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**ADVANCING GENDER EQUALITY IN THE CARIBBEAN:  
LEGISLATIVE APPROACHES TO SEX DISCRIMINATION**

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## **ADVANCING GENDER EQUALITY IN THE CARIBBEAN: LEGISLATIVE APPROACHES TO SEX DISCRIMINATION**

### **Introduction: Advances in gender equality**

The 1990s was marked by a process of review of governmental policy towards the attainment of the goal of gender equality and equity. To a large extent, this review process was facilitated and strengthened by the preparation for the Fourth World Conference on Women which allowed for assessments and reviews both of the achievements and as well as the strategies for the promotion of gender equality.

In this review, the Economic Commission for Latin America and the Caribbean/Caribbean Development and Cooperation Committee (ECLAC/CDCC) secretariat convened the Third Ministerial Meeting on Women, 4-6 October, 1999 at which a number of recommendations were made. The meeting acknowledged that the member States had all signed and ratified the Convention on the Elimination of all Forms of Discrimination against Women (the Women's Convention). However, the delegates urged the strengthening of the process of review and reform of legislation and of administrative and bureaucratic practices to ensure the full compliance with, in particular, the Women's Convention.

This paper seeks to contribute to that process by providing a review and assessment of equality legislation in the Caribbean subregion, with particular attention to the English-speaking Caribbean.

### **Elimination of discrimination**

Throughout the region, in the 1990s governments continued their focus on the elimination of direct and indirect forms of discrimination against women through legislative reform and through the implementation of gender sensitive social policy. Simultaneously, however, many of the countries in the region entered into structural adjustment programmes which prioritised the need to reduce significantly the public debt. Elemental to these policies was the reduction of expenditure in the public sector as well as the freezing of public sector wages. The reduction in public expenditure on the social sector under these economic policies exacerbated poverty levels in the region, widened social inequalities and contributed towards the decline in living standards. Women

appear to have been negatively affected by these processes in specific ways because of their location in the economy as unskilled and low waged workers on the one hand, and on the other, because of their primary role for the economic reproduction of the household. The results of State activity have, therefore, had contradictory impacts. Even while ideological relations are changing towards equality, the material conditions for a significant proportion of women continue to be of central concern in the Caribbean subregion.

Caribbean States have sought to comply with the provisions of the Women's Convention through the removal of discriminatory laws and the enactment of enabling legislation which expands women's options for self-empowerment. Constitutional prohibitions against discrimination on the basis of sex exist in most independent Caribbean countries. But similar prohibitions against discriminatory treatment on the basis of sex do not generally extend to the acts of non-State actors in most of the countries in the region.<sup>1</sup>

Still governmental response to unequal treatment by non-State actors advanced in the extension of protection for women from some aspects of discriminatory treatment in the workplace. Specific maternity protection legislation now exists in most countries. In Saint Lucia the highly controversial provision which rendered an unmarried teacher liable to dismissal on the basis of pregnancy was finally revoked in the face of sustained campaigning by organizations representing teachers and women's rights.

Within State structures therefore, gender inequality, where it exists, is grounded and supported less by discriminatory laws than by discriminatory administrative and bureaucratic practices based on dominant cultural norms on the roles and status of women and men. Examples of this can be found in some countries where teenage mothers are debarred or discouraged from continued access to secondary education though there is no similar bias in relation to teenage fathers. Even here however, States have sought to eliminate this, such as in St. Kitts and Nevis where towards the end of the 1990s a policy was elaborated outlining the right of the teenage mother to return to school after delivery.

### **Economic and social rights**

The framework of the Women's Convention calls upon governments to take an integrated approach to the realization of women's human rights. The Convention recognizes that specific and positive measures must be pursued to ensure equal access to resources, services and opportunities in education, health, social security and employment. This understanding of the parameters of State responsibility was advanced significantly in the Beijing Platform for Action which spoke not only to the continued need to eliminate all forms of discrimination, but also for State action based on a broader understanding of

social equity, one which addressed the alleviation of poverty, access to economic opportunity and to quality health and education services and social security.

## Education

In the post-independence period in the Caribbean subregion, State commitment to universal access to education has ensured equality of access to primary and secondary education. In most countries, legislation mandates a compulsory age for school attendance which ensures that girls and boys have access at least to primary school education.

Regional enrolment ratios indicate that except for the pre-primary and primary levels, where males are marginally more numerous, more females are enrolled at all levels of the system. The magnitude of the gender differential is most marked at the secondary level, where it favours girls as opposed to the primary level, where there is relative equality in enrolment. At the pre-primary level, there was also relative gender parity, suggesting that gender-related impediments in access to education are not an issue at those levels. (See Table 1: Regional enrolment ratios by sex in the Caribbean).

<b>Table 1: Distribution of current enrolment 5-24 years by sex: 1990/1991 Census<sup>2</sup></b>								
	<b>Pre-Primary</b>	<b>Primary</b>	<b>Secondary</b>	<b>Technical/Trade</b>	<b>Community College</b>	<b>University</b>	<b>Other</b>	<b>Total</b>
Female	4.1	63.0	28.1	0.9	0.7	1.2	2.0	100.0
Male	4.2	65.6	26.2	0.9	0.5	1.0	1.5	100.0
Total %	4.1	64.3	27.2	0.9	0.6	1.1	1.8	100.0
No.	33242	516263	217949	7402	5020	8662	14173	802711

Source: Brown-Chen, C: The Employment Problem in CARICOM Countries. The Role of Education and Training in its Existence and in its Solution. 1990-1991 Population and Housing Census of the Commonwealth Caribbean. CARICOM.

<b>Table 2: Distribution of current enrolment 5-24 years by level of education: 1990/1991 Census<sup>3</sup></b>								
	<b>Pre-Primary</b>	<b>Primary</b>	<b>Secondary</b>	<b>Technical/Trade</b>	<b>Community College</b>	<b>University</b>	<b>Other</b>	<b>Total</b>
Female	49.7	49.5	52.3	49.3	57.9	55.4	57.3	50.5
Male	50.3	50.5	47.7	50.7	42.1	44.6	42.7	49.5
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No.	33242	516263	217949	7402	5020	8662	14173	802711

Source: Brown-Chen, C: The Employment Problem in CARICOM Countries. The Role of Education and Training in its Existence and in its Solution. 1990-1991 Population and Housing Census of the Commonwealth Caribbean. CARICOM.

A trend which emerged in the 1990s was the growing female/male enrolment gap at the tertiary academic level. Statistics from the University of the West Indies show steadily increasing rates of female enrolment and certification, from 52.5 per cent in 1985/86 to 61 per cent in 1994/1995. For some countries these figures are even more marked. Women accounted for 74 per cent of all graduates from Trinidad and Tobago from the University of the West Indies (UWI) in 1996.

<b>Table 3: Total student registration at the University of the West Indies (all three campuses), selected academic years in the period 1948 – 1995</b>				
<b>Year</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>	<b>Female as % of Total</b>
1948/49	23	10	33	30.3
1954/55	275	109	384	28.4
1959/60	446	249	695	35.8
1969/1970	2914	1713	4627	37.0
1974/1975	3871	3057	6928	44.1
1979/1980	4782	4229	9011	46.9
1984/85	5007	5565	10572	52.6
1990/91	5459	7169	12628	56.8
1994/1995a	6303	9888	16191	61.1

Source: Bailey, Barbara. Women's Education: The Caribbean Situation.<sup>4</sup>

The data from UWI also indicates that women dominate numerically in the faculties of arts, law and the humanities and have a lesser, but increasing presence in some areas of science and technology. There is now relative equality in enrolment in the faculties of medicine and the natural sciences. As these gender shifts reach the workforce, it can be expected that the professional and occupational distribution of the labour force will show more females in medical professions, science and technology and engineering.

While more women than men are attending academic institutions, the converse is the case for attendance at technical and vocational institutions in some territories. Data from Trinidad and Tobago for 1996/1997 show that 70 per cent of students enrolled in technical and vocational schools are male. Within these institutions, the female enrolment tends to be concentrated in home economics and office management courses. Similarly, gender biases in subject selection are also observable from data from the University of Technology in Jamaica with men pursuing the more technological and vocational based subjects<sup>5</sup>. Sex segregation in curricula choices is also discernable at both secondary and tertiary levels. Segregation of the curriculum along traditionally accepted gender boundaries continues with girls

dominating the arts and soft sciences and boys the hard sciences and technical and vocational fields.

This segregation has consequences for employment and labour force participation particularly for girls from marginal economic backgrounds. The education system appears to leave them less equipped to enter the job market or equips them for only low paying and low skilled jobs in the service sector. So, for Jamaica unemployed girls in the age group 15-19 comprise 59 per cent of the unemployed in that age group. The corresponding figure for Barbados is 66 per cent.<sup>6</sup>

The declining male attendance at academic tertiary institutions along with high levels of male violence has fuelled a contentious discourse around the existence of male gender gaps or male marginalisation within Caribbean social structure. Within this discourse can be discerned an underlying assumption that female educational attainment has resulted in the near eradication of discrimination against women in the region. As advanced by Miller,<sup>7</sup> women's increased access to education has allowed for social mobility and the translation of these educational opportunities into better jobs and higher income. He argues that this social transformation has been accompanied by a deterioration in the socio-economic status of certain groups of men which is apparent in poor educational achievement, unsatisfactory performance at the workplace and chronic frustration among youth on street corners unable to find jobs. The assumption behind the thesis being that women's increased access to presumably finite resources has been to the detriment of men.

Notwithstanding these educational achievements, feminist academics and researchers have pointed to other social statistics which show that women continue to experience gender inequality.<sup>8</sup> They argue further that a closer examination of the patterns of female achievement within the education system suggests strongly that the pattern of segregation evident in subject selection has had the effect of maintaining the unequal and inequitable division of labour in the home and in the workplace. Women predominate in the occupational categories which are the lowest paid and least protected. By and large the work which women do in the formal economy is less technical, lower skilled and therefore accorded a lower monetary status.

While there is no doubt that significant numbers of the male youth population are experiencing social and economic deprivation, it is disputed that gender is the principal or sole variable to explain this phenomenon. Sociological research is needed to explain the gender and class differentials in educational attendance and achievement.

## Poverty and labour force participation

Poverty assessment studies conducted in certain countries in the region indicate that in many countries over one quarter of the population is classified as poor. Whether the gender of the household head is a causal factor in determining the experience of poverty continues to be the focus of research and study. Uncontested however is that poverty impacts differently and more acutely on women than it does on men. For Belize, for example, 30.5 per cent of female-headed households were defined as poor as opposed to 23.6 per cent of male-headed households.<sup>9</sup> In 1996 in Barbados 12.7 per cent of all households lived below the poverty line, and 60 per cent of these poor households were headed by women. In Jamaica, 47 per cent of urban households are headed by single women and, of these, 30 per cent live below the poverty line.<sup>10</sup> Female heads of households tend to have lower educational and occupational levels than their male counterparts and also greater responsibilities since the households are larger and, more often than not, there is no male income earner in such households.

Table 4: Unemployment rate by country and sex, labour force participation rate by country and sex				
	Unemployment Rate by Sex		Labour Force Participation Rate by Sex	
	Male %	Female %	Male %	Female %
Anguilla (1992)	6.3	9.0	82.0	60.7
Antigua and Barbuda (1991)	6.4	5.6	81.6	62.9
Aruba (1997)	6.7	8.4	71.5	54.3
Bahamas (1999)	6.0	9.7	83.1	70.9
Barbados (1999)	7.7	13.3	74.7	61.5
Belize (1999)	9.0	20.3	79.7	39.6
British Virgin Islands (1991)	3.4	3.1	84.3	68.6
Dominica (1997)	19.6	27.2	74.9	59.6
Grenada (1998)	10.5	21.2	75.6	55.0

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