GENERAL SECRETARIAT

EXECUTIVE ORDER No. 16-03

SUBJECT: The General Secretariat's Institutional Policy on Gender Equality, Diversity, and Human Rights

THE SECRETARY GENERAL,

In exercise of the powers conferred upon him by Articles 109 and 113 of the Charter of the Organization of American States (OAS) and Articles 4, 8, 12, and 14 of the General Standards to Govern the Operations of the General Secretariat of the OAS (General Standards); and

CONSIDERING:

That the Universal Declaration of Human Rights affirms 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 in that instrument, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status;

That Article 120 of the OAS Charter provides that "[i]n selecting the personnel of the General Secretariat, first consideration shall be given to efficiency, competence, and integrity; but at the same time, in the recruitment of personnel of all ranks, importance shall be given to the necessity of obtaining as wide a geographic representation as possible";

That at its thirtieth regular session held in Windsor, Canada, the General Assembly, by resolution AG/RES. 1732 (XXX-O/00), adopted the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality;

That, by resolution AG/RES. 1 (XLVIII-E/14), "Program-Budget of the Organization for 2015-2016," the General Assembly adopted amendments to the General Standards in relation to personnel, mainstreaming gender equality and equity at every stage of the recruitment process in the General Secretariat;

That in resolution AG/RES. 1 (L-E/15), "Program-Budget of the Organization for 2016," the General Assembly recognized the importance of gender equity and equality and urged the Secretary General "to continue the work of executing gender equity and equality policies in the workplace and to ensure accountability for their implementation";

That the General Assembly, at its forty-fourth regular session held in Asunción, Paraguay, adopted resolution AG/RES. 2863 (XLIV-O/14), "Human Rights, Sexual Orientation, and Gender Identity and Expression"; and

The need to advance equality in the exercise of rights, equal opportunity, and equal treatment in all the work of the General Secretariat of the OAS by strengthening its management, culture, and institutional capacities,

RESOLVES:

- 1. To adopt, effective from the date of this Executive Order, the "OAS General Secretariat's Institutional Policy on Gender Equity and Equality, Diversity, and Human Rights" as appended hereto in Annex A.
- 2. To instruct the areas of the General Secretariat responsible for the policy to initiate the work necessary for its implementation.

ABROGATION AND ENTRY INTO FORCE

- 1. This Executive Order supersedes all contrary provisions and practices of the General Secretariat.
 - 2. This Executive Order shall take effect on the date of its signature.

Luis Almagro Secretary General

Date: March 7, 2016 Original: Spanish

ORGANIZATION OF AMERICAN STATES

INSTITUTIONAL POLICY ON GENDER EQUITY AND EQUALITY, DIVERSITY AND HUMAN RIGHTS IN THE GENERAL SECRETARIAT OF THE OAS

I. Introduction

One of the fundamental principles of the Organization of American States (OAS) since its founding under the OAS Charter is recognition of the right to equality and non-discrimination. The Charter proclaims (Article 3) the fundamental rights of the individual without distinction as to race, nationality, creed, or sex; and reaffirms (Article 137) that the OAS does not allow any distinction based on race, creed, or sex, with respect to eligibility to participate in the activities of the Organization and hold positions therein. Since the adoption of the Charter in 1948, the States of the hemisphere have strengthened their commitment to gender equity and equality and non-discrimination through numerous binding legal agreements including, among others, the Inter-American Conventions on the Granting of Political Rights (1948) and Civil Rights (1948) to Women, the American Convention on Human Rights (1969), the Additional Protocol to the American Convention on Human Rights in the Area of. Economic, Social and Cultural Rights (Protocol of San Salvador, 1988), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention, 1994), the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities (1999), the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (2013), the Inter-American Convention against All Forms of Discrimination and Intolerance (2013), and the Inter-American Convention on Protecting the Human Rights of Older Persons (2015).

Gender equality and the right to non-discrimination are themselves rights and have an intrinsic value broadly recognized by the Member States of the OAS. There is currently a broad legal human rights and gender equality framework that is supported by the Member States, including a wide range of binding legal agreements and political agreements, including the *Inter-American Program for the Promotion of Women's Human Rights and Gender Equity and Equality* (PIA, 2000).

The approval of the PIA by the OAS General Assembly in 2000¹ constitutes the political consensus of the Member States on discrimination against women and the need to promote actions for the advancement of their human rights, combat all forms of discrimination and promote gender equity and equality.

The General Secretariat of the OAS (GS/OAS) will reflect these same principles and values in the policies that govern its strategies, plans, functions and operations. Within this framework, the *Institutional Policy on Gender Equity and Equality, Diversity and Human Rights in the General Secretariat of the OAS* seeks to advance equality in the exercise of rights, equal opportunity, and equal treatment in all the work of the GS/OAS by strengthening its management, culture, and its institutional capacities.

The PIA establishes mandates for the Member States, the GS/OAS and the Inter-American Commission of Women (CIM), as well as other inter-American bodies. At the level of the GS/OAS, it emphasizes the need to:

- Adopt, in coordination with the CIM, the measures necessary to ensure that the gender perspective is incorporated in each and every one of the organs, bodies, and entities of the

^{1.} Organization of American States (2000), Resolution AG/RES.1732 (XXX-O/00) Approval and Implementation of the Inter-American Program on the Promotion of Women's Rights and Gender Equity and Equality (PIA).

organization in the development of their programs and actions, and to promote the incorporation of that perspective in the work of the organizations of the inter-American system;

- Ensure that the gender perspective is systematically incorporated in the development and implementation of international instruments, mechanisms, and procedures within the framework of the Organization, particularly in the agendas for ministerial level meetings;
- Provide support for incorporation of the gender perspective in the general programs of the Organization and the inter-American system, including the distribution of budgetary resources; and
- Implement measures that ensure full and equal access of men and women to positions in all categories of the OAS system, particularly decision-making positions.

The report from the evaluation of the PIA (2010) indicates that despite a lack of resources and limitations on its effective planning, monitoring, and evaluation, the execution efforts of the GS/OAS have helped to gradually integrate the gender equity agenda in the endeavors of its agencies, ministerial forums, and in the Member States; have had an impact on the formulation and execution of policies and projects to eradicate discrimination and gender violence, and have helped to raise awareness on the subject of women's rights and gender equality.

The latest Annual Report of the Secretary General on the Implementation of the "Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality" Pursuant to Resolution AG/RES. 2831 (XLIV-O/14) to the Forty-fifth Regular Session of the General Assembly (2015) indicates that 61% of GS/OAS entities reported having policies, programs, and/or projects that promote gender equality and women's rights, and 63.4% of entities have staff trained on gender. However, this factor does not necessarily translate into equal access to rights.

In terms of internal management, in the area of human resources, as of 31 December 2015, the "Personnel Register" of the OAS indicates that although women represent 58% of GS/OAS staff, they hold 34% of the decision-making positions (a total of 58 P05 and higher posts). This labor segmentation is repeated at the General Services level, where women represent 72% of all staff (158 posts between G01 and G07). The OAS Member States have urged the Secretary General to redouble efforts to achieve balanced participation of women in the GS/OAS, particularly at levels P05 and above.²

Thus, this Policy is conceived as an integral part of GS/OAS efforts to move toward an organizational change that institutionalizes a vision of gender equality and human rights in it policies, programs, projects, and practices, as well as in its organizational culture and structure, and is based on decisions at the highest levels and standards, compliance with which are systematically and continuously monitored and evaluated. During the process of preparing the Policy, the gender policies of various international and regional organizations were consulted, including United Nations agencies, the World Bank, the Pan American Health Organization, the Inter-American Development Bank, and experiences and lessons learned regarding their implementation were taken into account.

^{2.} Pursuant to Resolutions AG/RES. 1627 (XXIX-O/99), AG/RES. 1790 (XXXI-O/01), AG/RES. 1872 (XXXII-O/02), AG/RES. 1954 (XXXIII-O/03), AG/RES. 1977 (XXXIV-O/04), AG/RES. 2096 (XXXV-O/05), AG/RES. 2191 (XXXVI-O/06), AG/RES. 2335 (XXXVII-O/07), and AG/RES. 2427 (XXXVIII-O/08), AG/RES. 2452 (XXXIX-O/09) on the "Appointment of Women to Senior Management Positions at the Organization of American States" urges the Secretary General to redouble his efforts to achieve the goal of having women occupy 50% of posts at each grade level within the Organization of American States, particularly at the P-5 grade level and above.

II. Scope

The Policy applies to all the entities and dependencies of the GS/OAS, including the Offices and Units of the General Secretariat in the Member States. All other bodies, including specialized agencies, subsidiary bodies, organs and entities of the Organization are invited to adopt and implement this Policy. It encompasses all activities carried out by the GS/OAS, including planning, budgeting, execution, monitoring, and evaluation of policies, programs, and projects; and the management of human resources.

III. Principles

Recognizing that the right to equality is a basic fundamental right and that the full exercise of the human rights of women and men, independently of their sexual orientation, gender identity, gender expression or bodily diversity, should be promoted, as should the effective achievement of gender equality, in the work carried out by the OAS, this Policy is based on the principles of gender equity and equality, mainstreaming and institutionalization of the gender equality and rights approach, empowerment, diversity and intersectionality, and transparency and access to information.³

IV. Goal and objectives

The general goal of this Policy is to help achieve the Organization's institutional priorities and mission of consolidating democracy, promoting respect for and guarantee of human rights, strengthening peace and security, supporting social and economic development, and promoting sustainable and inclusive development in the Americas from a human rights and gender equality perspective.

The general objective of the Policy is to advance equality in the exercise of rights, equal opportunities, and equal treatment in all the work of the GS/OAS by strengthening its management, culture, and institutional capacities.

To achieve this general objective, the implementation of the Policy will prioritize the following specific objectives:

- 1. Ensure that the gender equality, rights, and diversity perspective is incorporated systematically and comprehensively in all of the Organization's practices, policies, programs, and projects, in institutional planning and programming, budget formulation and execution, and in the management of human resources management;
- Continuously and constantly promote and carry out communication, training and awareness-raising
 initiatives for GS/OAS staff at all levels, as required to identify and address gender-based
 discrimination and strengthen and empower their capacities for implementing this Policy effectively
 and visibly;
- 3. Accelerate efforts to integrate a gender approach in the management of human resources, including the adoption of special measures to:
 - a. Achieve gender parity (50/50 or, when this balance is not possible due to the number of posts available, 60/40 with alternation between men and women) in all categories, with emphasis on the P-4 grade level and above;

^{3.} These principles are defined in the Annexes section.

- b. Recognize and address the burden of unpaid work of women and men, contributing to the guarantee and protection of the rights derived from maternity and paternity and the adoption of measures seeking shared responsibility for caregiving with a parental focus and the reconciliation of professional and personal demands on women, men and individuals with a different gender identity and expression;
- c. Ensure the right to equal compensation for women and men, including monetary compensation, payment in cash and benefits, and the right to equal treatment with regard to work of equal value, and the evaluation of work quality.
- d. Take the necessary measures for the effective incorporation, inclusion and non-discrimination of people with diverse sexual orientation, gender identity, and gender expression within the GS/OAS.

V. Guidelines for implementation and monitoring

From a perspective of results-based management, the guidelines for the execution of this Policy include the following:

- A *Policy Implementation Follow-up Commission*, coordinated by the Executive Secretariat of the CIM, and made up of representatives from the Office of the Secretary General, the Strategic Council for Organizational Development and Management by Results, the Department of Legal Services, the Department of Human Resources, the Executive Secretariat of the Inter-American Commission on Human Rights, the Staff Association, and the Office of the Ombudsperson;
- Action plans: The GS/OAS will develop periodic action plans for the realization of the Objectives of this Policy, in the light of the priorities of the GS/OAS, in which specific responsibilities are assigned to the parties involved and monitoring indicators are established
- Mechanisms for participation and consultation: Strengthen and establish permanent mechanisms and forums for participation and consultation, including the OAS Gender Community of Practice and the OAS LGBTQI Group, among others, which facilitate the sharing of information, experiences, practices, lessons learned and areas for improvement, with the participation of GS/OAS staff, other agencies of the inter-American system and multilateral organizations, Member States, Permanent Observers, and civil society representatives
- Monitoring, evaluation, and accountability mechanisms to identify the progress, challenges and lessons learned in the implementation of the Policy:
 - o Formulate *policy monitoring indicators and a baseline*, making it possible to measure the GS/OAS' efforts to comply with the Policy, as well as indicators for measuring the goals of the action plan corresponding to each period, with emphasis on expected results and impact over the medium- and long-term;
 - Prepare *periodic monitoring, evaluation and follow-up reports* on progress made by all GS/OAS entities with regard to implementation of the Policy and the corresponding Action Plan. These reports will identify strengths, opportunities, weaknesses, threats, *inter alia*, and provide relevant recommendations and specific corrective measures related to the effective

follow-up of the implementation of the Policy and Action Plan. The reports will be presented to the staff of the GS/OAS and to Member States; and

o Coordinate with the *Office of the Ombudsperson* (OMB) of the GS/OAS in order to pay due attention to systemic concerns and recurring problems related to gender-based discrimination that produce complaints to the OMB from male and female staff of the GS/OAS.

VI. Implementation

Once the current Policy has been approved, the Office of the Secretary General will convene, in a period no greater than 15 days, the Policy Implementation Follow-up Commission, which will agree during its first meeting on a program of work for the development and adoption of the Action Plan and other measures foreseen in the Policy.

VII. Parties responsible for the policy

Office of the OAS Secretary General:

- Coordinate the execution and follow-up of the Policy;
- Develop a budget that contemplates the implementation of the Policy over a period no more than 5 years;
- Ensure the human, material, and financial resources required to execute the policy, including those needed to strengthen the technical capacities of the Executive Secretariat of the CIM for performing the functions entrusted to it by the policy;
- Report periodically to GS/OAS staff and to the Member States on progress made in the implementation of this policy, attaching the relevant indicators.

Executive Secretariat of the CIM:

- Prepare the baseline assessment to guide the process of implementation of the Policy and its Action Plans;
- Coordinate the continuous monitoring and accountability in the execution of the Policy in coordination with the relevant entities, including the Strategic Council for Organizational Development and Results-Based Management, the Department of Human Resources (DHR), and the Department of Financial Services (DFS);
- Provide assistance and technical advice to the agencies and bodies of the GS/OAS on compliance with this policy;
- Coordinate actions with gender equality and equity programs of other international and regional organizations, in order to share experiences and lessons learned in this area.

Strategic Council for Organizational Development and Results-Based Management:

- Support continuous monitoring and accountability in the execution of the Policy in coordination with the Executive Secretariat of the CIM, DHR, and DFS.

Department of Human Resources:

- Execute, follow up, and monitor the Policy in human resources management processes.

Department of Legal Services:

- Provide legal advice as required in the process of adopting, executing and continuous monitoring of the Policy and its Action Plans.

OAS Staff Association:

- Participate in the processes of implementation, monitoring and evaluation of the Policy, in coordination with the relevant entities of the GS/OAS.

Office of the Ombudsperson

- Within its mandate and functions, support the identification and prevention of recurring and/or systematic problems related to gender-based discrimination and participate in the process of monitoring the implementation or execution of this policy.

Executive Secretariat of the Inter-American Commission of Human Rights (IACHR):

- Provide technical advice on the human rights component of the Policy, in line with applicable inter-American human rights instruments and standards at the regional and international levels.

DEFINITION OF THE PRINCIPLES OF THE POLICY⁴

Gender equality and equity

Within the context of this policy, gender equality⁵ "means that women and men enjoy the same status and have equal conditions for realizing their full human rights and potential to contribute to political, economic, social, and cultural development and to benefit from the results. Gender equality is therefore the equal valuing by society of both the similarities and differences between women and men and the varying roles they play." (PIA, 2000). Thus concrete measures to eliminate gender-based inequities, understood as justice in the treatment of women and men according to their respective needs, is of primary importance for achieving gender equality.

Gender equity is understood as a path that leads to gender equality - "a series of measures...to offset the historical and social disadvantages" that prevent (both men and women) from enjoying equally the benefits of development and having egalitarian access to public and private decisions and to power (PIA, 2000). The concept of gender equality recognizes the existence of different needs between men and women and provides an approach that makes it possible to identify and correct the imbalances that arise from those differences, as in the case of responsibility for uncompensated domestic work, including caregiving, which falls disproportionately to women.

Under this Policy, it is understood that the language *women* includes lesbian, bisexual, trans and intersex women and that the language *men* includes gay, bisexual, trans and intersex men. Similarly, it is important to note the existence of people that do not identify themselves within the binary "men/women," such as gender non-conforming and *queer* people who, under this Policy, may not be discriminated against for their gender identity or expression.

Sexual orientation, gender identity, gender expression and bodily diversity⁶

Echoing the resolutions that the General Assembly has adopted in recent years on sexual orientation, gender identity, and gender expression, the policy follows the denomination of an individual as lesbian, gay, bisexual, trans, or intersex (LGTBI) in order to ensure the recognition and enforceability of their rights.⁷

An individual's *sexual orientation* is the ability of each person to feel a deep emotional, affective, and sexual attraction for persons of a different gender or the same gender, or for more than one gender, as well as the ability to maintain intimate and sexual relations with these individuals. A person's sexual orientation is independent of their assigned sex at birth and their gender identity.

Gender identity is the internal and individual experience of gender as felt by each individual, which may or may not correspond to the sex assigned at birth, including the personal experience of one's body and other expressions of gender such as clothing, manner of speaking, and mannerisms.

^{4.} The definition of these concepts may be updated as appropriate.

^{5.} Gender is defined as "a cultural, social, and historical construct that, on the biological basis of sex, determines the values that society attaches to being masculine and feminine as well as the nature of collective subjective identities. Gender also shapes the difference in social value assigned to men and women and the balance of power between them." (PIA, 2000).

^{6.} Terminology taken from the Report of the Inter-American Commission of Human Rights(2015) "Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas." Similarly, see the terminology used in the multi-media site for this report: http://www.oas.org/es/cidh/multimedia/2015/violencia-lgbti/terminologia-lgbti.html (available on ly in Spanish).

^{7.} Definitions on gender identity and expression were taken from the document CP/CAJP/INF.166/12 "Sexual Orientation, Gender Identity, and Gender Expression: Key Terms and Standards," prepared by the Inter-American Commission on Human Rights pursuant to Resolution AG/RES.2653 (XLI-O/11): Human Rights, Sexual Orientation, and Gender Identity.

Gender expression generally refers to the manifestation of a person's gender, which can include ways of speaking, mannerisms, dress, personal behaviour, social behaviour or interaction, and bodily modifications, among others, which some people require for the construction of their gender identity.

Bodily diversity refers to a wide range of body representations, for example, variations in sexual anatomy that go beyond the man/woman binary. Intersex is an umbrella term that encompasses this bodily diversity.

Discrimination

Discrimination and intolerance generally constitute the basis for other human rights violations and are generators of violence against groups traditionally subject to discrimination. Discrimination⁸ refers to any distinction, exclusion, restriction, or preference, in any public or private setting, the objective of which is to negate or limit the recognition, enjoyment, or exercise, under conditions of equality, or one or more human rights or fundamental freedoms enshrined in the international instruments applicable to the Member States. Discrimination may be based on different motives, including sex, nationality, age, sexual orientation, gender identity, gender expression, language, religion, cultural identity, political opinions, social origin, socioeconomic position, educational level, migrant status, among others.

Indirect discrimination occurs when an apparently neutral provision, criterion, or practice is susceptible of involving a disadvantage for individuals who belong to a specific group, or puts them at a disadvantage, unless that provision or practice has a reasonable and legitimate objective or justification. Multiple or aggravated discrimination is any preference, distinction, exclusion, or restriction based, similarly, on two or more of the motives that seek to negate or limit the recognition, enjoyment, or exercise, under conditions of equality, of one or more human rights and fundamental freedoms enshrined in the international instruments applicable to the Member States, in any setting.

Special measures or affirmative actions adopted to guarantee under conditions of equality the enjoyment or exercise of one or more human rights or fundamental freedoms by groups in need of such protection do not constitute discrimination, provided that such measures do not involve the maintenance of separate rights for different groups and are not perpetuated once their objectives have been achieved.⁹

Mainstreaming and institutionalization of the gender and rights approach

Mainstreaming of the gender approach is a "strategy for making women's as well as men's concerns and experiences an integral dimension of the design, application, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated." In addition, the importance of the rights approach lies in recovering the enforceability and justiciability of rights and in making accountability to women transparent, identifying those holding rights and duties. Gender equality is thus essential for implementing the rights approach.

Implementation of a rights and gender equality approach entails: (i) diagnostic analysis of the specific problems to be addressed within the prevailing conditions for the exercise of human rights and from the dimension of gender inequalities; (ii) the directionality toward change in the definition of the results and

^{8.} Inter-American Convention against All Forms of Discrimination and Intolerance.

http://www.oas.org/es/sla/ddi/docs/tratados_multilaterales_interamericanos_A-69_discriminacion_intolerancia.pdf

^{10.} OAS. PIA (2000), definition taken from the United Nations Economic and Social Council (ECOSOC) Agreed Conclusions – 1997-2, July 18, 1997-2.

goals in order to eliminate gender disparities and ensure the exercise of rights; and (iii) the identification of effective strategies and indicators of rights for monitoring and evaluation. The operationalization of the rights perspective signifies considering those rights in planning and programming processes and in the design of policies, strategies, and programs.¹¹

The evidence shows that without affecting the structure and organizational culture, all attempts to raise awareness and train staff, and to provide specific technical assistance yield only partial results that additionally depend on the willingness and support of those currently in office. Thus, the *institutionalization of the rights, gender equality and diversity approach*, i.e., the decision to include these approaches in the culture and organizational structure and in all endeavors of the Organization is a necessary step for effectively mainstreaming the gender and rights perspective in the GS/OAS.

Diversity and intersectionality

In addition to the gender and rights approach, the policy incorporates a *diversity and intersectionality* approach. An intersectional perspective takes into account the interrelationships between biological sex, gender identity, and expression, and other social factors such as class, ethnic origin, age, geographic location, sexual orientation, and physical capacity. The way in which such factors intersect as well as the different types of discrimination and inequities resulting from the combination of those factors, condition and shape the possibilities and opportunities of every individual in economic, social, political, scientific, and cultural settings.

Empowerment

Empowerment refers to a process whereby men and women obtain and develop authority, skill, and control over their lives. It is a technical-political process that requires changes in ways of thinking, as well as in the cultures, structures, and distribution of resources of organizations and civil society. It is based on self-worth, on the right to have options in all settings and to be able to make decisions, on access to opportunities and resources, on control over one's own life in public and private settings, and on the ability to participate in and influence the direction of social change and create a more just social and economic order. Empowerment puts emphasis not only on the extent to which power is exercised or obtained but on the process of acquiring power.¹²

Transparency and access to information

An approach based on gender equality and human rights helps in the formulation of policies, regulations, and budgets that clearly define which specific human rights are to be addressed (what should be done and to what extent, who is responsible) and ensures the availability of the necessary capacities (or the resources to obtain the capacities that are lacking). The approach helps to ensure that the policy formulation process is more transparent and gives those involved capacity for action so that those who have the duty to act are accountable in this regard, ensuring that there are effective routes for reparations in the event rights are violated.¹³ The approach also help to guarantee access to public information, which promotes greater efficiency and integrity in the management of resources, makes operations more

^{11.} Inter-American Commission of Women (CIM) of the OAS. Strategic Plan of the CIM, 2011-2016.

^{12.} UNDP. América Latina Genera. Gestión del Conocimiento para la Igualdad de Género. Igualdad [Sección sobre Empoderamiento]

^{13.} Ministry of Social Development of Uruguay (2012), DESC 3, Documentos relevantes en los ámbitos internacional y nacional sobre derechos, económicos, sociales y culturales, Políticas públicas generadoras de garantías de cumplimiento de los derechos humanos, reafirmando a la Oficina Del Alto Comisionado para los Derechos Humanos. New Yor-Geneva, 2006.

transparent, and helps to combat corruption. Transparency and access to public information also represent key components for rendering accounts and generating confidence in institutions.