AN INNOVATIVE FRAMEWORK OF TARGETED PUBLIC POLICIES FOR MINORITY WOMEN IN BRAZIL

A Thesis submitted to the Faculty of the Graduate School of Arts and Sciences of Georgetown University in partial fulfillment of the requirements for the degree of Master of Arts in Latin American Studies

By

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<table>
<thead>
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<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ABONG</td>
<td>Associação Brasileira de ONGs</td>
</tr>
<tr>
<td>AFL-CIO</td>
<td>American Federation of Labor and the Congress of Industrial Organizations</td>
</tr>
<tr>
<td>CNDM</td>
<td>Conselho Nacional dos Direitos da Mulher</td>
</tr>
<tr>
<td>CONADE</td>
<td>Conselho Nacional dos Direitos da Pessoa Portadora de Deficiência</td>
</tr>
<tr>
<td>ECLAC</td>
<td>Economic Commission for Latin America and the Caribbean</td>
</tr>
<tr>
<td>FIPE</td>
<td>Fundação Instituto de Pesquisas Econômicas</td>
</tr>
<tr>
<td>FUNAI</td>
<td>Fundação Nacional do Índio</td>
</tr>
<tr>
<td>GDI</td>
<td>Gender-Related Development Index</td>
</tr>
<tr>
<td>HDI</td>
<td>Human Development Index</td>
</tr>
<tr>
<td>IBGE</td>
<td>Instituto Brasileiro de Geografia e Estatística</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labor Organization</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<tr>
<td>MRGI</td>
<td>Minority Rights Group International</td>
</tr>
<tr>
<td>n.a.</td>
<td>not available</td>
</tr>
<tr>
<td>OAS</td>
<td>Organization of the American States</td>
</tr>
<tr>
<td>SEPM</td>
<td>Secretaria Especial de Políticas para as Mulheres</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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INTRODUCTION

Mankind has for centuries lived, side by side, with different types of excluded social groups. Often labeled as minority groups, these clusters of individuals have struggled for political representation, social enfranchisement and even property rights. The different cases and different solutions usually vary from country to country. The case of Brazil is not different or special in any sense.

In the process of better shaping the topic of this work I took quite some time on preliminary investigation about “who” would be considered the minorities in Brazil. In addition to obvious groups such as gender and racial minorities, other may also join the selection, such as indigenous groups, gay rights movements, and prisoners and disable minorities. With those in mind, I took upon myself the challenge of meeting some representatives of each one of these, so-called, minority groups. Though they did not become individual subjects of this work they provided me with substantial insights about each one’s strategy as a minority group. Additionally, I was able to notice some very interesting similarities among these groups.

First, all seem to have a standard way through which portray themselves before the rest of society, meaning that they often complain about similar level of disenfranchisement and political embracement, in comparison to other groups. Second, they rarely appear in coalition with other groups of the same niche and there seems to be quite some distance between movements that, theoretically, seek similar objectives. Third, and most important, all groups seem to portray the role of the “majority” in very similar and evil manner. Those “outsiders” of the minority
movements are constantly blamed for the exclusion of these groups as they are charged of being adversaries of the claims of minorities.

Among all these perspectives, the disregarded role of the majority was the one that surprised me the most. How can a group that struggles so much for general and embracement of their own have such a neglecting behavior towards those from which they wish to gain acceptance and respect? Since then, I have most definitely decided to research on a reasonable purpose for which majority groups should, in fact, be incorporated to the strategies of minorities, instead of being simple treated as the oppositions.

From the moment I begin researching on a project, until the moment I make my final comments, there are many books and articles that cross my table and catch my attention. Some of them never even leave my sight and become indispensable throughout the entire research. One of them, *The Craft of Research* – a useful guide for researches of all levels – insists that for every topic one intends to explore, a description of the *State of the Art* is an indispensable requirement. By this, the authors mean that a researcher must, among all its findings, demonstrate the current state of the discipline at hand; understand how the literature considers it; and explore the general relevance of what has been so far produced. It should all be done before attempting any level of contribution to such State of the Art.¹ I have found these advices very much useful and, this thesis is most definitely decided to follow

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both: to describe and to contribute to the State of the Art on the topic of minorities and their struggles.

The task ahead, though difficult to achieve, is rather simple to explain: this thesis will explore the hypotheses that the formulation and implementation of public policies targeted specifically toward minority groups may have a positive impact over other groups, often non-supporters of such minorities. To prove such theory, the Brazilian governmental framework of public policies for the protection of women minorities will be used as a case-study. It is also the goal of this work to argue for a different political thinking towards better promoting the inclusion of those very same minorities and of other minorities not yet considered by such political framework. As it will soon be noticed, the quest for such goal is not without major obstacles to overcome. As much as this thesis intends to, objectively and promptly, address the “State of the Art”, it cannot do it completely and satisfactorily unless some of the elements above mentioned are first, and separately, analyzed.

For instance, the choice of a study-case on Brazil was not a random selection. Placed in a very diverse region, the country is, in various aspects, a leading country in South America. Sharing historical and cultural similarities with many of its neighbors, Brazil has called the world’s attention for its significant advancements in recent decades. After dissolving a two-decade dictatorship in 1985, the country reinstated, three years later, its democratic commitments through a new popular constitution. From 1993 to 1998, Brazil managed to successfully establish reasonable levels of economic stability through fiscal responsibility and inflation control. Today, the country seeks broader social inclusion and the promotion of equality for its
citizens. Concurrently with such political and economic advancements, the legal framework has been under constant revision to promote policies and to guide the country towards its desired goals.

In this sense, the issue of minorities has not been left behind and Brazil has periodically provided legislative protection for several disenfranchised groups, such as indigenous, blacks, women, disabled, youth and so on. As it will be further discussed, the legal protection of women minorities has been the one receiving most of the efforts in the past decade, especially under the 1988 Federal Constitution framework, which has permitted the close of social and economic gaps that used to exist between men and women in Brazil. It is precisely in this combination of factors that this thesis finds a promising opportunity to explore the Brazilian governmental framework of public policies for the protection of domestic women minorities as a way to contribute for the continual promotion of minority inclusion.

Accordingly, a preliminary understanding of what the literature understands as “public policy” and as “minorities” is equally important. How do governments design public policies? Do minorities interfere? How does the process work? These are relevant questions that, despite representing a delay to our goal of tackling the Brazilian study-case, shall provide answers for deeper debate and holistic perspective of the issues at hand. Only then, will this thesis be equipped enough to present its contributions to the State of the Art. With that in mind, this thesis is, from this point ahead, organized into a total of five different chapters.
The three first chapters compose basically what could be considered as the first part of this thesis, since they are dedicated to the theoretical discussion of the issues above mentioned. Initially, Chapter 1 is set to debate the issue of public policy as it intends to provide the reader with a fair understanding of what it is. Though apparently easy, the task of conceptualizing public policy will turn out to be a rather difficult one, as there is not a final concept of public policy available for use. Regardless of the many definitions displayed within an infinite amount of published literature, a working concept of public policy has not yet been, by no one, achieved; and scholars remain struggling on the search for it. While this thesis does not seek to put an end to such struggle, it is crucial for its debates that a working concept becomes finally available. As it will be further argued, as much as the lack of a definition may present a serious obstacle, it also lights a useful solution: the reason why there is not an available definition of public policy is that public policies are never of one single type and never exist in one single manner. Public policies vary as much as they are needed to adapt to the cases for which they were originally designed; hence the different approaches and definitions within the literature. Placing this reality as a premise, a working definition for public policies will, in fact, be provided for the sole purposes of the cases of this thesis alone. It will not contradict or conflict with any other existing concepts, but will instead complement them as it focuses on the aspects that are here needed to be stressed.

Throughout the process of molding a working concept of public policy, many findings will come into focus, two of which are of most relevance. First, the
notion of how much influence public polices have in everyone’s daily lives. At every step of one’s day, public policies are offering benefits and inflicting costs. This inescapable truth should be enough incentive for all citizens to obtain deeper concern and attention to all policies that surround them. Secondly, the general works of the policy-making process becomes much clearer as its intrinsic aspects are discussed. In that sense, “interest groups” and “government authorities” arise as critical actors of this process, and as the sole crafters of public policies.

Following into Chapter 2, this thesis sets itself to better understand the role of interest groups on the shaping of public policies, and how they do (and must) interact with their counterpart of this process: the government authority. The interaction between them takes place as both negotiate around specific policies at hand. Additionally, it will become clearer how both players, while attempting to promote their own perspectives and to protect their self-interests, will need to rely on expertise in order to better advocate their strategies. It is under such scenario that public policies come to existence as they are the result of such negotiated process.

The understanding of such complex interactions, at this point still theoretical, gains color as new discussions occur. As henceforth argued, public policies are, despite any chosen definition, the unique products of the struggle between interest groups and government authorities, and never the product of one’s wishes. Regardless of being, sometimes, complementary to each other, public policies are never the same because the negotiation between interest groups and government authorities are never motivated by the same ideals. In that sense, Chapter 3 brings the lessons learned into the problematic of minorities, and reveals the need for minorities
to upgrade themselves to *minority interest groups* in order to better negotiate specific ideals with the proper government authorities. Furthermore, the role of the majority will be also brought into discussion as they should play a crucial role reinforcing the pledges of the minority and changing the balance of power in their favor.

After the establishing of a theoretical framework, Chapter 4 will take over the task of understanding the particular case of women in Brazil and how does it, in fact, reflects the concepts debated in the previous chapters. This segment provides a series of evidences as it argues women’s inequalities in comparison with the remaining society, and not necessarily from the perspective of gender (men vs. women). Instead, women minority is taken as a singular group of individual citizens with particular challenges to overcome. Additionally, this is the point where specific development indexes will be brought in order to demonstrate the correlation between targeted public policies for minorities and the positive impacts over externals groups, such as the majority.

At the end, we shall also make some important suggestions for further and necessary researches that could reinforce the arguments of this work.
CHAPTER I

DEVELOPING AN ADAPTIVE CONCEPT OF PUBLIC POLICY

“Public Policies – what governments do and say – are, in fact, potential solutions for public problems”
Melvin J. Dubnick and Barbara A. Bardes

Following the previous advice on the search for the State of the Art, one might figure that the specialized literature is the best place to start looking for the concept on public policy. Nevertheless, the literature on such issue might be a vast one. For instance, the electronic library catalog of Georgetown University, in Washington, D.C., has alone more than thirty thousand titles on their stacks related to some kind policy studies; among which, two thousand were printed since 1980 with public policy in their titles.\(^3\) It is a vast world indeed, and a closer search for the so-called State of the Art on public policy reveals a few interesting surprises.

When addressing public policy, experts usually highlight two simple points: First, they debate about the controversial fact that there is no general consensus over the meanings of the terms public or policy. Scholars often acknowledge the various existing classifications of common characteristics and

\(^2\) Melvin J. Dubnick and Barbara A. Bardes, preface to Thinking about Public Policy (New York: John Wiley and Sons, inc., 1983).

variables of public policy, but usually stress that a final concept of public policy has not yet been developed. Second, given such a vacuum, authors often attempt to make contributions of their own, seeking to define what public policy is.

The search for new perspectives or even entirely new concepts of what public policy is has been a complicated task, and experts have struggled to resolve this “gap” in the discipline. The consequence is that numerous definitions may be found within the most recently published literature. Still, no single description has successfully covered all aspects and practical applications that public policies may have; especially nowadays, when public policies have grown as complex as our societies themselves. This scenario presents a real obstacle to the objectives of this thesis. The literature in not a “lacking” of a concept but, in fact, it is presenting “endless” concepts; thus leaving our question far from being solved.

So, what is the concept of public policy? For instance, Frank N. Magill describes public policies as a series of intentions that indicate important beliefs and values of society, thus taking them as an “abstract concept”.4 From this perspective, even moral principals ought to represent public policies. On the other hand, scholars such as Jack C. Plano address public policies from a more practical perspective, demanding their material applications through “laws, rules, executive orders or even court decisions”; actions far from being mere abstractions, as Magill argues.5 Others,

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like Thomas R. Dye – one of the most respected intellectuals of political science – go even further and define public policies as the result of any government action. They refer to public policy as “what governments chose to do or not to do”.6

These are just a few perspectives that have appeared in many books and have been acknowledged by many scholars. But still, they are just some of the many possible perspectives. Different authors, have different perspectives. In reality, public policies are everything they say and much more. Does that make them wrong? No. Does that make them incomplete? Probably! It just is a matter of perspective.

The only existing consensus among experts is that public policies are indeed an extremely multifaceted matter, for which no definition can account for its entire complexity. Any ultimate definition would eventually be incomplete. In fact, it is sort of surprising, and furthermore upsetting, that such an important and prime issue has not yet reached a defining concept.

Similar concern is not exclusive of mine. Thomas Birkland, for instance, states in his book about policy processes that there “are many ways to define public policy [but] at this point we do not have a working definition”.7 Fred Frohock gives up on the same quest by stating that public policy is as complex as politics itself; in fact, he continues, public policy is the “pattern action of politics, thus impossible to be defined”.8 Dipak Gupta, in another work on public policy, presents a sarcastic analogy, comparing scholars in such a quest with blind people trying to describe an

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elephant: “some people will describe it by its trunk, some by its tusks, some by its large, floppy ears”. The point here is that there is absolute no final concept of public policy, after all. Every available definition, although apparently right, is still incomplete in some of its shape or form or content. Therefore, a detailed discussion over the various possible definitions presented by such overwhelming literature is fruitless for the purposes of this work. Nevertheless, this thesis still depends on a working definition to serve the purpose of the upcoming analysis on minorities. The scenario suggests a new strategy to follow. Given that such conceptual vacuum cannot be fulfilled by any scholar alone, the goal should not be to find the concept of public policy. The solution is to actually avoid it and realize that the best concept on public policy will be the one that best fits the research and case(s) at hand. This thesis will continue its search for a working definition of public policy that, instead of being generally applicable, fits its present goals, avoiding, but never contradicting, the complexities of other existing, but momentarily unnecessary, definitions. At the end, we shall have a satisfactory and applicable concept of public policy.

1. Perspectives That Matter

Let us take the secular study of physics, as an illustration of a definition that “fits”. For centuries, physicists have studied the complex phenomenon of natural light: how it works, how it propagates and ways to control it. In the process of

discovery, some have advocated that light was, in fact, a sequence of visible, but intangible, microscopic particles, which would explain, for example, how shadows are projected: some particles go through, and some particles get blocked. Nevertheless, other scientists retorted, providing empirical evidence that light was, instead, a sort of matter that surrounded us under the format of waves. Later on, the scientific community reached the conclusion that light could act as both, simultaneously; it could be a particle and/or a wave depending on the standpoint from which it was studied. Both sides of the debate may have never agreed; yet, they complemented.

Apparently, the study of public policy presents the same peculiarity: since different standpoints may be chosen, an ample range of features becomes more (or less) visible than others. Given the options, an investigator is able to draw different characteristics and to make new contributions (about the same object) at each new attempt. By choosing different perspectives, experts can refine their conclusions, providing a deeper understanding about their objects of research and, at the same time, complementing other scholars’ incomplete definitions of public policies. This point comes along with the particular purpose of this section. I am fully aware of the variety of exiting definitions over public policy; nevertheless, I wish to keep my focus on the forms and shapes of policies that relate to my object of study; and to explore the current State of the Art through a limited understanding of some possible perspectives. That is the only way any contribution to the literature can be developed.

As said, the concept of public policy has been defined through a vast variety of techniques. One way, very common and used by many scholars, is to
desegregate the term *public policy*. Some authors stress the *policy* factor, while others emphasize the *public* aspect. Despite my intention to deal with both together, there is, in fact, a great deal of learning from actually removing one from the other.

Assuming that *public* is one of its many types, let us focus on the term *policy* for a start, and investigate three of its perspectives: (a) *origin*; (b) *momentum*; and (c) *continuity*. These perspectives are important because they allow a drawing of common characteristics to every policy and, eventually, to every public policy, as well. These perspectives will compose the essence of what this thesis understands as public policy.10

*a) Origin*

If there is anything certain about policies, it is that someone/somewhere is ultimately responsible for them. Policies do not happen by spontaneous combustion or divine intervention. To design and promote a policy, certain levels of legitimacy and expertise are necessary. Accepting the idea that policies come as solutions for existing problems implies the fact that experts, on both ends of the problem and the solution, will be always needed to seal the gap between a need and a fulfillment. Policy-making should be no place for a layperson.

As it will soon be noted, it is fairly easy to lose track of the policy’s origins, especially given the long and bureaucratic process that policies must go

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10 Since it is not this thesis’ intention to debate tools for policy analysis, for more details on that see Gupta, *Analyzing Public Policy*; Dye, *Policy Analysis*; or Howlett, *Studying Public Policy*. 

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through before becoming active. Nevertheless, its importance should not be underestimated at any point. It is only by defining the origins from which policies arise that those responsible will ever be accounted for possible mistakes or misconducts. Consequently, results will be evaluated for their success (or failures) and policies will be revised and improved. Notice that the task at hand is not necessarily to identify when a policy is constructed (a challenge that will soon be discussed). Time is not the point here, but rather to identify from “where” a given policy belongs.

In this sense, many criteria could be used. For this part, Melvin Dubnick’s position will be used as a model According to him, a policy’s origin depends exclusively on those actors involved and the possible resources allocated for execution of such policy. Henceforth, policies may be of two types: (i) private or (ii) public. If a certain policy is designed without generating greater public attention or demanding public resources, it is considered to be a private policy. Take for example the ways in which companies decide to grant their employees with educational opportunities for “professional development”, such as foreign language courses or classes for continue education. Such internal “policy” does not at all concern the general audience: it is not illegal and does not involve any public funds; hence being a private policy. On the other hand, policies may be of a public origin whenever they call for public awareness and/or public resources. Garbage collection, for example, concerns all citizens, for which government planning is demanded, financed by public taxes and executed with public resources, thus being the result of a public policy.

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11 Dubnick, *Thinking about Public Policy*, 6
Here, the government is the first promoter and coordinator of such a task. Would it be possible to imagine a private corporation dictating public procedures regarding garbage collection? Perhaps if operating it under government supervision, but never deciding over public funds without some type of public oversight. If not, would not there be a lack of legitimacy? In other words, a policy is public only when its initiator, designer, and ultimate regulator, is a “legitimate authorized government” official or unit. Additionally, there are cases in which a private problem may demand a public solution (or a public policy). A family dispute that escalates into domestic violence, for example, is a common situation that usually concerns relatives, friends and perhaps neighbors. If the presence of a police officer to settle the dispute is needed, a private concern may turn into a public demand. In this case, the establishment of a police force is, itself, the result of a public policy.

Such debate over the policy’s origins allows us to derive two features about the concept of policy:

(a) Policy demands scientific knowledge and expertise in order to better design applicable solutions aimed at specific and identifiable problems.

(b) Policy demands authority, legitimacy and commitment. The lack of either will eventually lead to ineffectiveness.

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These ideas are critical for a better understanding of the following chapters. For instance, in order to better relate with the legitimate public authority, minorities will need to understand these two features very well. Minorities must acquire high levels of expertise on their issues prior to any attempts of advocacy. Otherwise there will be no room for cooperation between the two parts.

b) Momentum

The momentum is the defining instant in which an action can be definitively classified as a policy; meaning the moment in time in which an idea is no longer a draft, but an accepted and implemented policy. If origin represented the “where”, the momentum represents the “when”.

Additionally, the search for the policy momentum serves to a better understanding on how policy-making processes work in favor (or against) a particular policy. The search for the policy momentum enhances our understanding on who is ultimately responsible for a particular policy, by which value(s) and for what purpose(s).

The chart above shows the basic stages of the policy-making process in most democratic countries, and their main actors and variables. Each stage has its own function and importance.
The complexity of the policy-making process goes beyond the simple relation between policy-cause and policy-effect, and will depend on the interests of its various players.\footnote{Magill, \textit{The Survey of Social Science}, v.4, 1633. For a deeper comprehension of what is policy-making, its processes and models, see also Gupta, \textit{Analyzing Public Policy}; Dye, \textit{Policy Analysis}; and Dubnick, \textit{Thinking about Public Policy}. For a deep analysis over the processes of policy-making in the United States see also George E. Shambagh IV and Paul J. Weinstein Jr., \textit{The Art of Policy Making} (New York: Logan Publisher, 2002). It should be kept in mind that such processes may vary depending on the topic, participants and exequatur. Furthermore, they should not be confused and do not overlap with those stages of the legislative processes in Congress, Parliament or National Assembly.}

The process usually begins with project initiatives, or proposals, seeking a particular effect (Start). An NGO seeking better budgeting for environmental causes, or a congressman proposing a new constitutional amendment, or an industry
lobbying for subsidies, are common examples of proposals that will ultimately be dependent upon government intervention through a policy-making process. Inputs and Demands are likely to occur at this point, as several societal players join the process in order to share their influences and advocate their own interests. All players wish to turn a policy into the “best” as “they see” it should become.

Once “accepted” as an idea to be perused and promoted, the proposal faces its Agenda Setting phase, which determines what level of importance it will have on the endless list of the government’s priorities. Several variables may influence the level of priority of any given initiative. Usually they are of political features (Political Events), which may, or may not, be produced by any of the players.16 For instance, the 2006 nationalization of all natural resources in Bolivia, forced the Congress of Brazil (a country that since the late 1990s has become highly dependent upon Bolivian natural gas) to prioritize energy security policies in order to diversify its energy matrix. In March 2004, terrorist attacks in Madrid changed the Spanish policy over the war in Iraq to the point of withdrawing all its soldiers from the region. Such cases exemplify how events and circumstances may easily change the government’s “mood” towards (or against) a particular course of action.17

To formulate a particular policy - the act of developing a plan to alleviate a certain need - is probably the most sensitive part of the process


17 A classic work on how public policies are framed and their external variables of influence is Thomas R. Dye and Virginia Gray, The Determinants of Public Policy (Toronto: Lexington Books, 1980).
(Formulation).\textsuperscript{18} It is not an easy task. Intentions and values will need to be compromised with political goals and budget constraints. That is when policy-makers come to play their most important and vital role: to decide between what can be done and what should be done.\textsuperscript{19}

Frequently, public policies are considerably changed when it comes time to actually implement them (Implementation). Taking from the planning board to the real world adds so many more variables to the equation that it becomes very difficult to conserve the same structure as they originally had. In this direction, Frohock and David Eaton make an interesting point about “authority’s allocation of values”, arguing authority as an intrinsic part of every policy. When their values change, policies will change along. We shall return to this idea of authority and policy directives in the following chapter.\textsuperscript{20}

For now, let’s not forget that policy-making seems to operate “prospectively” rather than “retrospectively”. Its procedures tend to consider much more the future than it does the past. This is the reason why politicians have greater interest in talking about what they will do, rather than talking about what they did or did not do. In this sense, an Evaluation stage becomes essential to this entire process. Retrospective analysis over policies would allow for the identification of necessary


\textsuperscript{19} For that reason, H.K. Colebatch states that policy-makers are the most seductive term in the study of policy (Colebatch, Policy, 15).

changes and improvement opportunities. Furthermore, the entire policy-making process should not be taken for granted. Some entire phases may need intensive revision. It is only by evaluating its impacts, successes or failures, that a policy may be fixed, corrected, enhanced, or even disrupted.

With the full comprehension of the policy-making process, it becomes clear how many stages a proposal has to go through and how many changes an idea or a project may suffer before its momentum. Policies are very likely to be somewhat different (in shape, form and even content) from how they were imagined in the early stages of the process. Two reasons account for it. The first is the fact that policy-making takes place in an open environment, and is, itself, an open system. As such, it remains exposed to several external political factors. Second, policies are not agreed-upon actions. Contrary to what some authors believe, consensus is not an intrinsic aspect of public policy. Consider, for example, the 1965 “Aid-to-Education Bill” in the United States. Shortly after the Second World War, education experts and the general public were both convinced that federal aid to education was necessary. Two decades were not enough for the matter to reach a consensus. Even when talking about education, a basic right in most of today’s modern democracies, sensitive issues such as religion and race discrimination were major obstacles prior to the consolidation of a final version of a policy. The point here is that, despite debates that might have happened between 1945 and 1965, nothing that was done on the course of formulating the “Aid-to-Education Bill” can be considered as a policy as only the bill itself is. The preparations for it were, at most, a policy “in-process”. For a policy does
not exist until its implementation stage. After this point (the momentum) a policy is complete, implemented and, thus, far harder to be modified.\textsuperscript{21}

The policy making-process presents additional controversies regarding the policy momentum. Some scholars consider the Start as the policy momentum, by arguing that every policy embraces a set of intentions and desires of achieving it, thus acknowledging the moment of intellectual creation as essential to the entire development process of any given policy. Other scholars, despite recognizing the importance of the intellectual conception of a policy, do not consider “ideas without actions” as policies per se, thus asserting that the Agenda Setting phase is actually the one that marks the momentum of every policy, for it is the very first instant that the enforcer becomes involved in the process. A third group of experts considers all early stages as mere processes of policy development, thus inconsequential to the general public. Consequently, policies could only exist after being implemented and producing tangible effects in the real world, starting at the Implementation phase.\textsuperscript{22}

The position followed by this thesis is similar to the third group of scholars, which understands the early stages of the process as mere steps towards the real policy development. Even the best of planning and the highest of priorities cannot guarantee the ultimate existence of a policy, as only its implementation stage can. Could the results of an unfinished policy-making process be called a policy? Of course not. Implementation is the landmark. A policy’s momentum will ultimately be the one, at

\textsuperscript{21} Frohock, Public Policy, 23.

\textsuperscript{22} The third group does not argue that early stages are unnecessary. On the contrary, such phases are considered extremely important for well-thought policy development. Magill, The Survey of Social Science, v.4. Dye, The Determinants of Public Policy.
the very same instant, in which a policy becomes real, leaving the theoretical boundaries of the law to exist in the practical world.

There is also the possibility of basing the policy momentum according to its enforcement. In that sense, it could be argued that a policy may be (i) an action; (ii) a reaction; or even (iii) a preemptive action. For instance, a school-board that decides to launch a selection process in order to hire more librarians is taking an action towards better serving its students. If the same board had decided to launch such a process only after the students had filed complaints about enough librarians in their staff, then the board would be reacting to a demand. On the other hand, if the board, foreseeing the increment on the number of students for the following academic year and hence the need for more staff in the library, had then decided to launch such process, it would have taken a preemptive action in order to prevent the problem.

Such understanding of what is the policy momentum and the roles of the policy-making process have allowed us to derive new important features about every policy. The fact is that policies result from different decisions over choices taken from various alternatives:

(c) Therefore, a policy is a planned, motivated and goal-oriented action, originated by a set of intentions of those deciding it. For that purpose, policies result from a complex process of intertwined variables and players, aimed to address a defined problem and to achieve a specific solution.23

23 Howlett, Studying Public Policy, 6. Frohock, Public Policy, 11.
(d) However, a decision alone is not a policy, but only its formal start. There is no policy without a clear attitude towards making it real and tangible, even when it is a decision not to do something.²⁴

Such dispute, as to when a policy begins, is precisely what makes a policy so important to be defined. As we shall later notice, such a complex policy-making model combined with a bureaucratic government apparatus demands specialized policy advocacy. A false or mistaken analysis on when to interfere can result in serious damages to those causes pursued. In this sense, minority advocates need to fully understand and learn this process. Minorities need to realize how strategic has politics become, how adaptable to the system they need to become in order to promote their causes with realism.

c) Continuity

Once it is understood “where” policies come from, “when” they come into existence and the players “who” are mostly involved, it is important to understand for how long do policies “exist”. In this sense, a policy’s level of continuity can be described as how (and how much) its effects may extend through time. By accessing a policy’s level of continuity, an observer can evaluate and understand how much of its original intentions were carried throughout time and throughout the policy-making process.

²⁴ Colebatch, Policy, 4. Dubnick, Thinking about Public Policy, 8.
Continuity is neither a simple feature to understand, nor an easy mission to accomplish. Many societies (and their governments) have been harshly criticized for their lack of political and policy continuity which, in turn, leads to a high level of insecurity and mistrust, both internationally and domestically. For instance, how may foreign investors become attracted to a particular country if interest rate policies are unstable, unreliable and unforeseeable? How can citizens rely on their own courts if rules are changed on a daily basis? Policy continuity is key to policy trust.

The sense and felling of continuity are inner aspects of policy security. As we shall later verify, it is only under the umbrella of continuity that certain policies can ever survive. Therefore, it is on each policy’s level of continuity that its own survivability rests. Such logic brings us to see various policies as: (i) static, (ii) cyclical, (iii) linear, or (iv) discontinuous.

A policy is (i) static when it does not change over time. For example, United States’ law considers illegal the use of any narcotics by the general public. That has been a long-time static and maintained policy of the United State government, and not likely to be changed at any time soon. A policy may also be (ii) cyclical when it varies from time to time, or from administration to administration. For example, when a government decides to play with their foreign exchange currency rates they are often trying to become more competitive by controlling their country’s export industries. Such policy is cyclical and does not last indeterminately. In addition, some policies are (iii) linear, meaning that they change incrementally or decline over time. For example, modern corporations have been heavily interested in social responsibility actions, setting better, bigger and linear goals for every new
fiscal year. Finally, some policies may be (iv) discontinuous, meaning that they can be either disrupted or abruptly shifted at any given time. For example, a country that suddenly decides to discontinue its affiliations with a certain international organization may be shifting its policies and discontinuing its plans for a deeper regional integration.

Notice that these levels of continuity have nothing to do with a policy’s quality, efficiency or its popularity towards citizens in general. Continuity is a mere measurement, notwithstanding the fact that it is only through methodological continuity that policies will ever become valuable and, eventually, trustworthy. As a doctor prescribing medicines to its patients, time and observation are essential to evaluate results and effects. Accordingly, a certain level of continuity, even for cyclical policies, is needed in order to better evaluate their effectiveness. Would it be possible to evaluate a presidential term after just a few weeks in office? In some disastrous cases, yes, but most of the time, no. Time is essential for the implementation of a policy and for its continuity.

The understanding of the importance of policy continuity allows us to derive new features about policies:

(e) Policy is a systematic practice and not a singular or an isolated event. A decision without time for continuity fails to become a policy, for it lacks the essential element needed for further evaluation: observation.  

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25 David Eaton emphasizes that the real practice of a policy must be considered an intrinsic part of public policies, including its practical consequences. David Eaton, *The Political System*, 130-131.
Policy is an interaction of values over time. When values change, policies change. The existing harmony between a policy’s values and time will determine how secure such policy is.\textsuperscript{26}

As it will be further discussed, minority advocates will need to insist for a certain change of values in order to allow the incorporation of their pledge into the system. A quest that itself, might take time and persistence.

2. Public Policy Actually is All Around Us

At this point, and after such extensive debate over particular perspective of public policies, it should have become clearer why must the concept of public policy be observed through so many standpoints. Each policy is the result of a different process, the product of different influences and the offspring of different causes. A single policy rarely has the same origin, goal, focus or lifespan of another policy. As mentioned, the main aspects of public policies debated throughout this section served the dual purpose of conceptualizing, in one hand, what this thesis understands as public policy, and, in the other hand, to lay common grounds for the following discussion on minorities.

With that in mind, it has been understood that public policy is the result of knowledgeable actions and intentional decisions aimed at specific purpose(s), and

\textsuperscript{26} Frohock, Public Policy, 11; 16.
taken within a legitimate and committed government sphere which, in turn, is set to promote such public policy through a continue process of harmonious observation and reevaluation.

Minorities, a concept that will be further discussed in Chapter 3, cannot ignore the concept here displayed. The cause they pursued, whatever it may be, cannot overlook how polices are crafted or ignore the importance of who implements them. These elements were here highlighted because this thesis believes their understanding serves as key to a lasting protection of minorities.

In addition to such quest for a working concept of public policy, this section’s debate should have also clarified how public policies are, in fact, intrinsic parts of our daily lives and need to be paid sufficient attention. For example, if one is reading this work around lunch time, it is likely that he or she was affected by at least a dozen public policies in the first part of your day. The alarm clock used to wake-up is powered by public electricity produced, regulated and provided in accordance to public policies; the nutrition facts printed on the box of the morning cereal are regulated by a public policy; the morning newspaper from earlier, is likely to contain reports on several public policies that are about to be implemented or terminated; the car used to go to work is likely to have its gas prices regulated by public policies; and so is the subsidized bus fare. The trash can (in which the newspaper full of public policies was thrown) will be later collected by a state or private company, under the rules of a specific public policy for garbage collection; and so on.

Most of us do not pay much attention to how pervasive public policies can be; or to how much control they have over us. We tend to ignore how the process
that was just described works, and tend to ignore most of government activities until they actually inflict us a cost. Governments do not make public policies in a vacuum. Whatever they do, or do not do, have some level of effect upon us, as citizens. Consequently, public policies have the strength to add or to reduce the quality of our lives. As Dubnick states, “where there are benefits, there are also costs”. Take, for example, public regulations that intend to protect endangered species. By restricting the fishing season in a particular county, the government may be guarantying the reproduction of a particular species and saving it from disappearing from its shores and corals. However, by complying with such regulation, fishermen colonies may be missing crucial opportunities for considerable profits. Proving that “where there are benefits, there are also costs”.

For that reason alone we ought to become increasingly aware of government public policies development. Public Policies actually are all around us. Inevitably, they shape our behavior and choices.

CHAPTER II

THE POLITICAL SUPPORT FOR PUBLIC POLICIES BY

INTEREST GROUPS AND GOVERNMENT AUTHORITIES

Now that this thesis has established a working definition of public policy, it is time to focus the two prime actors of this play: interest groups and government authorities. Though the idea of both has been mentioned briefly during the analysis on policy-making process, there is much more to be discussed. Interest groups and government authorities are here to be considered as “supporting actors”. The first serves as a platform for individuals and ideas to be properly channeled into the political process of policy-making; while the second guarantees that the process remains sound and efficient. Between both rests a public policy ready to be shaped as the result of their negotiations.

To demonstrate the above, two issues demand further explanation. The first is the concept of “clusters of ideals” through which peoples and ideas can be properly advocated. The second is the figure of gatekeepers, representing the obstacle faced by interest groups seeking to plug their ideals into the political system. The complete understanding of how these elements shape the behavior of interest groups is essential to the imminent discussion on minorities and their strategies towards political embracement.
1. Interest Groups as Clusters of Ideals

As stated by James Madison in *The Federalist Papers*, people with common interests will tend to form factions in the political process, also known as “clusters of people”. After all, nothing is more politically natural than interest individuals or groups to cluster about those governments whose decisions affect them directly. Contemporary examples of such cluster are political parties, grassroots movements, private associations, etc. Many are the political theorists that have stressed the importance of groups in politics, independently of the causes they pursued (better educational policies, racial justices, welfare policies, etc.), their origins (domestic or foreign, immigrant or refugees); or their social class (rich or poor). They all agree that, as long as politics exist people will continue to pursue ideas, gather around groups and protect their interests. Despite different backgrounds and strategies, all groups pose the similar goals to influence, to persuade, and to convince their counterparts, through existing political means and policy negotiations. That is a unifying value among interest groups.

The United Nations, for example, is a well-known organization created by 50 funding countries in 1945. The Charter of the United Nations, its constituting instrument, states that the organization’s purposes are:

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“to maintain international peace and security; to develop friendly relations among nations; to cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms; and to be a centre for harmonizing the actions of nations in attaining these ends.”

(Article 1, 1-4.)

Is not the United Nations an organized group of nations interested in the mentioned causes? Is it not the Unite Nations’ intention to influence, to persuade, and to convince its members (and non-members) and their respective governments about its peaceful interests? In this sense, the UN is a cluster of peoples (nations’ representatives in this case) with their own interests to protect.

Another example is the AFL-CIO, a US-based organization created in 1955 by the merger of the American Federation of Labor and the Congress of Industrial Organizations. Today, the organization represents nearly 9 million working women and men of every race and ethnicity, by carrying the simple, yet fully challenging, mission:

“(…) to improve the lives of working families, to build a strong political voice for workers and to bring economic justice to the workplace”.

(Preamble to the AFL-CIO Constitution)30

Is not the AFL-CIO an organized group of unions also interested in the mentioned causes? Is it not the AFL-CIO’s intention to influence, to persuade, and to convince its members (and non-members) and their respective representatives about their rightful interests? In this sense, the AFL-CIO is also a cluster of individuals with their own interests to protect.

Inevitably, all clusters of peoples seek to engage the existing political process. Such desire comes from a clear understanding of what has been previously discussed: that public policies are an intrinsic part of our daily live. Here public polices have the strength to add or to subtract from the quality of our lives by shaping our behavior and choices. Interest groups understand such reality, and constantly evaluate the tradeoffs implicated by government public policies over their particular range of interest and activities.

Additionally, it is important to highlight that interest groups are, in reality, the existing political evidence proving that societies can be divided into categories other than just social groups. The difference between social groups and interest groups is that while in the first, members are arranged by subjective interests; in the second they are formed through the interaction of objective interests. For instance, not too long ago, when African-Americans in the United States were forced to ride on the back of buses, to use separate restrooms and to be segregated randomly and abusively from public and private places, there was a subjective element of discrimination: the color of their skin. Back then, African-Americans were considered part of a particular social group, thus discriminated against, independently of his or her cultural background, personal preferences, level of education, social status, or
monetary capabilities. On the other hand, take, for instance, groups associations by cause. When environmentalists decide to group themselves into a political party, so they can better advocate “green” policies, there is an objective element of association present: their common concern for the environment. Here the party members are considered to be part of an interest group independently of their color, sex, social or financial status.

In the first case, African-Americans were taken as members of a social group (subjective criteria), whereas the environmentalists were taken as a cluster of people with similar interests or an interest group (objective criteria). This leads to the observation that though a white person could virtually never be considered an African-American (since he or she would not fulfill the subjective criteria of skin color), an African-American may freely join an environmental group, if he or she chooses to do so with no much trouble (since the objective criteria requires nothing more than intellectual concern with the environment protection). Therefore, interest groups have the unique capacity of building a bridge between the social and political dichotomy; allowing individual interests to become political influences. In this sense, interest groups are, in fact, clusters of ideals, as they provide the platform for individuals and ideas.
2. The Gatekeepers of Access

Regardless of the impressions one might have, at this point, about interest groups, be assured that their influence over political systems is not automatically granted; meaning that not every group gets involved in politics just because they wish to do so. According to H.K. Colebatch, before reaching any level of policy negotiation, interest groups are asked to fulfill some basic tasks that “act as gatekeepers” sorting their participation in the policy-making process. They are of two types.

a) Legitimate Authority

How many times has the news displayed phrases such as “the Congress voted” or “the President has decided”? Expressions used to symbolize that a particular policy was promoted and/or approved. Such clichés carry the idea of policies being the work of a legitimate authority. As noted in Chapter 1, between interest groups and the policy-making process, there is always a watchful authority scrutinizing their influence. Though they do not admit this in front of the cameras, authorities, politicians and bureaucrats often find the information provided by interest groups to be indispensable for performing their daily tasks, including the promotion and/or approval of such policies.

31 Colebatch, Policy, 16.
32 Howlett, Studying Public Policy, 57
With that opportunity in mind, interest groups are constantly seeking to influence, to persuade, and to convince the government about their perspective over matters. For instance, consider a major corporation, such as a gun manufacture, wishing to maintain its business of selling guns legally in the US. Would not it then be in the interest of the corporation to make sure that the central government (more specifically the Supreme Court) continues to guarantee the Second Constitution Amendment? The idea works similarly for a smaller case, as well. Imagine that a group of tenants wish to have better heating systems in their individual apartments. Would it not be in their interest to pledge the demand before the building landlord? Both the corporation and the tenants had, each with individual goals in mind, to identify the legitimate authority before which they should present their pledge.

Any interest group seeking to engage the policy-making process has first to negotiate with the proper legitimate authority, the “gatekeeper”, in order to get access. Furthermore, no interest group will ever influence a public policy or produce “tangible effects in the real world” (as argued during the implementation phase, in Chapter I) unless it advocates through the proper authority. For instance, there is not much sense in negotiating labor policies with the secretary of environment; or finance policies with the minister of culture. No other (legitimate) actor can replace the authority on its specific line of duty.
Another important gatekeeping requirement to engage the policy-making process is *expertise*. Any given interest group that wishes to negotiate public policies needs to prove itself knowledgeable of the particular issue which it seeks debate.\(^{33}\)

For instance, imagine the Ministry of Education of a given country. By rejecting or accepting recommendations of specialists that surround him daily, the Minister is in the constant process of designing public policies. Both the Minister of Education and his policy-makers (that surround him) are knowledgeable enough to behave as gatekeepers on the issues of educational policies. As such, if a particular interest group wishes to promote new educational policies, it will have, in addition to influencing the legitimate government authority (in this case, the Minister of Education), to prove that it possess the proper expertise on matters of education. That way, it assures that the policy negotiation will occur in the highest of levels.\(^{34}\) The point here goes beyond the basic idea that an interest group needs to be knowledgeable just for its own safe or for its own performance as a policy advocate. The intention here is to emphasize that an interest group is more likely to get more of the Minister’s attention if it is, for example, a National Association for Higher Education lobbying for budget improvements, than if it is just a small group of

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\(^{33}\) The term *expertise* is been argued here as synonymous, or even similar, to correctness; but only in the sense of elevated knowledge regarding a particular issue.

\(^{34}\) As wisely pointed out by Colebatch, the real policy-makers are the ones presenting the Minister with recommendations, and not often the Minister himself. Colebatch, *Policy*.  

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parents concerned about sexual educational methodologies at their neighborhood middle school. A national association of this sort happens to have proven, many times, about its expertise on education policies, and it is likely to be heard by the minister and his advisors. On the other hand, the group of parents is simply a newcomer into the process which has not yet done anything to prove its merits; and, to make matters worse, it has decided to advocate through the wrong channels. There is nothing against the parents’ demand. I do find, in fact, such cause particular meritorious; nevertheless, the authority in question has to stand as a critical gatekeeper, and cannot allow any and every interest group to approach him or influence the policy-making process.35

On such a quest to acquire expertise, interest groups have specialized themselves upon specific and single topics. For instance, the Brazilian Association of NGOs (ABONG) has, among its hundreds of members, some working specifically with urban/agrarian issues, while other members work specifically with public security and others have just focused upon the issues of environmental protection. Aside from few exceptions, such specialization is crucial for creating a more effective policy advocacy capacity.36

At the same pace, the counterpart authority has also to comply with its own duty of specialization. The government needs to present the same level of expertise as its counterpart interest group. Imagine a government that has been simply

35 The point made, real experience shows that “unorthodox” advocacy groups have had their share of successes in the past. It is not, in fact, a rare thing.

36 ABONG <http://www.abong.org.br/> 01.15.2006.
structured with a single President administrating alone the Executive Branch. With no Cabinet members or Staff to advise or help him, the President would be certainly overwhelmed with such demanding work at hand: public policies to design, government programs to run, ceremonies to attend and so forth. Not to mention the lack of expertise needed for all the nation’s affairs. Surely, a President like that could not handle all sorts of demands at once. Even in the smallest nation, a Minister of Finance will be useful to handle the country’s economic affairs; as would a Minister of Health for health policies; as for other Ministries on the issues of Education, Environment, Public Planning, Interior, Defense, etc. Specialization is a needed feature for interest groups as much as it is for the government authorities in charge of running the country.

The Brazilian Ministry of Education, for example, is a successful case of specialization throughout the years. Created in 1930 as the Secretary for Educational Business and Public Health, this government body did not enjoy the highest of the priorities in the government’s agenda. Many decades went by before “education” gained a Ministry status and became a distinguished issue in the Cabinet. The reason for such evolution depended not only on the government’s initiative to prioritize education, but also on a public claim for better educational structure and dedicated policies.

Such evolution will not depend only on the government’s initiative to prioritize expertise, but also on a public demand for better policy-making structures dedicated to specific policies. The interaction between interest groups and government authorities may happen differently for each policy. In any case, it should
be a balanced negotiation between highly expert parties. Only then will the outcome of such debate be a sounding and efficient public policy.

3. Public Policies as the Cornerstone for Synergy

It seems evident at this point that public policies are at the middle-ground between expert interest groups and legitimate government authorities.

CHART 2: Two-Way Synergy

Despite not being an exact science, both societal actors are required to play precise roles under such framework, in order to promote an effective negotiation. The more empirical a study becomes the greater is the need to include each actor’s influence in the process. Therefore, none of the actors can account alone for the entire “public-policy-making” process. \(^{37}\) Additionally, it is also important to highlight that,

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\(^{37}\) Howlett, *Studying Public Policy*, 50. Different theorists have argued which actors or institutions bear the most in the policy-making process. *Welfare Economic* and *Public Policy Choice* theories argue in favor of the *individual*, stating that he or she alone is responsible for the shaping of government policies. Such theories could be very much correct as they explain the individual engagement through interest groups. In contrast, *Pluralists* and *Corporativists* advocate organizations as the sole
though public policies are at the center of the negotiations between these actors, this should not at all be taken as a one-way relationship, as if interest groups advocate public policies while the proper authority simply listens, ponders and decides weather or not to incorporate them. The relationship is, in fact, a two-way synergy where both actors have their share of contribution for shaping public policies. (Chart 2).

Furthermore, the pressuring demand for both actors to present high levels of expertise has segment the policy-making process in such a way that policies have become segmented themselves. Different polices are, consequently, the result of different synergies between different interest groups and different government authorities.

CHART 3: Multi-Way Synergy
It is under such a state of affairs that minorities may find their way to properly influence the policy-making process in their favor. Minorities need to shape themselves as active interest groups that recognize the role of each variable of the process and work wisely thought the process aiming for the best public policy negotiation.
CHAPTER III

MINORITY INTEREST GROUPS AND

THE IMPORTANCE OF TARGETED PUBLIC POLICIES

The People cannot decide until someone
decides who are the people.
Ivor Jennengs

Once understood how both government authorities and interest groups shape public policies and why must they become experts about their own particular fields, this thesis finds itself ready to pursue a clear understanding on the next piece of the puzzle.

All members of any given society usually pursue egalitarian conditions among each other, despite their different affiliation, occupation or status within that same society. The basis of such premise is sponsored by the egalitarian principle, broadly stated in innumerous documents throughout human history, commonly known as the Right to Equality. As a basic individual right to all human beings, the Right to Equality aims to assure that those equivalent in conditions ought to be equally treated; while others, being different in condition, ought to be treated differently, in the proportion of their own differences. Despite paradigms of the formal law such as “the justice is blind” or “all are equal before the law”, the Right of Equality comes to even out particular situations that would, otherwise, result in unfairness. For example, should an elder stand inside the bus while others, far younger, remain seated? Should a pregnant women wait in line at the bank? Should low income persons pay the same
amount of taxes as higher income persons? Should adults and children be judicially trialed identically? The answer to all these questions is “no”, precisely because the dissimilar treatment given to those different will eventually result in equality: a positive discrimination that compensates difference.

The acknowledgment of such a premise is half the way towards a clear understanding about the need for specific policies for minorities. The development of egalitarian political mechanisms should, in fact, work differently to compensate the disparities between minorities and the rest of the group (or groups) around them. As noticed in the previous chapter, a public policy becomes “specialized” in the same proportion as its designers (interest groups and government authorities) do. Therefore, the level of specialization seen in both parties is reflected in the various existing areas of the policy-making process and the creation of all sorts of specific politics issues, such as environment, security, education, transportation, health, foreign relations, and so forth.

The following discussion intends to focus on minorities as they have to become a unique issue of their own; and to argue the necessary development of dedicated policies specifically aimed to the aid of minorities. Nevertheless, one impasse remains at this juncture: Why is there a concern with public policies specifically for minorities? Why should the policy-making system, already so much segmented in many different issues, be again divided in order to create another section for minorities? What is a minority, after all? All answers at their due time. For now, it is important to understand the logic that follows. The only way any argument may favor the creation of dedicated policies to a specific issue is if, prior to that argument,
the mentioned issue is proved of actual existence. Moreover, in addition to its existence, the issue in question has also to be proved worthy of a dedicated and exclusive policy-making process. Only then, may the dedicated policy come to light.

In this sense, the first step of this section shall be assessing the issue of minorities, their existence and conditions. Only afterwards, may any argument in favor of dedicated policies for minorities be made.

1. Minority: Another Unfinished Concept

Similar to the challenge of conceptualizing public policies, the quest for a concept of minority does not offer an easier task. According to the library catalog of Georgetown Washington University, in Washington, D.C., more than a thousand titles related to some kind of minority study can be found on their stacks. Naively, it was hoped that such vast world could provide some sort of concept of minority. However, as before, a closer search on this literature reveals that an agreed concept over “minority” has not yet been reached, as scholars struggle with incomplete definitions. For instance, Jay Sigler begins his book on Minority Rights by stating that “no sufficient definition has yet emerged”. Jennifer Preece, in another book — also entitled Minority Rights — underlines the fact that “no universally agreed definition of

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39 Sigler, Minority Rights, 3.
minority exists at the present time”. The Minority Rights Group International (MRGI), a notorious organization working to secure the rights of minorities and indigenous people worldwide, and to promote cooperation between communities, also acknowledges the difficulties on consolidating a single definition. The institution affirms that “there is no universally accepted definition of minorities, and the word is interpreted differently in different societies. Attempting a more precise statement has been fought with difficulties”.  

Again, this thesis joins the literature’s frustration as it assures the reader that, although many attempts were incessantly made in that direction over the years, no final conclusion has been achieved. Nevertheless, a working definition of minority is still needed for the remains of our discussion. Amongst all attempts made, the most symbolic ones came from under the auspices of the United Nations. The first came from Francesco Capotorti, of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. After reviewing unsuccessful efforts, he offered his own. He stated:

Minorities are “numerically inferior to the rest of the population of a state, in a non-dominant position, whose members -being nationals of the state- possess ethnic, religious or linguistic characteristics differing from the rest of the population and show if only implicitly a sense of

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solidarity, direct towards preserving their culture, traditions, religion, or language.⁴²

Again this definition was considered applicable to serve for all cases. For instance, by using the numerical aspect it ignores the case of Africans in South Africa, or women all over the world. The definition also excludes aliens and refugees from the picture as it is limited to “nationals of the state”. The second attempt was presented in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (See Annex I):

“States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.”

(Article 1-1)⁴³

The definition was considered a breakthrough as it encourages governments to take charge of protecting its minorities. Still, such a statement was heavily criticized for its narrow definition and ultimate incompleteness once it is limited to “ethnic, religious and linguistic” minorities.⁴⁴ A reasonable explanation for such vacuum in an important Declaration could be that the UN has dedicated different

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⁴⁴ Sigler, Minority Rights, 3.
document of International Law for other specific groups such as women and refugees (See Table 1).

Nevertheless, both the UN and individual scholars have persisted on attempting to find a better and more complete one. Though the academic community has incessantly attempted to provide a definition, they all continue to be deficient in covering one or another aspect of minority, which ultimately leaves them incomplete. Jennifer Preece, for example, declares minorities as “political outsiders” who do not fit the local criteria for “membership” or “political legitimacy”. She often argues minorities as “states within states”, meaning groups seeking sovereignty which they momentarily lack.45 Such concept might serve very well in particular countries, but it is ultimately incomplete since it does not account all minority cases. Indigenous groups, for instance, normally do not seek state sovereignty, but simply state recognition for their culture and customs. In another case, the MRGI considers minorities to be non-dominant ethnic, religious and linguistic communities, who may (or may not) be numerical minorities. Again, though very similar to the UN definition, such an approach might serve very well to particular cases, but does not account for all minority cases as it leaves out, for instance, the issue of race minorities. In the other spectrum, Gerard Chaliand tends towards a relativism of minorities when stating they are “groups of people seen as different as by other ‘majority’ groups”. Furthermore, he asserts that in this dichotomy “both groups are concerned with preserving their special features”, a confronting ambition for which they indefinitely

45 Preece, Minority Rights, 4. Preece also argues for the impossibility of satisfying all minority’s need, since “if every ethnic, religious, or linguistics group claimed statehood, there would be no limit to fragmentation, peace, security and economic well-being would become even more difficult to achieve”.

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clash. Although history is full of cases that might corroborate with such a perspective, it is also known that minorities disfranchisement often occurs within the same societal group, *vis à vi* women inequality and handicap discrimination.46

Again, this brief summary of some prominent authors on the topic of minority is not intended to be a simple book-review, in reality the literature once more fails to provide a final definition on minority. As noticed by Arnold Rose, “much of the literature [has] become irrelevant because it is limited to description”.47 All perspectives available have shown some level of incompletion and/or high levels of specificity, which constraints them to just a few cases. Furthermore, it appears that even the political spectrum often neglects the existence of minorities as a way to deny any claims of rights. As pointed by Sigler, “the reach of a definition can make evasion much more difficult.”48 Nevertheless, this thesis still needs a working definition in order to proceed with its analysis.

2. Measuring the Elements for Minorities

The solution proposed is similar to that of before: a concept may be extracted from a disagreeing literature, as long as pattern variables found within fit the research at hand. We shall avoid, but never contradict, the complexities of other

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existing, but momentarily unnecessary, concepts. In this sense, a series of considerations ought to be separately made, in order for intrinsic elements of minorities to be drawn, thus reaching a final conclusion and presenting a useful concept. This thesis intends to address four particular perspectives of minorities in order to design its best approach.

a) The Numeric Misconception

First, it should be clarified that minorities must never be taken in terms of quantity or defined on a numeric basis. Such variable is more then useless, it is misconceived. If otherwise, any specific group within any given society could be, then, labeled as minorities. Sigler too warns about the risk of a numeric misconception of minorities. If that were to be valid, he argues, we should include the left-handed, the disabled, the old, the rich and the PhDs as minorities as well. But we shall not, he continues; they may have their claims to make, but they should not be considered as groups in the same way as race, caste, language culture, ethnicity, religion or nationality, which may share recognizable disadvantages. For instance, several were the Europeans colonies in Africa when the European settlers, despite being the minority in numbers, were able to exclude the vast black majority. In that case, we saw the black population as the minority and the European settlers as the majority.49

49 Sigler, Minority Rights, 5. Preece, Minority Rights, 11.
With that in mind, this thesis refuses the use of such numerical approach as it may lead to conclusions far away from the truth meaning of minorities. Therefore, let us quickly leave this issue behind and understand that minority is a subjective terminology and not an objective one. Whatever definition is here carved, it should not include the numerical element.

*b) Equality and Belonging*

The desired for social belonging is an essential human characteristic and a prerequisite for that condition of peace and stability in which the human personality may flourish. More than to understand such concept, minorities feel that need. How did it feel to be a Kurd under Saddam Hussein’s regime? How does it feel to be indigenous in the metropolitan areas of Brazil? How does it hurt to be a disabled person in a city with no ramps? How hard it is to be in a place where your sole characteristics are perceived as “the different”? We may speculate… but only they surely know.\(^5\)

I remember once, when talking about this issue with a disabled woman from Rio de Janeiro, Brazil. She had lost her legs in a terrible car accident and, years later, had become a prominent advocate for disable minorities rights. At the occasion I shared my curious impression that, more than often, most of minorities groups were lead by one of their own; meaning that I had never before seen a white person, leading

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\(^5\) In that sense, Chaliand argues with mush precision how nationalist ideologies, when taken to the level of aggressions, tends to result in exclusion, rejection and even a diabolic perception of nationalism of others. Chaliand, *Minority People in the Age of Nation-State*, 2.
a black community movement, or a male leading a feminist meeting, or a non-disabled person advocating specific policies for disabled groups. Her answer to my comments was sharp and simple: “Listen, I will never be able to ride my bike along the beaches of Rio, and feel the nice summer wind in my face again, like you can. Meanwhile, you will never be able to describe the absence of that feeling to anyone, as only I can”.

A touching conversation that presented me with an intriguing perspective: As I was researching to gain expertise over the issues of minorities I realized how limited I would always be, in my own intrinsic characteristics, for not being able “to fit the shoes” of other people’s experiences when it comes to being a minority. She was right. As much I can address the issues of minorities, I will never be able to stand in front of an audience and tell them about how hard it is to be disabled in a city without ramps, as only she will. Perhaps, I might be able to describe how policies for affirmative action have worked in Brazil, but I will never be able to describe, from self experience, how hard it must be for race minorities to experience a moment of discrimination. Right there I felt an outsider myself; I felt like I would never be able to do something just because of how I am. I felt like a minority, absent of an equal belonging. That situation pictures the issue of difference. Neither for better nor for worse, just different. The patent difference between a minority and the rest of the group (or groups) around is what makes the need for belonging an intrinsic aspect of minorities and an indispensable step towards equality.

Nevertheless, it is important to emphasize that equal belonging, as in any state of society, requires a certain level of coordination and subordination in order
to “gate keep” memberships and, in some cases, to preserve the social relationships in which it is based. Precisely as discussed in Chapter 2, certain rules ought to be followed by every group of individuals, even when simple and unwritten, in order to guarantee standard levels of coexistence. It is the reverence for such rules that assures mutual belonging, thus closer to equality.\textsuperscript{51} As noticed through the struggles between government authorities and interest groups, coexistence takes time to endure and rules to follow. For instance, our political life-style, as modern nation-state societies, rests on the assumption that we can only produce equality through some organized and standardized form of political coexistence (democratic, authoritarian, communist, anarchical, etc.). In this sense, whenever “difference” or “diversity” is presented, it is seen as a frightful alien to the societal form in place. Difference is seen as an illness that must be prevented, or even exterminated. Minorities often fall under such category. Portrayed as “the different” and dissimilar from the majority, minorities are often undesired. In response to that, mankind has chosen some types and forms of political orders as ways through which it could frame “belonging”. However, despite the framework, “membership” is rarely available for all societal members. Consequently, some of its own individuals became outcaste for the sake of societal unity. A clear paradox.\textsuperscript{52}

It has been under such state of affairs that mankind has attempted to flourish, for bad or for worse, avoiding and repudiating the same instinctive impulses

\textsuperscript{51} Preece, \textit{Minority Rights}, 5-6.

for diversity that has originally driven mankind in recent past. An enormous miscalculation. How is it possible that humankind has, for repeated times, denied itself form embracing the same values and beliefs that once brought it to its current state of evolution? Seeking innovation, observing the new and accepting the diverse has been, unquestionably, a valuable trait of humankind evolution through the centuries and should not be disregarded. Such considerations serve well the peculiar circumstances of minorities who, in one way or another, seek a certain level of (social and/or cultural and/or political and/or economic and/or territorial) belonging. In this scenario, have any diversity gained membership? Apparently not.

Given such paradox, it seems that particular rules, or even a new political framework, could be useful in order to avoid the societal quest for belonging from imposing limitations to individual and collective freedoms. Otherwise, the current framework will continue to deny diversity and continue to seek for homogeneity as it banes dissimilar minorities and restraints equality. Right here, the individual diversity of minorities becomes even more precarious as the search for homogeneity ends up restricting membership for those dissimilar. If, in one hand, society has generally benefit from organized forms existence, in the other hand, such forms have led society to establish homogeneous structures that, in fat, avoid diversity. 53

Minorities have found only suffering under such lack of equal belonging. As said, the solution for such dilemma must come from a new set of rules (preferably international ones under the United Nations framework), which should
frame the political arena, in such a way, to prevent diversity from being blocked. Though grassroots and bottom-up pressuring movements working for minority enfranchisement are critical tools, top-down legal enforcements may also efficiently provide a new framework for minorities.

c) The Framework of Democracy

The citation on the top part of this chapter entails an inescapable ordeal: who are the people? Many political systems have attempted to answer such question. Under a monarchical government, for instance, the emperor, the royal family and its court are clearly the “people” deciding. Even a dictatorship has its peculiar and strong figure leading the nation, for better or for worse. The point here is that a variety of different systems of government have their structure of leadership in such a way that the top portion is clearly identifiable. It does not matter whether it is through a divine intervention or through pure military oppression, the source of power usually is drawn from above.

However, when it comes to democracy, a democratic form of government, a peculiar paradox seems to exist. The leadership is not the sole source of its power and does not rely on itself for continuity. Democracies are believed to account their sources of power on the people (from the Greek: *demos* = people; *kratos* = power). Leadership is appointed from below; simply, but paradoxical, as stated by Jennings.54 This thesis is not set to debate details of theories and positions regarding

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54 Preece, *Minority Rights*, 3-5.
democratic regimes. Great authors have already covered that task. Nevertheless, it must be acknowledged that democracy is broadly taken as the system where “peaceful coexistence of opposing opinions” is mostly possible. Democratic standards and procedures tend to create and enforce such an environment where different perspectives and preferences, despite their disparities, are taken equally into consideration. Furthermore, democratic pillars, such as the universal right to vote, periodical elections, the separation of powers, and the system of checks and balances, have managed to secure a series of institutional, collective and individual guarantees, nowhere else to be found. Democracy offers the beauty of argument where others impose nothing but submission. Democracy allows the wrong to be proven right, while in others right is just what it is told. Democracy has the ability of reinventing itself every other century in order to adapt to new times, new needs, popular desires and political scenarios.

If there is an undisputed argument on this thesis, let it be then that no other political framework can serve minorities as democracy can; for it is, so far, the best political model under which all groups have a chance to negotiate their claims, to be embraced and to belong. Some believe that democracy is a procedure for peaceful solutions of conflicts and for legitimate representation; others see it as value that must be extend to as many people as possible. In one case or the other democracy has to


56 Both the separation of powers and the system of checks and balances where coined by Charles-Louis de Secondat, Baron de La Brède et de Montesquieu, more commonly known as Montesquieu.
work in resemblance of, as Renato Ribeiro argues, a “Democracy of Difference”: a system that respects the difference of others, its ways of life and choices.\textsuperscript{57}

Additionally, Democracy creates a peculiar framework where political party competition leads political leadership to court all groups, thereby increasing responsiveness to traditionally excluded groups, bringing them inside the political arena.\textsuperscript{58} The challenge of today’s democracy lies, however, on how should all voices be appropriately heard, including those of minorities. Or even more audaciously, the challenge lies on how should all voices be \textit{proportionally} heard. Again, the words of Jennings come to surface the following question: \textit{what people shall rule and on what basis}? As eloquently put by Preece, here lies “the problem with minorities”, their inescapable ordeal and paradox situation faced under democracy.\textsuperscript{59} As much as democratic regimes embrace difference and diversity, and provide a sense of belonging to us all, its perverse scheme of things demands personal efforts to be listened, collective actions to participate, and proper claims to be turned into rights. Democracy may be the blanket shared by us all, but it will not cover you unless you fight for it.

As demonstrated in Chapter 1, a democratic policy-making processes can only function when an indispensable set of players exist in the political arena,

\textsuperscript{57} Renato Ribeiro Janine, \textit{A Democracia} (São Paulo: Publifolha, 2002), 56-65.

\textsuperscript{58} Peter Burns argues that competitiveness between parties is an essential element for the protection of minority. Its absence has a double negative impact. At first, it discourages parties to discuss issues with their constituents; second, minorities become unmotivated to seek political participation as they see it useless. Peter Burns, \textit{Electoral Politics is Not Enough.} (Albany: State University of New York Press, 2006), 3.

\textsuperscript{59} Preece, \textit{Minority Rights}, 3.
such as government, interest groups, etc. In order to include themselves as one of so many, minorities will have to establish themselves as true vested interest groups, and leave behind the simple form of single individuals that share a particular challenge, oppression or disenfranchisement. This is the only way that minorities will ever meet their gatekeepers’ requirements, and it is the only way they will ever have a shot at protecting their interests and their rightful causes. Jennings may be right when stating that we shall first decide who the people are. But when the time comes, be assured that, within a democracy, minorities ought to be considered as part of the “people” too. Minorities need democracy as much as democracy needs minorities. A democratic system that does not seek to embrace minorities is ultimately leaving a portion of it’s legitimates out, in such a way, that risks its own legitimacy of existence and dismisses the Right to Equality.

Such possibility has been exercised by both Lassale and Machiavelli as they envisioned what would happened when a leaders neglects their own supporters. Imagine an Emperor that neglects its court, or a King that neglects its own army, or a President that neglects Congress. They would all be doomed to root from inside-out when neglecting their own pillars of sustainability. The emblematic characteristics of embracement, which distinguishes democracy from any other political systems, have to be pursued by its leading figures. In this sense, and given the elements here discussed, minority interest groups must, under democratic regimes, be organized in such a specific way to position themselves as true advocates of particular claims. On

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the other side of the spectrum, political leaders, legislators and policy-makers must be attentive and concerned with the needs of these minorities, in order to turn their claims into rights. For only minority rights will assure equality.\(^{61}\)

\textit{d) International Accountability}

Having a domestic framework such as democracy is indeed a great start. However, history has proven many times that international pressure has also a role to play for the embracement of minorities. In 1919, after the First World War, at the time of the League of Nations, a System of Minority Guarantees was created mainly for the purpose of protecting territorial settlements in Central and East Europe. At that time, all and every international regulation that could, somehow, offer any sort of protection for minorities was more likely to be just a “volunteering attribute” of signatory states, rather than actual enforced obligations assumed openly before the international community. The nomenclature itself, “minority guarantees”, was too fragile and easier to be refuted when in the interest of a particular state and without any international reprimands. Such a system would soon fall with the emergence of new tensions. By 1939, at the upcoming of the Second World War, a new framework was about to be imposed.

After 1945, with the emergence of Human Rights setting the new tone for solutions of international tensions, “minority guarantees” came to be renamed as “minority rights”; a considerable advancement. Since then, the right of people for

\(^{61}\) Preece, \textit{Minority Rights}, 190.
self-determination has been, for the most part, to free them from control.\textsuperscript{62} In contemporary circumstances, minority rights have been the rights of people, already free, to exist within states. The purpose of this new frame was to impose international accountability and to replace “state choice” by “state obligation” when dealing with minorities.

The concept of minorities, though still undefined, needed to be pursued, and a clear understanding about the urgency of protecting those unguarded was being strongly considered.\textsuperscript{63} What followed can be interpreted as if minority rights were brought to equal hierarchy as all other types of human rights, such as economic, cultural, social, political and civil rights. This interpretation becomes even clear when the evolution of the international legal framework is taken into account (See Table 1). It was a particular sequence of events and legal provisions that brought chance of substantive international accountability and real guarantees to minorities worldwide.\textsuperscript{64}

\textsuperscript{62} Chaliand, \textit{Minority People in the Age of Nation-States}, 4.

\textsuperscript{63} Preece, \textit{Minority Rights}, 16. As argued by Preece, semantics plays an important role. Let us not use the term “guarantee”, which is largely volunteering, but the term “right”, which encompasses obligation.

\textsuperscript{64} Chaliand, \textit{Minority People in the Age of Nation-States}, 3.
TABLE 1: International Legal Evolution for Minorities

<table>
<thead>
<tr>
<th>Year</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>United Nation Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>1950</td>
<td>European Convention on Human Rights and Fundamental Freedoms</td>
</tr>
<tr>
<td>1951</td>
<td>Convention relating to the Status of Refugees</td>
</tr>
<tr>
<td>1952</td>
<td>Convention on the Political Rights of Women</td>
</tr>
<tr>
<td>1960</td>
<td>United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples (Right to Self-Determination)</td>
</tr>
<tr>
<td>1963</td>
<td>United Nations Declaration on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>1965</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>1966</td>
<td>United Nations International Convent on Economic, Social and Cultural Rights; The International Convent on Civil and Political Rights</td>
</tr>
<tr>
<td>1967</td>
<td>United Nations Declaration on the Elimination of Discrimination against Women</td>
</tr>
<tr>
<td>1979</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>1981</td>
<td>United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief</td>
</tr>
<tr>
<td>1989</td>
<td>UN Indigenous and Tribal Peoples Convention</td>
</tr>
<tr>
<td>1989</td>
<td>ILO convention 169 concerning Indigenous and Tribal Peoples in Independent Countries</td>
</tr>
<tr>
<td>1992</td>
<td>United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities</td>
</tr>
</tbody>
</table>

Although the Apartheid in Africa, for instance, or racial inequalities in America, might have been long-time acknowledged cases of minority disenfranchisement which, perhaps, did not need this sort of legal evolution to become worldly recognized, imagine what sort of impact this international, and

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gradually formed, framework might have had over indigenous recognition in South America, or religious minorities in West-Europe, among many possibilities. In this sense, all minority cases began to be (in theory) dealt within one single political framework as minority rights, which, consequently, brought minorities groups into the political arena. Today, the progressive work continues the trend. The Organization of American States (OAS), for example, is on the process of consolidating its Convention Against Racism, Discrimination and Intolerance, a document that, once effective, will seek to reinforce and promote the principles of previous established documents, for further protection of its subject beings.66

This chain of influence from one document to the other is particularly important to be understood as the international arena frames domestic behavior towards promoting rights to specific minority groups. The international framework might be, as mentioned before, slightly incomplete, but it does the job of framing the context in which minorities may properly claim their rights domestically.

As seen, many are the elements that need to be measured for a safe understanding of what minorities are and the conditions under which they exist. The attempt made here, regardless of any specific case-study, aimed to analyze minorities without following a bias perspective. In this sense, it serves our purpose to understand minorities as distinguished groups within a larger society that, either through organized means or not, seek to be embraced by the current political and legal

systems, both foreign and domestic, in order to improve their current conditions of unfair or unequal treatment and discrimination.

Obviously, this thesis acknowledges the possibility of such definition being incomplete. Nevertheless, it is important to highlight that minorities need to upgrade themselves from simple individuals to minority interest groups, in order to gain legitimacy when turning personal struggles into advocated claims and rights.

3. The Relevance of Target Policies

Now that an understanding of minority has been established, the second goal of this chapter can be resumed. As previously pictured, it is in the construction of public policies that lays the negotiation between government authorities and interest groups. Negotiations may vary in intensity, and policies may vary in essence, but in the end, it all comes to a straight relationship where, though one fights to be included and the other to protect the system, both need to be experts whatever is the matter at hand. The logic works equally for the issues of minorities, as much as it happens with security, education, health and so forth. Therefore, this section intends to argue that there is logic for the establishment of a new two-way relationship dedicated to public polices targeted specifically for minorities.

When a discussion over the lack of final definition on minority was previously established, important questions remained missing. Though the main elements for a working concept were captured and explained, nothing was answered
about why has such a final concept not been achieved or why there is such a disparity among experts when it comes to defining minorities. A short quest for an answer seems opportune.

Those definitions have not reached common grounds simply because of their different cases and starting points by which they were initially inspired. Different authors had their theories and concepts developed after divergent episodes and circumstances involving different minorities at different times of human history. For instance, there is Preece who argues that minorities became a “problem” after World War II as a consequence of fundamental shifting in political thinking as regards the relationship between legitimacy and community. According to her, minorities result from the “non-legitimacy” to integrate a “community”. On the other hand, Sigler sees the issues on minority disenfranchisement as a pure consequence of population movements. According to this perspective, minorities tend to engage on conflicts with prominent groups wherever and whenever they seek establishment. Similarly, Chaliand sustained that minority conflicts came along with the development of nation-states and religious differences. Again, diversity generating hatred.67

Even though scholars are constantly referring to minorities while molding their definitions, they all refer to different cases of minorities, hence the difference in each definition. While one explains the concept of minority through the religious struggles of Palestinians in the 20th century, others focus on the cultural obstacles imposed by Europeans in the 16th century colonization of the Americas.

These are different cases, with different actors, in different periods of the human history. It is to expect that a final concept will come out differently from each scholar. Such studies had their own purposes and led to a different comprehension of how minorities could be, or have been, found. Nevertheless, as it was noted during the discussion over public policies, the quest for a common definition on a relative topic is useless since there is always going to be a new circumstance or a new historical fact for which stagnated definitions will not account entirely for their traits. Even this thesis’ own definitions, which took an extensive time to be developed, will not sufficiently cover all possibilities presented in the real world, with real policies and real minorities. As frustrating as it may seem, each attempt to formulate a final definition will always be limited by the boundaries and peculiarities of the case at hand, simply because minorities have peculiarities themselves; case by case.

Therefore, it could be assumed that, since minority’s struggles are never the same and defining concepts are, consequently, never identical, eventual solutions for each case will be, inevitably, singular and unique. For instance, the particular needs of refugee minorities in northern Africa are likely to demand a different set of solutions from those to resolve the separatist minority conflicts in Northern Spain. In the same sense, the racial minorities in the United States have argued for particular policies that differ from those demanded by indigenous groups in Bolivia. The point here is that public policies, designed to address the needs of each specific minority case, must be framed in such a way to account and acknowledge the limitations and peculiarities of each case for which they are applicable. As much as minority’s advocates have to become experts in their own cause, and as much as government
authorities have to be prepared to analyze those vary same pleads, public policies (the “Cornerstone of Synergy”) undoubtedly need to become as specific as the occasion requires them to be. Public policies for minorities need to be specific, particular and personalized. Public policies for minorities need to be designed as targeted public policies.

Specialization is a needed feature for interest groups, government authorities and public policies. The lack of such understanding would ultimately result in distrust and failure, for both the government authority and the minority interest group, leaving no room for collaborative synergy between these actors.

4. Balance of Interests and Benefits for the Majority

Much simpler to understand than to actually implement, the logic behind an effective policy-making process for minorities has, at this point, been discovered: Minorities, in one side of the spectrum, have the dual responsibility, first, to become experts on their fields of interests, hence the term minority interest groups; and, second, to negotiate with the proper government authorities for the aid of their needs and implementation of their specific ideals. Given that, the government authority, in the other side of the spectrum, has the sole obligation of becoming an expert too in order to guarantee a positive synergy towards the consolidation of effective targeted public policies, framed in accordance with their negotiations. Though this relationship
might, in some cases, work to the satisfaction of both parts, a third member should be considered of inclusion into such synergy: the majority.

The great Tocqueville once warned us that “the very essence of democratic governments consist in the absolute sovereignty of the majority; for there is noting in democratic sates which is capable resisting it” According to him, democracy has been, and it will always be, structured in a way that overwhelms the majority with power; specially by sustaining the idea that the interests of the many are to be preferred to those of the few.  

Nevertheless, the reason to bring in the issue majority is rather simple: Every time a group makes self-interest demands, it defines itself before the eyes of other groups. Often the demands of minorities are aimed to secure recognitions of the characteristics or acquire rights which are not yet secure under, what Alen Fenet calls, “the current state of order”. The acceptance of such minority claims do not simply depend, as previously argued, on the strategic expertise, but also on the current states of affairs run by the majority, for only the creator of the political system can impose a new rational for it. For example, an inadequate law can only be declared void when the premises of those in charge are in accordance. Therefore, having the leverage and support of a main political force, sponsoring the ideals of minorities, could significantly facilitate the inclusion of minorities into the political arena, hence the promotion of public policies targeted for minorities.  

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Furthermore, the participation of the majority could bring effectiveness and legitimacy to the policy-making process of minorities. Under no circumstance should the majority be left aside or turned against the negotiations between minorities and the government authorities. On contrary, the majority should be expressively invited into the process for a positive support.

It should not be forgotten how minorities are often the result of a collective perception towards an specific group. History is full of cases, some of which were here mentioned, where minorities have remained as minorities for an extensive period of time until they were gradually “blended in” and intergraded by the larger group. The confrontation between minorities and majorities is, in most part of the world, due to very little efforts to understand the positions of one another. A minority will only cease to be seen as a minority when its issues have been properly addressed, so that are no more reasons for a collective perspective of such group as a
minority. However, and surprisingly, the element of majority has been poorly addressed by the broad literature. No significant study has addressed the relevance of the majority for a successful political representation of minorities. The element of majority is often taken as the group within which the minority is embedded, or as those who oppress minorities and from which they intend to detach. In that sense, the literature leaves the majority nearly omitted from most of their analysis by assuming that it has only contrary positions to those of the minorities. The majority often appears faceless and solely aimed to inflict pain over the minority. That might very well be true for many cases, though they are not here to be described. However, this thesis intends to assume differently and to argue that there could be reasons for the voluntary engagement of majorities in the negotiations between minorities and the government authorities.

There are two ways through which the positive engagement of majorities may be acquired. The first, and too far idealistic way, would be to educate the majority about the issues of minorities. Several minority advocates and minority groups have worked this way as they promote awareness campaigns towards convincing outsiders about the sufferings of minorities. They believe that if fully aware of the needs of the minority, member of the majority would eventually join the cause and work along towards the consolidation of minority targeted public policies. Here, the prime strategy has been “convincement”. Regardless of its values, the weakness of such strategy is that it assumes a certain level of compassion and

70 Chaliand, Minority People in the Age of Nation-States, 6.
71 Sigler, Minority Rights, preface.
unselfishness from the part of the majority. It assumes that majority interests on the subject will derive from intense awareness. This premise is weak, unstable and unreliable as it does not guarantee the majorities’ commitment with the minority’s cause. Majorities often have other issues on the list of political priorities which are unlikely to move for the cause of others. An effective campaign for minority awareness may, at best, include the issue on the list, but does not guarantee high positions or top priority.

Under such circumstances, a second way through which the positive engagement of majorities could be acquired would be to appeal for a certain level of selfishness or self-interest in their part. In addition of being educated about the struggles and ideals of minorities, the majority needs to be presented with key advantages for why should it interfere in the negotiations between minorities and the government authorities. Besides contributing for the well-being of minorities, is there anything else for the gain of majorities? This thesis believes so.

A possibility that has not yet been attempted by minority advocates, and remains unexplored by the literature, is to prove majorities that they could actually benefit, directly and indirectly, form the progress of minorities. As it will be analyzed in the next chapter, the formulation and implementation of public policies targeted towards minorities may have positive results for the majority as well; and for the entire society in which they are embedded. The logic behind it calls for majorities to balance their interests when promoting and/or neglecting policies towards minorities. The notorious Adam Smith, and its invisible hand theory, considered that societies would ultimately profit from individualistic actions aimed simply to fulfill the lone
needs and desires of each societal subject. For a long time such theory was untouched and unchallenged until new theories (mostly game theories) argued over Smith’s incompleteness. According to them, Smith was right, but incomplete. The most positive result for societies would actually come when individuals, aimed to fulfill there lone needs and desires, would do so by considering what is best for them and for the society as a whole. Again correct, but still incomplete. What the present study on minorities has proven is that the best societal result will come when individual acts are performed in favor of those who could best benefit from such actions, even if those benefits are not aimed for the perpetrator himself.

CHART 5: Combination of Forces

When, in the first chapter, this thesis stated the public policies are in fact “all around us”, it meant precisely that, including minorities and majorities. If majorities were proven that there are self-interesting pay-offs on promoting the
inclusion of minorities, and if they were proven that there are more benefits then costs, the negotiation for public policies would gain a completely different dynamic. Perhaps, even to the point of having both minority and majority negotiating alongside with government authorities.
CHAPTER IV

THE HUMAN DEVELOPMENT OF WOMEN MINORITIES:
A STUDY-CASE ON BRAZIL’S SOCIAL-POLITICAL FRAMEWORK

“It is not the prerogative of men alone to bring light to this world.”
Aung San Suu Kyi
Nobel Prize Winner

As explained in the introductory part of this thesis, the choice for a case-study on minority women in Brazil was not a random selection as the country presents some encouraging traits for further promotion of minority public policies, especially towards the protection of women minorities. It continues to be the goal of this thesis to prove the beneficial impacts that minority policies may have on the overall development of the entire society, including positive results for the opposing, and somewhat reluctant, majority group. For that, women minorities in Brazil have been chosen as the case to support such theory.

1. The Choice for Brazil

In the last decade or so, Brazil has confirmed unquestionable advancements in many of its domestic affairs through strategic public policies. Its actions have caught the world’s attention and Brazil has been seen as a prominent
leader among developing countries, especially for the South America region. The reasons for such high expectations can be easily translated into numbers. Most of the country’s progress has not been a frivolous accident or coincidence, but, instead, the result of logical and targeted public policies. For instance, Brazil spent the past thirty years fighting to put skyrocketing levels of inflation under control. Considered by many as an “untamed beast” of the domestic economy, the country dropped its inflation from 80% a month in the early 90’s to amazing 3% to 4% a year in 2006. The graphic below illustrates such evolution as it relates to a few crucial policies that had a direct affect over the control of rising inflation.

GRAPHIC 1: Brazil’s Inflationary Evolution (1994-2006)

\[ \text{SOURCE: IBGE; FIPPE.} \]

In 2003, Goldman Sachs, a leading investment bank, present a famous report arguing that the economies of Brazil, Russia, India and China would promote rapid development in the upcoming years and that, by 2050, they would eclipse most of the current richest countries of the world.
In the same sense, other areas of the country’s agenda have witness the similar sort of correlation between government policies and public results. Take health-related issues for example. Brazil, which for long suffered from high levels of infant mortality alongside with low levels of life expectancy, has recently presented some relieving developments.

GRAPHIC 2: Brazil’s Infant Mortality vs. Life Expectancy (1930-2000)

While during the late 1970’s Brazil presented lower numbers of life expectancy (around 60 years), countries like Spain, Switzerland and the United States were far ahead, presenting much higher levels (over 75 years)\(^{73}\). The graphic above

shows clearly how Brazil evolved from that scenario by, among other workings, setting specific policies target at the problems at hand. The creation of a new ministry exclusively dedicated to the issues of health, an example of that evolution, allowed the establishment of national program for healthcare and better budgeting.

Though many of the country’s conditions remain far from ideal, the point here comes as a complement, at some degree, to what has been previously discussed in Chapter 1 and Chapter 2. Despite other possible elements and variables present in society, the implementation of targeted public policies is critical for certain public interests to be achieved. In this sense, Brazil has proven to be an environment where such rule is successfully applied in many affairs, and where public development has been achieved through governmental policies. Nevertheless, could the same rational be found behind those Brazilian public policies specifically directed towards minority interests? Could Brazil serve a case-study to support the specific hypothesis argued in the introduction of this work? Apparently yes. Let us briefly examine the case of two particular minority groups that exist in Brazil: indigenous people and persons with disabilities.

Indigenous populations are considered to be a minority groups in Brazil, not only for its numeric disadvantages, but mostly for its struggle to protect cultural traditions (e.g.: language and arts) and tribal practices (e.g.: wood extraction and animal hunting) under pacific means of coexistence with modern/urban societies; a basic ideal that has been often proven hard to achieve. Though the indigenous
population totalizes about 734 thousand people\textsuperscript{74}, divided among 215 different tribes in the entire country, it was only in the 1988 that they acquired proper legal and political embracement as the new Constitution dedicated an entire chapter for the issues of indigenous populations.\textsuperscript{75} In fact, the 1988 Constitution was the first one to address the issue under any shape or form, or even to mention the word “indigenous” in its text. Before that, previous constitutions had completely ignored the matters of this distinctive part of the Brazilian population.\textsuperscript{76} As a consequence of such new state of affairs created in 1988, indigenous communities have been progressively considered by the government framework. A good example of such trend is the establishment of the National Foundation for Indigenous People (FUNAI) in 1989, which continues to be the sole responsible for the formulation and promotion of federal public policies for indigenous communities.\textsuperscript{77}

The benefits from innovations such as FUNAI did not delay to surface. For instance, considerable portions of the North and Northeastern regions of Brazil, especially in the Amazon, have been annually marked as indigenous reserves and to

\begin{itemize}
\item \textsuperscript{74} Based on self-declaration, according to the 2000 national census from IBGE, the indigenous communities represent 0.2\% of Brazil’s population, most of which lives in the rural areas of the Northeast and Southeast regions of the country.
\item \textsuperscript{75} FUNAI. \langle http://www.ibge.gov.br/ibgeteen/datas/indio/numeros.html\rangle 12.12.2005. The referred articles are located in Chapter VII (Indigenous) of Title VIII (Social Order) from the 1988 Brazilian Constitution.
\item \textsuperscript{76} Brazil has had seven different Constitutions throughout the years of 1824, 1981, 1934, 1937, 1946, 1947, 1988.
\item \textsuperscript{77} From 1910 to 1967, the Service for Indigenous Protection (SPI) played a similar role of today’s FUNAI. The department was never under any constitutional provision and it was terminated by the military government that ruled Brazil from 1964 to 1985.
\end{itemize}
become off-limited grounds for any sort of agrarian, mineral or industrial exploration. Today, about 11% of the Brazilian territory is marked as indigenous land, divided into more than 300 reserves.

MAP 1: Indigenous Reserves in Brazil

Source: IBGE (2003)
Not surprisingly the central government is often seen as the main (and sometimes the sole) responsible for the protection of indigenous communities in Brazil, thus becoming indispensable for the continuous protection of this particular minority. For instance, most of this mentioned development was done under the administration of President Fernando Henrique Cardoso. Further regulations are expected to be approved in Congress in the very near future, such as the new Statute for Indigenous People. In that sense, the indigenous communities serve, alone, as an evidence of direct correlation between the establishment of targeted public policies and minority well-being improvements in Brazil.

Another case that could be argued in the same direction refers to the recent efforts made towards a successful embracement of persons with disabilities in Brazil. Clearly more representative than indigenous communities, persons with disabilities stand for 14.5% of the Brazilian population, according to the last national census. Nevertheless, their conditions are still under greater disadvantage compared to the rest of the country. For instance, while 10.8% is the national average for illiteracy, 27.6% of all persons with disability have had no level education whatsoever. Furthermore, 29% of all of all persons with disability survive with a monthly income of less than R$100 (about US$50)

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79 Bill Proposal n° 2057/91.

80 Despite the Brazilian literature’s preference for the term “person with special needs”, this work will continue to use the expression “person with disability” given the audience for which it was written.
Today, the country’s regulatory framework on such matters is considered to be a vast and modern one. Before the 1988 Constitution, only one single law existed for the issues of accessibility for disabled individuals; but was very limited and insufficient. The 1988 Constitution brought a new set of rules for a more adequate and complete embracement of the cause of persons with disabilities. Additionally, recent constitutional amendments guaranteeing minimum quotas for employment of disabled professionals were approved in Congress and have been considered a significant victory by many movements lobbying for the protection of disabled minorities. Such advocates have long complained about unreasonable dismissal of job candidates on the sole basis of physical disability, which most of the times are not even related (or necessary) for the offered position.

Thought there are still much more to be done in favor of disabled minorities in Brazil, many others triumphs have been achieved in the past few years as a direct consequence of the government’s commitment with such cause and the 1988 constitutional framework. In 1995, in response to claims for broader access to especial means of transportation, Congress approved tax breaks for disabled persons seeking to buy adapted vehicles. In 1999, the first National Council for Persons with Disability (CONADE) was created under the auspices of the Ministry of Justice to

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81 The main innovations of the 1988 Constitution are present in articles 5 and 227. Furthermore, Federal Laws nº 10.048/00 e 10.098/00 and Federal Decree nº 5.296/04 were also of significant contribution providing a more consistent and systematic framework of rights for persons with disability.

82 The minimum quota was designed in 1998, by article 3 of the 19th Constitutional Amendment, and has been incorporated by the Constitution in its article 37.

83 Law nº 8.989/05.
provide governmental responsiveness and accountability for the cause of disability.\textsuperscript{84} Most recently, in mid-2005, persons with visual disabilities were first granted with their constitutional right to enter and remain in public places while accompanied by their “guide dogs”.\textsuperscript{85}

Again, the central government is here seen as the main (and some times the sole) responsible for the protection of persons with disabilities in Brazil, thus becoming indispensable for the continuous protection of this particular minority. Most recently, the Brazilian Senate created a working group to study and suggest actions to improve current means of access of persons with disabilities to all public areas inside the congressional building, in Brasilia-DF. Many other regulations are still expected to be approved by Congress in the near future. Here are some of the most significant ones:

\textsuperscript{84} Decree 3.076/99. The council works closely with the Especial Secretary for Human Right in the protection of persons with disabilities (article 24 of the Law 10.683/03). Many experts have pointed that the government structure is very insufficient for a continuous protection of persons with disabilities, resulting in a deep vacuum on law enforcement.

\textsuperscript{85} Law 11.126/05. The same constitutional right exists in the United States where, according to the “Americans with Disabilities Act”, no business, government agency, or other organization that provides access to the general public is allowed to block the entrance of guide dogs. Religious organizations are the exception and are not required to provide such access.
<table>
<thead>
<tr>
<th>Bill Proposal</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>914/99</td>
<td>Dedicates 10% of the budget from the public system of libraries for the purchase of Braille publications</td>
</tr>
<tr>
<td>3638/00</td>
<td>Creates the Statute of Persons with Disabilities</td>
</tr>
<tr>
<td>3652/00</td>
<td>Dedicates 10% of State and Municipal budgets to special educational programs for persons with disabilities.</td>
</tr>
<tr>
<td>3472/04</td>
<td>Dedicates 10% of seats in public schools to persons with disabilities</td>
</tr>
<tr>
<td>4685/04</td>
<td>Concedes Income Tax breaks to persons with disabilities</td>
</tr>
<tr>
<td>6886/06</td>
<td>Requires all public places and establishments (theaters, bars, hotels, etc.) to maintain special areas for persons with disabilities</td>
</tr>
</tbody>
</table>

Both the protection of indigenous people and persons with disability are relatively “recent” in Brazilian history, especially when it comes to political embracement. As a result, there are not yet much verifiable data available for a secure evaluation of how effective these policies have actually been. Nevertheless, the point of bringing these two groups into light was to corroborate some of what has been discussed during Chapter III: showing that there is a clear and direct correlation between major public policies (in this case, the 1988 Constitution) and further public polices for the enfranchisement of specific minorities; and to stress the existing relationship between the government authority and the minority groups which, when done under mutual cooperation inevitably results on mutual benefits.

86 Câmara Federal dos Deputados do Brasil.
Based on such verifications, Brazil may very well serve this thesis as a case-study for minorities. The country presents all of the necessary elements debated throughout the previous chapters, especially its commitment to the embracement of its different minority groups through dialog and the promotion of targeted public policies.

2. The Choice for Women Minorities

But why women? Among all options available within such a diverse society, why the choice for women over another group or minority? Why not racial minorities, which are often the focus of so many contemporary studies?

The choice for women minorities has not at all been done without reasonable causes. Apart from options such as the mentioned indigenous and disabled minorities, there are not many alternatives left. Since the specialized domestic literature has not yet taken the proper approach over the issues of sexual, youth and elder minorities in Brazil, only two groups are left with enough credentials (and available data) to serve for the purposes of this thesis: gender or racial minorities. The choice for one over the other was based on two facts. In one hand, race is still a very sensitive issue in Brazil. For instance, most experts (both Brazilians and foreigners) are still much more concerned with the debate of whether Brazil is (or not) a racial democracy, instead of focusing on more pragmatic debates, such as the actual enforcement of racial minority rights, or their real incorporation into the policy-
making process. Furthermore, the most controversial public policy on race ever promoted in the country, namely affirmative actions on university quotas, has not yet produced sufficient quantitative results for a thorough investigation of their effectiveness. Therefore, and incomplete study of racial minorities would be a serious mistake, unworthy of such important matter. In the other hand, women, among all minorities present in Brazil, have been by far the most studied and revised of groups (followed by racial minorities in a distance second place).^87

The reasons for such difference between the two groups are very hard to explain or even to quantify. Some experts argue, though without much tangible evidences, that the prejudice against women in western societies faded away much earlier than those practiced against racial minorities. For instance, while still in the process of eliminating slavery, many western countries were already granting women with political rights. Brazil was most certainly a case of that: In 1888, the country was one of the last in the world to abolish slavery. Less then fifty years later, women were casting votes all over the country, while former slaves and their descendents were still regarded as second-class citizens, unable to secure electoral rights.^88 Such existing gaps (both theoretical and historical) between women and race minorities have been crucial upon this thesis’ decision for one over the other. Henceforth, the purposes of these final pages are very simple:

^87 There has been some very interesting research done on the intersection of both groups: African-descendent women groups. They show how, in fact, women suffer from triple discrimination: first, by being women and all it implies; second, by being black, which implicates the issue of racism in Brazil; and thirdly, the poverty segregation impose to most of black descendents in Brazil. For instance, black women earn in average 68% less than white women.

^88 Article 108 of the 1934 Brazilian Constitution.
First, we shall better understand some of the conditions under which women are subjected worldwide. This debate will support the argument for women as minorities and the necessity for targeted public polices and increment of political representations. Second, we shall have a similar discussion with a focus on some statistical aspects of women in Brazil and the effects of unequal social conditions. The idea is to stress specific gender struggles that need to be domestically addressed by the government regulations, meaning, targeted public policies for women. Thirdly comes the analysis over the existent Brazilian governmental framework for women minority, both legal and political, in order to better understand what sort of structures have been promoted under the auspices of the 1988 Constitution. Finally, we shall present human development indexes in parallel with such policies in order to prove how they had a direct impact on the well being of women as much as they had over the well-being of the entire society.

3. Picturing Women as a Global Minority

When Mary Wollstonecraft wrote the classical book *A Vindication of the Rights of Women*, in 1792, her main concern was over the issues related to the “well-being of women” and the “free agency of women”. In the sense of such terms, women’s rights ought to be no different from what could be considered as “men’s rights”. The divergence lays, however, on the unbalance between each one’s

well-being and freedom of agency. It is precisely that divergence that has turned and characterized women as a minority. Two centuries later, in September of 1995, more than 40,000 people (men and women) made it to China for the 4th United Nation Conference on Women – *Beijing Women’s Conference*. The event was the largest mobilization of the global women’s movement to date. Nearly every country of the world joined: 189 UN members attended. The main theme of the conference was very much in accordance with Wollstonecraft’s debate: “equality”, peace and development for women; an evidence of how the struggles of women continuous.

The strongest message emerging from Beijing was that “women’s rights are human rights”. Hence, their protection and promotion should become the first responsibility of government. According to the conference’s final report, women have long been undermined by violence and exclusion of leadership; by limited cultural bias and reinforced unfair practices and laws; and by so many other institutionalized actions. Such social double-standard roused barriers to full “equality” and gender advancements. Nevertheless, women have not abdicated from their duties as the female, the mother, and the cornerstone of a “family society” (despite the dichotomies between private life and public life). Such silent “social violence” has successfully exiled women for many years. In the 19th century, for instance, women’s work and family obligations had forced them to live under an ideology of domesticity, which placed men and women in complete separate spheres (both social and political).  

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90 Such ideology also made public work no longer socially acceptable for married, middle class women. Let’s not forget that women’s specialization in domestic tasks constituted the very first obstacle for any sort of participation in popular movements. Elizabeth Jelin, *Women and Social Change in Latin America*, (Zed Books Ltd., 1990) 7.
More recently, new social arrangements have emerged and, today, most of countries (especially in the western hemisphere) have already introduced women to all spectrums rights, resulting on a direct impact over women’s role in society. For example, the acknowledgement of women’s right to vote has considerably increased their political engagement over the 20th century. A Political cause with a Social effect. The table below shows a timeline of universal suffrage in the Americas, which gradually included women in the electoral process.

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>1920</td>
</tr>
<tr>
<td>Ecuador</td>
<td>1929</td>
</tr>
<tr>
<td>Brazil</td>
<td>1932</td>
</tr>
<tr>
<td>Uruguay</td>
<td>1932</td>
</tr>
<tr>
<td>Cuba</td>
<td>1934</td>
</tr>
<tr>
<td>El Salvador</td>
<td>1939</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>1942</td>
</tr>
<tr>
<td>Guatemala</td>
<td>1945</td>
</tr>
<tr>
<td>Panama</td>
<td>1945</td>
</tr>
<tr>
<td>Argentina</td>
<td>1947</td>
</tr>
<tr>
<td>Venezuela</td>
<td>1947</td>
</tr>
<tr>
<td>Chile</td>
<td>1949</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>1949</td>
</tr>
<tr>
<td>Haiti</td>
<td>1950</td>
</tr>
</tbody>
</table>

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TABLE 3 (cont.):

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>1952</td>
</tr>
<tr>
<td>Mexico</td>
<td>1953</td>
</tr>
<tr>
<td>Honduras</td>
<td>1955</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>1955</td>
</tr>
<tr>
<td>Peru</td>
<td>1955</td>
</tr>
<tr>
<td>Colombia</td>
<td>1957</td>
</tr>
<tr>
<td>Paraguay</td>
<td>1961</td>
</tr>
</tbody>
</table>

The progressive impact of this single advancement can be noticed through the increment of women’s engagement in representative politics, not only in the America, but worldwide as well. The impact of one single right (in this case, the political right of suffrage) had tremendous implication on women’s societal participation. Another Political cause with a Social effect.


Source: Women of Our World 2005; Inter-Parliamentary Union
The same correlation between policy-making and inclusion of women can also be tracked to specific to *economic* rights. In the United States, for instance, women participation in labor force have slowly, but constantly, increased over the past decades. The reason for such trend can be explained by the policies that were strategically promoted to guarantee women’s rights through equal employment opportunities.

**TABLE 4: Employment Equity Provisions (US)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy</th>
<th>Enforcement Machinery</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964</td>
<td>Civil Rights Act</td>
<td>Equal Employment Opportunities Commission</td>
</tr>
<tr>
<td>1965</td>
<td>Executive Order11246</td>
<td>Office of Federal Contract Compliance Commission</td>
</tr>
<tr>
<td>1968</td>
<td>Executive Order11375</td>
<td>Office of Federal Contract Compliance Program</td>
</tr>
<tr>
<td>1972</td>
<td>Equal Employment Opportunities Act</td>
<td>Equal Employment Opportunities Commission</td>
</tr>
<tr>
<td>1991</td>
<td>Civil Rights Act</td>
<td></td>
</tr>
</tbody>
</table>

The establishment of such policies, coinciding with the increment of women joining the labor force can be verified with the data below. It is very much

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92 Diane Sainsbury, *Gender and welfare states regimes*. (Oxford: Oxford University Press, 1999), 56
clear how their employment condition do improve as the targeted policies are put into actions.\textsuperscript{93}

GRAPHIC 4: Labor Force Participation -US (\%)\textsuperscript{94}

Despite the many triumphs women have achieved over the years and regardless of advancements on political and economic rights, women still live below average in the fields of many rights and unacceptable conditions have not completely disappeared from the globe. On the contrary, some inequalities remain, supported by many cultural regimes. Even in countries were women’s rights have been guaranteed, women still suffer from significant disadvantages. For example, women are half of the world’s population, but have almost no possessions of their own; they work double

\textsuperscript{93} Despite the extensive literature on women’s movements, and its steady growth since the 1970’s, discussions on the broader implications of women’s politics remain a relatively unexamined aspect of the literature. Molyneux Maxine, \textit{Women’s International Perspective: Latin America and Beyond}, (London: Pallgrave Macmillan, 2003), 140.

shifts (work and house) but do not earn even half of the men’s income; just to mention a few disparities on social inequalities.\textsuperscript{95}

GRAPHIC 5: Women’s Share of the World (1996)

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>World’s Population</td>
<td>50%</td>
</tr>
<tr>
<td>World’s Land</td>
<td>10%</td>
</tr>
<tr>
<td>World’s Work</td>
<td>66%</td>
</tr>
<tr>
<td>World’s Income Population</td>
<td>10%</td>
</tr>
<tr>
<td>World’s Illiterate Adults</td>
<td>66%</td>
</tr>
<tr>
<td>World Parliamentary Seats</td>
<td>11%</td>
</tr>
</tbody>
</table>

Source: Pew Global Stewardship / Population Reference Bureau

Such scenario of women’s disenfranchisement has brought along a series of other inequalities, under different forms and shapes, as inevitable consequences. As adequately put by Wollstonecraft and the Beijing Conference (despite their 200 years of distance), the poorness of women’s conditions is always proportional and correspondent to the weakness of their rights, and the lack of them. Find one, and you will understand both. Therefore, let us take a few moments to address some of these “conditions” caused by such “weakness” of rights. Four distinct conditions will be examined: Violence; Labor; Income; and Poverty. These shall be sufficient for a clearer picture of how disenfranchised women minorities really are.

\textsuperscript{95} Ann Orloff has an extensive work on State Markets and Family Relations, recognizing the importance of women’s unpaid work.
a) Violence

There are many forms of violence against women. Torture, cruel and degrading treatment, rape, abortion of female fetuses, female infanticide, female genital mutilation, forced sterilization and forced childbirth are some of them. Among those, domestic violence seems to be the one that has the most affect over women of all ages and races. Especially in Latin America, women are still assaulted and killed with virtual impunity in crimes of passion, particularly in the countryside, where the ideology of domesticity is much stronger than in big cities. The Human Rights Watch argues that the endurance of violence against women is highly contributed by judicial procedures that fail do adequately punish these crimes.\textsuperscript{96} The man’s “honor defense” is the most common legal argument for such cases of assault. In the case of Brazil, the women’s movement has been recently granted by the ratification of the 1984 UN Convention on the \textit{Elimination of All Forms of Discrimination Against Women} (Annex B).

In the last few decades, domestic violence has become a worldwide type of gender-specific violence with serious health and social consequences. Nevertheless, it only recently came into public view, quickly becoming an issue of international legal concern. The truth is, men have managed to assemble a set of international human rights’ laws to guarantee their protection against harms they fear

as men. Yet, they have failed to provide the same theoretical and legal protection for women against the harms they suffer the most.\textsuperscript{97} Domestic violence is one of so many issues that remain unaddressed. The graphic below shows how domestic violence against women is revealed in some Latin American countries.\textsuperscript{98}

GRAPHIC 6: Domestic Violence against Women in Latin America

\begin{figure}
\centering
\includegraphics[width=\textwidth]{graphic6.png}
\caption{Domestic Violence against Women in Latin America}
\end{figure}

Not by chance, the following table shows how that same percentage of women physically abused is distributed according to their levels of education in each of the mentioned countries.

\begin{table}
\centering
\begin{tabular}{|l|c|}
\hline
Country & % of cases \\
\hline
Colombia (2000) & 41% \\
Peru (2000) & 41% \\
Nicaragua (1997-98) & 29% \\
Haiti (2000) & 27% \\
\hline
\end{tabular}
\caption{Percentage of Women Physically Abused by Education Level}
\end{table}

\textsuperscript{97} The reason for such disparity varies from the lack of violence report to police negligence. For detailed research on such reasons, see Christine Chinkin’s “Violence against women”. \textit{Gender and Development} Vol. 3, no. 2 (June 1995).

\textsuperscript{98} In such cases, physical violence includes pushing, shaking, hitting (with hands or objects), biting, kicking, attacking (or threatening to attack) with weapons, strangling or burning.
TABLE 5: Domestic Violence against Women in Latin America by Level of Education

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>41%</td>
<td>43%</td>
<td>32%</td>
<td>21%</td>
</tr>
<tr>
<td>University</td>
<td>29%</td>
<td>30%</td>
<td>18%</td>
<td>n.a</td>
</tr>
</tbody>
</table>

Source: ORC Macro

Women are been expose to violence as much as they are denied of their education rights. As higher the illiteracy, the higher is the number of victims. In that sense, not only security policies but also educational policies could play a crucial role in reducing violence against women.\(^99\)

**b) Labor**

Market and employment opportunities are also particularly interesting ways to visualize possible disparities between the two genders. As pointed by some experts, women, elders and teenagers tend to be the group of “outsiders” when it comes to labor. They often depend upon the adult male breadwinners’ pay or welfare state transfers; in contrast with a group of male insiders, who are far more

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\(^99\) Surprisingly, violence against women tends also to increase in areas closer to big cities. Specialists explain that, even though urban areas are expected to be more policed and educated, the usual conflicts of modern life, such as unemployment, general urban violence, easier access to alcoholic beverages and firearms, tends to bring that distortion.
independent and self-sufficient.\textsuperscript{100} The fact is that the differences between the presence of male and female in labor forces are quite impressive. This next graphic provides the unemployment share by gender in several Latin American Countries, including Brazil.

GRAPHIC 7: Urban Unemployment Rate (2003)

Aside form El Salvador, most of the countries have much of the burden of general unemployment over their women, which often represent more than 50% of the population. Worst for women than it is for men, the state of unemployment also reinforces the vicious cycle of domesticity, further restraining women options of social, political and cultural endeavors.\textsuperscript{101}

\begin{flushright}
\textsuperscript{100} Sainsbury, \textit{Gender and welfare states regimes}, 20.
\end{flushright}

\begin{flushright}
\textsuperscript{101} Jelin, \textit{Women and Social Change in Latin America}, 7.
\end{flushright}

94
c) Income

As a direct consequence of unequal unemployment and women’s lower capability for financial contribution to their families, domestic income participation tends, accordingly, to be much smaller than the male’s share.

GRAPHIC 8: Women Participation on Family Income (1999)

Source: ECLAC

Again, the majority of the same Latin American countries present significant gaps between men’s and women’s domestic income participation. Only two (Costa Rica and Panama) show a small advantage for women. Furthermore, since both unequal conditions of labor and income are related, it would be natural to assume that only ample and strategic public policies would properly address the issues.
d) Poverty

On the other hand, when it comes to the issue of poverty, the absence of target public policies to “rescue” women from poverty is not the main concern, mostly because such mechanisms already exist in several of the western welfare states. Social policies such cash-transfer, unemployment insurance, public financial support, etc. have been largely put into action, however the flipside comes when the absence of complementary policies reinforce women’s dependence on men’s labor and on domestic activities. For instance, the micro-credit sector is a classical example of differentiated treatment towards benefiting businesses ran by men over those ran by women.

The truth is that many studies on social development have actually failed to capture the connection between social policies on gender and their implication over poverty. In that sense, the feminist movement’s critique suggests a radical shift on the way policy-making addresses these issues. One approach suggests a greater concern for issues that go beyond basic social indicators. For instance, the following graphics picture the possible outcomes from the lack of public policies targeted directly at the causes of women’s poverty.

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102 Sainsbury, *Gender and welfare states regimes*, 150.
While the first graphic above provides the progressive growth of lone mothers’ families in 19 developed countries, the second graphic below brings to our attention the perverse correlation between single parenthood and poverty, by presenting the percentage of families (in those same countries as in the first graphic)

\[103\] Sainsbury, *Gender and welfare states regimes*, 156.
that are below the poverty line, distinguishing *lone-mother* from *two-parent* families.\textsuperscript{104}

**GRAPHIC 10: Poverty Rate by Type of Family (1990)\textsuperscript{105}**

104 Lone mothers are women that singly run a family, with one or more dependents. Lone mothers are the women’s group that is mostly affected by poverty. The decision on choosing only developed countries was made to avoid possible criticisms about purposely, choosing countries inclined to weak social policies, such as underdeveloped countries.

105 Sainsbury, *Gender and welfare states regimes*, 156.
By combining the information from both graphics it is possible to foresee the potential catastrophe of single-parenting and poverty. The development of new strategies for new social policies is necessary in order to address, in this case, not only the issues of poverty (which affect all genders) but also the specific needs of women who are single-parents.

Such analysis over issues like Poverty, Income, Labor and Violence, though very brief in comparison with their true reality, served to better portray the state of unfairness under which women have been subjected. Such data reinforces the urgent need for the development of targeted public policies for these and other sensitive issues of women minorities; and the increment of women political representation in the various governmental spheres available, both foreign and domestic.

4. Women Minority in Brazil: Statistics

In addition to a global overview of how do women stand in regards to key social issues, it is also important to visualize how some of these conditions have been projected in Brazil.
**a) Population**

The Brazilian population has been fairly split between the two genders a fact that adds fairness to all future analysis since disparities between the two genders cannot be accounted for on large differences of population numbers.

**GRAPHIC 11: Brazilian Population by Gender**

![Brazilian Population by Gender Graph](source: IBGE / Censo 2000)

**b) Education**

As noticed before, women have been left behind considerably when it comes to issues of education. Brazil does not present a different scenario, and women there enjoy far less years of education than men do.
As noticed, middle schooling (8 to 10 yrs.) is, as pointed by many studies, the weak link between Basic and College education. Improvements on the educational system is not a restricted concern for gender equality but also a matter of interest in several others areas of the Brazilian economy. For instance, experts have hinted that if Brazil is to establish itself a stable leader of the developing world it will need to solve basic problems (such as level of education) once for all.

c) Economy: Labor & Income Share

The disparities between men and women verified in Graphic 7 are again noticed in Brazil:
Most of the burden of general unemployment has been placed over their women due to cultural conditions that still retain women to the private sphere of domestic work, a vicious cycle of domesticity that further restrains women’s options for social, political and cultural endeavors.\textsuperscript{106} Such analyses are confirmed by labor unemployment rates in Brazil as women are still the most affected group.

\textsuperscript{106} Jelin, \textit{Women and Social Change in Latin America}, 7.
Recent studies have shown that, in addition to this scenario, 78% of all employed women have occupations considered to be of “lower qualification”, hence earning as low as 60% of what men usually earn. Consequently, women’s participation on family’s income tends to decline, thus reinforcing a vicious cycle of economic inequality.\(^{107}\)

5. The Governmental Framework for Women

Despite the seriousness of the Brazilian social conditions of for women, in reality they are no better and no worse than the world’s average. Nevertheless, the Brazilian women’s movements have done, since the 1950’s and 1960’s, an incredible amount of work to address and promote an agenda focused on the particular issues found in Brazil and trying to reverse such scenario. The Brazilian women’s movement has received extensive support from the Church since the first official organization came to be forged in the mid-1970’s.\textsuperscript{108} Today, there are more than 500 registered organizations in the country and their biggest complaint about the government is “that the pace of change has been agonizingly slow”, especially when compared to other developed countries.\textsuperscript{109} In the same sense, a recent studied on gender gap in 58 countries, commissioned by the World Economic Forum, pointed Sweden as the country that has made the most efforts to reduce women’s inequalities; While Brazil was placed at 51\textsuperscript{st}.

Similarly to various other countries, the Brazilian women’s movements have been trying for year to implement progressive and positive agendas within government’s platforms. In that sense, it is important to clarify how the Brazilian government has been receiving such type of demand. Two analyses ought to be made separately in order to properly access the Brazilian governmental framework of public policies for the protection of “women minorities”: one legal and another political. The


\textsuperscript{109} Ibid.
legal assessment will lay out a brief picture of what have been the major public policies put forward by the Brazilian central government for the specific protection of women minorities. Complementary, the political assessment will provide an overlook of the governmental apparatus structure for the purposes of promoting women rights protection.

\textit{a) Legal}

Inspired by the European, especially French, constitutionalism style, the Brazilian Constitution tends to address all major issues concerning the nation. The document intends to be a balance between ethical values and practical doctrines; and a guide for future and deeper regulations. It is also important to notice that the Brazilian legal system, different from that of the United States’ or England’s systems, is based out of the principle of “Constitutional Supremacy”, meaning the all laws and regulations, independently of their scope, ought to be in full accordance with the prime law, the Constitution. Though Federal and State regulations often complement each other, they may never confront any constitutional predicaments. In that sense, let us take on the Constitutional framework for women as the starting point of our legal analyses.

In comparison with previous Constitutions, the 1988 edition has broadly embraced the cause of women minorities as it shows significant advancements. For instance, the present constitution was the first to explicitly secure equal rights
What used to be often implicit and very much optional in many cases, was now been cleared by the country’s prime law. The relevance of this single innovation would have serious impacts over the years to come. For instance, no more judicial decisions could be prejudicially based out of gender arguments (e.g.: divorce and child support). Labor laws had also to be adapted as they often implied prejudicial considerations towards male and female workers. Even marital laws were changed so female adultery would no longer be considered a felony.

Despite its unique promotion of equal rights, the Constitution remained opened for possible situations where women should remain under different treatment; as long as the differentiation resulted on a “positive prejudice”, in favor of women. This technique is very much in accordance with what was previously discussed about “balance of interests” and who could best benefit form a particular action (Chapter III). For instance, minimum requirements for personal retirement under public funds have become much severer for men that it has for women. The reason for such have been extensively argued by legislators and sustained by women rights activists everywhere: women often undertake a double-shift career, one at work and another at home; therefore, the constitutional differentiation comes as a compensatory policy, balancing the opportunities and interests among both genders. The rules for military service are also a constitutional case of “positive prejudice”. While all Brazilian men

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110 Article 5, I and article 7, XXX of the 1988 Brazilian Constitution.

111 Article 40, §1°, III; and article 201, §7°, I and II of the 1988 Brazilian Constitution, in accordance with the 20th Constitutional amendment form 1998.
are obligated to enlist in one of the army forcers, women have that as an optional
career.\textsuperscript{112}

Though very succinct when dealing with women, the 1988 Constitution
brought the most of all recent innovations and set grounds for equal opportunities,
equal treatments and equal rights among genders. Since then, an endless list of new
regulations has been approved in favor of women. The table below shows some of the
most notorious regulations that have been promoted since the early 1960’s which have
had significant impact over the well being and enfranchisement of women in Brazil.

TABLE 6: Main Regulations for the Protection of Women\textsuperscript{113}

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960’s</td>
<td></td>
</tr>
<tr>
<td>Decree 52.476/63</td>
<td>Approves the 1952 UN Convention on the Political Rights of Women</td>
</tr>
<tr>
<td>1980’s</td>
<td></td>
</tr>
<tr>
<td>Law 7.437/85</td>
<td>Alters the National Penal Code in order to increase the penalties for gender prejudice.</td>
</tr>
<tr>
<td>1990’s</td>
<td></td>
</tr>
<tr>
<td>Decree 1.973/96</td>
<td>Approves the 1994 OAS Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women</td>
</tr>
</tbody>
</table>

\textsuperscript{112} Article 143, §2\textsuperscript{a}, of the 1988 Brazilian Constitution, in accordance with the 20\textsuperscript{th} Constitutional amendment form 1998.

\textsuperscript{113} Câmara Federal dos Deputados do Brasil.
TABLE 6 (cont.):

<table>
<thead>
<tr>
<th>Law/Decree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law 9.504/97</td>
<td>Alters the National Electoral Code in order to guarantee women with a minimum of 30% of candidacies.</td>
</tr>
<tr>
<td>Law 9.799/99</td>
<td>Alters National Labor Laws in order to guarantees on equal employment opportunities for women</td>
</tr>
<tr>
<td><strong>2000’s</strong></td>
<td></td>
</tr>
<tr>
<td>Law 10.516/02</td>
<td>Creates the National Health Card for Women</td>
</tr>
<tr>
<td>Decree 4.316/02</td>
<td>Approves the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>Law 10.714/03</td>
<td>Creates a police emergency number dedicated to respond to violence against women</td>
</tr>
<tr>
<td>Law 10.745/03</td>
<td>Institutes 2004 as the “Year of Women”</td>
</tr>
<tr>
<td>Decree 5.390/05</td>
<td>Establishes the National Plan for Women’s Policies</td>
</tr>
<tr>
<td>Law 11.340/06</td>
<td>Creates mechanisms for the control and prevention of domestic violence against women</td>
</tr>
</tbody>
</table>

b) Political

Though still far from what would be considered an ideal framework, the advancements for women on the legal front in the past years are unquestionable. Important developments have also been noticed in the Brazilian political front, by securing the pragmatic side of these new laws. With that in mind, both the Legislative and Executive branches of the Brazilian government have structured specific “departments” for the endorsement of issues related to women minorities and women rights.

For instance, in 2003, the administration of President Luis Inácio Lula da Silva, created a new department with the precise task of designing and promoting specific policies for women minorities in Brazil: the Special Secretary for Women
Through systematic research, lobbying and awareness campaigns, SEPM has been struggling to convince Congress to prioritize women in its policy agenda. Before the creation of SEPM, the Executive branch had only a small department to promoting policies for women: the National Council for Women’s Rights (CNDM), which still exists under the auspices of SEPM. Today, among its many ongoing initiatives, the SEPM has been very successful in reducing domestic violence in Brazil and improving public healthcare for women related diseases. The creation of the SEPM, though incredibly needed for the better promotion of women minorities, is still far from what is desired for an Executive branch truly committed to such cause.

In the same tone, the Legislative has also fallen a bit behind on what should be expected from a truly committed branch. For instance, among almost one hundred commissions functioning with the Brazilian House of Representatives, only one is dedicated to debate policies towards women. The commission in question was created to debate the consolidation and approval of a Statute for Women, which is designed to compile all existent laws for the protection of women under one single piece, thus being more systematic and easier to execute. However, the commission has only met four times since it was created in 2003. Even more surprising, the Senate has currently no commission functioning for the specific matters of women minorities.
6. The Human Development of Women

After reflection on both legal and political frameworks for the protection of women minorities, it becomes clear that the bulk of the efforts have came from the Executive branch - supported by 1988 constitutional innovations - instated of coming from the Legislative Branch - whose seems relatively inert before the claims of women minorities. Nevertheless, these efforts have been fairly sufficient to inflict positive impacts on the well-being of women. Therefore, as the final stop of this work, let us further explore how the impact of these policies on the actual human development of women and how they impacted on the overall development of the rest of the society.

For that purpose we shall base the following on statistics colleted by the United Nations Development Program (UNDP) and its Human Development (HDI) and Gender-Related Development (GDI) index. The HDI, which has been published annually since 1975, is a well-know index resulted from UN’s evaluation over main variables within innumerous countries’ social aspects: such as illiteracy, health conditions, etc. The GDI, first published in 1995 (under the influence of the Beijing Women’s Conference) has a similar concept and purpose, though it is restricted to evaluating only the women’s conditions. The following graphics will attempt to display the precise correlation between the GDI and the HDI in Brazil.

The first graphic displays how the GDI has evolved in Brazil over the decades and how it has, in fact, followed the trends of some of the various targeted public policies for women listed above (Table 6).
As it is possible to verify, the continuous improvement of women’s development were the direct result of very important particular public policies promoted for that exact purpose. This phenomenon is similar of those of indigenous and disable minorities previously explained. The following graphic provides a very simple display of how the HDI have evolved in Brazil in the same period of time.\textsuperscript{114}

\textsuperscript{114} Since 1975, Brazil has gone up 16 positions on the HDI rank of countries. The best performance among all countries evaluated.
The third graphic of this segment, which puts the GDI and the HDI side by side, shows a remarkable correlation between both measurements, proving that, in fact, the development of one group has had a significant impact over the progress of the other.
As the human development of women has been more significant and rapid than the rest of the population, it had “pushed up” the development of the entire group. Moreover, the following graphic, which shows the tendency lines of both GDI and HDI, also reinforces the idea both groups are likely to reach equal levels of development, as the two lines approach each other, and that women will finally reach more equal conditions that men has for long enjoyed.
The point of quantifying the development of women in parallel with a time line of public policies is to stress that it has been a work in progress of a series of public policies designed and targeted at that particular niche; and that the consequent development of the entire society is a indirect result of those very same public policies.
Several and important conclusions were derived from this pursuit for an innovative framework for minorities. It is difficult, nevertheless, and perhaps even unfair, to select some over others as being most important. Yet, the overall investigation has indeed presented us with some very interesting lessons from which both scholars and minority advocates may learn.

For instance, the hunt for a working concept on public policies, though to some extent still imperfect – as all concepts are – illuminated how public policies are actually all around us and they way through which they imply costs and provide us with benefits. More important was to realize how public policies are, in fact, the ultimate result from political struggles. In one side, there is this constant figure of government authorities that, with their values and set of priorities, play an important role of gate-keeping the policy-making process to make sure that only those with minimum levels of expertise and recognition will ever have access and means of influence. In that sense, it became much easier to visualize the presence of interest groups on the other side of the table and public policies, then, being the result from the struggles between these two groups for the best and positive societal outcome.

The complexity of such process is precisely the reason why public policies are impossible to be satisfactorily defined. The fact that public policies are the result of a debated process makes them vary at every new challenge, moment and
struggle. Policies change on a case by case basis, and so do their definitions. Therefore, the strategy of looking into public policies through particularly chosen perspectives was the right course of action. By understanding the origins, the momentum and the continuity of all public policies, it was possible to better understand the process through which it is created, the actors involved and the requirements to influence it. These lessons should have a significant value for all minority groups; who must realize the importance of strategic and specialized advocacy: the only way to reach powerful influence over the values and priorities of government authorities - the gatekeepers of politic. Expertise is the leverage and the key for access.

Accordingly, in order to argue for the necessary existence of minority interest groups, a brief investigation on minorities was done. The search for a working concept was another challenge for this work. As the literature continues to debate on a final definition, it was necessary to establish one that could serve the purpose of this investigation. The most important lesson from this debate was to realize how minorities are, in fact, the social projection of unequal perception that the “majority” has towards a particular group. The reason and cause, again, vary case by case. But, in the end, patent conditions of social inequality and political exclusion are the ones that turn individual into minorities.

As minorities are subjected to unequal conditions in various issues, the role of the majority was also here speculated as an important and additional leverage for a successful embracement of all minorities’ claims. As argued in Chapter 3, if the necessary development of targeted public policies has to go through a struggle with
government authorities, minorities would have much better chances if their political support could include the weight of the majority. If that were to happen, the balance of power during policy negotiation would certainly tend for the benefit of minorities, hence for the benefit of peace and democracy.

At the end of the theoretical investigation it became evident that positive policies for minorities must be the sounding results of agreements and compromising across the border, from minorities to majorities, including the values and priorities of incumbent government authorities. At this point, the case study of women in Brazil provided this work with an interest scenario. More than to prove that targeted public policies actually work on the enfranchisement of minorities, the case showed that there may be additional and positive impacts over the rest of the population.

As seen, women in Brazil (and worldwide for that matter) are under constant unequal conditions of social and political enfranchisement. Though representing more than half of the global population, women everywhere have struggle between a discriminatory ideology of domesticity and their desire to achieve personal success and security; as men already have. Innumerable circumstances were here displayed in order to reaffirm such scenario of gender inequality. Despite reminiscences of unfairness, significant advancements have been made in Brazil in the past few decades, especially in terms of protective legal framework.

Established as this thesis’ prime hypothesis, targeted public policies for women minorities are the reason for such improvements. Furthermore, the levels of development seen by the entire Brazilian population lead us to believe that there is a tight correlation between the human development of women and the general human
development of Brazil. If that is truly the case, all minority groups ought to revise their current strategies in order to stress this particular possibility. Majorities that were once against the prioritization of particular policies targeted at minorities could come to realize the possible benefits they might obtain if supporters of such policies.

1. Recommendations for Further Researches

Despite the breakthrough that this work might have accomplished, further investigations could strengthen the argument and provide more complementary evidences to such theory. For example, it would be very interesting to verify if the same model, here studied, has been replicated in other corners of the world. Have other countries successfully designed targeted public policies for minorities? Have they had positive impacts over other, beyond minority groups? If not, what adaptations could be made to make this model replicable?

Another important suggestion, for which a take this opportunity to make, is to further develop of an additional index of human development. As much as the GDI was a derivation of the HDI, it would be very useful to create a Minority Development Index (MDI) that could trace selected variables, related to minorities specifically at each region or country, in order to track the progress of inclusion on each particular group.
Annex A

Declaration on the Rights of Persons Belonging to
National or Ethnic, Religious and Linguistic Minorities

Adopted by General Assembly resolution 47/135 of 18 December 1992

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,
Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious and linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,
Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.

5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

**Article 3**

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

**Article 4**

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

2. States shall take measures to create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7
States should cooperate in order to promote respect for the rights set forth in the present Declaration.

**Article 8**

1. Nothing in the present Declaration shall prevent the fulfillment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfill in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Measures taken by States to ensure the effective enjoyment of the rights set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.

4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

**Article 9**

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence.
Annex B

Convention on the Elimination of All Forms of Discrimination against Women

Adopted by General Assembly resolution 34/180 of 18 December 1979

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,
Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,
Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,
Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women, Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the
exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:
(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.
PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:
(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the
nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against
women in order to ensure to them equal rights with men in the field of education and
in particular to ensure, on a basis of equality of men and women:
(a) The same conditions for career and vocational guidance, for access to studies and
for the achievement of diplomas in educational establishments of all categories in
rural as well as in urban areas; this equality shall be ensured in pre-school, general,
technical, professional and higher technical education, as well as in all types of
vocational training;
(b) Access to the same curricula, the same examinations, teaching staff with
qualifications of the same standard and school premises and equipment of the same
quality;
(c) The elimination of any stereotyped concept of the roles of men and women at all
levels and in all forms of education by encouraging coeducation and other types of
education which will help to achieve this aim and, in particular, by the revision of
textbooks and school programmes and the adaptation of teaching methods;
(d ) The same opportunities to benefit from scholarships and other study grants;
(e) The same opportunities for access to programmes of continuing education,
including adult and functional literacy programmes, particularly those aimed at
reducing, at the earliest possible time, any gap in education existing between men and
women;
(f) The reduction of female student drop-out rates and the organization of programmes
for girls and women who have left school prematurely;
(g) The same Opportunities to participate actively in sports and physical education;
(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

**Article 11**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
   
   (a) The right to work as an inalienable right of all human beings;
   
   (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
   
   (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
   
   (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
   
   (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
   
   (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

   (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
(a) The right to family benefits;
(b) The right to bank loans, mortgages and other forms of financial credit;
(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
   (a) To participate in the elaboration and implementation of development planning at all levels;
   (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
   (c) To benefit directly from social security programmes;
   (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
   (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
   (f) To participate in all community activities;
   (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
   (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.
PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
   (a) The same right to enter into marriage;
   (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
   (c) The same rights and responsibilities during marriage and at its dissolution;
   (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as
the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
   (a) Within one year after the entry into force for the State concerned;
   (b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:
(a) In the legislation of a State Party; or
(b) In any other international convention, treaty or agreement in force for that State.
Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.
**Article 30**

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.
BIBLIOGRAPHY

ABONG. 15 Jan 2006 <http://www.abong.org.br/>


BEARD, Mary Ritter. Women’s work in Municipalities. Arno Press, 1972


<http://www2.camara.gov.br/>.


CENTER FOR POLICE ALTERNATIVES. Women’s Rights are Human Rights A report to American women and men on the occasion of the United Nations Fourth World Conference on Women. Center for Police Alternatives, 1996.


MRGI. 12 January 2006 <http://www.minorityrights.org/>


