention a few – persons form their "self" based on the diverse positions of subordination, domination or equality that they occupy in each relation.

5. CAPACITIES APPROACH

In 2004, economist Amartya Sen developed a **capacities approach** that examined contemporary debates on justice, the search for wellbeing, and societies' development processes. Sen proposed a redefinition of development and wellbeing that takes the notion of capacities as the central idea for achieving autonomy and freedom. It emphasizes the concept of "agency", which consists of the freedom to pursue – as a responsible agent – any goal or value the person considers important in her or his life. Or, in Sen's words, "to live the life they have reasons to value" (Sen, 1998, In: Fascioli, 2011).

Under this concept, in a just society, persons are autonomous and therefore can decide and exercise their right to choose the life they value and want to live based on their own world views and morality. Sen also incorporates positive freedom, or, the real opportunities that people have to be or do something (Fascioli, 2011). To achieve this, the possession of goods is not enough, since that condition does not take into account people's real freedom in terms of their capacities.

In this view, a society advances toward justice to the degree that it is able to provide all of its

citizens with the same possibility of exercising their capacities, which leads to the exercise of their freedom to choose the life they want to live according to their culture, politics, social identity, gender and ethnic identity.

6. THE RECOGNITION PARADIGM

The formation of identities is framed within socio-cultural conditions that, though historically in a state of constant transformation, should at least have a definition of what that society means by development, by wellbeing, by "living well", by justice, by "equality", and by the relations among these ideas.

The way that the West understands these relations is due in part to the successive crises and instability of recent years, together with the weakening of political representation and the emergence of new social movements that challenge the traditional socio-economic class system and the models that societies use to address it (CEPAL, 2011).

Current tensions arise from the current understanding of "justice", and based on that, the understanding of the development model, to the degree that it must be in accordance with what each society defines as fair and aims to achieve. All societies have definitions that determine how their diverse social, political, cultural and economic lives, and the current paradigm for understanding justice (and equality) stems from the liberal tradition. In this tradition, injustice is associated with socioeconomic variables and where the redistribution of resources appears as the most adequate strategy for attacking the problem (Fraser, 2008). However, this is also deeply challenged by various groups that aim to expand the concept of justice, advocating not only a redistribution of resources but also recognition of a broader concept of citizenship and of inclusion based on identity and culture. Women, indigenous peoples and Afro-descendants, as well as youths and adolescents, are clamouring for a society in which they can be included and valued as they are, which explains why they are questioning the universality of the way social integration and the expansion of rights are understood.

"Recognition" is "the state of social integration in which a person can be fulfilled in her or his relations with the rest of society in order to achieve autonomy, which consists of each person's being able to freely meet her or his objectives for her or his own life, and effectively being able to live the life she or he wants to live" (Honneth, 2004). Various perspectives have helped form this concept, and according to Honneth, it is necessary to distinguish three spheres of recognition. Through love and friendship a person acquires self-confidence, which means that each person sees herself or himself as a source of options and lifestyles that have value. In other words, they see themselves as persons that decide on legitimate ways of living. Through egalitarian treatment in law, individuals acquire self-respect, to the degree that, through their relations in this sphere, they recognize themselves as free and equal. Here, the individual is recognized for the qualities she or he shares with the other members of the community. Finally, through social esteem the subject acquires self-esteem, as she or he is recognized by the community for the qualities differentiating her or him from others. In this sphere the person is recognized and valued by her or his peers for the contribution she or he makes to society based on her or his unique qualities. Thus, a society will be just to the extent that it provides all of its citizens the same opportunities to develop in each of these spheres. All citizens have the chance to recognize themselves as subjects that can value their own preferences and paths in life to recognize themselves as equal to others in terms of rights and duties, and to be appreciated, and not just accepted, for their unique qualities.

Another key aspect of this perspective is the incorporation of cultural and ethical values as central aspects for achieving a just and egalitarian society. The establishment of relations of equity with others is not enough; people need to be recognized in their differences, or those aspects of identity that distinguish them from the rest. Among these are: belonging to indigenous and Afro-descendant groups; differences of gender, age and others; conditions that range from being

5TH TENSION: THE LACK OF ARTICULATION BETWEEN ISSUES AFFECTING WOMEN AND GIRLS

Generally there has been little continuity and linkage in the analysis and treatment of the situations in which women and girls live. These have tended to be treated as "different sectors" without consideration of the constructions of gender identity they may share. In Latin America and the Caribbean, there is a lack of linkage between gender equality policies and those for promoting the rights of children. In this sense, the policies and mechanisms for the promotion of women do not incorporate the differences related to the life cycle, centring instead on adult women while policy on the rights of children does not take a gender approach. As a result, policies on gender for girls and adolescent women are not found at the country level.

6TH TENSION: CULTURE AND THE RIGHTS OF WOMEN AND GIRLS

Indigenous and Afro-descendant women have argued that the discrimination they experience cannot be separated from their belonging to their native cultures. However, they also recognize that their rights are often violated within their communities – not only by the dominant communities – and are justified by traditional practices and customs.

Therefore, violence against indigenous and Afro-descendant women and girls is "justified" in the name of "their own" culture, which must be preserved. At other times, their existence (traditional practices and customs) is justified as the result of relations of dominance established during the colonial period that transferred the patriarchal structures of the conquistadors to the conquered or enslaved peoples.

Nonetheless, it has been the indigenous and Afro-descendant women leaders themselves who have insisted that indigenous and Afro-descendant peoples cannot be recognized based on an essentialist vision of their cultures, placing their origin at some determined period before the arrival of the Spanish conquerors or before the trafficking of slaves, and supposing its invariability throughout the national histories and the processes they have experienced in their relations with the nation-states.

Therefore they insist on the universal validity of human rights and the need to transform the cultural patterns that threaten them. The United Nations Special Rapporteur on violence against women ²¹ has recommended "cultural negotiation" to "raise society's awareness of the oppressive nature of certain practices implemented in the name of culture, recurring to the positive elements of culture and other expressions of masculinity that respect women's rights".

considered obstacles to development to being considered components of that development.

Meeting these challenges is not the result of a personal effort, however. More than anything else, recognition comes from social and collective processes where individual expression is just one part of the way human relations have been constructed and understood historically, and part of the way power is distributed in society.

7. IN SYNTHESIS

An integrated approach to human rights, gender equality and interculturality requires:

- 1. As indicated in the Declaration of Common Understanding on the Human Rights Approach, programmes, policies and technical assistance must promote the Universal Declaration on Human Rights as well as other international instruments.
- 2. The concept of human development promoted by the United Nations places individuals at the centre of policy and holds the full exercise of rights as the measure of progress. The link between human development and the human rights approach is mutually instrumental because it reinforces the idea that, on one hand, development is "freedom". Thus, public policy must give people options to live their own lives in increasingly satisfactory ways and it must guarantee these freedoms. On the other hand, human rights guarantee fundamental

^{21.} Yakin Ertürk (2003). Integración de los Derechos Humanos de la Mujer y la Perspectiva de Género: la Violencia contra la Mujer, Hacia una aplicación efectiva de las Normas Internacionales para poner fin a la Violencia contra la Mujer. In: http://www.catedradh.unesco.unam.mx/SeminarioCETis/Documentos/Doc_basicos/5_biblioteca_virtual/3_d_h_mujeres/13/6.pdf ("Integration of Women's Human Rights and the Gender Perspective: Violence against Women. Towards an Effective Application of the International Laws for Putting an End to Violence against Women")

freedoms that public authorities promise to protect. The realization of rights requires capacities that development can create.

- 3. The complexity of current societies requires that the United Nations System make analytical distinctions when addressing discrimination. Gender equality, interculturality, and consideration of the human life cycle would constitute these analytical tools, to be used for planning or forming public policy, to nourish the "rights approach" and to ultimately address power inequality, among others. All of these approaches share common principles and the attempt to adapt to contexts and provide responses to the problems of groups which have historically been excluded from society, with the aim of improving their living conditions, in accordance with the new vindications centred on demands for cultural recognition, autonomy and egalitarian treatment based on difference.
- 4. People form identities based on diverse social relations and these relations are marked by positions of power. The concept of intersectionality allows us to observe the exercise of rights from a comprehensive perspective rather than just superimpose or summarise approaches. The situations of indigenous or Afro-descendant girls and women demonstrate particularly well the interweaving of different forms of discrimination.
- 5. The notion of "rights-holders" is vital. Rights holders must be able to enjoy the freedom to exercise their rights. Or, in the words of Sen, they must enjoy "having the capacity to realize them". From this perspective, the rights, capacities and gender equality approaches coincide with the need for "empowerment". This is the development of the capacities of rights holders to exercise their rights. There is also a need for greater "responsibility" among duty bearers to guarantee these rights. The capacities approach is particularly important for indigenous and Afro-descendant peoples because they possess a different vision of development, and therefore they should have the "right to development" conceptualized within their own world view and the means to enjoy it in this way.
- 6. People exercise their rights as individuals and as members of a society. To establish themselves individually it is necessary to have relations with others and with the institutions of society that guarantee a level of personal development. In order to develop in freedom, people need recognition in three spheres, love, equality before the law and social esteem. One of the central aspects of the paradigm of recognition is the importance of the ethical and cultural variables for defining identity. Therefore, the definition of an egalitarian society, one which guarantees the exercise of rights for all, is based on recognition, acceptance and valuing difference. At the same time, it provides an analytical framework for identifying those kinds of relations in which adequate recognition is not achieved.
- 7. The gender equality approach is a key tool for addressing gender-based differences, to give them value and foster acceptance. It also provides analytical tools for identifying the conditions that prevent recognition of the identity of women, men, transsexuals, intersexuals and others, and that prevent these groups from exercising their capacities. For example, in order for indigenous or Afro-descendant women to be able to exercise their "capacity to become educated", it is not enough to simply pass legislation establishing their right to education without sexual or ethnic discrimination. They also need a family and community environment in which women's literacy is valued and respected. The social and institutional environment must also accept ethnic differences and must value diversity.
- 8. The interculturality approach addresses as well the particular qualities of indigenous, Afro-descendant and other groups within their relationship with the dominant society, going beyond the mere coexistence of cultures. The intercultural approach must be able to identify when indigenous and Afro-descendant peoples are included effectively. It is a process that does not simply require assimilation into the dominant culture, but rather creation of a space in which cultures interact, negotiate and participate equally (Zapata-Barrero, 2007).

For example, when the rights of an indigenous or Afro-descendant group are not recognized, this not only deprives the group of opportunities for integration and access to the structure of opportunities, it also deprives them of the possibility to realize their identity and achieve fulfilment.

- 9. The rights approach is intended to ensure conditions of autonomy for all persons in equal conditions. To do this, legislative systems must guarantee the proper exercise of capacities, which vary by social context, culture, politics and age. It requires the establishment of collective rights as a necessary condition for creating effective autonomy for all citizens because certain groups have more difficulties than others and of the rights of women, children and adolescents.
- 10. Public policy and social programmes need to guarantee the right to, and create the conditions for, basic recognition so that all people can live the life they have chosen. In order to choose and plan a life freely, there must be political, social, economic, cultural and environmental conditions that accept individuals as they are and that afford them equal opportunities.

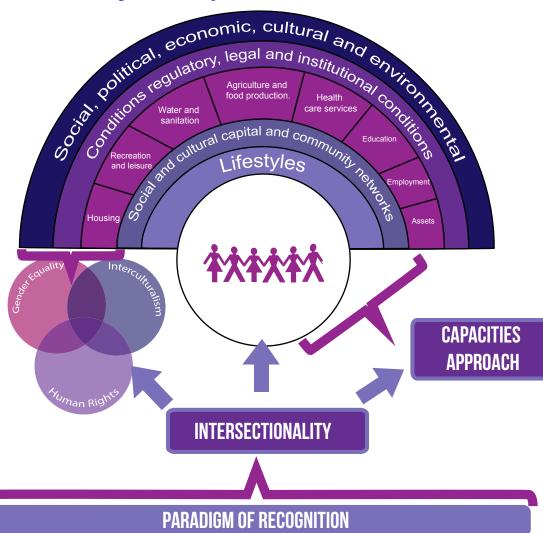


Diagram 1: Conceptual and theoretical framework

^{*} Este diagrama es una adaptación del utilizado por Dahigren y Whitehead (1991). "Diagrama determinantes sociales de la Salud". En: Social Model of Health. http://www.nwci.ie/download/pdf/determinants_health_diagram.pdf

Good practice: A field experience in mainstreaming

The "Opening Opportunities" Programme, Guatemala

- The main purpose of the "Opening Opportunities" programme is to create two community clubs for girls (8 to 12 and 13 to 17 years of age) that meet weekly in a safe public building, generally a primary school or local government premises, designated by the community leaders.
- The programme operates in communities of up to 2,000 inhabitants and seeks to involve a minimum of 30% of the eligible girls, to reach a turning point for social change.
- The programme uses a "cascade leadership" approach for girls to learn and apply leadership skills and develop in leadership training within and outside the project.
- The girls' clubs are led by female adolescent leaders between the ages of 15 and 20, who guide approximately 50 girls per community in each cycle.

Implementation of the strategy

Based on the effectiveness of the pilot intervention (2004-2006), UNFPA is supporting the expansion of the Programme to eight of the poorest communities in the indigenous rural highlands (altiplano). UNFPA and UNICEF coordinate their efforts with the Population Council to implement the programme through the following steps:

- Community leaders (through COCODES) and other key adults (teachers, parents, health care providers, etc.) participate in support of the programme.
- The community establishes the safe space and commitments to support the programme in a contract.
- The girls' clubs meet at least once a week.
- Participants in the club obtain expanded social access to networks of peers and alternative and positive feminine models, constructing their social and support capital.
- Participants in the clubs acquire knowledge, skills, attitudes and behavioural patterns to improve self-esteem, leadership, health, social network, citizen participation, financial education and opportunities for a safe and productive life.

Results

It has been found that the girls participating in the programme:

- » stay in school longer
- » function better and have increasingly ambitious academic goals than their non-participating peers
- » delay marriage and maternity, often past the age of 20
- » acquire leadership experience and other skills that increase their social, health and economic opportunities
- » in some cases, have assumed leadership roles in local government, rural businesses, etc.
- » have bank accounts, savings and plans for their productive income
- » have clearly defined their social, health and economic goals through a life plan
- » have greater social support and have developed a security plan to respond proactively in cases of social and gender violence
- » experience greater autonomy, mobility and authority for making decisions
- » are helping to make family and community norms and attitudes more favourable, promoting gender equality

Source: Population Council (2011). Equipping Mayan Girls to Improve their Lives. Document prepared by Jennifer Catino, Alejandra Colom and Marta Julia Ruiz. At: http://www.popcouncil.org/pdfs/TABriefs/05 MayanGirls.pdf

METHODOLOGICAL PROPOSAL IN THE PROGRAMMING CYCLE



PRINCIPLES NONDISCRIMINATION, ACOUNTABILITY, EMPOWERMENT AND PARTICIPATION

FRAMEWORK OF PRINCIPLES

1. FRAMEWORK OF PRINCIPLES

1.1 EQUALITY AND NON-DISCRIMINATION

DEFINITION

"We are convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of their human rights. We recognize the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination".²²

Within human rights, equality is not only a right but also a principle that cuts across all the other rights. The Universal Declaration on Human Rights establishes that equality is a normative principle and an established value for the recognition of diversity. "In other words, equality from the human rights perspective is not a mere declaration of a wish, nor an affirmation of a real fact but a human right that the State must recognize, protect and guarantee to all human beings."²³

The human right to equality is always associated with the concept of 'non-discrimination' so that it is possible to evaluate whether equality exists based on the presence or absence of discrimination. The Committee on Human Rights defines discrimination as "any distinction, exclusion, restriction or preference which is based on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms."²⁴

Beginning with Article 1 of the United Nations Charter, all treaties on human rights in international law establish the right to equality before the law and the right to their enjoyment free of any discrimination based on any social condition. CEDAW, the Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention 169 also all prohibit discrimination, offering UN Member States specific definitions by which to form public policy. The right to equality between men and women and among members of diverse cultures implies the obligation of each State to implement concrete actions for the elimination of real and proven discrimination, and for people to enjoy equality.

Regrettably, discrimination has been present throughout the development of our societies and it is linked to the distribution of power. And as indicated previously, based on greater awareness of the universal reach of human rights, discrimination against groups within pluri-cultural societies in the region is still present. There is ample documentation of the denial of rights of persons living with HIV (PLHIV), migrants, persons with sexual orientation or gender identity that falls outside of hetero-normativity (lesbians, gays, bisexuals, transsexuals, transgendered persons, intersexuals, etc.), and of those with some kind of disability. Discrimination prevents members of these groups from achieving their autonomy, which is each person's capacity to choose among his/her preferences and achieve the life he/she wants to live.

In this environment, discrimination against women naturally continues to be a persistent problem. In the case of girls, the situation is even more difficult since, in addition to considerations of gender, they suffer discrimination by adults. The problems of some women and girls are aggravated further by the exceptionally disadvantageous social situation in which they find themselves as members of marginalised racial groups, ethnic groups, religions, linguistic groups or sexual identities. These women and girls suffer multiple forms of discrimination, including inter-sectorial discrimination. This makes them particularly vulnerable to violations of their rights. Indigenous and Afro-

^{22.} NUnited Nations (2001). Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, 31 August – 8 September 2001. Declaration. In: www.un.org/WCAR/aconf189 12.pdf

^{23.} Facio, A. (2006). La igualdad substantiva: un paradigma emergente en la ciencia jurídica, Radio Internacional Feminista (FIRE). At: http://www.radiofeminista.net/dic06/notas/igualdad_equidad.htm ("Substantive Equality: An Emerging Paradigm in Judicial Science").
24. Cited in Facio, A. (2006). Op.Cit.

descendant women and girls are marginalized in general and must even face exclusion within their own communities. They have few opportunities to receive education or to participate in political life, and they lack a political voice, they lack dignified work, they have fewer opportunities to earn money, they lack "social and economic capital", and they are denied basic social services. Furthermore, women are frequently discriminated against in matters of property and inheritance.

KEY ISSUES

National laws must recognise the existence of indigenous people and Afro-descendants, and must recognise their cultural differences

Various countries have carried out constitutional reforms and have passed laws recognizing different indigenous identities as well as the multicultural nature of the State. However, in the majority of cases these reforms have not eliminated the legacy of historic discrimination against indigenous peoples and against indigenous women based on their gender.

There are two types of discrimination: direct and indirect

Indirect discrimination is more subtle and therefore more difficult to recognize. This is when a practice, a law or a requisite is neutral at first glimpse but has disproportionate repercussions on certain groups, unless it is necessary for achieving a legitimate goal. If attention is centred on the unequal impact that a measure has on a person as a member of a group, the basic causes of the discrimination and inequality can be better determined.

In this context it is necessary to pay attention to the possible effects of indirect discrimination when designing programmes for the indigenous or Afro-descendant population, for example criteria for hiring.

Anti-discrimination policy promotes equality of opportunities as a means of integration

Where data exist, they continue to indicate disparities for indigenous and Afro-descendant populations in society. Indigenous and Afro-descendant peoples — and particularly indigenous and Afro-descendant women and children — have less access to health, education and adequate housing services, they receive lower incomes and they have fewer opportunities for employment and vocational training. These groups cannot fully participate in public life and are rarely present in national policymaking bodies or at higher levels of administration. While there may be exceptions, indigenous and Afro-descendant peoples have much less political influence than other social groups.

 $Policy\,against\,discrimination\,also\,promotes\,affirmative\,action\,to\,overcome\,historic\,ine qualities$

Preferred treatment such as affirmative action may be admissible if it is intended to overcome past discrimination or address persistent inequalities. In fact, international human rights laws establish that special measures must be taken in favour of certain persons or certain groups in order to eliminate discrimination and achieve full equality not only in right but in fact. Various legal instruments establish this. The International Convention on the Elimination of All Forms of Racial Discrimination allows for the adoption of special measures "with the exclusive purpose of ensuring the adequate progress of certain racial or ethnic groups, or of certain persons that require the necessary protection to guarantee, in conditions of equality, their enjoyment or exercise of the fundamental human rights and freedoms".²⁵

Table 1: Institutions that defend rights, by country

Countries	Name of defending organization	Year	Specialized Units /Specialized mechanisms		
		created		i e	1
			Children and Adolescents	Gender	IIndigenous and/or Afro-descendant
Argentina	Defensor del Pueblo de la Nación ("Ombudsman's Office")	1993		YES	
Antigua and Barbuda	Office of the Ombudsman	1995	NI	NI	NI
Barbádos	Office of the Ombudsman	1987	NI	NI	NI
Bahamas	None				
Belize	Ombudsman Office of Belize	1999			
Bolivia	Defensoría del Pueblo ("Ombudsman's Office")	1997			
Brazil	Secretária Especial de Corregedoria e Ouvidoria Geral Brasil-Paraná ("Special Secretariat of the Comptroller and General Judge, Brazil-Paraná).	2003			
Chile	None				
Colombia	Defensoría del Pueblo ("Ombudsman's Office").	1992	YES	YES	YES
Costa Rica	Defensoría de los Habitantes de Costa Rica ("Ombudsman's Office of Costa Rica").	1993	YES	YES	
Cuba	None				
Ecuador	Defensoría del Pueblo ("Ombudsman's Office")	1998			
El Salvador	Procuraduría para la Defensa de los Derechos Humanos (Office of the Prosecutor for the Defence of Human Rights").		YES	YES	
Guatemala	Procurador de los Derechos Humanos ("Human Rights Prosecutor's Office").		YES	YES	YES
Guyana /a	Office of the Ombusdman				
Haití	Office de la Protection du Citoyen ("Office of Citizen Protection/ Ombudsman's Office").	1995			
Honduras	Comisionado de Derechos Humanos ("Office of the National Human Rights Commissioner")		YES	YES	
Jamaica /a	naica /a Office of the Public Defender				
Mexico	Comisión Nacional de Derechos Humanos ("National Human Rights Commission")	1999	YES	YES	YES
Nicaragua	Procuradoría para la Defensa de los Derechos Humanos ("Om- budsman's Office").		YES	YES	YES
Panamá	Defensoría del Pueblo ("Ombudsman's Office").		YES	YES	
Paraguay	Defensoría del Pueblo ("Ombudsman's Office").		YES	YES	YES
Peru	Defensoría del Pueblo ("Ombudsman's Office").		YES	YES	YES
Puerto Rico	Oficina del Procurador del Ciudadano de Puerto Rico ("Puerto Rico Ombudsman's Office").	1977	YES	SÍ	
Dominican Republic	None				
St. Christopher and Nevis	Ombudsman	2009			
Saint Lucia	Parliamentary Commissioner	1981			
San Vicente and The Grenadines /a	None				

Fuente: Prepared by the authors based on: Collection of United Nations Treaties; UNFPA.org Human Rights Situation by country; Commonwealth Forum of National Human Rights Institutions; Databases of the Instituto Iberoamericano de Derechos Humanos (IIDH); Database of the Defensor del Pueblo de España; United Nations Office of the High Commissioner for Human Rights (OHCHR); Office of the United Nations High Commissioner for Refugees (UNHCR); information from public institutions by country.

Notes:

YES: Has specialized division.

---: No specialized division.

NI: No information found.

/a: Problems of autonomy. Designation of the Ombudsman by the Executive Power and not the Parliament.

Table 1: Institutions that defend rights, by country

Countries	Name of defending organization	Year created	Specialized Units /Specialized mechanisms		
			Children and Adolescents	Gender	IIndigenous and/or Afro-descendant
Suriname	None				
Trinidad y Tobago /a	Office of the Ombudsman of Trinidad and Tobago				
Uruguay	Institución Nacional de Derechos Humanos y Defensoría del Pueblo ("National Institute of Human Rights and Defender of the People").		NI	NI	NI
Venezuela	Defensoría del Pueblo ("Ombudsman's Office").	1999	YES	YES	YES

Prepared by the authors based on: Collection of United Nations Treaties; UNFPA.org Human Rights Situation by country; Commonwealth Forum of National Human Rights Institutions; Databases of the Instituto Iberoamericano de Derechos Humanos (IIDH); Database of the Defensor del Pueblo de España; United Nations Office of the High Commissioner for Human Rights (OHCHR); Office of the United Nations High Commissioner for Refugees (UNHCR); information from public institutions by country.

Notes:

YES: Has specialized division.

----: No specialized division.

NI: No information found.

/a: Problems of autonomy. Designation of the Ombudsman by the Executive Power and not the Parliament.

Therefore, programming must incorporate affirmative action measures for adult and young women of indigenous and Afro-descendant origin in instances of public level decision making, and also in organizations. At the same time these measures require monitoring and evaluation to determine.



Discrimination can be present in any phase of the existence of a right: in the recognition, in enjoyment or exercise of that right

The first phase refers to the moment the laws establishing rights are created. The second refers to the needs that are satisfied with this right, and the third, to the active aspect of rights, which implies that there must be some mechanism whereby rights holders may report the violation of their right and achieve redress for it.

While the region has advanced on policy to end discrimination, and while steps are being taken to offer programmes that protect rights, limitations remain. Institutional mechanisms to provide redress in cases of violation are lacking. As shown in the following table, there are only a few countries in the region with specialized policy on the rights of women, children, indigenous peoples and Afro-descendants.

Some countries in the region have established institutional mechanisms to ensure that discrimination does not occur. This is the case in Argentina, where, since 1995, the National Institute against Discrimination, Xenophobia and Racism (INADI)²⁶ has functioned as a decentralized organization. It is directed at all persons subject to discrimination based on ethnic origin, nationality, political opinions, religious beliefs, age or physical appearance. INADI works to guarantee for those persons the same rights enjoyed by society as a whole through true egalitarian treatment. It coordinates the implementation of Argentina's National Plan against Discrimination, which began in 2005.

In Mexico there is the National Council for the Prevention of Discrimination, CONAPRED²⁷, a state agency with its own legal status and patrimony, created by the Federal Law for Preventing and Eliminating Discrimination (2003). CONAPRED is the lead institution in promoting policy on the right to equality, which is the first of the fundamental rights of the Mexican Constitution. CONAPRED is also in charge of resolving claims of discrimination by private citizens or federal authorities in the exercise of their functions. The Council works to protect citizens from exclusion based on ethnic or national origin, sex, age, disability, social or economic condition, health condition, pregnancy, language, religion, opinion, sexual preference, civil status or "any other

LIST OF FACTORS TO CONSIDER WHEN WORKING WITH INDIGENOUS AND AFRO-DESCENDANT PEOPLES:

- Access by indigenous and Afro-descendant peoples to specific social services, especially to education in their own language, culturally appropriate medical service, childcare and child services;
- The social and economic conditions of women and girls belonging to indigenous and Afro-descendant peoples and their relation to exploitation and abuse, including trafficking;
- The way poverty affects women, men and children differently within the indigenous and Afro-descendant communities and society
 in general;
- The situation of women belonging to indigenous and Afro-descendant peoples with respect to the rights to property within marriage, land ownership and property in general;
- Access to employment and income-generating activities, including equal access to human and financial resources such as capital, credit, land, information and technology, training and the development of skills, market opportunities, savings opportunities and social networks;
- The level of participation of women and girls in decision making, especially in local development plans and strategies for the fight against poverty;
- Non-discrimination of women with respect to their acquisition, change and conservation of nationality and the transmission of their nationality to their children, as well as the effects on the lives of women and children of indigenous and Afro-descendant peoples;
- The barriers faced by women to justice and to the availability of specialized legal counselling and training in basic legal knowledge;
- Violence in the community and how to handle it;
- Abuses during conflict and the selection of women and girls as targets;
- Access to intercultural education and training; discrimination between boys and girls;
- Access as equals for women and girls from indigenous and Afro-descendant peoples to humanitarian assistance in case of conflicts or natural disasters;
- The particular situation of refugee and internally displaced women and girls in camps where they may be exposed to sexual and gender-based violence or to problems of access to specific social and medical services, water, health, specialized knowledge, professional training, childcare and other services;
- Particular discrimination against women and girls belonging to indigenous or Afro-descendant peoples with respect to remunerated work for example domestic work;
- Support for dialogue with women and girls from indigenous and Afro-descendant peoples in conflict situations or in the design and implementation of public programmes that include them;
- Evaluation of the effect of legislation and policies on gender equality in the specific situation of indigenous and Afro-descendant women and girls; and
- Support for the creation of organizations centred on the concerns of indigenous and Afro-descendant women and girls, or support for those organizations.

Adapted from OHCHR (2010). Minority Rights: International Standards and Guidance for Implementation. United Nations, New York.

condition that impedes or voids the recognition or exercise of people's real rights and equality of opportunities" (Article 4, Federal Law for Preventing Discrimination).

1.2 ACCOUNTABILITY AND TRANSPARENCY

DEFINITION

Accountability and transparency are increasingly present in national and international public and private organizations. Generally, public rendering of accounts is carried out as an exercise to show the strength, security and soundness of an organization; to show its economic performance, proper management of its resources and its efficacy and efficiency in meeting goals and objectives. This creates a favourable image of transparency, giving confidence to the audiences and to society²⁸. Accountability is a common element in any organization. That organization, after a given period of programme execution, publicly presents the results for commitments assumed, the use of resources, the sources from which the resources derived and the lessons learned. In this context, data should be understandable, legible and well founded.

Accountability and transparency are at the same time an ethical imperative, a responsibility to the rights holders toward whom the action is directed, and a key aspect of programme management. This requires explicit and planned action, from the conception of an initiative through to its termination, going beyond the traditional idea of informing donors about the use of their financial resources.

Accountability and transparency are also intimately related to the 'right to information'. Democratic participation itself depends on citizens' ability to access the information they need in order to exercise their individual or collective control. The processes of accountability will be effective to the degree that those implementing them transmit solid, rigorous and accessible information to the rights holders so that they can be the ones to effectively evaluate the results. The right to information is so fundamental for the exercise of the other rights that, together with access to participation, justice and equality, it has become an indicator of progress of States' performance in social, economic and cultural rights. The right to information implies not only a state obligation to respect the information itself, permitting access to the available data, but also the positive obligation to generate information and disseminate it²⁹.

KEY ISSUES



Transparency and accountability are becoming more and more obligatory for governments

The processes of citizen involvement and policymaking have highlighted transparency and the fight against corruption as major themes. Various countries have already formalized access to public information in order to increase transparency of the process. At the moment this tendency is slightly greater in the countries of the 'Southern Cone', Central America and the Caribbean. A majority of countries here have created feedback modalities or organs, including complaints and/or information offices, public accountability mechanisms, and particularly offices of the ombudsman/woman, as well as consumer protection. This trend has followed modernization of administration, conceived as a public/customer service and it is moving toward a citizenship approach that recognizes rights and citizens' capacity to claim them.

The region's governments have thus been expanding the existing 'passive' transparency measures (managing the information to make it available to whomever needs it) into a more 'active'

^{28.} Restrepo, Beatriz (2008). La Rendición de cuentas. Una aproximación desde la ética. In: Política de Transparencia y Rendición de cuentas. Pautas para su construcción. CCONG y ONGs por la Transparencia. At: http://rendircuentas.org/wp-content/uploads/2012/09/Modelo-POL-TRANSP-Y-RC-julio22. pdf ("Accountability. An Approximation Based on Ethics").

^{29.} CEPAL, UNFPA y UNICEF (2011). Contar con Todos, Caja de herramientas para la inclusión de pueblos indígenas y afrodescendientes en los Censos de población y vivienda, CEPAL, UNFPA, UNICEF, AECID. At: http://www.eclac.cl/publicaciones/xml/9/45609/Modulo1-full.pdf. ("Everyone Counts. Toolbox for the Inclusion of Indigenous and Afro-descendant Peoples in Population and Housing Censuses").

transparency that calls for publishing relevant information on diverse areas of public administration through different media – mainly Web sites. These measures are intended to reduce corruption, which continues to be widespread in the region.

Strengthening the hand of rights holders to demand accountability

Traditionally, accountability has been a condition of donor funding or, in the case of public services, it is in response to demands from other public powers, like a parliament or a comptroller's office). However, one of the most important aspects is accountability to the recipients of the initiatives. This is because, in the final analysis, accountability is supposed to guarantee their rights and it is the rights holders who should see the achievements or deficiencies of the actions undertaken in their name.

One goal in working with any group subject to discrimination is to strengthen their capacity to gain access to quality information and demand accountability on the projects favouring them. That requires action at several levels:

- Making accountability a core element of a project; meeting with the beneficiaries (or their representatives), and taking care to ensure the participation of all population groups, especially women and youth.
- Ensuring that the information on administration is complete and understandable to the recipients.
- Establishing methodologies for dialogue and not just for information on activities.
- Asking beneficiaries what their concerns are or what their vision is, especially regarding continuity of the project.
- Offering training on the handling of official information (for example, statistics and legislation) so that people can use it and be interlocutors of technical civil servants and not be disqualified for lack of knowledge. In this regard, CELADE (an arm of ECLAC) has broad experience that has allowed it to train indigenous and Afro-descendant leaders in the use of information on various topics of interest to them³⁰.
- Strengthening indigenous and Afro-descendant women and youth groups in their initiatives to provide training on rights and public policy.

Strengthening the capacity of civil society to be accountable to their beneficiaries

Civil society organizations are important partners of United Nations agencies in the promotion and guarantee of the human rights of the groups most discriminated against. A major part of this work is carried out through partnerships with them, and their voice is recognized for keeping human sustainability on the public agenda. Thus, it is vital to help strengthen these organizations' accountability mechanisms rather than just make transparent the use of public resources or donor funding. A particularly crucial aspect of this is to strengthen their accountability to project beneficiaries, facilitating relations between both parties and generating public confidence.

Strengthening accountability of UN agencies as an example for national actors

There is a case for the United Nations System to have adequate and permanent accountability mechanisms too. It has to do with the ethical requirement to "begin at home" in order to be able to demand something similar of others, It grows out of the obvious improvement in quality of programming when its inner workings are exposed to the public, and also grows out of the right of the funders and the recipients of resources to know what is done with both of these things and how it is done.

There is also a case for improving management because accountability makes it possible to detect gaps or limitations in tasks, for example, improving information recording systems or revealing new problems not present at the beginning, such as discrimination by gender, age, ethnicity or race, or unexpected effects.

Accountability makes it possible to institutionalize results and lessons learned as well, circumventing any limitations in the capacities of those responsible for implementation. Transparency and accountability are institutional acts, not personal acts, and putting them into practice means that the entire institution benefits.

Finally, accountability has a political element, particularly when the visibility of United Nations organizations is involved. Accountability facilitates communication about the work of United Nations agencies and about the living conditions of recipients, who usually remain invisible to public opinion.

1.3 PARTICIPATION

Definition

"Every person and all peoples are entitled to active, free and meaningful participation in contribution to and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized."³¹

One key aspect of human rights is participation and this idea should be an essential dimension of intercultural work, with a gender equality perspective. Participation is an indispensable ethical element in a democratic system, while from a management point of view, it guarantees that programmes and measures are pertinent and that they achieve the expected results.

There are diverse distinctions in both the institutional dimension of participation in public policies and in its scope³²:

- Participation has an **organic nature** when the participants join special public organizations like councils or commissions; these organizations have the function of orienting public policy and have decision making, consultative or controlling roles.
- Participation has a procedural nature when it enables citizens to contribute their opinions and have these opinions considered in some decision, without their necessarily belonging to an organization. The mechanisms may be occasional or permanent. Some practices that have been institutionalized in different countries are public hearings, petitions, neighbourhood initiatives and other mechanisms of indirect democracy.
- Special participatory processes are characterized by combining organic and procedural elements. They are convened by government or by some other entity with authority and may range from a one-off citizen consultation to complex and highly institutionalized processes such as deliberative assemblies on participatory budgeting. Each special participatory process requires a unique methodological framework adapted to the objectives and to the context in which it is being implemented.

Citizen participation in public policies is also distinguished by its level of intensity³³:

^{31.} UNDG (2003). The Human Rights Based Approach to Development Cooperation. Towards a Common Understanding Among UN Agencies.

Bonfil, P. (2008). Presentación del Estado de la población mundial 2008. Ámbitos de convergencia: cultura, género y derechos humanos. Comentario General, UNFPA, México DF. ("Presentation of the State of the World's Population 2008. Spheres of convergence: culture, gender and human rights. General Commentary").

^{32.} Prieto Marín, P. (2010). Las alas de Leo. La participación ciudadana del siglo XX, Asociación Ciudades Kyosei. At: http://www.ckyosei.org/docs/Las-AlasDeLeo.pdf ("Leo's Wings. Citizen Participation in the XX Century").

^{33.} See, among others: OCDE (2001). Citizens as Partners. OECD Handbook on Information, Consultation and Public Participation in Policy-Making, OCDE. At: http://www.oecd-ilibrary.org/governance/citizens-as-partners_9789264195578-en. And Sanhueza, A. (2004), Participación Ciudadana en la Gestión Pública, Participa, http://www.participa.cl/wp-content/uploads/2007/10/participacion-ciudadana-en-la-gestion-publica.pdf ("Citizen Participation in Public Administration").

- **Informative:** On their own initiative, institutions disseminate information on public policy, or else citizens obtain information by demanding it. In either case, the flow of information is one way, from public institutions to the citizens.
- **Consultative:** Public institutions demand and receive responses from citizens on the details of public policies. To get these responses, public institutions determine which interlocutors want to express an opinion, and the specific points on which they want to have a say. Thus it is necessary to open channels for receiving these opinions.
- "Resolutive": The goal of participation is to convene persons and groups with real
 possibilities of exercising influence on a specific topic. The actors are considered
 implementers and/or managers of social programmes and/or projects to address local
 problems. In this way the actors participate in a process of negotiation, through which
 binding agreements that influence the decision are established.
- **Citizen control:** Citizens have absolute control of the managerial aspects and the negotiations.

Along with citizen participation, community participation is also vital. Community participation is the set of actions by diverse sectors of the community to find solutions to their needs or to face issues together in the collective interest. Here, the specific forms community participation of indigenous and Afro-descendant peoples must be considered, as should the different roles of men, women, boys and girls.

Participation is also linked to the concept of empowerment, which is a multi-dimensional and social process aimed at giving people authority over their own lives or, in the case of collectives, giving them the capacity to decide on the objectives they want to achieve and the path to get there.

Empowerment has three dimensions (Rowlands 1997. In: Treviño, 2012):

- Personal, which develops the sense of self, confidence, and the capacity of realization and
 individual action. This is related to agency (the capacity to make use of available assets) and
 to self-sufficiency (confidence in an individual's own competencies) (OPS, 2009).
- Close relationships help to develop the capacity to negotiate and help to establish other relationships as well as to develop decision making.
- *Collective*, which is when empowerment enables solidarity and participation among a group, community or organization based on cooperation.

Empowerment is an intervention strategy as well, which contributes to the development process and which facilitates autonomy for individuals and for the groups to which they belong. It helps individuals, groups and communities to develop the capacity to interact and intervene in the social, political and cultural spheres while developing their preferences and action plans.

From this perspective, power is not a good that can be distributed, but instead is one result of the relationships in which many marginalized groups find themselves. Thus, empowerment aims to transform these kinds of relationships in order to create a society that allows for the realization of personal identity and for the development of individual and collective projects through its egalitarianism. This process goes hand-in-hand with the growing awareness among subordinate groups of their rights, capacities and interests, and of the way these ideas are related to the interests of peers in order to participate in society from a stronger vantage point.

The Gender in Development (GID) approach, promoted at the end of the 1980s, recognizes the importance of gender inequities and inequalities, together with other unequal power relations based on race, class, age, sexual orientation, disability, or North-South relations. It is a new model of development that is centred on the person, that is sustainable and egalitarian, and which

requires a redistribution of power at all levels and in all sectors. The GID approach considers the empowerment of women and girls to be an increase of "power to, power with, and power from" as opposed to "power over", and holds this as a strategy and goal for development. It is based partly on the notion that empowerment, due to its transforming nature, seeks not only an improvement in women's conditions through the satisfaction of their practical interests, but also an improvement in their gender relations through the satisfaction of their strategic interests. The GID approach is what inspired and framed the 1995 Beijing Declaration and Platform for Action (BPA) as well as later international commitments in this area. Subsequently, in 2000, the Millennium Development Goals (MDGs) included Goal #3, which makes explicit the achievement of gender equality and women's empowerment³⁴.

Based on the capacities and rights approaches, and on the paradigm of recognition, empowerment becomes a key intervention strategy for working with marginalized and excluded groups like indigenous and Afro-descendant populations, women, adolescent women and girls from these groups and members of other marginalised groups as well.

KEY ISSUES



ILO Convention 169 makes the prior, free and informed consultation of indigenous and tribal peoples compulsory

One of the main means for the realization of the rights of indigenous peoples has been the creation of adequate channels for participation, both in the definition of priorities and strategies for development and in the implementation of plans, programmes and projects. Without the consultation of indigenous peoples in the first phases of the development of initiatives, the efficacy of programmes aimed at them might have been lessened from the outset.

Consultation and participation mechanisms are the cornerstone of Convention 169, and the intention is not merely formal, but established, so that indigenous peoples can participate effectively in their own development. Consultation should be performed following procedures that are appropriate for the circumstances, through institutions representative of the indigenous peoples, in good faith, and with the purpose of reaching an agreement or achieving consent regarding the proposed measures.

As stated by the Committee of Experts on the Application of Conventions and Recommendations in its report of February 2011³⁵, regarding "appropriate procedures", there is no single model for appropriate procedure and these procedures should consider the nation's circumstances and those of the interested indigenous peoples, as well as the nature of the measures that are the object of the consultation process. The prior consultation established in the Convention goes beyond a consultation in a specific case and tends to call for the entire system of Convention dispositions to be applied systematically and in coordination with indigenous peoples.

Consultations should also deal concretely with the following issues: Legislative or administrative issues that can affect them directly (Article 6,1); the authorization or implementation of all programmes of exploration or exploitation of mineral or sub-soil resources found on their lands (Article 5.2); whenever their capacity to dispose of their lands or otherwise transfer their rights to these lands outside their community is considered (Article 17.2); and specific matters related to education (Articles 27.3 and 28.1). But when relocation of indigenous and tribal peoples from the lands they occupy to other land is considered necessary, it must be done with their freely given consent and full knowledge of cause (Article 16.2).

The mechanisms of prior, free and informed consultation mandated for indigenous and Afro-descendant peoples call for consensus building through dialogue

In order to reach agreement on matters of interest, indigenous peoples must participate through their community organizations, grassroots leadership and indigenous organizations. The promotion of trust and the possibility of reaching an authentic consensus also depend on the consultation process fully respecting the indigenous and Afro-descendant communities' spaces and institutions for participation and decision making.

During consultation, the institutions involved must provide pertinent information, based on which the interested indigenous and Afro-descendant peoples can make decisions. This information should contain the scope of the development proposals and their impact, risks and implications. In cases of exploitation of natural resources or development projects affecting indigenous lands, this should include an environmental and social impact study, especially for the first phase of consultation.

It is vital that representatives of the affected communities, beneficiaries and indigenous organizations participate in the definition, design and supervision of projects. This is true for projects that can have a negative impact and projects for social or rural development, as well as for social investment. The participation of indigenous professionals and technical personnel in design and implementation of the projects is also key, as is the inclusion of women and youths.

The concept of representation in work with indigenous and Afro-descendant organizations needs to be expanded

Indigenous and Afro-descendant peoples are represented very differently in some cases. Some have maintained traditional legal, administrative and governance systems while others have adopted new organizational forms, such as associations. There are also others that have been established by governments, in some cases to compete with, or even impede, the organizations created by the people themselves. This reflects the process of change and the multi-faceted challenges faced by indigenous and Afro-descendant populations. In some cases, different organizations coexist with each other, but others compete for legitimacy or for available resources.

In some cases the formal requisites of development cooperation, such as presenting financial reports, contribute to the adoption of new organizational forms by indigenous or Afro-descendant peoples – whether they are youths or adults, women or mixed groups – but can also erode the existing structures and institutions. Thus, donors run the risk of inadvertently contributing to division by giving unilateral support to a sector of an indigenous or Afro-descendant society instead of promoting an inclusive approach.

In this context, it is important to survey of organizations linked to a territory or a determined cause and carry out a careful and inclusive study of the indigenous or Afro-descendant partners for the participation of men and women, boys and girls, and adolescents and youths, as well as an evaluation of their capacity, local acceptance and accountability to their communities.

Diagnoses should recognize not only which resources are lacking, but also which are present in the broad sense for the involved communities

"We indigenous women contribute to national economies by managing and protecting natural resources, producing foods and food sovereignty, providing sexual and reproductive health care, transmitting traditional wisdom, caring for children and the elderly, and other things. However, even today, when the issue of indigenous women is addressed, we are characterized as vulnerable groups or as groups that need to be benefited or helped. We indigenous women demand an urgent change of paradigm. Indigenous women are not a vulnerable group, we are not minorities;

indigenous women are subjects of rights, including economic and political rights, and economic agents, agents for reproducing life, culture, identities, knowledge and historic memory".(Indigenous Women Alliance from Mexico and Central America, 2012)

This quote shows that rights holders, in this case indigenous women, have wisdom have their own knowledge, and have positions with which they live and project themselves. It is common, however, that programmes that focus on these women consider that strengthening their capacities is nothing more than giving them the means they would not otherwise have to achieve equality so that they can be integrated into the majority society. But a rights and interculturality approach requires recognizing and valuing their world views too, as well as their own practices and their own knowledge, in order to promote dialogue. So-called "intercultural" social programmes (in health or education) don't always deal with ancestral wisdom and its bearers.

In the case of children and adolescents, it is even more important to keep this recommendation in mind. Many of the programmes and projects intended to promote the rights of children and adolescents consist of information and training opportunities, and, while these are important they are not always enough to "transform" the situations affecting these youth. Experience shows that initiatives that include the actual views and proposals of girls and young women regarding their problems have a better chance of success and of sustainability due to their relevance. In the case of female adolescents, inclusion of their own views also contributes to their empowerment, which is an important benefit in a context of subordination and exclusion. Similarly, supporting actions to strengthen the leadership of girls and female adolescents is key, so that their participation in organizations is not limited to this (adolescent) stage in their lives but can be projected over time. Opportunities for participation should also be increased so that girls and female adolescents can have safe spaces outside their homes and can learn to develop their autonomy³⁶.

HIGHLIGHTED EXPERIENCE

UNDP Paraguay, together with the Secretariat of Civil Service and the Paraguayan Indigenous Institute, has developed a manual entitled "Basic Orientations for Civil Servants' work with Indigenous Peoples". This publication offers interesting practical guidelines for respectful work with indigenous and Afro-descendant populations. After describing the situation of the indigenous peoples in Paraguay it recommends the steps that should be taken in meeting commitments established in ILO Convention 169, to finally present the specific characteristics of working with indigenous communities and organizations, as well as practical aspects of fieldwork.

Although it is intended for civil servants, its guidelines are also applicable to intercultural work performed by UN agencies.

See: PNUD (2011). Fortalecimiento de Capacidades Institucionales para la implementación de políticas públicas orientadas a pueblos indígenas, Paraguay. At: http://www.undp.org.py/images_not/Libro%20fortalecimiento.pdf ("Institutional Capacities Strengthening for the Implementation of Public Policies for Indigenous Peoples")

be

Indigenous and Afro-descendant women's organizations are emerging actors that should be considered

A. Indigenous women

Although talk on gender is not silenced in indigenous societies, formal indigenous organizations are not necessarily representative of gender awareness and there is often a need to explore complementary structures to ensure the participation of both men and women. Specific gender activities are increasingly being implemented in the community sphere and there is a growing network of indigenous women's organizations that deal with general matters, such as indigenous peoples, and specific matters, such as gender, thus strengthening the internal discussion of self-determination and gender-based rights.

In Latin America there has been a long process of strengthening indigenous women's organizations and increasing their visibility. However, indigenous women's leadership and women's capacity to build organizations and collective agendas to face their situation are typically kept "invisible", and there is little research available on the diversity and magnitude of the mechanisms of indigenous women in the region. In general, organizations pushing for the recognition of the rights of indigenous women in the region have passed through three stages³⁷:

- From silence to "the word", whereby women go from being "invisible" to having a greater presence and demanding greater access to decision making in mixed indigenous organizations, as well as preparing their own agenda of issues to be addressed;
- From "the word" to action, in which organized indigenous women mobilize and protest the violation of their rights in diverse national and international spaces; and
- From action to proposals and decision making, whereby indigenous women create agendas
 explicitly for vindication of their cause and proposals for public policy for international
 organizations.

B. Afro-descendant women

In Latin America and the Caribbean, the Afro-descendant women's movement appeared at the end of the 1970s to question the racism within feminism and to question the sexism within the black movement. In the process of articulation and construction of identity, black women have gone through different moments, from the process of forming political identity to outwardly oriented policy/political work, and then toward national, regional and international articulation.

The Network of Afro-latinamerican, Afro-caribbean and Diaspora Women was created in 1992. It is a space for the articulation of advocacy against racism, sexism and poverty it promotes the empowerment of black women. With projection throughout Latin America, the Caribbean and the Diaspora, it currently is assumed that the Network of Afro women is comprised of 250 organizations in 25 countries of Latin America and the Caribbean.

Over two decades, the Network has implemented many initiatives aimed at achieving recognition for the rights of the continent's Afro-descendant women, which has made it a point of reference both for Afro-descendant women themselves and for the broader women's movement, UN System agencies, governments, development agencies, non-governmental organizations, international feminist networks and mixed Afro-descendants' organizations³⁸.

^{37.} Vila, G. (2012). "Políticas públicas e interculturalidad". Ponencia presentada al Seminario Ciudadanía indígena: Retos y Nuevos Desafíos para la Institucionalidad Pública, PNUD, Santiago de Chile, 22 – 23, agosto de 2012 (in press). ("Public Policies and Interculturality").

^{38.} Red de Mujeres Afrolatinoamericanas, Afrocaribeñas y de la diáspora (2012). Avances y desafíos de las mujeres Afrolatinoamericanas, Afrocaribeñas y de la diáspora en función del programa de acción de la conferencia internacional sobre población y desarrollo (CIPD). At: http://www.mujeresafro.org/index.php?option=com_docman&task=doc_details&gid=31&Itemid=20 ("Progress and Challenges Faced by Afrolatinamerican and Afrocaribbean and Diaspora Women in function of the programme of action of the International Conference on Population and Development [ICPD]").

United Nations agencies should include the participation of indigenous and Afrodescendant peoples in the implementation of their programmes

Participation is an integral part of the human rights-based approach. It requires the inclusion of projects by indigenous and Afro-descendant peoples, including those that promote the participation of women, girls and female adolescents, who are often "invisible".

Mechanisms for participation can vary and some of the following criteria are:

- Propose/support the creation of advisory groups/committees of indigenous and Afrodescendant peoples for UNCT so that indigenous peoples are permanently involved in the design and implementation of programmes and policies. This committee/group should be comprised of indigenous and Afro-descendant women and men, and should also promote the involvement of youths of both sexes from these groups, chosen on the basis of equality.
- See that indigenous and Afro-descendant peoples, striving for gender equality, are involved in the work of National Programme Management Committees. The presence of indigenous and Afro-descendant representatives in a group of multiple actors in which no actor is disproportionally represented, and is presided over by a UN civil servant, is a good example for achieving significant and direct indigenous and Afro-descendant participation in decision making.
- Ensure that there is at least one representative of indigenous peoples and the Afrodescendant population on the advisory committees of existing or future civil society organizations of the UNCT. (These committees have been created or are in the process of being created in various countries.)
- Encourage the training of UN working groups on indigenous issues, Afro-descendants and cultural and gender diversity so that they can dialogue with other, established UN working groups, such as the working groups on human rights and gender.
- Enrich the diversity of UN personnel, favouring the hiring of indigenous and Afro-descendant persons.
- Consult rights holders before preparing any programme or project. The representatives of
 different ethnic communities expect that any civil society, consultative entity established to
 advise or cooperate with the United Nations is composed of representatives of all sectors
 of the population, including women, youths and indigenous and Afro-descendant peoples.
 There are many ways in which the UN can contribute to the effective participation of
 persons belonging to the traditionally discriminated peoples.

HIGHLIGHTED EXPERIENCE

In Guatemala, UNFPA has created the Más Mujer group (More Woman), to carry out an analysis of the situation and policies of gender equality and to discuss the relevant initiatives. This group includes representatives of indigenous women together with leaders of civil society, government representatives, academic organizations and parliamentary organizations. It incorporates the views and problems of indigenous women in the debate on national issues.

PRINCIPLES NONDISCRIMINATION, ACOUNTABILITY, EMPOWERMENT AND PARTICIPATION

Interculting Sex Eduality 2. **SITUATION ANALISIS** My man Rights

2. SITUATION ANALISIS

This phase of the programming entails having sufficient, timely and reliable information for performing a situation analysis of the country in accordance with the principles of programming. This analysis, which includes identifying areas of the country found to be deficient according to agreed goals that draw on international mandates and standards, allows the United Nations Country Team (UNCT) to develop the technical support for analytical work in a country and to identify priority issues.

The situation analysis deals fundamentally with:

- · analysing the demands of rights holders
- · identifying duty bearers' capacity to realize their rights
- identifying opportunities for the creation of capacities
- establishing or facilitating strategic partnerships
- · detecting priority development problems
- identifying the causes of the problems detected

To better understand the gender equality, human rights and interculturality approaches, there are four elements that are of special importance:

- Individualizing the demand of the rights holders
- Identifying the pivotal stages in the life cycle
- Considering the social and institutional context
- Identifying problems from their causes



2.1. "INDIVIDUALIZING" THE DEMANDS OF RIGHTS HOLDERS

Generally we find five issues that are shared by the rights holders in the most marginalized groups in society, whether minority or majority, living in situations of injustice or inequality (as in the case of women and girls, or Afro-descendants in some countries. These are:

- lack of visibility and recognition
- lack of political representation
- scarce participation in consultative and/or deliberative spaces
- lack of access to culturally adequate and high-quality services and goods and lack of access to a means of improving their capacity
- their rights are not recognised

Diagram 2: Conceptual and operational model of the integration of the approaches in the situation analysis

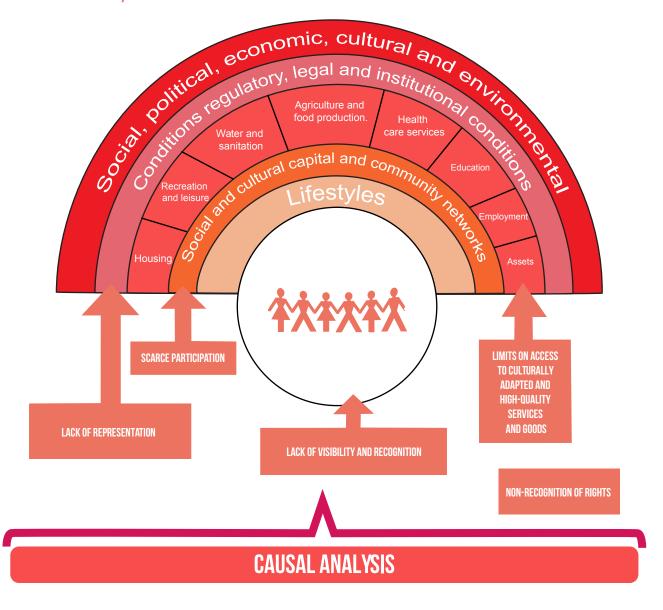


Table 2: Main problems in identifying the demands of disadvantaged groups

SHARED PROBLEM

DESCRIPTION OF THE PROBLEM

Lack of visibility and recognition

The 'invisibility' of some actors and/or social groups has historic roots in the region and has adversely affected programming processes in general. There has in the past been a sense that "what is not seen does not exist", and therefore, improving measurements of the population's characteristics is important for public policy.

One dimension of invisibility is related to having disaggregated statistical information. Shortfalls in the availability of data disaggregated by sex, age, ethnicity, race and place of residence are evident throughout the world. Technological and economic efforts are being made to disaggregate data and make it available free of charge in the region. However, this is a problem in practically all statistics systems. For example, of the 14 United Nations agencies reviewed in 2012, only four had databases with information disaggregated by sex, race and ethnicity.³⁹

Notable efforts have also been made to study the most excluded sectors – but still not from the 'intersectionality' viewpoint. This requires sufficient qualitative information and specific studies to explain many dynamics found at the regional level and in the countries with respect to the interaction among gender, interculturality and human rights. The exploration of intersections is only a recent development and there is still a need to invest in it in order to address all the dimensions of the causes of the associated problems. There is also a need to strengthen capacities to perform solid diagnoses, with quantitative and qualitative information, keeping in mind the different dimensions of people's lives, to make them comparable in time as well.

Lack of political representation

Where the United Nations System works with Civil Society, some groups are sometimes less well represented than others. The so-called "second floor" civil society organizations are not common in all countries of the region and this gives rise to a problem of representation of the interests and problems of diverse groups, due to the fact that they are often territorially or thematically fragmented.

This difficulty can also become aggravated when "intersections" in a project (sex, age, ethnicity, race) occur simultaneously. It is important, therefore, to have different representation and strategies for analysing the problems in that country.

Policies of ethnic and racial representation in the region have also suffered from problems of design and conceptualization, reflected in challenges presented by racial classification, mobilization of ethno-racial groups and the formulation of public policies. The number of seats assigned to these groups tends to be reduced and not proportional to the size of the target population. Afro-descendant women, for example, are even more underrepresented than Afro-descendants as a whole, and likewise more underrepresented than women as a whole.

Under the integration of the human rights, gender and interculturality approaches it is assumed that there are social actors with interests that progressively demand their place in decision making. Not only must this aspect be considered, but instruments should be generated for including it in programming, because it often is included but not financed as an indispensable, all be it costly, element.

Another problem is related to the definition of "representations". Who or what organism qualifies the level and legitimacy of the representation of the "other actor"? For organizations based on a territory, this is a major problem due to the organizational fragmentation of the great majority of territories, where the organizations for youth, migrants, women, indigenous peoples, gays or LGTB, etc. interact. Therefore, the so-called "second floor" organizations or networks play a fundamental role in this area, although their thematic difference places limits on greater articulation.

Table 2: Main problems in identifying the demands of disadvantaged groups

SHARED PROBLEM

DESCRIPTION OF THE PROBLEM

Scarce participation in consultative and/or deliberative processes

Generally, these disadvantaged groups are consulted with the expectation of obtaining consent for the implementation of programmes or projects. Yet the analysis is typically also made by technical personnel or specialists, and sometimes the particularities of specific groups are missed, for example, in projects in indigenous territories, in projects requiring non-remunerated work by women or in sexual education projects focused on youth.

There is still no solid, deliberative tradition in the situation analysis phase that would allow these groups access to prior information in a robust way or in a way that they would then be able to make adequate decisions on projects involving them directly. The most systematic programmes have been in the field of gender equality, in which the traditional "second floor" women's networks and organizations participate in decision making. For example there are the UN Women consultative group at the regional level (in which indigenous women also participate) and the Civil Society Consultative Council of the National Commission for the Development of Indigenous Peoples (CDI) in Mexico, in which indigenous representatives of both sexes participate.

For indigenous peoples, the most progress has been made on consultation mechanisms for dealing with projects designed or implemented in their territories. However, these mechanisms are still under development and are incipient in some of the region's countries. Some indigenous participants have also claimed that these mechanisms have not addressed substantive issues on the obligation to take their opinions into account. ⁴⁰

Lack of access to culturally adequate and high-quality services and goods and lack of access to a means of improving their capacity Most multilateral organizations agree that social exclusion mainly affects indigenous groups, Afro-descendants, women and girls, persons with disabilities and/or HIV-positive persons. (What varies is the order of ranking depending on the context, the kind of exclusion and the country.)

For many years, poverty and marginalization have also been defined only in their economic dimension, and only recently have the meaning and scope of their multidimensionality and exclusion been recognized, with cultural aspects beginning to gain importance. This, along with the poverty of time, which appears more sharply in the case of women and girls.

Usually the organizations in this field denounce the limited access to services and public goods, but also bring attention to their cultural relevance and whether or not they meet standards established by the Committee on economic, social and cultural rights. In the field of health, these include availability, accessibility, acceptability and quality.

Their rights are not recognised

The very construction of human rights has been progressive in that there are groups that have been joining the exercise of specific rights only in recent decades, as in the case of indigenous peoples. As another example, in Latin America and the Caribbean, a woman's right to vote was only established in the latter half of the 20th century. It is no surprise, then, that there are rights called first, second and third generation. There are countries in the region that have signed binding conventions but have neither ratified them nor signed their optional protocols when they were presented. This lack of domestic rights is thus associated with the political will of governments to harmonize their national systems with advances in the international community.

Prepared by the authors based on interviews with key informants.

⁴⁰ Programa Conjunto en Chile del F-OMD y Fundación FORD (2012). Panel de Consulta a Pueblos Indígenas en el Seminario "Ciudadanía indígena: Retos y Nuevos Desafíos para la Institucionalidad Pública". Santiago de Chile, 22 – 23, agosto 2012. ("Consultative Panel for Indigenous Peoples in the Seminar on 'Indigenous Citizenship: Long-standing and New Challenges for Public Institutionalility").

Table 3: Some possible actions

SHARED PROBLEM WHAT CAN WE DO? Lack of visibility and The eleventh Regional Conference on Women in Latin America and the Caribbean – and the Brasilia Conrecognition sensus – stated that "parity is a key condition for democracy as well as a goal for eradicating the structural exclusion of women in society, which affects primarily indigenous and Afro-descendent women and those with disabilities". This lead to a mandate stimulating the production of statistics that were disaggregated by characteristics relevant to women, Afrodescendants and other marginalised groups. Based on the inventory of available, official United Nations data in the region from the ECLAC Web site⁴¹(and also from ECLAC's Population Division, CELADE), a greater amount and greater variety of information disaggregated by sex, race and ethnic group can now be found⁴². There is also still a need to promote the improvement and use of population census and household surveys in the countries of the region in order to have information available in the different media and that is culturally appropriate and accessible. Lack of political re-Excluded or disadvantaged groups are still not adequately represented in formal decision making for a, such presentation as parliaments, local governments, sub-national governments and different levels within national government. There has been progress through measures like quotas, special seats, and reserved nominations or spaces. However, women, indigenous, Afro-descendant and other peoples continue to be treated as minorities in these countries, with electoral regulations that reproduce under-representation.⁴³ It is important to bear in mind the diverse organizational strategies facilitating diversity in legislative bodies; the technical units for the mainstreaming of gender equality; the groups of women legislators and others; and the mixed groups of legislators, ex-legislators and social actors for joint action in the area of gender. These may be seen in greater detail in UNDP studies at the global level⁴⁴ (2010) and the regional level (2011)⁴⁵. It is also important to note the progress in some countries that have adopted quotas for legislative seats, such as Ecuador, Bolivia and Venezuela (See: Htun 2012). Another type of inclusion is being implemented by UN Member States in international conferences and summit meetings, where participants from civil society are included in the official delegations. However, this has been limited to certain themes or sectors, and these events take place in a very global working environment, which has no immediate or direct repercussions at the country level. Scarce participation Si gueremos avanzar un paso más, considerando el enfoque de derechos y el principio de participación, en in consultative and/or Programming must include the opinion and perception of those directly affected by the problems and this deliberative procesrequires inclusion of the rights holders themselves in the country analysis. This can be accomplished in varises ous ways, ensuring that it actually occurs in practice, in order to contribute at the same time to a process of growing institutionalization of the principle of participation. Especially when the starting point is to identify their demand and problems in the country context. In the framework of Convention 169, prior, free and informed consultation of indigenous peoples should be guaranteed and UNCTs should be encouraged to promote this. 46 There have been some experiences in the region – not all of them successful – that are advancing in that direction based on public processes. States are also creating more consultative councils and, with greater or lesser resolution capacity, convene relevant actors to address the project under consideration.

⁴¹ See: http://www.cepal.org/estadisticas/

⁴² See: http://www.cepal.org/cgi-bin/getprod.asp?xml=/celade/noticias/paginas/0/36160/P36160.xml&xsl=/celade/tpl/p18f.xsl&base=/celade/tpl/top-bottom_ind.xsl

⁴³ Although 13 countries in Latin America have laws on national gender quotas to improve women's access to popularly elected positions, only three have mechanisms for promoting the representation of specific racial or ethnic groups (Bolivia, Colombia and Venezuela). In: Htun, Mala. (2012). "Intersectional Disadvantage and Political Inclusion: Getting More Afrodescendant Women into Elected Office in Latin America". Inter-American Development Bank. Gender and Diversity Division. Washington, DC.

⁴⁴ See: Oleh Protsyk (2010). La representación de las minorías y los pueblos indígenas en el parlamento. PNUD y Unión Interparlamentaria. At: http://www.ipu.org/splz-e/chiapas10/overview-s.pdf ("The Representation of Minorities and Indigenous Peoples in Parliament.")

⁴⁵ PNUD (2012) ¿Qué tan diversos son los Parlamentos de América Latina y el Caribe? Nota 1, 2 y 3. Estudios y Estrategias para el desarrollo y la Equidad EPADEQ y PNUD Regional. At: http://www.americalatinagenera.org/es/boletin/documentos/201101-nota1.pdf ("How diverse are the Parliaments of Latin America and the Caribbean? Notes 1, 2 and 3. Studies and Strategies for Development and Equity").

⁴⁶ Except from the Report of the International Workshop on Methodologies Regarding Free, Prior and Informed Consent and Indigenous Peoples (E/C.19/2005/3), endorsed by the UNPFII at its fourth session in 2005. Cited in UNDG (2009). Guidelines on Indigenous People's Issues, OHCHR, UNDG. At: http://www.ohchr.org/Documents/Publications/UNDG_training_16SP.pdf

Table 3: Some possible actions

The latest report on the MDGs contains relevant information for defining persistent problems in the region
and in countries. The greatest lags continue to affect disadvantaged groups in socioeconomic conditions, sex, race, ethnic group, age and place of residence. And although there have been improvements in the reduction of hunger, improvement of child survival and gender equality, progress is weak in the eradication of poverty, improvement of education, maternal health, HIV and deforestation. ⁴⁷ It is also important to attend to and observe intercultural services, especially experiences with intercultural bilingual education and intercultural health, which in many cases includes culturally adapted childbirth
In addition, there is a need for in-depth, qualitative study of the socio-cultural factors that frustrate development for girls and teenagers, as well as study of cultural practices still unknown to formal institutionality and to States, especially in those areas with the worst development indicators or where the gaps are widest for certain social groups.
There is still a need for consolidation of a democracy with concrete strategies for increasing representation in the legislative bodies of the region's countries, which helps increase understanding of the needs of disadvantaged groups, which then leads to promotion of new laws in this area. But this must also go hand-in-hand with efforts to harmonize national legislation with the international community. This is an unfinished task in Latin America and the Caribbean. Yet it is necessary for moving forward on legal frameworks for human rights in a way that reflects the diversity of the region and in a way that brings domestic legislation in line with the demands of rights holders.
There has been cutting-edge legislation on these themes too. Some countries in the region have included norms in their legislation that go beyond the principle of equality and establish the need for parity between men and women, such as Ecuador, Bolivia, Venezuela and the Dominican Republic. ⁴⁸ However, in most cases the problem lies in the capacity both of institutions and of the rights holders to exercise these rights effectively.
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2.2 IDENTIFYING THE PARTICULARITIES OF THE LIFE CYCLE

The 'life-cycle approach' takes into account the cumulative effect of conditions and experiences on the life and environment of persons, particularly the impact of experiences, habits and behaviours formed during childhood and adolescence. It looks at all the interactions resulting from the system of social, cultural, institutional and economic relations over the course of a lifetime. It also allows for consensus on the importance of a good start in life for facing social inequality. This view requires as a precondition action by the guarantors in the places where people develop in their own lives, within their families, within their communities, at the health centre, in kindergarten, at school and in the workplace. This also goes for milestones and vital transitions in life, like the beginning and end of school, beginning of work and retirement, to mention a few. Many of these points in life have been progressively regulated in a framework of human rights. In this context, rights holders face risks that can become problems at different moments of each phase and which should be mitigated or avoided by public policy.

Table 4: Main risks by phase of the life cycle

Phases	Age	Risks	Population with the greatest exposure to risk
1	0-4	Delayed child development Malnutrition Access to identification and recognition Abuse Discrimination Reinforcement of dominant gender and cultural stereotypes Parental neglect	Impoverished, indigenous and Afro-descendant children from rural areas, with some disability or special need, without access to health services and specialized, childcare, migrants.
2	5-10	Late entry into school Poor-quality education Older than the age corresponding to the school grade Poor development of human capital Reinforcement of dominant gender and cultural stereotype Gender-based violence (physical, psychological, sexual, institutional) Discrimination Lack of time for recreation	Impoverished, indigenous and Afro-descendant children from rural areas, without access to health or differentiated education services with some disability or special need, migrants.
3	10-14	Poor quality education Reinforcement of stereotypes and incentives for the sexual division of labour School dropout Early pregnancy Domestic work overload for girls Disinformation about their sexual and reproductive health Gender violence (physical, psychological, sexual institutional) Discrimination Lack of time for recreation	Impoverished, indigenous and Afro-descendant children and adolescents, in rural areas, without access to health, education or differentiated labour services with some disability or special need, migrants.
4	15-24	School dropout Reinforcement of dominant gender and cultural stereotypes Adolescent pregnancy Sexually Transmitted Diseases Unemployment, Underemployment. Precarious and/or informal labour Drug dependency Poor development of human capital Precarious and unsafe abortion Gender violence (physical, psychological, sexual, institutional) Discrimination Homicide among youths Suicides (in women, for example, because of pregnancy) Lack of access to information and sexual and reproductive health services	Impoverished adolescents and youth of both sexes, poorly qualified workers, indigenous and adolescent persons, persons with scarce information about sexual and reproductive health, with limited access to health, education or different labour services, with some disability or special need, migrants.
5	25-49	Unemployment, underemployment Precarious and/or informal labour Poor development of human capital Sexually Transmitted Diseases Gender violence (physical, psychological, sexual, institutional) Discrimination	Impoverished youths and adults of both sexes, poorly qualified workers, indigenous and Afro-descendant persons, persons with scarce information on sexual and reproductive health, with limited access to health, education or differentiated labour services, with some disability or special need, migrants.
6	50-64	Unemployment – underemployment – precarious and/or informal labour Sexually transmitted diseases Gender violence Discrimination	Impoverished adults of both sexes, poorly qualified workers, indigenous and Afro-descendant persons, persons with scarce information about health, with limited access to health services and differentiated social security, with some disability or special need, migrants
7	65 años y más	Low incomes Chronic diseases Loss of assets Lack of social security and pension Gender violence Discrimination Greater risk of disability	Impoverished adults of both sexes, poorly qualified workers, indigenous and Afro-descendant persons, persons with scarce information about health, with limited access to health services and differentiated social security, with some disability or special need, migrants. Elderly adult women have a longer life expectancy, and less access to social security, less access to pensions, greater dependency, widowhood without income, etc.

Table 4 shows that among the general population there are rights holders that are overexposed to risks in different phases of their life. A situation analysis must distinguish among these populations so that programme that gets results on equality, capacity building and recognition. This is fundamental: These are impoverished persons of any age, undocumented and undernourished children, indigenous and Afro-descendant persons living in rural or remote areas, persons with disabilities and migrants.

Previously development policies have focused on beneficiaries according to a certain condition of "vulnerability", such as for adolescent mothers, unemployed youth, the chronically ill elderly, etc. However, new policy initiatives have concentrated on the role of families as the basic unit of society, where practically all of us live. Working to strengthen the role of families seems consistent with this logic because that is the institution that constitutes someone's first protection network in terms of food, education, emotional support, recognition and other needs (Kliksberg, 2006). Nonetheless,

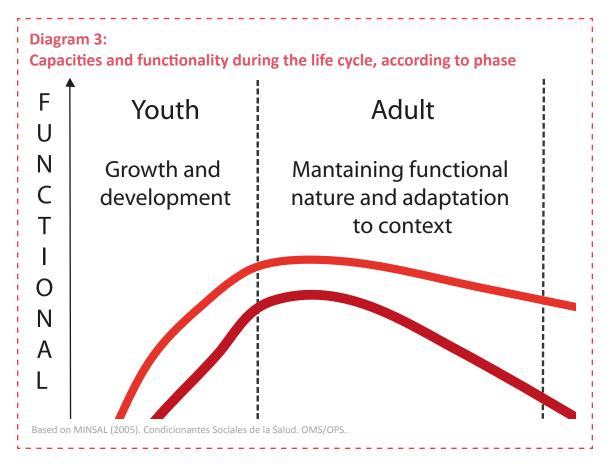
"A holistic approach to combating violence against indigenous women and girls requires that both their rights as women and children, and their rights as indigenous peoples, a be advanced. More broadly, the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, which are designed to remedy the continuing legacies of discrimination against indigenous peoples, should be advanced concurrently with programmes that are designed specifically to target violence against women and girls, to tackle the structural problems affecting indigenous peoples that contribute to violence against women and girls. Lastly, indigenous self-determination in particular must be enhanced, along with efforts that are designed to prevent and punish violence against indigenous women and girls."

United Nations Human Rights Council (2012). Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, General Assembly, New York

this is a topic of enormous complexity and controversy if we take gender considerations into account. It is precisely women who assume these tasks of recognition, protection and capacity generation in families and it is now possible to recognize different forms of family configuration. In the region there are around 30% of families headed by single women, families maintained by grandmothers or unrecognized families comprising gay couples, for example. It is therefore reasonable to ask, "To what extent is each member of a family group served by this type of intervention? What impact does this kind of public policy have within families in multicultural contexts, for example, in conditioned transfers? Have the condition and social position of women improved within their families and in society due to their handling of social management tasks that were previously performed by the State? The changes in this regard have yet to be seen. Meanwhile, their implementation is moving at full speed and we have little evidence of its impacts reaching beyond socioeconomic benefits⁴⁹.

The next figure illustrates the development of capacities and functionality during a lifetime. This scheme is adapted from the position of authors Kaleche and Kickbusch, who deal with physical functional capacity. But it is also useful for a more comprehensive view of human development in its social, cultural and psychological dimensions, which follow a similar curve but which occur later in life. Capacities and performance increase in childhood, reach a maximum in adulthood, and then decline. However, the rhythm of both growth and decline is greatly conditioned by determining social factors, such as behaviour (including lifestyles), the environment and other factors. It is possible to influence the curve to increase the possibilities of approaching the higher curve and not fall to levels of physical and social disability as a result of the equality gaps facing certain collectives.

The aim is to achieve equality through guarantees of minimum conditions in the spheres considered to pose risks in the different phases so that all persons may develop capacities to be able to choose their life plan among the options that match their concept of a good life. They must be able



to overcome situations of disadvantage and vulnerability.⁵⁰ This includes the cultural considerations of the life cycle with respect to the phases, functions, capacities and risks inherent in each of them.⁵¹

2.3 THE IMPORTANCE OF THE SOCIAL AND INSTITUTIONAL CONTEXT

LEGAL-Institutional Contexts In recent years there has been a series of transformations in political and institutional processes in the region⁵²that allow us to expand our view of rights holders and their needs, which at the same time has highlighted certain actors, for example the case of indigenous and Afro-descendant peoples, through the constitutional recognition that has materialized in different countries.

In this framework it is important to include an evaluation of the strengths and weaknesses of the existing national systems because, although countries sign and ratify them at the international level, national and secondary legislation tends not to be harmonized with the international sphere. Problems of interpretation and application of the norms may also make analysis even more complex. This is not a checklist, but an **attempt to have the analytical capacities to identify specific problems with legal and institutional capacities based on this analysis.**

⁵⁰ It is necessary to articulate the concept of vulnerability with the concepts of difference and inequality. "Difference" recognizes human variability: differences of sex (men and women); diversity of ages (children, adolescents, adults); diversity of ethnic groups and cultures; diversity of the biological, psychic, social and environmental conditions that especially affect or influence the full development of some groups (persons with diseases or disabilities, refugees, or in situations of displacement). "Vulnerability" is a specific form of difference that denotes the condition or position of greater risk of a given group with respect to the social whole or another group". LONDOÑO VÉLEZ, Argelia. Derecho a los derechos. UNFPA. Bogotá, 2001. ("The Right to Rights"). 51 Faúndez, Alejandra (Ed.); OMS/OPS/Ministerio de Salud del Gobierno de Chile/FLACSO-Chile; Construyendo la Nueva Agenda Social desde la mirada de los Determinantes Sociales de la Salud; Santiago, 2005. ("Constructing a New Social Agenda from the Viewpoint of the Social Determinants of Health"). 52 From constitutional reforms deriving from constituent processes as well as sector reforms and the expansion of rights with explicit guarantees that must be considered in the analysis.

Table 5: Countries that have advanced in the recognition of rights and have ratified International Conventions

Countries	Date of ratification of international mandates on related matters					
	Convention on the Elim- ination of all Forms of Racial Discrimination (1966)	CEDAW (1979)	Convention on the Rights of the Child (1989)	ILO Convention 169 (1989)		
Argentina	1968	1985	1990	2000		
Antigua and Barbuda	1988	1989	1993	-		
Bahamas	1975	1993	1991	-		
Barbados	1972	1980	1990	-		
Belize	2001	1990	1990	-		
Bolivia	1970	1990	1990	1991		
Brazil	1968	1984	1990	2002		
Chile	1971	1989	1990	2008		
Colombia	1981	1982	1991	1991		
Costa Rica	1967	1986	1990	1993		
Cuba	1972	1980	1991	-		
Ecuador	1966	1981	1990	1998		
El Salvador	1979	1981	1990	-		
Guatemala	1983	1982	1990	1996		
Guyana	1977	1980	1991	-		
Haiti	1972	1981	1995	-		
Honduras	2002	1983	1990	1995		
Jamaica	1984	1984	1991	-		
Mexico	1975	1981	1990	1990		
Nicaragua	1978	1981	1990	2010		
Panama	1967	1981	1990	-		
Paraguay	2003	1987	1990	1993		
Peru	1971	1982	1990	1994		
Dominican Republic	1983	1982	1991	2002		
Santa Lucía	1990	1982	1993	-		
St. Kitts and Nevis	2006	1985	1990	-		
St. Vicent and The Grenadines	1981	1981	1993	-		
Suriname	1984	1993	1993	-		
Trinidad and Tobago	1973	1990	1991	-		
Uruguay	1968	1981	1990	-		
Venezuela	1967	1983	1990	2002		
Total	31 countries	31 countries	31 countries	15 countries		

Prepared by the author(s) based on the Collection of United Nations Treaties http://treaties.un.org/Pages/Treaties.aspx?id=4&sub-id=A&lang=en).

Table 6: Other relevant and non-binding international instruments

Dimension	Declaration	Year	Observations
AGAINST RACISM AND DISCRIMINATION	Durban Declaration and Programme of Action	2001	This is the result of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa.
POPULATION AND DEVEL- OPMENT	Cairo Conference on Population and Development	1994	International Conference on Population and Development, held in El Cairo, Egypt.
INDIGENOUS PEOPLES	United Nations Declaration on the Rights of Indigenous Peoples	2007	This declaration was approved by majority vote ⁵² of the General Assembly in New York, United States.
WOMEN'S RIGHTS	Beijing Declaration and Platform for Action	1995	Result of the Fourth World Conference on Women, held in Beijing, China.

Source: Colombia Office of the United Nations High Commissioner for Human Rights (www.oas.org); United Nations Population Fund (www.unf-pa.org); United Nations News Centre (www.un.org); United Nations Web Page (www.un.org)

The success of analysis is determined by the identification of certain niches where public policy has not offered an adequate response to exercise the international mandates and standards for human rights. For example, with respect to indigenous peoples, the major problem has to do with the effective exercise of rights, which the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People⁵³calls the "implementation gap". ⁵⁴ So it is not only a question of explicitly stating rights, but of generating institutional, normative and budgetary mechanism to guarantee their exercise.

PUBLIC POLICIES

With this framework we can show that inclusive public policies, with a human rights, gender equality and interculturality approach, can generate changes mainly in:

"The lack of adaptation of services to the cultural concepts of the users tends to be an obstacle to their access. For example, in Guatemala the Maya population has a particular concept of 'health-disease', which differs from that of the non-indigenous population, and this is affecting their health indicators in different spheres. This situation, which occurs with many other indigenous and Afro-descendant peoples, explains the gap in the implementation of rights with culturally inadequate services."

PNUD (2005). "Diversidad Étnico-Cultural: la ciudadanía en un Estado plural" ("Ethnic-Cultural Diversity: Citizenship in a Plural State") and ECLAC (2006). Social Panorama of Latin America Chapter iii. ("Latin America's Social Outlook").

- 1. The stereotypes and assessment of diversity in a broad, and at the same time specific, sense depending on the actor;
- 2. The prevailing norms or legal framework;
- 3. Institutional administrative procedures, practices or routines (public management);
- 4. The public resources (goods, services and capacities) available for rights holders;
- 5. Organizational mechanisms (institutions, entities or units within public institutions dedicated exclusively to a disadvantaged actor or group) including the legal and defence (ombudsman offices) systems, for cases of rights violations;
- 6. The approaches, conceptual frameworks and frames of reference for public civil servants;

The changes that are needed must occur both within the institutions and outside them, toward society as a whole, and at present we are facing different ways of designing inclusive and difference-sensitive public policies that we may categorize as at least the following:

^{52 144} votes in favour, 4 against (Canada, the United States, New Zealand and Australia) and 11 abstentions.

⁵³ At present this position name has been changed to "Special Rapporteur on the Rights of Indigenous Peoples".

⁵⁴ Stavenhagen, Rodolfo (2006) Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. UN General Assembly. Sixty-first session. Agenda item 64 a) Indigenous Issues. A/61/490 October 2006. At: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/552/56/PDF/N0655256.pdf?OpenElement

Table7: Types of inclusive public policies

de la población diferencia de la problación diferencia da. Se reconoce a los sujetos y sujetas como titulares de derechos en la Constitución de los países o a través de políticas específicas. Signatura de la diferencia. Estas divergencias tienen relación con las características y atributos de las personas. Son comunes los puntajes especiales para acceder der a recursos o bienes públicos, o sistemas de cuotas, por ejemplo. Examples of policy types Visibility and recognition can range from the explicitly expressed constitutional level to acts of symbolic justice, like new street names, the country's money, bilingual signage in public buildings, etc. Imparcialidad en el trato bajo el reconocimiento de la diferencia. Estas deverchos explícitos y bienes. Son comunes los puntajes especiales para accedor a recursos o bienes públicos, o sistemas de cuotas, por ejemplo. Examples of policy types Official and free translators to guarantee access to justice for persons that are monolingual, deprived of liberty or migrants; specialized care for child victims of scual violence; elimination of barriers to access to public buildings, etc. In particular des devechos explícitos. Aquí cobran fuerza los mandatos internacion anales y las recomendaciones que hacen los organismos respectivos a los países para su cumplimiento como garantes Son comunes los puntajes especiales para acces organismos respectivos a los países para su cumplimiento como garantes Son comunes los puntajes especiales para acces organismos respectivos a los países para su cumplimiento como garantes Son comunes los puntajes especiales para acces organismos respectivos a los países para su cumplimiento como garantes Systems of scholars-hips for students from remote areas, special quotas, apointe mentación de incicativas concretas. Right to an i	Policies of Visibility and Recognition	Policies on Equal Treat- ment	Policies on Equality of Opportunities	Policies of Formal (de Jure) Equality	Inclusive, Compre- hensive and Sensitive Policies
Visibility and recognition can range from the explicitly expressed constitutional level to acts of symbolic justice, like new street names, the country's money, bilingual signage in public buildings, etc. Official and free translators to guarantee access to guarantee access to guarantee access to guarantee access to public buildings for students from rall bilingual education in the framework of the culturally appropriate to the "Education for All" hospitals in indigenous agreements, right to an intercultunation in the framework of the "Education for All" hospitals in indigenous agreements, right to an intercultunation culturally appropriate to culturally appr	lidad y caracterización de la población diferen- ciada. Se reconoce a los sujetos y sujetas como titulares de derechos en la Constitución de los países o a través de	mativas vinculadas a la imparcialidad en el trato bajo el reconocimiento de la diferencia. Estas divergencias tienen relación con las características y atributos de las	afirmativas para tratar la desventaja en el acceso a servicios y bienes. Son comunes los punta- jes especiales para acce- der a recursos o bienes públicos, o sistemas de	igualdad en el plano jurídico bajo el recono- cimiento de garantías y derechos explícitos. Aquí cobran fuerza los mandatos internacio- nales y las recomenda- ciones que hacen los organismos respectivos a los países para su cumplimiento como	acciones "hacia dentro de la institucionalidad y hacia fuera, en la socie- dad". Un acercamiento a este tipo de políticas que se da en el plano de la etnicidad son las políticas interculturales en el campo de la salud y la educación, ya no solo como derecho sino a través de implemen- tación de iniciativas
tion can range from the explicitly expressed constitutional level to acts of symbolic justice, like new street names, the country's money, bilingual signage in public buildings, etc. to justice for persons to justice for in the framework of the "Education for All" agreements, right to postnatal leave for father and/or mother. What is important is that there are laws, recognition and remute areas, special agreements, right to postnatal leave for father and/or mother. What is important is that there are laws, recognition and remute areas, special agreements, right to postnatal leave for father and/or mother. What is important is that there are laws, recognition and remute areas, special agreements, right to postnatal leave for father and/or mother. The personnel father and/or mother areas, special agreements, right to postnatal leave for f			Examples of policy types		
spaces, etc. guarantee equality. doctors, etc.	tion can range from the explicitly expressed constitutional level to acts of symbolic justice, like new street names, the country's money, bi- lingual signage in public	tors to guarantee access to justice for persons that are monolingual, deprived of liberty or migrants; specialized care for child victims of sexual violence; elimination of barriers to access to public buildings for	hips for students from remote areas, special points for impoverished women heads of house- hold to access subsidies; quota systems, special quotas, appointments or spaces reserved to increase their participa- tion in decision making	ral bilingual education in the framework of the "Education for All" agreements, right to postnatal leave for father and/or mother. What is important is that there are laws, regulations or other kinds of norms that formally	culturally appropriate childbirth care in hospitals in indigenous areas, which include training for health personnel, adaptation of hospital infrastructure, recognition and remuneration of the work of indigenous midwives or

Each type of public policy seeks to promote changes. What is important to stress at this point is that the configuration and mixture of these changes is determined by the conditions and characteristics of the contexts in which they are developed. In Latin America and the Caribbean there are different possible formulas (even within the same country) and different ways of articulating approaches in parallel, some linked to gender and human rights, others to human rights and interculturality, and others to gender equality and interculturality. These advances constitute comparative advantages for programming.

COMPARATIVE ADVANTAGES

The analysis of comparative advantages is very important, especially in middle-income countries where international cooperation is reduced and yet the disparities in the exercise of rights are more acute and the problems and inequalities worsen among the most vulnerable or disadvantaged population. We must not forget that we are in the most unequal region on the planet.

In this area, some countries have advanced in the design and implementation of public action from the perspective of equality (of different types, but fundamentally against sexual and/or racial discrimination) and anti-discrimination laws have gained ground. In some cases specific policies are designed, as well as new social programmes or even an innumerable set of innovative mechanisms, procedures and methodologies, all of which deal with difference from their own particularities, but not yet from articulation.



On another front, many constituent elements of so-called 'managerial reform' refer to the professionalization of the high-level public bureaucracy, the establishment of new managerial mechanisms, including results-based management, management quality and accountability, administrative decentralization and programmes close to the interests of the citizens.

These elements are having an impact on the systems of public policy management at different levels in countries. However, the tension between the growing standardization of these modernizing mechanisms and the diversity – also increasing – of possible public responses to complex problems that express that diversity, is increasingly evident. All of this generates a favourable environment for the articulation of the approaches we have been discussing and many inter-sector programmes for complex situations are part of these efforts.

THE LOCAL CONTEXT

Another very important theme for a comprehensive situation analysis is the analysis of the weight of the local, sub-national, national and regional contexts with respect to the problems detected.

Similarly, attention should be paid to the local scenario, which, in this new context, constitutes a privileged space for interaction and participation. It is where the concrete communities, groups and persons are found, where diversity is experienced and where programmes and projects are actually implemented. Also, the territorial focus facilitates the multi-sector coordination of the guarantors through their public apparatus, and increases the probability of reaching the excluded sectors with the provision of services, effectively learning about needs and opening the way to the creation of initiatives that are more inclusive and closer to the persons in the community.

2.4 IDENTIFYING PROBLEMS FROM THEIR CAUSES

To reveal the causes of inequity, inequality or discrimination based on one of the elements in the initial scheme of the situation analysis, we should observe and analyse the GAPS, the INEQUITIES and INEQUALITIES, and the BARRIERS to identify which of them are structural, which are underlying and which are immediate. At the same time, they interact among themselves and have a direct relation to the changes they are expected to achieve, their level and the instruments for measuring them.

a) Gaps:

A first look aims directly – starting from the recognition of disparities among the rights holders – at being able to distinguish unequal patterns of recognition, empowerment, capacities, participation in and control of resources, services, opportunities and benefits of development. They may be structural, underlying or immediate, and have the capacity to reinforce the risks of the life cycle, relations of inequality and/or power.

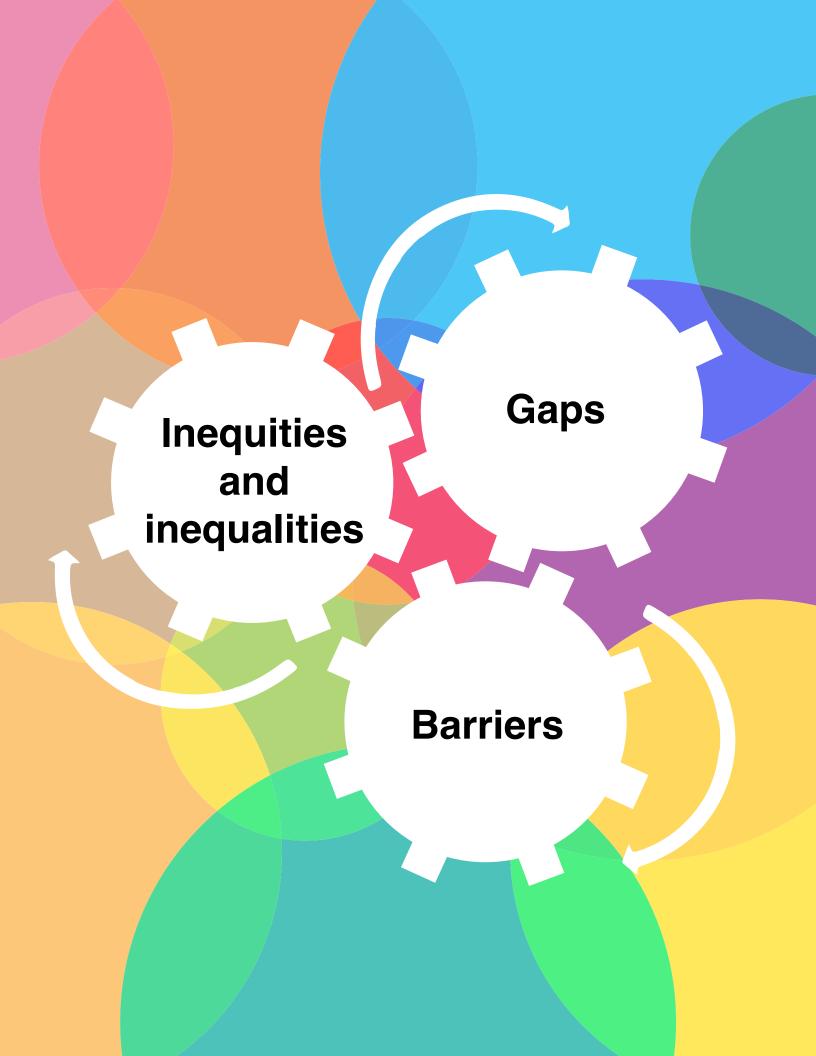
b) Inequities and inequalities:

As indicated, equity is not the same as equality, just as not all inequality is considered to be inequity. In the language of rights, inequities are considered to be those systematic or transitory patterns seen as unnecessary, avoidable and unjust, while inequalities are those situations that are violating the exercise of rights in any way.⁵⁵

c) Barriers:

Barriers refer to those causes related to a set of values, beliefs or expectations; certain norms; distribution of power; and prestige within social relations that govern a determined community and in some way discourage or stigmatize behaviour and values that would allow a positive change in recognition and capacities. These barriers may be economic, cultural, organizational and/or legal.





PRINCIPLES NONDISCRIMINATION, ACOUNTABILITY, EMPOWERMENT AND PARTICIPATION

Interculturalism ex Equality 3. DEFINITION **OF STRATEGIES** Yuman Rights

3. DEFINITION OF STRATEGIES

3.1 COOPERATION STRATEGIES

For the last several years a global-level discussion on the efficacy of development cooperation has been underway and has led to a series of conferences and agreements between donor and recipient countries. The United Nations needs to ensure better alignment of national priorities and country systems, harmonization among development actors including shared analyses, and the simplification, transparency and accountability of aid management for development results. Supporting countries' capacity to manage resources, including assistance and working efficiently for results, continues to be the UN System's most important mandate at the country level. The UNCT should support national priorities and advocate for these to include international and global commitments to the MD/MDGs and internationally agreed objectives and their obligations in human rights, international norms and standards and other instruments.

This approach to development aid efficacy creates new and important opportunities for promoting the full observance of human rights for all of the region's inhabitants. However, along with these opportunities arise challenges to overcome the tensions mentioned in the first chapter of this Guide regarding different interpretations of "rights", "gender equality" and "interculturality", which are tied to the discrepancies and diverse interests among actors with differing visions in their national contexts. For example, development understood as "social justice", including gender equality, calls for maintaining a democratic and inclusive debate about the type of development people want/need, and for guaranteeing that there will be the necessary public space for the countries to implement it. It also means working against all inequalities, including gender, ethnic, social class, regional and inter-country.⁵⁶

It is also important to remember that indigenous peoples in particular have expressed their own concept of development, as well as their right to participate freely and in an informed manner in the matters affecting them. This concept has been recognized as a right: "Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development".⁵⁷

In the 1990s, the indigenous peoples of the Andean region proposed a different paradigm for development, "living well", based on the concepts of sumaquamaña (in Aymara) or sumakkawsat (in Quechua). This paradigm is focused on recovering the original relation between human beings and nature promoted by indigenous peoples. It implies the reconstruction of the cultural identity inherent in the millenary ancestral heritage, the recovery of ancient knowledge and wisdom, a policy of national sovereignty and dignity, the opening of new forms of relations and of life (not individualistic, but communal), the recovery of the right to relation with "Mother Earth" and the substitution of unlimited individual accumulation of capital for the comprehensive recovery of balance and harmony with nature. ⁵⁸This new notion of development has been incorporated into the current constitutions of Bolivia and Ecuador.

In the following section we review three major strategies assumed by United Nations System cooperation in the countries based on this new context.

3.2. STRENGTHENING OF NATIONAL CAPACITIES

According to the UNDG, capacity development is the essence and main product of UN agency cooperation. For appropriation at the national level, capacity development takes place within the

⁵⁶ Schoenstein, A. y Alemany, C. (2011). "Development Cooperation Beyond the Aid Effectiveness Paradigm: A Women's Rights Perspective. A Discussion Paper". Association for Women's Rights in Development. Toronto, Canada.

At: http://www.awid.org/content/download/108558/1245011/file/Dev_Co-op_Beyond_Aid_Effcvns_ENG.pdf

⁵⁷ UN (2007). United Nations Declaration on the Rights of Indigenous People. At: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf 58 Huanacuni Mamani, F. (2010). Buen Vivir / Vivir Bien. Filosofía, políticas, estrategias y experiencias regionales andinas. Coordinadora Andina de Organizaciones Indígenas – CAOI, Lima. At: http://www.reflectiongroup.org/stuff/vivir-bien ("Good Life/Living Well. Philosophy, Politics, Strategies and Experiences").

national development framework, and responds to evaluation of national capacities and capacity development strategies. The document resulting from the 2005 World Summit emphasizes that the main contributions of the UNCTs to country analysis and joint programming are the means for capacity development. The UNCT aims to develop sustainable capacities within the country at the individual, institutional and social levels, to enable rights holders to claim those rights and duty bearers to guarantee them.⁵⁹

Following the Paris Declaration and the subsequent international conferences on aid effectiveness, the different agencies have agreed that strengthening of national capacities is now the main strategy for ensuring the sustainability of efforts to achieve sustainable human development guaranteeing human rights.

The UNDG defines "capacity" as "the ability of people, organizations and society as a whole to manage their affairs successfully. Capacity development is the process whereby people, organizations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time". ⁶⁰ The previous chapter on situation analyses mentioned a series of factors linked to the capacities that institutions, mechanisms and organizations need to have in order to guarantee the exercise of people's rights with a comprehensive approach based on rights, gender equality and interculturality. In this framework, and in accordance with the experience of in-country cooperation, we can propose some more specific factors for strengthening them, depending on the actor in question:

HIGHLIGHTED EXPERIENCE

The Programme on Action for Gender Equality with the Indigenous Population (Spanish acronym: PAIGPI) is being implemented by the National Commission for the Development of Indigenous Peoples (CDI) of Mexico and supported by UN Women. Its objective is "to contribute to the exercise of the rights of indigenous women through actions to reduce the gender inequality in four main areas:

- Creation and reinforcement of Indigenous Women's Houses. Actions to operate the Participatory and Self-Management Model for Sexual and Reproductive Health Care and Gender Violence with Indigenous Women.
- Institutional coordination and negotiation to prevent and address violence against women with an intercultural approach: Actions aimed at promoting community, institutional and multi-sectorial synergies for implementing and executing actions for the prevention, care, and if necessary referral of indigenous women suffering from all types of violence.
- Strengthening of capacities for gender equality in the indigenous population: Actions to foster
 the development of projects for the promotion of gender equality in the indigenous population.
- Co-investment and coordination for the creation and support of training opportunities for indigenous women: Actions oriented to the strengthening or creation of spaces for training and strengthening of indigenous women's leadership.

Source: Comisión Nacional para el Desarrollo de los Pueblos Indígenas (CDI). At: http://www.cdi.gob.mx/index.php?option=com_content&view=article&id=2122

Table 8: Strengthening of capacities, according to the actor

	what purpose?	In what area?		
		Institutional and/or organizational development	Human resources	
 Legal cowith interest law. Public participation to culture services approach 	nt resources for strategic ments	 Political and budgetary capacity of specialized mechanisms for gender equality and indigenous and Afro-descendant populations. Existence of effective policy and social service coordination institutions for indigenous and Afro-descendant populations at the national and local level. Disaggregated budgets for social spending for indigenous and Afro-descendant peoples, with a gender approach. 	 Incorporation of a human rights, gender equality and interculturality approach in plans for the training of civil servants. Integration of indigenous or Afro-descendant professionals (men and women) in decision-making. Affirmative policies for the inclusion of diversity in the State. 	
zenship • Strengt • Strengt ital.	hening of social capital. hening of cultural cap- ting of their proposals	 Expansion and strengthening of second-floor networks and organizations. Influence on public policies. Advocacy with international institutions and forums. 	 Leadership strengthening. Knowledge of international human rights mandates and instruments. Knowledge of the countries' cultural diversity. Knowledge of the objectives, methods and procedures of available public services. Knowledge of techniques for advocacy, negotiation and non-violent conflict resolution. 	
filment • Effectiv prograr	of their commitments. eness of cooperation nmes.	 Strengthening of inter-agency coordination. Coordination among interagency groups on human rights, gender and interculturality or indigenous peoples. Flexibility of administrative procedures in work with indigenous and Afro-descendant organizations (mixed, women and youths). Institutionalization of consultation mechanisms at the country and/or agency level. 	 Continuous training in the gender equality and intercultural approach. Incorporation of goals for the incorporation of the rights, gender equality and intercultural approach in performance plans. Incorporation of men and women of indigenous and Afro-descendant origin in UN System programmes and agencies. Awareness raising on working with "cultural appropriateness". Hiring of specialists for the process of designing, implementing, monitoring and evaluating the strategies. 	
Prepared by the authors base	d on interviews with key in	formants		

3.3. ADVOCACY

As mentioned before, there is a significant body of commitments that States have assumed in the area of rights, gender equality and interculturality. However, as indicated by former Special Rapporteur on the Rights of Indigenous Peoples, Rodolfo Stavenhagen, the implementation gap is one of the main obstacles to the full enjoyment of human rights by indigenous persons and collectives. This is compounded by the impunity often enjoyed by those responsible for the non-compliance with human rights, the corruption in certain justice administration apparatuses and the lack of political will. How to close this implementation gap is one of the great challenges for the future.⁶¹

In this framework, agencies have interesting tools for advocating and exercising influence to turn commitments into reality for the themes and matters associated with their different mandates. In this, the United Nations System gains legitimacy with countries as a neutral voice for human rights.

Among these tools are the periodic reports that governments must produce on their compliance with human rights instruments in concert with reports that agencies must also produce in consultation with civil society. These reports constitute an opportunity for advocacy for the effective exercise of rights by the marginalised groups. To this end it is important for agencies to prepare extensive reports through a participatory, plural and widely disseminated process. And it is important for rights bearers to be actively involved because this strengthens not only the background and information presented to Headquarters, but also the actors themselves, given the need for dialogue around the issues identified.

International forums are important spaces for establishing agreements and guidelines in the area of human rights. Various sections of this Guide document the way international discussions have influenced national contexts. In this framework there are limitations to the participation of indigenous women in international contexts, however, the main ones being lack of political will of the organizers to include these women, limited access to information and specialization in the themes to be dealt with by the organizations, and their lack of access to available economic resources and funding sources to allow their participation. Still, many indigenous leaders and women are heavily involved in the daily struggle to defend natural resources and territory, leaving aside the need to advocate internationally.⁶² Something similar occurs with Afro-descendant women and youth organizations.

3.4. TECHNICAL ASSISTANCE

One of the areas where the added value of United Nations cooperation can be seen is technical assistance. Through its different agencies, the United Nations constitutes a specialized thematic reference point and has created high-quality, specialized knowledge as well as a permanent updating system. The United Nations has an extensive staff of technical personnel specialized in the most important themes of interest to countries as well as reference documentation for the tasks of different actors.

The United Nations is present in 192 countries, allowing it to have experiences and lessons learned in the most diverse matters of interest. Both its knowledge and its network of relations allow it to play a fundamental and proactive role in the development of cooperation and exchange among countries with similar situations. Furthermore, the United Nations' neutral role – neutral in the sense of not responding to the interests of countries, blocks of countries or the private sector – allows it to create plural and inclusive spaces for dialogue on any matter on the public agenda.

United Nations agencies can offer direct technical assistance, contact with highly qualified consultants and promotion of south-south cooperation to countries, with opportunities for exchange of good practices and knowledge. Similarly, United Nations agencies have been creating diverse mechanisms for knowledge generation and management so that now, information and tools on emergent and cross-cutting themes are widely available. Examples in gender equality are the América Latina Genera platform, managed by UNDP, and an online guide by UN Women to facilitate evaluations with a gender equality and human rights approach. The role of academic institutions and civil society is also vital in this process. They document innovative experiences and knowledge for addressing the matters presented in this Guide.

The UNCT also contributes to the implementation of initiatives

in areas not resolved by governments, initiatives that serve as experiences for subsequent transformation into public policy. These initiatives are particularly relevant in this guide because governments need to strengthen their capacities to design and implement innovative inter-sectoral public policies for the transformation of situations of inequality, both structural and immediate.

Joint projects coordinated within the UN System and the stimulus provided by various donors have provided an opportunity to collectively address complex processes. But this has also unleashed a series of difficulties that challenge the capacity to reach the desired results. Joint programme management has not been easy. As shown in various evaluations made in the region, there is often duplication of administrative processes because of different operational procedures among the agencies as well as a tendency to implement "projects within projects" and not integrate under a joint perspective. Some agencies also have difficulty responding to their commitments and there are often difficulties in coordination among different government counterparts involved.

Furthermore, despite the contributions these initiatives make, experiences show that the implementation does not always permeate the structure of the United Nations System. While they can increase the opportunities for coordinated management, there are still risks to the sustainability of the results.

Highlighted experience

The Millennium Development Goals Fund (MDGF) is an international cooperation mechanism launched in 2006 and funded by the Spanish Government. Its mission is to promote the achievement of the Millennium Development Goals (MDGs) throughout the world, through support to national governments, local authorities and citizen organizations in their initiatives to fight poverty and inequality. This fund has been an important financier of initiatives implemented by United Nations agencies that contribute to formulating policies in areas of national weakness. The Latin America and Caribbean region receives more resources from the MDGF than does any other region, and it uses them to promote a broad range of initiatives, with the prevention of national conflicts and the high incidence of social violence in urban areas receiving the greatest funding.

Its activities involve on average six United Nations agencies collaborating with governmental and non-governmental organizations ranging from ministries to farmers' associations, in order to guarantee that the development processes are lead and promoted at the local level. To improve assistance effectiveness, all the programmes financed by the MDGF benefit from the collective strength of the United Nations, uniting several of its agencies to address inter-institutional issues.

More than 50 joint projects have been implemented in the region, making this valuable experience for the purpose of this Guide because the comprehensive approach to human rights, gender equality and interculturality requires inter-sectoral action to overcome barriers; areas of expertise are shared through this system.

Source: MDG Achievement Fund. http://www.mdgfund.org/content/MDGs

3.5. PLANNING MATRIX

Once country analysis and selection of strategies for cooperation have been completed and are in accordance with UN System joint programming frameworks, the country team prepares a planning matrix.

Some key issues should be kept in mind here when taking a comprehensive approach to human rights, gender equality and interculturality, and this should be in accordance with the strategic guidelines in the UNDG Guides for the preparation of UNDAFs.⁶³

First, the country team involved in planning should strategically prioritize the problems to be addressed jointly by the cooperating agencies. The team should focus on those spheres where the greatest transformation and impact can be achieved. This can be determined by applying at a minimum the following criteria.

- Analysis of the problem has been addressed from a human rights, gender equality and interculturality perspective, highlighting the root causes and the gaps or shortfalls in actors' capacities to deal with it;
- Magnitude and tendency of the problem as well as the level of national commitment to addressing it;
- Whether or not the UNCT has comparative advantages for addressing the problem and promoting lasting capacities "in-country", including the resources accessible in other developing countries;
- Whether there are sufficient human and financial resources on hand and whether the two can be mobilized; and
- Whether the UNCT has established agreements with key government and civil society agents with decision-making power or who can influence national priorities, and with representatives of the rights holders themselves.

For prioritization of issues, a comprehensive approach can be applied in two ways depending on the situation:

a. Identifying the diversity of rights holders' situations with respect to a national problem considering gender, ethnicity or race, age, and place of residence of involved populations, in order to address differences in a suitable manner. For example, if one fundamental problem is access to safe drinking water, it is necessary to identify the particular situation of the indigenous and Afro-descendant communities, their relation to ownership of the land, the roles of men, women, boys and girls with respect to domestic and agricultural labour, and the cultural concept of water and natural resources – among other considerations. This detailed analysis could clarify the expected results, at the level of effects and the level of products.

b. Identifying a situation that specifically affects the exercise of the rights of indigenous and Afro-descendant people (men, women, boys and girls). For example, in the case of displaced populations without access to land and that share an ethnic identity.

As has been indicated before, the intersection of the three approaches makes it possible to delineate large areas where the country teams can focus the results of their cooperation. Therefore, it is possible to distinguish⁶⁸:

- Access to quality goods and services, and control of resources, particularly for excluded and groups who've suffered discrimination, including women and girls from indigenous or Afrodescendant populations;
- Greater protection of human rights, including protection of the human rights of women and girls and the rights of the indigenous or Afro-descendant peoples; and
- Empowerment of women, girls and the groups suffering discrimination because of their ethnic or racial origin, in processes of decision making that affect their lives.

The preparation of a planning matrix also requires a Results-Based Management (RBM) approach. This approach was developed in response to the need to guarantee and improve effectiveness and efficiency in the use of public resources (national or international), and is one of the principles orienting joint programming.

RBM is a measure for improving management responsibility and efficacy, requiring the main actors to participate in the definition of expected results, ⁶⁵ the evaluation of risks, the monitoring of their progress and advance, and the integration of the lessons learned in decisions on future management. It should also consider the environment and the risks that might jeopardize the achievement of the expected results.

A general rule of RBM is that a project is a step in a long-range strategy with a theory of change backing it up. It is important to note that the human rights, gender equality and interculturality approaches constitute a theory of change in that they identify actors (rights holders and duty bearers) and relations among them in specific historical contexts and require transformations in different spheres of development. Thus, these approaches provide criteria, variables, hypotheses and suppositions that should be taken into account when formulating the results expected as a result of the cooperation.

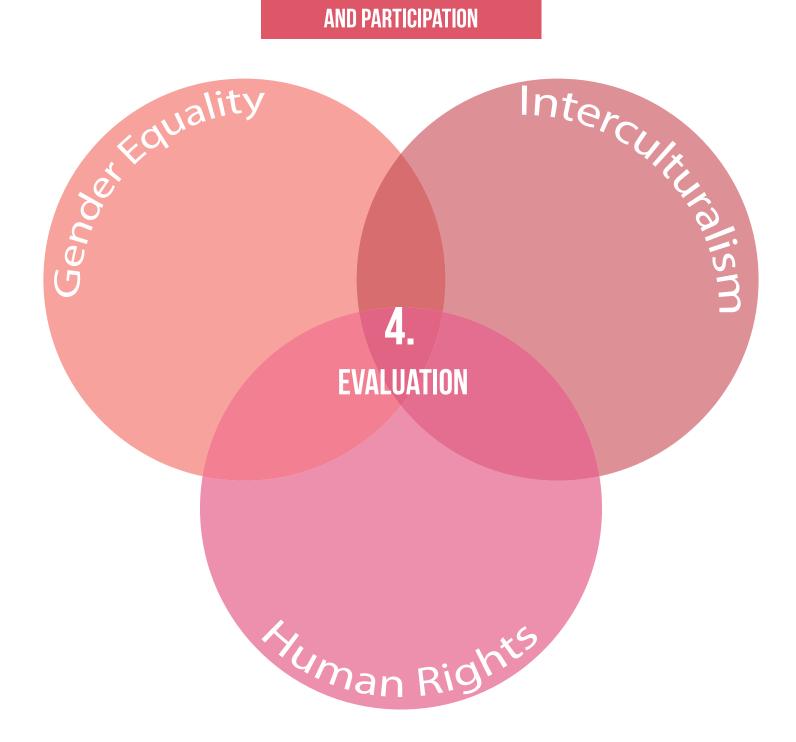


65 En particular ver: UNDG (2010a). Cómo preparar un UNDAF (Parte II). Guía Técnica para los Equipos de País de las Naciones Unidas. En: http://www."Result" is understood as a change that can be described or measured, and that derives from a cause-effect relation. Results can be initial/immediate (short-term), intermediate (medium-term) or end/final (long-term). The enunciation of a result must describe clearly what is expected to be achieved through a policy, programme, project or investment. Therefore, results are those changes that are attributable to the influence an organization has had through the use of determined resources.

Table 9: Key issues in the planning phase

Key Issues	Definition	Application of the Comprehensive Approach
Effects	"Direct effects" describes the desired changes – institutional or personal/ group behavioural – in the development conditions resulting from the UNCT cooperation. The achievement of these direct effects depends to a large degree on the level of commitment and the actions by the interested parties. It is necessary to agree on some assumptions about the necessary conditions for the results of the UNCT cooperation to be included among the national priorities. Supervising the way programmes have been guided by the human rights principles (non-discrimination, participation, and accountability) in the process of achieving results. Specifying what the results of the programming should be: The realization of human rights as established in international instruments.	1. Do the direct effects of institutional and/or behavioural changes specifically reflect a relation of greater respect for the rights of the indigenous or Afro-descendant peoples, especially women, girls and teenagers? (That is, changes in the rights holders' ability to exercise and vindicate their rights, and in the duty bearers performance in terms of respecting, protecting and ensuring the validity of these rights.) 2. Are these changes related to the situation analysis and aimed at a transformation of the situations that generate discrimination against the indigenous and Afro-descendant peoples, particularly women and girls? 3. To what degree do the direct effects express the way in which equality between the genders and the empowerment of women and girls in relation to the indigenous and Afro-descendant peoples will be promoted? 4. In what measure are the indicators sensitive to the issues of gender and ethnic or racial origin? 5. Does it consider the differentiated interests and needs of men and women, and their relation to their ethnic or racial origin? 6. Are the strategic needs of gender and those related to different cultural characteristics reflected? 7. Did the UNDAF change the way governments fulfil their obligations to address standards and commitments for equality among the genders and guarantee the rights of the indigenous and Afro-descendant peoples?
Products	"Products" are the changes in the aptitudes or capacities, or changes in the availability of new products and services, that should be achieved with the resources contributed and within the specified term. They should aim at closing the capacity gaps.	 To what degree do the products represent tangible changes for the rights holders (members of indigenous and Afro-descendant peoples, men, women, boys and girls) and the duty bearers, leading to progress in the exercise of their rights? Is there a causal relation between the direct effects and their products? (That is, will the combined achievement of the products make it possible to achieve the expected effect?) To what degree do the products address the interrelated causes of the problem with respect to human rights, gender equality and interculturality? Do the products represent new attitudes and skills, products or services addressing the deficits of capacity of the rights holders and the duty bearers?
Application of principles	Equality and non-discrimination	1. Are the indicators disaggregated by race, sex, language, nationality, ethnic group, social origin, disability or other situation – for example women, girls, boys, heads of household or displaced persons? 2. To what extent do the expected results of the UNDAF address the situation of the marginalized, excluded or disadvantaged groups?
	Accountability	1. Are there indicators for monitoring the degree of compliance with responsibility, especially with independent mechanisms for examination of co-participants, provision of public information and intercultural dialogue on results and learning?
	Participation	1. To what extent do the processes and mechanisms for implementing the UNDAF make it possible for groups suffering discrimination (indigenous peoples, Afro-descendants, women, boys and girls) to have access to information and participate in significant ways?
Prepared by the a	uthors based on UNDG (2010). Guidance Not	te. Application of the Programming Principles to the UNDAF.

PRINCIPLES NONDISCRIMINATION, ACOUNTABILITY, EMPOWERMENT AND PARTICIPATION



4. EVALUATION

Under the theoretical framework used in this Guide, country strategies should be evaluated according to their potential to contribute to human development and the exercise of rights, based on expansion of the capacities of right-holders and guarantor institutions. This also should occur in accordance with international humans rights. This means centring the evaluations on the identification and analysis of the inequalities and their intersections, on discriminatory practices that violate or limit the exercise of rights, and on unequal relations of power in society.

In recent years, the United Nations System has led a process of building methodological support around the theme of human rights and gender equality in evaluation, through the UNEG's Gender and Human Rights group. This led to the production of a Methodological Guide. ⁶⁶The UN Women Evaluation Office has also developed a set of guides and manuals for their personnel and their counterparts. ⁶⁷

In the evaluation phase, the first thing to keep in mind is the **rights perspective** because it requires different forms of "focus". And although this phase continues to figure in the results, it goes beyond the evaluation of programmes and/or projects in its scope. Country strategies must therefore be evaluated to learn their effective results and to learn level of compliance by duty-bearers on matters related to the concrete rights of women, children, indigenous and Afrodescendant peoples, among others.

One issue is to determine just whether or not an intervention is ready to be evaluated for adherence to human rights, gender equality and interculturality. There may be country strategies that explicitly include some or all of these approaches in their results, but there may be other cases in which they are omitted from the entire strategy, or else only one or two of them are included. There also may be a general and ambiguous mention that the approaches are mainstreamed in the strategy, 68 and therefore a preliminary effort must be made to analyse the approaches as a first step towards integrating them. 69

There are already different UNEG Guides and directives on this theme, and many of these contributions are very recent. Some of the main points are:

- Evaluation of rights
- · Evaluation methods
- Participation of evaluation stakeholders
- · Indicators and availability of information
- Widespread use of evaluations

⁶⁶ UNEG (2012). Integrating Human Rights and Gender Equality in Evaluation. Towards UNEG Guidance. At:

 $http://www.uneval.org/papers and pubs/document detail.jsp?doc_id=980$

⁶⁷ See "A Manager's Guide to Gender Equality and Human Rights Responsive Evaluation". UN Women. At http://unifem.org/evaluation_manual/index.html

⁶⁸ In the realm of gender approach, one of the permanent risks is that "mainstreaming" can become mere rhetoric – as shown in recent literature and interviews with specialists in the theme. Therefore it is important for a country strategy to specify the use of the approaches as part of the evaluation conditions, which should contribute to their systematic incorporation in evaluative processes.

⁶⁹ A discussion of the conditions for determining the evaluability of the dimensions of human rights and gender equality in the intervention may be found in the UNEG (2012). Integrating Human Rights and Gender Equality in Evaluation. Towards UNEG Guidance. At: http://www.uneval.org/papersandpubs/documentdetail.jsp?doc id=980

4.1 EVALUATION OF RIGHTS

Evaluations should not be restricted to collecting information and verifying the development level of countries, 70 but should also aim to test the level of compliance and effectiveness of the strategy and the exercise of rights from a broader and more comprehensive logic.

In this inclusive and comprehensive perspective on evaluation, at least three things should be addressed: a) using data on the population in the analysis, either for the baseline or other measurements; b) identifying information on the institutional, normative and public policy mechanisms for progressively guaranteeing the effectiveness of rights, with due consideration of the political, economic and cultural context; and c) the capacities and resources of duty-bearers and rights holders to demand the effective exercise of rights. This last point does not depend solely on recognition of the type of norm, but on the real availability of a series of resources and capacities to fully exercise these rights⁷¹ (IACHR, 2008).

Agriculture and food production.

Agriculture and food production.

Agriculture and food production.

Health care services

Condition

Water and sanitation

Recreation and leisure of cultural capital and community.

Beducation

The styles are services.

The styles are services condition and leisure of cultural capital and community.

The styles are services conditions and leisure of cultural capital and community.

Recreation and leisure of cultural capital and community. Water and sanitation

and cultural capital and community notice and cultural capital capital and cultural capital cap Institutional and public policies mechanisms Improvement of the condition and position of the rights holders Improvement of the capacities of the guarantors and rights holders to exercise them in every sphere

Diagrama 4 Modelo conceptual y operativo de la integración de los enfoques en la evaluación

⁷⁰ For this kind of evaluations the United Nations System has other evaluation instruments like the measurement of human development (the Human Development Index – HDI – and measurement indicators for the Millennium Development Goals (MDGs), the Human Poverty Index (HPI)) and others. 71 For example, material and financial resources, intellectual, social and cultural capacities; language, information and knowledge resources; access to advisory and legal sponsorship services; integration into networks and community organizations; and contacts with relevant actors like civil society organizations that demand those rights or perform advocacy, etc.

4.2 EVALUATION METHODS

It is important to consider the different levels of action of the country strategy, of which the evaluation methods used are a critical aspect. For this type of evaluation the use of mixed qualitative and quantitative methods is recommended, and might detect advances in different parts of the strategy. In this area there has been much progress in establishing evaluation standards that cover these aspects, but for the purposes of this guide it is necessary for the methods to be sensitive to certain particularities of the population involved, be it women or girls living in situations of violence, persons displaced by armed conflict, or illiterate or monolingual indigenous persons, for example. In other words, methods which are sensitive to populations whose rights are being violated.

4.3 PARTICIPATION OF THE EVALUATION STAKEHOLDERS

Analysis of the parties involved takes on special importance under this comprehensive perspective. This is because the protagonism acquired by those involved in this approach is fundamental for the strengthening of their capacities for social action and empowerment, and due to the virtuous possibilities established by bridges of dialog between the holders and guarantors of rights.

There are multiple instruments with methodologies for analysing the involved parties and here it is important to remember who they are exactly and how they are part of the evaluation.

The interested parties include:

- a) Duty bearers or guarantors, who make decisions and manage public policies or programmes. In this case it is important to include not only technical personnel but also policy makers who are involved in the implementation of the country strategy on the themes to be addressed.
- b) Secondary duty bearers, from the private sector, non-governmental organizations (NGOs), other multilateral or donor organizations, etc. This point is quite important in strategies involving the investment of large amounts of resources in protected geographical areas or in zones inhabited by the indigenous population to be targeted with some programme (for example to observe every guarantee of compliance with the corresponding international law).
- c) Rights holders specified in the country strategy. These are the persons, groups, organizations or institutions that will have a desired and programmed impact on the strategy. They are generally referred to as "beneficiaries" or "users".
- d) Rights holders who are affected by the country strategy and who, nevertheless, experience unexpected effects of the intervention. Here it is important to be sensitive to the specific needs of the rights holders during consultations in order to minimise unexpected impacts.

It also is important to consider the management of participation during the evaluation process, and for this the main actors should be involved in the evaluation at every level:

- On the directive committees that make decisions on the strategy or part thereof;
- On consultative committees that can offer advice for a better implementation of the evaluation and to guarantee better results from it;
- In the evaluation's reference group, where the different functions and responsibilities of the actors are established according to these actors' availability resources (time, costs, etc.) or resources provided for the evaluation.

4.4 INDICATORS AND AVAILABILITY OF INFORMATION

4.4.1 Type of indicators

It is important to consider quantitative and qualitative indicators that will provide different information depending on the focus area to be measured. In some cases it will be necessary to compile official statistics and in others, indicators based on perceptions, opinions, evaluations or judgments expressed by persons or groups (United Nations, 2006).

Indicators should also be considered for structure, process and results.⁷² For example, a structural indicator measures whether a determined right is included at the constitutional level, and whether or not it is operational; a process indicator measures whether there is relevant jurisprudence on its "demandability" and guarantee of its satisfaction, or the scope of public policies defined as measures directed to the implementation of that right; and a results indicator should measure the real impact of the implemented strategy. The structure and results indicators are less sensitive than process indicators for reflecting changes, so it is worth focusing on those process indicators that allow analysis of the "consolidation" of the implemented measures.

The different dimensions of process indicators should also be considered:

- The reception of that right by the legal system, in the institutional apparatus and in public policies.
- The State's capacities, such as existence of specific agencies within the State that have
 the role of protection or implementation of the right, programme coverage and services
 associated with the exercise of that right, physical access to services, non-sexist publicity
 and the cultural relevance of the programmes, etc.
- Budgetary commitment, which is related to determining the availability of resources and their distribution, so that if, for example, a strategy in a country is to reduce investment in health care and sanitation, this will transfer a cost to families, and particularly to women as part of the invisible economy of unpaid domestic care work.

4.4.2 Availability of relevant and disaggregated data

Information is a technical and policy tool capable of supporting the expansion of rights (CEPAL, 2006). For this we should focus on the coverage, quality and timeliness of information to be able to measure the results we expect in the country strategy. There is a need for monitoring methods that guarantee the availability of information and access to users in a timely manner.

Data is often still not disaggregated in a way that is useful for this type of work. Although in the 2010 Round of Population Censuses, countries in the region made intense efforts to improve this by including representatives of indigenous and Afro-descendant peoples, 73 there are still lags. The study by Rangel (2012) made an inventory of statistical information, indicators and use of sources and reached the conclusion that, at present, these three things are limited. 74 One advancement, however, has been the Brasilia Consensus regarding monitoring of the construction of indicators

72 More details available in the "Report on Indicators for Monitoring compliance with International Human Rights Instruments – Summary" of the United Nations, May 11th 2006. At: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/419/60/PDF/G0641960.pdf?OpenElement 73 See: "Declaración de Santiago" in the framework of the Seminar—Workshop held in Santiago de Chile between November 19 and 21, 2008. In: CEPAL (2009). "Censos 2010 y la inclusión del enfoque étnico. Hacia una construcción participativa con pueblos indígenas y afrodescendientes de América Latina". Serie Seminarios y conferencias N° 57. CEPAL, UNICEF, UNIFEM y OPS. Santiago de Chile. (Year 2010 Censuses and the Inclusion of the Ethnic approach. Towards a Participatory Construction with Indigenous and Afro-descendant Peoples of Latin America"). 74 The objective of Rangel's study (2012) was to develop an inventory of statistical information, indicators and use of statistical sources in the UN System institutions in the fields of ethnic groups, race and Afro-descendant population in the countries of Latin America and the Caribbean since 1995. This study showed that only a few organizations have disaggregated information in these categories, and that CEPAL is the one that has the most disaggregated information on race and ethnic groups.

HIGHLIGHTED EXPERIENCE: GENDER INDICATOR OR MARKER USED BY UNITED NATIONS AGENCIES

The gender "marker", or indicator, is a monitoring system developed by UNDP and inspired by a similar tool that was developed by DAC/OECD in 2008, and then subsequently adopted by other agencies like UNICEF and UNFPA in 2009. It allows agencies to monitor budget allocations and expenses earmarked for gender equality. It allows follow-up and monitoring of gender equality in each financial assignation and expense, and it analyses tendencies by region and by country. In 2009, in his report to the General Assembly, the UN Secretary-General requested that the funds managed by the UN follow the example of UNDP's effort, guaranteeing that the funds managed – and particularly the United Nations Development Group's Multi-Donor Trust Fund – be used to test the marker in order to be able to better monitor gender funding.

The gender indicator method calls for rating the results of funds spent, both for gender mainstreaming and for specific gender equality and women's empowerment interventions.

This results in:

- Each result, both for development and management projects, should be rated on a four-point scale from 0 (not designed to contribute significantly to gender equality) to 3 (gender equality as the main objective) in the case of UNDP; and a three point scale in the case of UNFPA, ranging from 0 (no contribution to gender equality or women's empowerment as the project's result) to 2 (a significant contribution to gender equality is expected as a result of the project).
- For each level, specific indicators must be developed according to the theme being addressed.
- The rating is done at the results level. Each contribution to gender equality is considered independently of whether or not it contributes to the objectives. In the case of UNFPA, the rating of the products "accumulates" later in the Annual Work plan. In the case of UNICEF, the gender marker is applied to the Country Programme, including the Results and Intermediate Results of the Programme Components.
- Coding is based on the nature of the activity and not on the amount of resources assigned.
- The rating is performed by a member of the programme or a technical-level officer responsible for the project or programme work plan.
- The process must have the support of administrative personnel, as it must be incorporated in the ATLAS System reports or the online management system used by each agency.

Sources: Calderón, Leonor (2012). La transversalización de género en UNFPA, UNFPA; GEM Team: Samuel Momanyi, NoreenKhan, and Mita Gupta (2010), ("Mainstreaming Gender in UNFPA"), Gender Equality Marker: orientation. A sound financial tracking system as a tool for mainstreaming gender in programmes, UNICEF; PNUD (2009). Nota orientativa: Fiscalización de las Inversiones y los Gastos Relativos al Género en ATLAS.

on sex, race and ethnic group.⁷⁵ It was discovered that at least 27 indicators would be needed for this. Rangel (2012) also found that some indicators would be very difficult to obtain because they need to be constructed or because the information is not available. Only five indicators are currently available and these are related to economic autonomy and women's equality in the labour sphere.⁷⁶

Also, it is important to keep in mind some of the emerging themes in statistics related to conceptual limitations and lack of contextual updates in household surveys. Updates should be made as to the type and level of analysis in the dedicated institutionality. The reports "A Questão de gênero no Brasil", by the World Bank, and Cidadania Estudo Pesquisa Informação Ação (CEPIA) (1999) argue that this is important not only because of the need to capture disaggregated data but also because the information can show distorted realities if the old categories are not abandoned.

75 See the "Declaración de Santiago" signed in the framework of the Seminar-Workshop held in the city of Santiago de Chile between November 19 and 21, 2008. In: CEPAL (2009). "Censos 2010 y la inclusión del enfoque étnico. Hacia una construcción participativa con pueblos indígenas y afrodescendientes de América Latina". Serie Seminarios y conferencias N° 57. CEPAL, UNICEF, UNIFEM y OPS. Chile. (Year 2010 Censuses and the Inclusion of the Ethnic Approach. Towards a Participatory Construction with Indigenous and Afro-descendant Peoples of Latin America"). 76 The indicators available in at least 11 countries in the region are the rates of participation, unemployment and affiliation in social security systems, as well as data on employment and occupation category. In the case of the indicator on affiliation with social security systems, indigenous and Afro-descendant women are grouped into the same set. With respect to income, one suggestion would be to introduce the Observatory on Gender Equality's gender category of "no own income by sex" as an indirect variable".

HIGHLIGHTED EXPERIENCE

In this field, important efforts have been made in the framework of the 2012 round of Population Censuses in the region. The ethnic approach has been developed with the leaders of the indigenous and Afro-descendant peoples in recognition of the fact that there are very heterogeneous forms of collecting information on the ethnicity and race. There is also a need to ensure effective data collection processes as well as culturally pertinent analyses of them. This effort has not been met with the same enthusiasm in all countries of the region, however. Ethnicity and race have been recorded in different ways, each with its respective problems. In any case, the information available at the comparative level is from the 2000 censuses, which provides important information despite the time that has lapsed. Also, since 2000, the efforts of various United Nations agencies, especially ECLAC's Latin American Demographic Centre (CELADE/ECLAC), have introduced various studies of the indigenous and Afro-descendant population into the public sphere, marking an important shift in the cultural, historic and identity balance of this region. This is making it possible to focus on determined themes with systematic information from a new perspective.

An example would be in the way the categories defining "household" are structured around the sex of the head of the family, implying the traditional idea that it would be a male. There is also a need intra-family data that allows better capturing the dynamics, the decision-making process, strategies for survival, reproduction and production, and the responses to existing incentives.

Yet, despite the current increase in the generation of many types of indicators, this process of "indicator construction" may be complicated by the following situations:⁷⁷

- a) Still no baselines: Despite efforts by countries to generate national statistics and quality studies, difficulties persist in systematically developing indicators with baselines, particularly in the case of qualitative indicators related to rights. It is very important for a country strategy to have a baseline for analysing its performance over time and to consider measurements in different periods for analysing their evolution.
- b) Objectives that do not adequately incorporate the rights holders' perspective: The lack of incorporation – from the construction of the indicator – of a perspective incorporating the directly affected parties or actors; and one the other, the formulation of very general and imprecise objectives, which in the final analysis affects measuring system itself through the indicators.

OTHER KEY ISSUES



"Operationalizing" diversity

Collection of statistics shows marked development in this region in the last few decades – with shared progress among countries – and efforts have been made to progressively improve registration systems, conceptual frameworks, cataloguing mechanisms, statistical processes, data quality and mechanisms for disseminating statistics. However, there is still confusion with respect to the concepts and their implications in the context of diverse injustices and inequalities. For example, for many years the actual 'type' of questions and categories of analysis has been an impediment to collecting statistical information on gender equality: Countries collect data with differing questions and categories in the area of domestic activities, which are then processed as the same when studies aggregate the data from different countries. We can see this in the following table:

This can be a major obstacle when the ethnicity, life-cycle phases, etc. are cross-referenced, as may be seen when operationalizing the concept of child labour among indigenous peoples, for example⁷⁸.

77 See more information in the document "Los indicadores de género. Mitos y leyendas". Faúndez, Alejandra (2007). Documento N° 2 de la Serie Metodologías. Inclusión y Equidad Consultora. Santiago de Chile. ("Gender Indicators: Myths and Legends").
78 More details available at: OIT (2009) Trabajo Infantil y Pueblos Indígenas en América Latina. Una aproximación conceptual. Oficina Regional de OIT para América Latina, IPEC. ("Child Labour and Indigenous Peoples of Latin America. A conceptual approximation").

Table 10: Varying ways domestic activities are registered in some countries in the region

Country	How domestic activities are collected in some countries in the region		
Costa Rica	Carries out domestic tasks		
Belize	Home domestic task		
Nicaragua	Housewife		
Panama	Only housewife		
Honduras	Carries out housework		
El Salvador	Housework		
Argentina	Housewife		
Mexico Devoted to housework			
Prepared by the authors based on information from the statisti-			

Prepared by the authors based on information from the statistical offices of the respective countries.

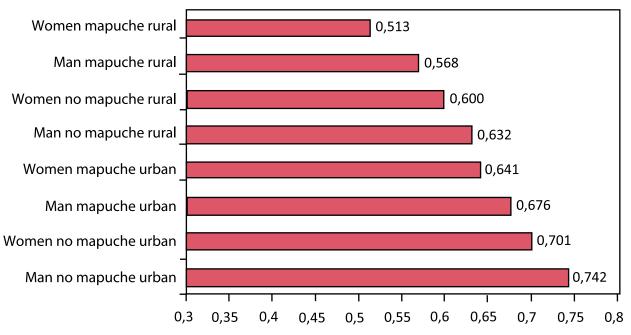
The decline of averages

Another difficulty is the excessive use of averages⁷⁹. While averages are very important for establishing tendencies and comparisons, they make us lose our focus on diversity, as already indicated. One of the limitations in viewing aggregated information is that they may be hiding specific problems of the most excluded groups and eluding the relations of interdependency and intersectionality of the phenomena being evaluated, giving a distorted image of the real situation in a country, in a population or within a theme, as may be seen in the following graph.

Checklist for the construction of indicators that are sensitive to human rights, gender equality and interculturality

- Are the indicators adequately related to the development objectives and results and the overcoming of injustices and inequalities at any of their levels?
- Are the indicators linked to a goal or standard of some international instrument for analysing the directionality of the changes for achieving the development objectives and results, and overcoming injustices and inequalities?
- Have the involved parties participated in their preparation and/or analysis and dissemination?
- Have quantitative and qualitative indicators for measuring the results of the strategy at any of its levels been used?
- Does the available information permit measurement of a tendency in the existing gaps, inequalities or barriers in a given period?
- Is it possible to have a baseline for measuring the results of the strategy?
- Can the results be interpreted simultaneously from the perspectives of gender, human rights and interculturality, according to the characteristics of the affected groups and their intersections?
- Does the country have capacities for performing these intersectional analyses?

Graph 1: Distribution of HDI in Chile (2002) by ethnic group, rural condition and sex.



Source: Universidad de La Frontera (UFRO) and United Nations Development Programme (PNUD Chile)

Ties between the technical and the political

The operationalization of each of the rights holders is key to being able to appreciate the magnitude and characteristics of the groups involved in the monitoring and evaluation of the country strategy. This is not merely a technical theme – as has been indicated – but also political, because it is accompanied by processes that involve the positioning and interests of the organized actors that represent these rights holders and have currently emerged with force.

The same is true for indigenous peoples or the Afro-descendant population. The pre-eminence of self-recognition is explained, as mentioned before, in the concrete exercise of the right to identify oneself as part of a group called a "people" or a "nation". This recognition has implications for the operationalization of the concepts. Until recently this dimension was missing on census forms and is still missing in some countries. The census experience in the region considers four dimensions of the concept of indigenous people: a) recognition of identity; b) common origin; c) territoriality; d) linguistic-cultural universe (Schkolnik, 2005 and Del Popolo, 2008) and these are expressed heterogeneously in the region, as shown in the following table.

As demonstrated here, despite the existence of data disaggregated by sex, age, race and ethnic group, for a significant part of the countries of the region there still are countries that do not collect information on these aspects and databases need to be expanded to include the other realities of these peoples. Therefore, the intersections among ethnicity, race, gender and age are still difficult to discern and it is necessary to turn to specific studies.⁸⁰

HIGHLIGHTED EXPERIENCE

The Joint Programme on National Capacity Building for Intercultural Conflict Prevention and Management in Chile (Joint Indigenous Peoples Programme) brings together six UN agencies, FAO, ILO, PAHO, UNDP, UNESCO and UNICEF. It has produced a study on the status of the MDGs in the indigenous population and this study concluded that, while there may be a high rate of achievement among indigenous and non-indigenous populations for indicators related to education, for five of the seven other indicators the goal will not be reached for the indigenous population by 2015, especially for indigenous women. This study shows the gaps, inequalities and barriers persisting in the indigenous population, particularly among women.

At the same time, this reaffirms the newfound visibility and progress in the exercise of rights, since they advance in parallel statistically. The first disaggregations were by sex, then by indigenous peoples, and those with the greatest lag are the Afro-descendant populations, which have no statistical visibility in the cases of Bolivia, Chile, Mexico, Paraguay and Peru.

Under the principle of equality and non-discrimination, **regional disparities** also constitute a focus of attention in evaluation. The indicators should serve not only to identify the groups suffering discrimination in their access to rights, but also for identifying the disparities among lagging or overlooked geographic regions. Each particular case will present diverse factors explaining these types of regional asymmetries as, for example, climate, distance from urban centres, the different distributions of services and jobs or problems with transportation. In this context, the analysis of indicators on progress on decentralization will illustrate the capacities of guarantors.

Due to improvements in data gathering, one new issue has arisen,

however: coordination among institutions that produce the data. There is a lack of integration of the different information systems currently in use at the country and international levels, and this results in duplication of efforts. In this context it is particularly important that the international community establish a set of indicators centred on the MDGs despite disagreement about these indicators because, along with establishing concrete goals to achieve, the instruments (indicators) and mechanisms (information registration systems and training manuals) were established, resulting in a set of comparable information for evaluating — at the results level — the policies implemented in the region and around the world.

Table 11: Autoidentificación etnica o racial en los censos demográficos y encuestas de hogares de América Latina y el Caribe

	Countries	Indigenous	Afrodescendent	Most recent census	Indigenous	Afrodescendent	Most recent survey
1	Argentina	Х	Х	2010	Question not included		2009
2	Bolivia (Plurinational State of)	X		2001			2007
3	Brasil	Х	х	2010	Х	х	2009
4	Chile	Х		2002	X		2009
5	Colombia	Х	Х	2005	Х		2009
6	Costa Rica	Х	Х	2000	Question not included		2009
7	Cuba	Х	Х	2002	No information		2005
8	Ecuador	Х	Х	2001	Х	Х	2009
9	El Salvador	Х	Х	2007	Question no	t included	2009
10	Guatemala	Х	Х	2002	X	х	2006
11	Honduras	Х	Х	2001	Question no	t included	2007
12	Mexico	Х		2010	Х		2008
13	Nicaragua	Х	Х	2005	Х		2005
14	Panama	Х	Х	2010	Х		2009
15	Paraguay	Х		2002	Х		2009
16	Peru	Х		2007	Question not included		2009
17	Dominican Republic	Question not included		2002	Question not included		2009
18	Uruguay	Question not included		2004	Х	х	2009
19	Venezuela (Bolivarian Republic of)	Х		2001	Question no	t included	2008

Prepared by the author(s) based on Del Popolo (2008) and the dictionaries of household surveys.

4.5 WIDESPREAD USE OF EVALUATIONS

The use of evaluations is very important mainly because of the principle of accountability and its implications for learning about the strategies used and the decision making. At the same time, social actions associated with the articulation of these approaches are very important: They require the participation of those involved in the entire evaluation process.

The following factors increase the probability that an evaluation will contribute to improving institutions, policies, and programmes:

- A favourable policy climate, both in the country and in the institutions involved: There is a greater probability that the conclusions and results of an evaluation will be applied if they address current and agreed-upon concerns in terms of problems and strategies associated with their resolution.
- Political will is key: Those in charge of formulating the strategies and putting them into practice

a The survey dictionary refers to the indigenous household. It was not possible to discover which indicators could be disaggregated by ethnic group based on this information

a In the question, only the skin colour of the interviewed person is identified.

c Without disaggregation by sex in the tables published on the National Institute of Statistics' Web page.

- must agree to accept recommendations. This is a step towards their use in order to advance in the implementation and exercise of rights.
- **Timing** is fundamental, not only because it requires prior administration that is adequate and sensible (TORs, hiring processes, field visits, transfers administration, etc.) but also because the evaluation should be initiated when those responsible, the duty bearers and the rights holders, need clearly defined information.
- The **conclusions and recommendations** should be presented sufficiently in advance to influence decision making, and it is often necessary to inform participants about the basic results before the definitive report is released. Here it is necessary to use the relationships among actors as part of the evaluation process and to "cultivate" them so as to be able to use the evaluation as a source of learning.
- Another key aspect is the role that evaluation plays as a source of information. The evaluation should be adapted to the context in which it will be used and the evaluation team should know when and how they can most effectively use the conclusions and recommendations without generating conflict among organizations, communities, countries or peoples.
- It is essential to establish good relations with the main stakeholders, listen carefully to their needs from the outset, understand their perception of the cultural and political context, involve them in the entire process and keep proofs of their validation of the evaluation results.

Table 12: Key issues to consider in the evaluation process

Consideration of mandates	 Was the evaluation performed under the UNEG's norms and standards? Did the evaluation consider the ECOSOC resolutions and recommendations regarding the country at the moment the effects, results and products were measured and evaluated? 		
Focus on rights and empower- ment	3. Did the evaluation contribute to the creation and strengthening of a culture of rights? How?4. Did the evaluation promote the empowerment of the participants, especially of those groups most discriminated against, by means of participatory and inclusive methods.5. Did the evaluation analyse and evaluate both processes and results?		
Accentuating the intersections and inequalities	6. Did the evaluation identify the different rights holders and groups, in addition to the duty bearers? 7. Did the evaluation emphasize those groups suffering the greatest inequality, as in the case of the groups where the intersections of gender/race/ethnic group/age/area of residence occur? 8. During the evaluation process, was there a baseline for data disaggregated by sex/age/ethnic group/race/area of residence? At the end, were there measurements of the disaggregated results in accordance with the indicated dimensions?		
Accountability	9. Did the evaluation contribute to accountability for the realization of rights?10. Did the evaluation produce recommendations for the duty bearers to delve more deeply into the transformations in accordance with the theory of change?		

HIGHLIGHTED EXPERIENCE

UN Women has developed a set of Evaluation Guides to support their country teams in the inclusion of the gender equality and human rights approach. These guides deal with diverse themes in the agency's global evaluation process. They are operational in nature and facilitate the task of the Reference Group on evaluations. To date the following guides have been published:

UN WOMEN EVALUATION PROCESS

EVALUATION PLANNING				
PHASE 1: PREPARATION	 Check evaluability Management Structures & roles Stakeholder analysis & Reference Group Terms of Reference Select Evaluation 			
PHASE 2: CONDUCT	6. Inception report7. Collect & analyze data8. Final reporting			
PHASE 3: UTILIZATION & FOLLOW UP	9. Dissemination10. Using results11. Management reponse			

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ANNEXES



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ECLAC/CELADE. Indigenous Peoples and Afro-descendants in Latin America and the Caribbean Data bank - PIAALC http://www.cepal.org/cgi-bin/getprod.asp?xml=/celade/noticias/paginas/0/36160/P36160.xml&xsl=/celade/tpl/p18f. xsl&base=/celade/tpl/top-bottom_ind.xsl



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6. HOW TO ACCESS DIFFERENT DATA SOURCES

Different kinds of information are available and can be consulted when carrying out evaluations to formulate baselines for certain indicators to be measured or to obtain secondary information that has already been processed and updated by various institutions in various thematic areas*.

6.1 United Nations System sources

http://www.unwomen.org/resources/web-portals-and-online-resources/

This UN Women Web site allows direct access to multiple sources of data on various themes: gender violence, gender-sensitive budgets, etc.

http://unstats.un.org/unsd/demographic/ww2000

Database created by the United Nations Statistics Division, which offers the latest statistics and indicators in six specific areas of interest: population; women and men in families; health, education, labour, and policy decision making.

http://www.eclac.org

Web page of the Economic Commission for Latin America and the Caribbean, with varied information on the situation of women in the region. Of special interest is the Gender Equality Observatory of Latin America and the Caribbean", which has been mentioned previously in this Guide, as well as the databases on indigenous and Afro-descendant peoples from diverse sources, available at:

http://www.cepal.org/cgi-bin/getprod.asp?xml=/celade/noticias/paginas/0/36160/P36160.xml&xsl=/celade/tpl/p18f.xsl&base=/celade/tpl/top-bottom ind.xsl

http://www.americalatinagenera.org/es/

One of the sites especially dedicated to the compilation of findings, studies, investigations, events, networks and other matters related to gender equality. It is organized by the UNDP Regional Service Centre for Latin America and the Caribbean.

http://www.undp.org/women/

It contains information on UNDP initiatives considered "good practices" in various themes in different countries around the world with emphasis on gender themes.

http://www.unesco.org/women/sta

The Division for Gender Equality provides information on the situation of girls and women in UNESCO's five areas of work (Education, Natural Sciences, Social and Human Sciences, Communication and Culture). It contains information on programmes and publications with statistical data.

http://www.ilo.org/gender

Web site of the ILO (International Labour Organization), which includes a section on gender equity in the workplace. It contains statistical information and indicators on the labour market by continent.

http://www.fao.org/Gender/gender-home

It contains publications, databases and surveys on the gender differences in the right to land, agriculture and food.

http://www.unfpa.org/gender

The United Nations Population Fund publishes annual reports with data and indicators on reproductive health, emergencies, risk maternity, etc.

http://www.paho.org/spanish/DPM/GPP/GH/GenSalud.htm

Contains a database on different aspects of men's and women's health and development in 48 countries of the Americas.

6.2 OTHER SOURCES OF INFORMATION

At present various databases are available to provide information on different themes related to this Guide. Below the major ones are listed, indicating the type of information that can be found in them, and with the understanding that the themes have intersections and that some sites have information on more than one theme.

Themes on civil, political and security rights issues

http://www.oas.org/dsp/espanol/cpo_observatorio_enlaces.asp

The Web page of the OAS Observatory on Citizens Security. It includes information on member countries, publications of the Secretariat, links, etc. The information disaggregated by sex varies according to the different sources of information and national reports, and offers a wide range of indicators on the theme.

http://www.ipu.org

Web site of the Inter-Parliamentary Union. It produces information on women in politics, including national, regional and global data. It also incorporates background of other themes related to gender discrimination, such as violence. Other themes of interest to the Inter-Parliamentary Union are: representative democracy; international peace and security; sustainable development, human rights and humanitarian rights; and education, science and culture.

http://www.idea.int

The International Institute for Democracy and Electoral Assistance has a large database on different areas of democracy and elections throughout world.

http://info.worldbank.org/governance/wgi/index.asp

On this World Bank site you can find the Worldwide Governance Indicators (WGI) that consider six dimensions of governability: Voice and Accountability, Political Stability and Absence of Violence, Governmental Effectiveness, Regulatory Quality, State of Law and Control of Corruption.

http://www.observatorioviolencia.org

Database of the Secretary-General of the United Nations on violence against women. The main source of information for the database is the series of responses received from the United Nations Member States to a September 2008 questionnaire on violence against women, and periodic updates. It is also based on sources like reports by the Member States to human rights organizations, information provided by the Member States following the Fourth World Conference on Women (1995), and information available through important UN organizations.

http://www.latinobarometro.org

Public opinion study that makes around 19,000 interviews a year in 18 countries of Latin America, representing more than 400 million inhabitants.

http://www.iepala.es

Web site of the Institute for Political Studies for Latin America, Asia and Africa.

Themes on economic, social and cultural rights issues

http://www.oecd.org/dac/gender

Site of the Organization for Economic Co-operation and Development (OECD), administered by their Gender Network (Gendernet). It includes information on the member countries regarding women's empowerment in themes of concern to the OECD: governability and development, poverty reduction, conflict and fragility, cooperation and others.

http://genderstats.worldbank.org

Gender statistics produced by the World Bank. The Bank produces data and statistics series on gender by country and theme, including: poverty; opportunity; empowerment; security; demography; human development; education; health; nutrition; violence; population dynamics; socio-economic roles and access to economic resources; the work force; political participation; and policies and programmes.

http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/EXTANATOOLS/EXTSTA-TINDDATA/EXTGENDERSTATS/0,,menuPK:3237391~pagePK:64168427~piPK:64168435~theSi-tePK:3237336,00.html

World Bank site that in its statistics section shows data and indicators on women around the world.

http://www.caricom.org/jsp/community_organs/gender_and_development/publications.jsp?-menu=cob

On the CARICOM Web page there is a list of publications on the theme of gender and development. There also is information on laws that affect relations between men and women.

https://sta.uwi.edu/cgds/papers.asp

The Web site of the University of the West Indies has a list of working papers on themes of gender in the Caribbean, including gender and employment, HIV, political participation, etc.