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# GENDER EQUALITY IN THE PUBLIC ADMINISTRATION IN LATIN AMERICA



## United Nations Development Programme

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This report is a component of UNDP's Global Initiative GEPA (Gender Equality in Public Administration Reform). It is based on available regional and national official data and provides an overview of the issues associated with monitoring and counting the presence and role of women in national level state institutions. It also offers an analysis of obstacles along the way towards the participation and equal decision making of women in public administration.

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The report was authored by Ana Laura Rodriguez with assistance from Samantha Plummer, Veronica Trimmino and Ana Nieto. Research coordination and contributions were provided by Ana Laura Rodriguez Gusta. The report builds on findings from eighteen case studies also prepared as part of this initiative, and from consultations, interviews, literature and desk reviews. The report benefited from the valuable insights, advice and support provided by representatives of national and subnational governments, academia, members of nongovernmental organizations and women's networks and caucuses who have been contacted in relation to the GEPA case studies and report. We would like to particularly thank Laura I. Zuvanic, Carla Majdalani, Natalia Sampietro, Cecilia Klappenbach, Maria Eugenia Miranda, Karem Valverde Moncada, Vivian E. Lagrava Flores, Liliana Caballero, Francisco Alfonso Camargo Salas, Olman Luis Jiménez Corrales, Ferdinando Goñi Ortiz, María Picado Ovares, Daniela Bravo Ayala, Soraya del Pilar, Alexandra Acosta Jaramillo, Evelyn Nahela Orellana Orellana, Bélgica Rodríguez, Jeanie Herrera, Carlos Ponce, Cecilia Lizett Sanchez Lam, María Margarita Cortes Cid, Paulina Silos, Ricaurte Sáenz, Lilian Soto, Hayden, Virginia Mañon, Yris Nova, Cynthia Su, Analía Corti, Yammel Perez and María José Castillo Carmona

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## FOREWORD

The 2030 Agenda and its Sustainable Development Goals (SDGs) are a unique opportunity to ensure political commitment and leadership, to promote new models for inclusive and sustainable development. The Agenda puts forward gender equality as a fundamental human right and as the necessary basis to achieve a peaceful, prosperous and sustainable world. The SDGs put forward a dual strategy to achieve gender equality, setting forth the **Sustainable Development Goal (SDG) 5** of “*Achieving Gender Equality and empowering all women and girls*” and, ensuring gender equality is effectively mainstreamed in all the other goals, through specific targets and indicators. UNDP believes that the 2030 Agenda cannot be fulfilled if the many well documented inequalities are not duly addressed, particularly those concerning gender and discrimination against women. Moreover, the agency strives to address the tangible and intangible barriers that do now allow half of the population to lead healthy, prosperous and free-from-violence lives.

The **Sustainable Development Goal (SDG) 16** refers to “*Promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels*”. For UNDP this is a critical objective, essential to achieve the entire 2030 framework as the implementation of all goals depends largely on the role of state institutions and public policies. Effective institutions are the foundations of good governance. Without sound institutions and democracies, appropriately enrooted in the social fabric, it is difficult to bring about sustainable development as a collective process of social change.

Goal 16 also refers to the quality of institutions including dimensions of citizen participation and an emphasis on inclusion of more marginal and vulnerable groups. The full effective participation of women is a condition sine qua non to ensure inclusive and accountable institutions. SDG 16 aims at “*ensuring responsive, inclusive, participatory and representative decision-making at all levels*” and requests that governments report on the makeup of institutions at national and subnational levels by gender, disability and population group.

UNDP is supporting governments in reporting on the indicator 16.7.1b of the SDGs that focus on the composition of public institutions including the judiciary, the executive, legislatures and all local institutions. Within this framework, UNDP developed the global initiative **Gender Equality in Public Administration (GEPA)**, with a view to help governments measure women’s presence in public institutions and identifying strategies to close the gender gap in public administration. The GEPA Initiative carried out a broad global research based on data available at the national level, and provided a full analysis of the obstacles along the path to achieving an equal participation of women in public administration, and particularly in decision-making. The global report provides examples of the approaches considered most appropriate and offers recommendations for future actions.

In Latin America, UNDP<sup>1</sup> **analyzed the presence of women in decision-making positions within the public administration across 17 countries in the region**, with the belief that understanding and measuring the gaps is an essential step towards creating more inclusive and gender balanced institutions.

In the last 30 years, Latin American countries **have made significant progress in adopting legislation and formulating public policies** in advancement of women's rights and gender equality. Mechanisms for the advancement of women (MAW) were set up, and gender mainstreaming processes were established across the State. The political representation of women has been enhanced, ranging from national to local levels. Nonetheless, despite progress made, we are still **well below parity levels**. There is ample research that shows how insufficient women's representation in public institutions and particularly at decision making levels, affect negatively government transparency, policy design, social inclusion and economic growth.

The participation of women in public administration and in decision-making roles is positively correlated to economic development and gender equality in society. Only by leveling the State's social and structural conditions can democratic governance be achieved, doing away with the State's androcentric foundations, creating an environment in which women can negotiate their demands with other actors and participate in defining the public policy agenda.

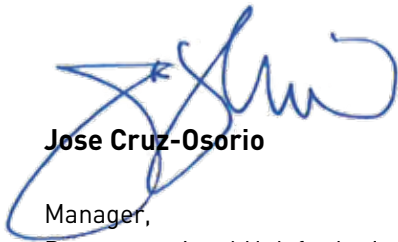
**Some of the findings in the GEPA report for Latin America** show that, in most of the analyzed countries, there is still a marked gender gap in state institutions which has not yet translated into equal opportunities for women to fill decision-making positions in public administrations. Only Brazil and Colombia have gender quotas to make sure women hold high-level positions. In addition, there is an important information vacuum when it comes to obtaining sex-disaggregated data.

This study showed the difficulties in collecting information and data to help understand where are the women in public administrations today. This difficulties were due to a range of factors from limited of transparency of government agencies, to dispersed data collection process or simply lack of sex disaggregation.

---

1. A series of expert researchers, the Gender Unit within the UNDP Regional Hub, and the 12 Country Offices, in contact with government offices that deal with gender-related matters, analyzed and reviewed the information that is being presented in this document.

We hope this report will be a contribution<sup>2</sup> for accelerating equal participation and leadership of women in public administration. It provides an assessment on the availability (and quality) of sex-disaggregated data in decision-making positions within the public administration of 17 Latin American countries.



**Jose Cruz-Osorio**

Manager,  
Panama regional Hub for Latin America and the Caribbean  
United Nations Development Programme

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2. Periodically updated.

## EXECUTIVE SUMMARY

A more equitable and sustainable society requires the participation of women in both the political and economic spheres. Gender equality in decision-making positions of Public Administration serves to expand democracies, makes policy making more inclusive, and strengthens commitment to constituents. In Latin America, governments have encouraged a wide range of actions to increase the representation of women in the State.

Scarce knowledge exists on women's presence at leadership positions in the Executive Branch. Specifically, we know very little about the gender gap in senior service positions. This is an important omission since the underrepresentation of women at this level may have effects on government transparency, policy design, social inclusion, and economic growth. For this reason, the United Nations Development Program (UNDP) promotes the initiative *Gender Equality in Public Administration* (GEPA) with the aim to support women's empowerment, expand participation and leadership in public institutions, and contribute to the availability of updated information on gender equality in Public Administration. The initiative will provide evidence and analysis to facilitate informed policy processes concerning women's access to high-level jobs in the public sector.

This report provides an assessment of the availability (and quality) of sex-disaggregated data in management posts of Latin American's countries public administrations. The data obtained in this report are from 2017 and 2018. It is one step towards the long-term goal that all girls, boys, women and men can equally aspire to a role in the public sector, and – ultimately – have equal opportunities to reach a level of seniority where they can influence the development path of their societies.

Due to the empirical findings of this study, the report presents a set of recommendations to inform the future work of UNDP and partners, to promote gender equality in the public administrations of Latin America and, particularly, women's role as decision-makers in the public sector.

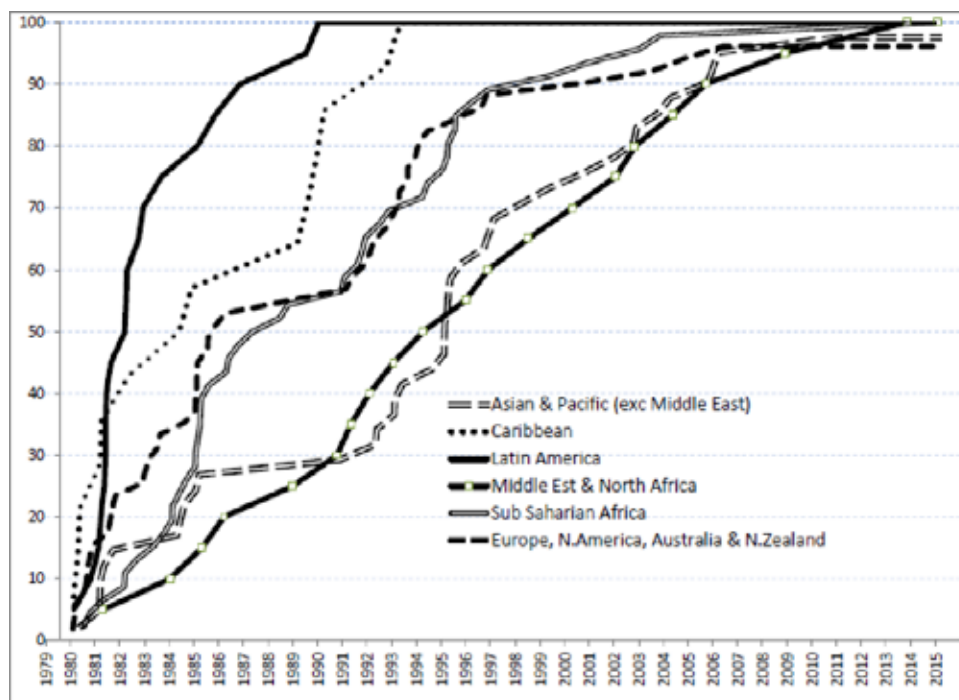
# PART I:

## DESCRIPTIVE SECTION

### BACKGROUND

A more equitable and sustainable society requires the participation of women in both the political and economic spheres. Gender diversity among decision-making posts of Public Administration expands democracies, makes policy making more inclusive, and strengthens commitment to constituents. In Latin America, governments have promoted a wide range of actions to increase the representation of women in the State. For example, the special temporary measures aimed to accelerate de facto equality between men and women such as parity quotas. (In the case of El Salvador, this was not taken into account for the executive positions). Feminists and women's movements have long aimed for more representative bureaucracies, as well as diverse political institutions. Given that the Latin America region was the fastest to ratify the CEDAW Convention (Graph 1), its influence to make the public sphere more inclusive is not surprising. Additionally, in 2007, the Regional Conference on Women in Latin America and the Caribbean (gathering

Graph 1. Cumulative percentage of countries that ratified the CEDAW Convention, by regions.



Source: Rodríguez Gustá and Madera (2017).

governments' national mechanisms the advancement of women on a regular basis) signed the Quito Consensus declaring the need for parity in the exercise of power, decision-making, and political participation and representation (Quito Consensus, Point 17).

In the more specific sphere of participation in political institutions, Latin America is a world leader for the inclusion of women. This process started in 1991, when Argentina introduced gender quota laws for elected positions of the National Congress. Since then, women have made significant inroads. More recently, several countries adopted legal mechanisms for political parity (such as Argentina, Bolivia, Ecuador, Mexico and Costa Rica). In support of this process, ATENEA, a regional initiative promoted by UNDP, UN WOMEN and International IDEA, has served to accelerate the political participation of women, and generated useful knowledge informing legislative reforms in favor of political parity<sup>3</sup>.

While a wide range of studies on women's political participation in Latin America exists, there is still scarce knowledge on women's presence at leadership positions in the Executive Branch, particularly among senior service positions. This is an important omission since the underrepresentation of women at this level may have effects on government transparency, policy design, social inclusion, and economic growth. For this reason, the United Nations Development Program (UNDP) promotes the initiative *Gender Equality in Public Administration* (GEPA) to support women's empowerment, expand participation and leadership in public institutions, and contribute to the availability of updated information on gender equality in public administration.

**Table 1. GEPA and the 2030 Agenda for Sustainable Development: SDG 5 and SDG 16 Relevant Targets.**

SDG	Relevant Target
5: Achieve gender equality and empower all women and girls.	5.1. End all forms of discrimination against all women and girls everywhere. 5.5. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life. 5.c. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.
16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.	16.6. Develop effective, accountable and transparent institutions at all levels. 16.7. Ensure responsive, inclusive, participatory and representative decision making at all levels. 16.b. Promote and enforce non-discriminatory laws and policies for sustainable development.

Source: <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

3. <https://ateneaesparidad.com/>

The initiative is set out to develop a global tracking mechanism that will monitor the state of gender equality in the civil service.<sup>4</sup> A first step in this direction is to map the availability of sex-disaggregated public service data at the country level, and assess its quality and scope.

In line with the commitments of state to principle “Leaving No One Behind” and the targets set by the 2030 Agenda for Sustainable Development, notably captured in the global Sustainable Development Goals through Goal 5 on Gender Equality and Goal 16 on Peace, Justice and Strong Institutions. UNDP developed the GEPA initiative. This effort will constitute to SDG 5 and SDG 16 targets<sup>5</sup>. The Gender Equality in Public Administration (GEPA) initiative is key to measure progress towards responsive, inclusive, participatory and representative institutions and women’s full and equal participation in public life.

## OBJECTIVES AND RESEARCH METHODS

This report provides an assessment of the availability (and quality) of sex-disaggregated data in **public management** (Box 1) of Public Administration in Latin American countries.

### Box 1. Public Management Positions.

This report adopts the term **Public Management** instead of Senior Civil Service Jobs. This decision is justified on the fact that the Latin American Public Administrations, for the most part, are imperfect bureaucracies where political ties are important at the moment of assigning people to upper decision-making posts. Therefore, within quasi-bureaucratic structures, the idea of Senior Civil Service jobs is less appropriate.

**What do Public Management positions entail?** These positions are defined by two traits: i) a high-level position in the hierarchy (except Constitutional appointments such as Ministers and Vice-Ministers), and ii) decision-making power to define policies, including human resource management. These positions may be formally defined in laws and regulations or, by contrast, may be result of informal practices.

**What is the relation between Public Management and Senior Civil Service jobs?** The terms public management positions serves best to capture the fact that these are not necessarily jobs that belong to the civil service structure, i.e. promotions are not based on years of service, a record of public service may not be required, and people that access higher-level jobs may come from outside the civil service and even the State itself.

Rather than considering public management as the culmination of upward mobility for career employees – as the concept of Senior Civil Service would suggest –, these

4. <http://www.undp.org/content/undp/en/home/ourwork/democratic-governance-and-peacebuilding/responsive-and-accountable-institutions/GEPA/>

5. That looks for “Proportions of positions (by gender, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions (proportionate representation in public institutions and equal access to decision-making)”.



positions are a mix of political ties and merits, whose characteristics vary by country. Many positions are neither entirely career nor politically-based, since: i) both types of appointments coexist (the same post can be filled by someone freely-appointed from outside the State or by career personnel); and ii) politics and merits are simultaneous attributes to appoint/promote a person into public management. The fact that non-formal processes are often used to appoint people into public management positions matters greatly for GEPA because it could add a gender bias in the recruitment for decision-making jobs.

The main objectives of the study were:

- i) Tracking sex-disaggregated statistical data for public management positions. This task entailed an analysis and comparison of the definitions of Public Administration and Civil Service for each country, as well as gathering actual data (Table 2: Comparative table of Public Administration and Civil Service definitions and Table 3: Summary of sex-disaggregated data availability).
- ii) Mapping the institutions responsible for producing, updating and disseminating information on the occupational and hierarchical structure of the Public Administration (Table 4: Regional Overview of Public Administration Norms, Regulatory Bodies, and Information Systems).
- iii) Assessing the role and capacities of governments' national mechanisms for the advancement of women to monitor this information, as well as the gender equality initiatives existing in the public sector (Table 5: Gender Regulations and Initiatives and other Equality Measures).

This study combined different research methods and techniques.

- The first data gathering method was to map out publicly available quantitative information about the occupational structure of Public Administration, seeking to identify information on gender. A commonly used source of information is the International Labor Organization (ILO) dataset. However, ILO provides information for the public sector at large, and not specifically on Public Administration.
- The second method consisted of collecting and examining documentary national-level information about the occupational and hierarchical structure of the Public Administration in each country. The analysis also included national and comparative reports on civil service produced by the Inter-American Development Bank (IDB) (2006, 2008, and 2015).<sup>6</sup>

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6. The IDB's offers useful information for understanding the Public Administration in Latin America and the Caribbean at: <https://mydata.iadb.org/Reform-Modernization-of-the-State/Civil-Service-Development-Index/ddw5-db4y>.

- The third method consisted of interviews with public officers and public administration experts about possible data sources. These interviews served to clarify the meaning and scope of public management jobs in specific domestic contexts. Most of this work was done in coordination with staff at UNDP's Regional Hub for Latin America and the Caribbean and UNDP's Country Offices.
- The fourth method gathered and analyzed the most recent country reports submitted to the CEDAW Committee, the Inter-American Commission of Women (CIM) of the Organization of American States (OAS), and the Regional Conference on Women in Latin America and the Caribbean. These reports were invaluable sources for identifying gender equality measures in Public Administration. Drawing upon the researcher's own dataset on "Gender State Machineries" – supported by the National Scientific and Technical Research Council of Argentina (CONICET)<sup>7</sup> – the analysis also included data on maternity and paternity leaves, as well as affirmative actions for other minorities (based on race, gender identify, or disability).

## FINDINGS AT THE REGIONAL LEVEL

### Regional Initiatives

The study identified several regional initiatives relevant to GEPA in terms of information gathering and potential partnerships for action.

- The Latin American Centre for Development Administration (CLAD) is an intergovernmental organization that convenes national civil service offices to promote the analysis and exchange of experiences and knowledge around the reform of the State and the modernization of the Public Administration.<sup>8</sup>

CLAD's Ibero American Charter of Public Function (*Carta Iberoamericana de la Función Pública*) is a governing document to achieve more effective, transparent and inclusive public administrations. Often, it is used as a template for drafting civil service legislation at the national level. Its Chapter Two ("Guiding Criteria and Principles") calls for active policies to promote gender equality, include minorities, and support non-discrimination based on gender, social origin, ethnicity, disability or other causes.

- Intergovernmental gender mechanisms in Latin America (Box 2) have several initiatives concerning women's political representation. These mechanisms are very active in promoting regional and sub-regional agreements to advance a gender agenda. This study, however, did not identify specific initiatives to promote women into Public Administration positions.

7. The data was used for the GEPA Report thanks to the Memorandum of Understanding between UNDP's Regional Hub for Latin America and the Caribbean and the National University of San Martín, signed by both organizations in 2015.

8. <https://www.clad.org/>.

## Box 2. Intergovernmental Gender Mechanisms in Latin America.

Latin America countries have agreed on several regional bodies whose plans and programs seek to eradicate gender inequalities, such as: the Meeting of Female Ministers and High Authorities of Women (RMAAM) of the Common Market of the South (MERCOSUR); and the Council of Ministers of Women of Central America and the Dominican Republic (COMMCA), a political body of the Central American Integration System (SICA) specialized in gender and women's human rights; among others. UNASUR, an international organization made up of the twelve countries of the South American region (Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela), is also interested in gender statistics and gender equality.<sup>9</sup>

Since 2007, Latin American and Caribbean countries monitor gender indicators agreed upon at the 10<sup>o</sup> Regional Conference on Women, through ISO-QUITO.<sup>10</sup> It is a monitoring and accountability tool that uses official information available at the Regional Observatory of Gender Parity of the Economic Commission for Latin America (ECLAC).

The Index, proposed by the regional network *Articulación Feminista MARCOSUR*, ranks the countries based on three dimensions of women's autonomy: social autonomy, contained in the Social Welfare Index of women; political autonomy, reflected in the Parity index in decision-making; and the economic autonomy, measured through economic and labor parity.

- The Program for the Support of Women's Leadership and Representation (PROLID) is the main initiative of the IDB to promote women's civic and political participation in Latin America and the Caribbean.<sup>11</sup> The program seeks to increase women's effective access to decision-making positions as means to strengthen democratic processes and institutions. Their research and policy efforts at mainstreaming gender into the public sector offer an avenue for future collaborations related to GEPA.
- CIM – OAS is the oldest gender mechanism in the region. It represents a key actors given its mandate, and commitment to women's participation in planning and implementing public policies and programs.<sup>12</sup>
- Currently, several countries are preparing the “2020 Round of Population and Housing Census (2015-2024)” that will provide data for the SDG indicators. Additionally, the census data can be used to supplement other sources of data derived from surveys, vital

9. See: <http://www.ec.undp.org/content/ecuador/es/home/presscenter/articles/2015/04/09/pnud-participa-en-reuni-n-para-la-definici-n-de-indicadores-y-mecanismos-de-transversalizaci-n-del-enfoque-de-g-nero-para-unasur.html>.

10. [http://www.mujeresdelsur-afm.org.uy/sites/default/files/IsoQ\\_01Paraguas\\_69574.pdf](http://www.mujeresdelsur-afm.org.uy/sites/default/files/IsoQ_01Paraguas_69574.pdf)

11. <https://idblegacy.iadb.org/en/topics/gender-indigenous-peoples-and-african-descendants/prolead,2979.html>

12. <http://www.oas.org/en/cim/default.asp>

registration systems, and relevant administrative data.<sup>13</sup> The 2020 census round offers an opportunity to gather more detailed information on public employment, as well as an opportunity for governments to promote the generation and use of sex-disaggregated data on Public Administration.

## Methodological issues arising from the research

- The region adopted relatively uniformed definitions of Public Administration employment at the national level, which considerably reduced the methodological challenge for comparative purposes (Box 3). The following occupational groups are universally excluded from the scope of civil service: police, armed forces, judges, attorney generals (and their staff), foreign service, social security institutions, education and, to a lesser extent, public health. There are some variations as to whether civil service covers the centralized or decentralized segment of the Executive Branch, but for the most part it is easy to delimit and find data for the centralized National Executive Branch, mainly the Office of the President and the line ministries, which are the key sectors for this report.

### Box 3. Methodological issues for GEPA in Latin America.

- There is a lack of clarity in the definitions and scope of public management positions across national cases. Thus cross-national comparison, for which reason extreme care should be taken when aggregating data at the regional level.
- The **second** problem relates to the absence of publicly available information about the occupational and hierarchical structure of the Public Administration in the first place. In this research, several governments were contacted directly to obtain sex-disaggregated data along the specific categories of public employment as stated in laws and regulations.
- The **third** issue was the understanding de jure and de fact of what decision-making entails in practice, beyond formal definitions, particularly in contexts within which informal and political ties may transform the task and scope of upper level jobs.

A main finding of this study is that the data about the composition of civil service is highly uneven across countries, particularly when it comes to the distribution of occupational and hierarchical groups by gender. The most frequently reported information refers to the type of labor regime (tenured or permanent, contract, other forms of temporary work), which is essential for preparing the national budget and calculating government's expenditures: salaries, fringes and benefits.

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13. <https://www.unfpa.org/resources/strategy-2020-round-population-housing-censuses-2015-2024>.

But this information does not necessarily match the occupation and hierarchical structure formally established. This research identified a significant mismatch between actual data and the formal hierarchical structure. Differences in the names of positions, levels, and employee grades were identified. With exceptions, the countries in Latin America have difficulties in collecting and systematizing information on the occupational structure because it usually comes from organizational-level records, lacking an adequate system of regular reporting. Thus, a consolidated information system that measures the occupational and hierarchical structure is a **prerequisite** for devising any gender tracking mechanism about Public Administration in the region.

For some countries, sex-disaggregated data on Public Administration is not available. In some cases, governments provided this information upon GEPA's contact. Thus, a large bulk of the data used in this report was tailored-made for GEPA and it is **primary data published for the first time**. Some countries are currently improving their information systems, in many cases with the support of the World Bank or the IDB.

Lastly, as developed in Box 3, another finding concerns the definitions for public management jobs across countries, which are difficult to standardize because:

- Their scope of decision-making varies in practice.
- The hierarchical layers are not directly comparable between countries.

**This study, therefore, highlights that a direct comparison among countries has a high degree of uncertainty, and that the aggregation of data at the regional level should have illustrative purposes only.**

## Gender Equality Initiatives

The governments' national mechanisms of the advancement of women have given priority to women's *political* representation mostly in electoral positions, rather than to the presence of women in the public bureaucracy. These organizations women are not involved in collecting and disseminating data concerning women and men in the Public Administration. Only Brazil and Colombia have gender quotas to guarantee women's presence in upper level positions. In the case of Colombia, the commitment to gender quotas led to the production of specific information on women's presence in public management. It should be mentioned that, in some countries, there are programs called Gender Equality Seal, which are gender-sensitive organizational programs for the public and private sector as well – and are supported by UNPD LAC.

Table 2. Definitions of Public Administration and Civil Service across Countries.

Public Administration and Civil Service Definitions						
Country	Public Administration	Civil Service	Civil Service Excludes	Level of Civil Service	Civil Service Labor Regime	Comments
<b>Argentina</b>	National Public Administration = Executive + Legislative + Judicial	National Executive Branch + decentralized agencies	Special regimes: Armed Forces + Police + Foreign Service + National Administration of Social Security (ANSES for the acronym in Spanish) Teachers and health professionals at subnational levels The clergy	National	Tenured + contract employees + temporary personnel	National Level Administration lacks a standardized occupational structure Employees on service contracts are a relevant proportion of civil service Decentralized agencies are ruled by specific occupational regimes
<b>Bolivia</b>	Employee in a dependent labor relation with the State Executive + Legislative + Judiciary + autonomous state bodies + a portion of subnational governments	National Executive Branch Career Public Servants. Autonomous and decentralized public agencies.	Employees on independent contracts Special regimes: Municipal governments + Public universities + the Judiciary + Career Prosecutors of Attorney General's Office + Foreign Service + Public Teachers + Health Personnel + Social Security institutions + Armed Forces + Police	National	Tenured + freely-appointed employees	Public servants are defined as individuals that provide services in an organization Within the scope of application of the Law of the Statute of the Public Official
<b>Brazil</b>	Civil employees in the Federal Government = Direct Administration + autonomous agencies	Direct Federal Administration (Office of the President + line ministries) Indirect Federal Administration is part of the civil service but has a special set of rules	Special regimes: staff from the Attorney General's Office + Foreign Service + Federal Educational Institutions + State-owned enterprises + Central Bank	National	Tenured + some type of contracts (such as DAS - (Direção e Assessoramento Superiores)	Brazil includes two types of upper level and decision-making positions: DAS and Gratifications and Commissioned Functions. DAS levels 5 and 6 are close to the highest political level.
<b>Chile</b>	Executive (Ministries) + subnational administrative jurisdictions + public agencies with administrative functions	Executive (Ministries) + subnational administrative jurisdictions + public agencies with administrative functions	Short-term hiring ("honorarios") Special careers: Higher-education personnel + Foreign Service + Armed Forces + Police + Social Security institutions + inspectors (fiscalizadores) + health professionals + local state-owned enterprises + teachers + local government personnel.	National	Tenured + contract employees	Only tenured employees are on administrative career. Contract employees can be promoted into public management positions. Tenured employees and contract employees in public management positions at the Central Administration are the relevant group for this report.

Country	Public Administration	Civil Service	Civil Service Excludes	Level of Civil Service	Civil Service Labor Regime	Comments
<b>Colombia</b>	Public employees with a remuneration under any legal regulation.	administrative career employees at the National Executive Branch + decentralized agencies + subnational jurisdictions	Political positions (fixed-term employees) Freely-appointed personnel (hierarchical jobs) Special careers: Judiciary + Armed Forces + Police + Teachers + Autonomous universities + Inspector General + Ombudsman + Attorney General + Diplomatic and consular career employees	National and subnational	Tenured	This report includes civil service employees + freely-appointed jobs in decision-making positions at national level.
<b>Costa Rica</b>	Title I = National Executive Branch (ministries and agencies) and Title II = National Institute for Learning (teachers).	Title I = National Executive Branch (ministries and agencies) and Title II = National Institute for Learning (teachers).	Special regimes: Police + Municipal employees + Social Security Institutions + Foreign Service + employees from Decentralized agencies + staff from the Attorney General's Office + Health Professionals + Electoral Court Highest authorities of the Office of the Treasurer, the Budget Office, Inspector General, Auditors, and other high-level officials "trust" employees (freely-appointed) + personnel hired for projects + autonomous work + personnel with temporary contracts	National	Tenured	Unclear if some contract employees are considered part of civil service. The information on civil service employees differs according to Title I and Title II.
<b>Dominican Republic</b>	The State + local governments + autonomous agencies	Administrative Career = tenured employees with occupational groups in the National Budget	Special regimes: teachers + diplomatic/ consular personnel + health professionals + staff from the Attorney General's Office + National Congress + Judiciary + Armed Forces + Police + Central Electoral Board + House of Accounts Public employees regulated by the Labor Code Freely-appointed employees	National (centralized and autonomous agencies) and subnational (municipios)	Tenured	Data collected by GEPA refers only to national level and line ministries in centralized administration. Subnational employees have their own occupational structure.
<b>Ecuador</b>	Employees under different labor contracts and relations (civil service + functionaries + temporary employees)	All employees that in any way or in any capacity work, render services or exercise a position or function within the public sector.	Politically appointed personnel + fixed term personnel + Armed Forces + Police + Foreign Service + Teachers + state owned enterprises + state corporations + Judiciary + staff from the Attorney General's Office + Legislative Branch	National, subnational and local	Tenured + temporary on the tenure track	Decision-making positions are not part of the civil service according to the Organic Law of Public Service (LOSEP for its acronym in Spanish). The report uses a broader definition of public servants.

Country	Public Administration	Civil Service	Civil Service Excludes	Level of Civil Service	Civil Service Labor Regime	Comments
<b>El Salvador</b>	Public employees and Public functionaries	Administrative Career	Special careers: Teachers + Military + Foreign Service + Prosecutor + Judicial Career + Municipal Career + National Police + Health professionals Temporary contracts	National level	Tenured	
<b>Guatemala</b>	Public employees of the State in the entities or dependencies governed by the civil Service Law and Public Official who occupies a position or position, by virtue of popular election or in accordance with the corresponding laws, by which he exercises command, authority, legal competence and official representation of the corresponding state agency or entity	Is the individual person who occupies a position in the Public Administration by virtue of appointment, contract or any other legally established link, by which he is obliged to provide his services or execute a work personally in exchange for a salary, under continued dependence and immediate direction of the Public Administration itself	Special careers: Legislative branch + Judiciary + Foreign Services + Armed Forces + Police + Teachers	National and subnational	State Contracting Law: Appointments line 011 (permanent) and temporary contract, line 022 and professional and contract line 189. <a href="http://portal.gob.gt/Descargas/Documents">http://portal.gob.gt/Descargas/Documents</a>	Will not be considered public employees or employees, those that are attributed by the system of diets, since they are not salary salaries, nor are those attributed with fees for providing technical or professional services in accordance with the State Contracting Law.
<b>Honduras</b>	Administrative Career personnel in the national Executive Branch, subnational governments, and the National Council of Social Welfare	National Executive branch (Office of the President + Secretariats)	Judiciary + Legislative branch Special careers: Teachers+ Military Forces + Police + Health professionals + Foreign Service + decentralized institutions including Social Security Personnel and state-owned enterprises Contract employees	National	Tenured and temporary employees (but not contract services)	Civil Service labor regime does not include contract employees
<b>Mexico</b>	The Federal Public Administration includes centralized agencies and autonomous agencies of the public sector at the national level	Segmented: base jobs (unionized) and position of trust j, some under the jurisdiction of the Professional Civil Service	Other regimes: Armed Forces + Police + Teachers + Health professionals	National	Base + trust (tenured + fixed-term)	Trust employees political appointee indecision-making positions are the most relevant for this report.



Country	Public Administration	Civil Service	Civil Service Excludes	Level of Civil Service	Civil Service Labor Regime	Comments
<b>Nicaragua</b>	Any individual with a working relation with the State, either by appointment or contract	Unemployed officials and employees at the Executive Branch, Legislative Branch, and Judicial Branch, Electoral Board, Subnational Government, and autonomous agencies. Within Civil Service there exists the Civil Service Career (tenured).	State-owned enterprises + universities and technical education centers + the Army + staff of the Attorney General's Office + Judges + Diplomats	National and subnational	Tenured + temporary	
<b>Panama</b>	Any individual that receives a payment from the State	Public Servants on Administrative Career	Elected public servants + Ministers and Vice ministers + Directors and Deputy Directors of autonomous and semi-autonomous agencies + Managers of State companies + General and executive secretaries + Consultants + freely appointed personnel + Public servants whose appointment is regulated by the National Constitution + Public servants appointed for fixed periods or those that have ad honorem positions + Secretaries and immediate service personnel assigned to the public servants who are not part of any administrative career + Professionals and technicians that are required for temporary or interim services in the Ministries or in autonomous and semi-autonomous institutions + Public servants whose positions are regulated by the Labor Code + heads of Diplomatic Missions that the law determines	National and Subnational	Tenured + temporary	

Country	Public Administration	Civil Service	Civil Service Excludes	Level of Civil Service	Civil Service Labor Regime	Comments
<b>Paraguay</b>	Employees in Executive, Legislative, and Judiciary Branch	Employees holding position established in the General Budget	Special regimes: Armed Forces + Police + Foreign Service + Teachers + Judiciary + Staff of Attorney General's Office + Overseeing institutions + Judiciary Personnel on contract and auxiliary service personnel	National and subnational (Municipalities)	Tenured	
<b>Peru</b>	Civil employees in any public agency	Civil Service Regime: career civil servants	Special regimes: Armed Forces + Police + Foreign Service + Teachers + Health professionals + University personnel State-enterprises + Central Bank + Judiciary + Legislative branch + Social Security Institutions + Customs and Tax Administration + Comptroller General	National and subnational	Tenured	Up to 20% of Public Directors can be freely-appointed
<b>Uruguay</b>	Career employees	Career employees	Special careers: Armed Forces + Police + Teachers + Health personnel + Social Security Institutions + Foreign Service + Staff of Attorney General's Office + Legislative branch + Judiciary + Electoral Board + autonomous agencies + decentralized agencies Temporary contracts State-owned enterprises	National and subnational	Tenured	
<b>Venezuela</b>	State legal agencies and their bodies National and subnational employees in state agencies	Career employees	Special regimes: Decentralized agencies + Autonomous Institutes + State Enterprises + State Companies + Foundations, associations and civil societies of the State + +	National, state and municipal	Tenured	

Source: Table made from the revision of domestic regulations and laws, and interviews with UNDP's country offices and Public Administration experts.

Table 3. Availability of Sex-disaggregated Data on public administration, by Country.

Country / Date of data in the report	Availability	Frequency of provision	Level of data disaggregation				Data on individual characteristics				Other variables	Comments
			Ministry	Hierarchical level	Occupational structure	Labor regime	Age	Ethnicity	Salary	Education		
Argentina 2017	GEPA requested	Upon request	No	Yes	No	No	No	No	No	No	No	Scope of information: all Ministries of the National Executive Branch
2018	Publicly available	Quarterly	No	No	No	Yes	No	No	No	No	No	Fiscal Bulletin (Ministry of Treasury)
Brazil 2017	Publicly available	Quarterly	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Bulletin of Personnel Statistics
Bolivia 2017	GEPA requested	Unclear	No	Yes	Yes	No	No	Yes	Yes	No	No	Scope of information provided to GEPA is unclear (line ministries plus autonomous agencies)
Chile 2016	Publicly available	Annual	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Historical series 2006-2016 Other variables: retirement coverage; health coverage; business days not worked; termination of employment; Critical Functions.
Colombia 2016	Publicly available	Annual	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Reports on gender quotas Online information on occupational structure is not sex-disaggregated
Costa Rica 2017	GEPA requested	Unclear	No	Yes	Yes	No	No	No	No	No	No	The information could be available on a regular basis.
Dominican Republic 2017	GEPA requested	Annual	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	Data on occupational and hierarchical structure requested.
	Publicly available	Monthly	Yes	No	No	Yes	No	No	Yes	No	No	No online information on occupational structure nor hierarchical positions
Ecuador 2017	Publicly available	Unclear	No	Yes	No	No	No	No	No	No	No	GEPA requested the data. No public source available.

Country / Date of data in the report	Availability	Frequency of provision	Level of data disaggregation				Data on individual characteristics				Other variables	Comments
			Ministry	Hierarchical level	Occupational structure	Labor regime	Age	Ethnicity	Salary	Education		
Guatemala 2016	Publicly available but request by law	Annually	Yes	No	No	Yes	No	No	No	No	No	Should be requested by <a href="https://www.oas.org/juridico/pdfs/mesicic4_gtm_acceso.pdf">https://www.oas.org/juridico/pdfs/mesicic4_gtm_acceso.pdf</a>
Honduras	GEPA requested	Annually	No	No	No	No	No	Yes	No	No	No	Data requested to government
Mexico 2015/2016	GEPA reconstructed from reports	--	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Published reports
Nicaragua	--	--	--	--	--	--	--	--	--	--	--	No data available.
Panama 2016	GEPA requested	Annually	Yes	No	No	No	No	Yes	No	--	--	INEC(Instituto Nacional de Estadística y Censo), provided GEPA data upon request. The information covers only decentralized agencies. For existing variables, information is available from 2003 to 2016
Paraguay 2018	Publicly available	Unclear	Yes	Yes	Yes	Yes	No	No	No	Yes – people with disabilities	Yes – people with disabilities	Reports regularly published
Peru 2016	Publicly available	Regularly	No	Yes	Yes	Yes	Yes	Income	Yes	Yes – people with disabilities; care facilities, others.	Yes – people with disabilities; care facilities, others.	Data accounts for employees in general not only in civil service
Uruguay 2017	GEPA requested	Annually	Yes	Yes	No	No	No	No	No	No	No	Data only for n some ministries
2016	Publicly available	Annually	Yes	No	No	Yes	No	No	No	No	No	Annual Report Information on transgenders In 2013: Special reports on: i) women, ii) afro descendants and iii) people with disabilities in Public Administration
Venezuela												No available data

Table 4. Public Administration Norms, Regulatory Bodies, and Information Systems, by Country.

Country	General norms	Civil service regulatory body	Information Systems	System location	Nature of data
<b>Argentina</b>	<p>Law 24.185 (1992), Collective bargaining for the National Public Administration.</p> <p>Law 25.164 (1999), Regulatory Framework for Public Employment (Marco de Regulación del Empleo Público Nacional), and Decree 1421/02.</p> <p>Law 25.827</p> <p>Decree 2098/2008, National Public Employment System (Sistema Nacional de Empleo Público, SINEP).</p> <p>Decree 365/2017, Integrated Dataset of Public Employment and Salaries in the National Public Sector.</p>	<p>Ministry of Modernization <a href="https://www.argentina.gob.ar/modernizacion">https://www.argentina.gob.ar/modernizacion</a></p>	<p>BIEP – Integrated Dataset of Public Employment (Base integrada de empleo público)</p>	<p>Ministry of Modernization</p>	<p>Internal not publicly available</p>
<b>Bolivia</b>	<p>Statute of Public Servant (Law 2.027, 1999 and its amendments in Law 2.104, 2000).</p> <p>Executive Decree 25.749/2000.</p> <p>Executive Decree 29.894.</p> <p>Law No. 1178 of Governmental Administration and Control (Ley No. 1178 de Administración y Control Gubernamentales)</p>	<p>Civil Service Office of the Ministry of Labor, Employment, and Social Security <a href="http://www.mintrabajo.gob.bo/SeccionServicioCivil.asp">http://www.mintrabajo.gob.bo/SeccionServicioCivil.asp</a></p> <p>General Directorate of Programming and Operations at the Ministry of Economy and Public Finance</p>	<p>SIGMA, Integrated System of Management and Administrative Modernization (Sistema Integrado de Gestión y Modernización Administrativa).</p>	<p>Ministry of Economy and Public Finance</p>	<p>Not publicly available</p>
<b>Brazil</b>	<p>Consolidação das Leis do Trabalho (CLT) (Decree 5452 / 1943)</p> <p>Law 8112 (1990) Legal Regime of the civil servants in the Union and autonomous agencies</p> <p>Constitutional Amendment 19 (1998)</p> <p>Law 8745 (1993) and 9849 (1999) (temporary employment)</p> <p>Law 9962 (2000), “Regimen de empleo público del personal de la Administración federal directa, autárquica y fundacional, y de las otras providencias”.</p>	<p>National Civil Service Directorate (Dirección Nacional del Servicio Civil) <a href="https://www.serviciocivil.cl/">https://www.serviciocivil.cl/</a></p>	<p>DIPRES (payroll)</p>	<p>DIPRES</p>	<p>publicly available</p>
<b>Chile</b>	<p>The Chilean Constitution</p> <p>Law 18.575 of General Principles for the Administration of the State (Ley 18.575 Orgánica Constitucional de Bases Generales de la Administración del Estado), with up-dates by January 2016.</p> <p>Law 18.834, Administrative Statute (Estatuto Administrativo), with up-dates by January 2016.</p> <p>Law 19.882, New Labour Deal (Ley Nuevo Trato Laboral) (2003).</p> <p>Law 20.955 strengthened the Public Service Executive Jobs and the National Direction of Civil Service (2016).</p>	<p>National Civil Service Directorate (Dirección Nacional del Servicio Civil) <a href="https://www.serviciocivil.cl/">https://www.serviciocivil.cl/</a></p>	<p>DIPRES (payroll)</p>	<p>DIPRES</p>	<p>publicly available</p>

Country	General norms	Civil service regulatory body	Information Systems	System location	Nature of data
<b>Colombia</b>	1991 Political Constitution Law 909 (2004), Public Employment, Administrative Careers, and Public Management; several Decrees. Law 581 (2000), establishing the participation of women in at least 30% of the upper decision-making positions in the Public Administration.	Administrative Department of Public Function (Departamento Administrativo de Función Pública) <a href="http://www.funcionpublica.gov.co">www.funcionpublica.gov.co</a>	SIGEP, Information and Management System of the Public Sector (Sistema de Información y Gestión del Sector Público)	Department of Public Employment	Publicly available
<b>Costa Rica</b>	Political Constitution 1949 General Law of the Public Administration (Law 6627). Statute of the Civil Service (Law 1581, last updated 2008). Regulatory Framework of the Civil Service (1954).	General Directorate of the Civil Service (Dirección General del Servicio Civil) <a href="http://www.dgsc.go.cr/dgsc/">http://www.dgsc.go.cr/dgsc/</a>	SIRIS (Salary Registry System) and SAGETH (Automated System for Employment and Human Talent Management)	Dirección General del Servicio Civil	Closed
<b>Dominican Republic</b>	Law No. 41-08, on Public Function (Función Pública) Law 105-13, Salary regulations of the State (Regulación salarial del Estado Dominicano). Law 247-12, Public Administration (Ley Orgánica de la Administración Pública). Law 107-13 Derechos de las Personas en sus Relaciones con la Administración y de Procedimiento Administrativo. Decree 527-09, Organizational structure, occupational groups and salary policy (Estructura Organizativa, cargos y política salarial). Decree 523-09, ruling labor relations in the Public Administration.	Ministry of Public Administration (Ministerio de Administración Pública) <a href="http://map.gob.do/">http://map.gob.do/</a>	SASP - System of Administration of Public Servants (Sistema de Administración de Servidores Públicos).	Ministry of Public Administration	Publicly available
<b>Ecuador</b>	Civil Service Law (1961). Law of Government Ethics (2006). Law on Holidays, and Licenses for Public Employees (Ley de Asuetos, Vacaciones y Licencias de los Empleados Públicos) (Decree 19/1940).	Directorate for State Transformation (Dirección para la Transformación del Estado) <a href="http://www.secretariatatecnica.gob.sv/transformacion-del-estado/">http://www.secretariatatecnica.gob.sv/transformacion-del-estado/</a>	No specific system identified	The President's Office	No site identified
<b>El Salvador</b>	Civil Service Law (1961). Law of Government Ethics (2006). Law on Holidays, and Licenses for Public Employees (Ley de Asuetos, Vacaciones y Licencias de los Empleados Públicos) (Decree 19/1940).	Directorate for State Transformation (Dirección para la Transformación del Estado) <a href="http://www.secretariatatecnica.gob.sv/transformacion-del-estado/">http://www.secretariatatecnica.gob.sv/transformacion-del-estado/</a>	No specific system identified	The President's Office	No site identified

Country	General norms	Civil service regulatory body	Information Systems	System location	Nature of data
<b>Guatemala</b>	<p>Political Constitution (1985, articles 107, 108 and 113).</p> <p>Civil Service Law (Decree 1748 of the Congress of Guatemala, 1968).</p> <p>Regulatory framework of the Civil Service Law (Government Agreement 18-98)</p> <p>Law of Unionization and Strike regulation of State Employees (1986).</p> <p>Decree 114-97 (Law of the Executive Branch).</p> <p>Decree 11-73, Law Salary in the Public Administration</p> <p>Organic law of the general accounting office, Decree 31-2002</p>	<p>National Civil Service Office (Oficina Nacional del Servicio Civil) (ONSEC)</p> <p><a href="http://www.onsec.gob.gt/">http://www.onsec.gob.gt/</a></p>	<p>GUATENÓMINAS</p>	<p>Ministry of Economy</p> <p>Should be requested by law using <a href="https://www.oas.org/juridico/pdfs/mesicic4_gtm_acceso.pdf">https://www.oas.org/juridico/pdfs/mesicic4_gtm_acceso.pdf</a></p>	<p>No site identified</p>
<b>Honduras</b>	<p>Civil Service Law (Ley de Servicio Civil, Decreto No. 126, 1967), with four reforms (latest in 1997).</p> <p>Regulatory framework for the Civil Service Law (Decree 2009).</p>	<p>General Directorate of the Civil Service (Dirección General del Servicio Civil)</p> <p><a href="http://www.sep.gob.hn/sitio/129-unidades-y-dependencias/direccion-general-del-servicio-civil">http://www.sep.gob.hn/sitio/129-unidades-y-dependencias/direccion-general-del-servicio-civil</a></p>	<p>i) SIREP – System of Registry and Control of Public Employees (Sistema de Registro y Control de Servidores Públicos) and</p> <p>ii) SIARH – Integrated System of Human Resources Administration (Sistema Integrado de Administración de Recursos Humanos</p>	<p>Ministry of Economy</p>	<p>Not publicly available</p>
<b>Mexico</b>	<p>Constitution (1917)</p> <p>Professional Civil Service Law at the Federal Public Administration, LSPC (2003, Servicio Profesional de Carrera en la Administración Pública Federal).</p> <p>Regulatory Decree of the Professional Civil Service Law (2004).</p> <p>Federal Law of Workers in the Service of the State (Ley Federal de los Trabajadores al Servicio del Estado) (LFTISE).</p>	<p>Public Function Secretary (Secretaría de la Función Pública)</p> <p><a href="http://www.gob.mx/sfp">http://www.gob.mx/sfp</a></p>	<p>RHNet and RUSP (Unified Registry of Public Employees)</p>	<p>Office for Public Service and Secretariat for Budget and Finance (SHCP)</p>	<p>Not publicly available</p>
<b>Nicaragua</b>	<p>Law of Civil Service and Administrative Careers (Ley del Servicio Civil y de la Carrera Administrativa) (Law 476, 2003).</p> <p>Regulatory framework for the Civil Service and Administrative Career Law (2004).</p>	<p>General Directorate of Public Function (Dirección General de Función Pública)</p> <p><a href="http://www.hacienda.gob.ni/Direcciones/funcion-publica">http://www.hacienda.gob.ni/Direcciones/funcion-publica</a></p>			
<b>Panama</b>	<p>Law 23 on Administrative Careers (2017).</p>	<p>General Directorate of Administrative Career (Dirección General de Carrera Administrativa)</p> <p><a href="http://www.digecca.gob.pa/">http://www.digecca.gob.pa/</a></p>	<p>Unknown</p>	<p>Contraloría General de la República de Panamá</p>	<p>Publicly available</p>

Country	General norms	Civil service regulatory body	Information Systems	System location	Nature of data
<b>Paraguay</b>	Law of Public Service (Law 1626, Ley de la Función Pública) (2000) and amendments (Law 5766, 2016). Decree 194/2003 (System of Classification of Administrative Positions).	Public Function Secretary (Secretaría de la Función Pública) <a href="https://www.sfp.gov.py/sfp/">https://www.sfp.gov.py/sfp/</a>	National System of Human Resources (SINARH) (Sistema Nacional de Recursos Humanos)	Ministry of Treasury	Publicly available
<b>Peru</b>	Civil Service Law (Law 30057, 2013) Regulatory Framework of the Civil Service Law (Ley Marco de Empleo Público 2014). National Constitution 1979 (amended in 1993).	SERVIR <a href="http://www.servir.gob.pe/">http://www.servir.gob.pe/</a>	AIRHSP (Aplicativo Informático para el Registro Centralizado de Planillas y de Datos de los Recursos Humanos del Sector Público).	Ministry of Economy and Finance	Not publicly available
<b>Uruguay</b>	Statute of the Public Employee of the Central Administration (Law 19121 Regulación del Estatuto y nueva carrera del Funcionario Público de la Administración Central, 2013) and regulatory decrees (169/014 and 222/014). Law 18719 (National Budget Law, 2010, Section II). Law of Collective Bargaining Negotiations within Public Sector Labor Relations (Law 18508, Negociación Colectiva en el Marco de las Relaciones Laborales en el Sector Público). The National Political Constitution (1967, with amendments in 1996).	National Civil Service Office (Oficina Nacional del Servicio Civil) <a href="https://www.onsc.gub.uy/onsc1/">https://www.onsc.gub.uy/onsc1/</a>	Observatory on civil service	National Civil Service Office	Publicly available
<b>Venezuela</b>	Law of the National Public Administration (Ley Orgánica de la Administración Pública Nacional) (2008) Statutory Law of the Public Function (2002) Reform to the Regulatory Framework of the Administrative Career (Decree 3209, 1999).	Deputy Ministry of Social and Institutional Planning at the Ministry of Popular Power and Planning <a href="http://www.mppp.gob.ve/">http://www.mppp.gob.ve/</a>	Not identified	Not identified	Not publicly available



Table 5. Gender Equality Measures, by Country.

Country	Gender Equality Plans in Public Administration	Affirmative actions in civil service positions - women	Policy Initiatives	Maternal leave (in days)	Paternity leave (in business days)	Affirmative actions - Ethnic minorities	Affirmative actions - People with disabilities
<b>Argentina</b>	Yes	Yes	Ministry of the Treasury as "best practice" for women's inclusion. case	100	5	No	4% public employment for people with disabilities - Law 22431 (Comprehensive protection system for people with disabilities) – (sanctioned in 1981 but implemented since 2010).
<b>Bolivia</b>	Yes	No	Gender training for public servants	90	3		4% public employment for people with disabilities – Law 1678 (2009) and Executive Decree 29608
<b>Brazil</b>	Yes	Yes (for civil service senior positions)	Gender Equality Seal	120	7	Afro population	Law 8213/91 – 2% -5%
<b>Chile</b>	Yes	No	Chilean Standard NCh3262-2012 Gender Equality and Reconciliation of Work, Family and Personal Life (SernamEG and INN) and of the "Iguala-Conciliation Seal" associated with the certification of the Standard. Management Improvement Program (PMG)	126	5	No	1%
<b>Colombia</b>	Yes	Quota law 581 (2000) – At least 30 percent of the top decision-making positions in public administration should be held by women	Gender Equality Seal <sup>1</sup> Affirmative actions for people that suffered violence	126	8	--	--

1. Currently, the Gender Equality Seal operates only for private sector companies. Although there have been significant advances in the discussions on this issue with public sector actors, currently Equipares only operates at a private level.

Country	Gender Equality Plans in Public Administration	Affirmative actions in civil service positions - women	Policy Initiatives	Maternal leave (in days)	Paternity leave (in business days)	Affirmative actions – Ethnic minorities	Affirmative actions – People with disabilities
<b>Costa Rica</b>	Yes (with parity in Public Administration as a goal of the National Plan)	No	Gender Equality Seal Gender and LGBT Training for public servants	120	7 days	--	5% public employment for people with disabilities – 2007 reform to the Civil Service Statute
<b>Dominican Republic</b>	Yes	No	--	98	2	--	5% public employment for people with disabilities <sup>2</sup> – Law 5-2013, <i>Organica sobre igualdad de derechos de las personas con discapacidades</i> (2013)
<b>Ecuador</b>	Yes	No **BUT** the Constitution of 2008 established parity for public service jobs appointed by the President. Organic Code of Democracy: art 3 equal representation of women and men National women's agenda		84	10 to 25 days.	--	4% in workplaces with more than 25 employees.
<b>El Salvador</b>	Yes	No **BUT** specific Decree (Decree 520 of 2011) for the elimination of discrimination due to gender identity and sexual orientation in Public Administration	Gender Equality Seal	Organic Law of disabilities (2012)	3	No	No
<b>Guatemala</b>	Yes	No	Gender expenditures using: budget classifier with a gender approach	84 days for Pre and post Birth	2	No	No
<b>Honduras</b>	Yes	No	--	70 mandatory days and a maximum of 84 days	No paternal leave	No	4% quota. Law on Equity and integral development for people with disabilities of 2005

2. Although the law is still in force, in practice it is not respected

Country	Gender Equality Plans in Public Administration	Affirmative actions in civil service positions - women	Policy Initiatives	Maternal leave (in days)	Paternity leave (in business days)	Affirmative actions – Ethnic minorities	Affirmative actions – People with disabilities
<b>Mexico</b>	Yes	No **BUT** Gender Equality Law entrusts the government to ensure equal participation in leadership positions  **AND** special temporary measures to guarantee women's access to leadership positions are under consideration in Secretariat of Public Function	Gender Budgeting Protocol for prevention of bullying and sexual harassment Program on Institutional Culture Gender Equality Seal Secretariat of Public Service with a Gender Area Gender training for public servants Observatory on Women's Political Participation	84	5	No	No (at the national level).
<b>Nicaragua</b>	No	No	Ministry of the Treasury has a Gender Unit Gender Budgeting	98	5	No	2% quota for workplaces with at least 50 employees, or 1% if lower (Law on the rights of persons with disabilities 2011, article 36).
<b>Panama</b>	Yes	No	Training on Gender Sensitive Budgets Gender Equality Seals System of Indicators with a Gender Perspective	98	3	No	2% quota – Law 42 of Equal Opportunities (1999) Law No. 56, 11 July, 2017: participation of women in state boards of directors, in central government institutions, decentralized, public companies, financial intermediaries and those regulated by them, who have in their organizational structure a board of directors, a board of directors or similar bodies at least 30% of women will be appointed in all of their positions

Country	Gender Equality Plans in Public Administration	Affirmative actions in civil service positions - women	Policy Initiatives	Maternal leave (in days)	Paternity leave (in business days)	Affirmative actions – Ethnic minorities	Affirmative actions – People with disabilities
<b>Paraguay</b>	Yes () Plan for Equality and Non-Discrimination in Public Service	No	Phone line for discrimination complains (including harassment) Protocol for violence in the workplace Methodological Guide to implement gender approaches in public institutions Gender sensitive training for human resources management Gender Equality Seal Work/Family Norm	126	3	No	5% quota of public employment for people with disabilities – Law 3585, 2008
<b>Peru</b>	Yes	No **DESPITE** that Equality Plan foresees affirmative action measures for women in decision-making positions in public sector	Guide to incorporate Gender Perspective in Communication Strategies of Public Agencies Safe firms free of violence and discrimination Breast-feeding rooms (by law)	98	4	No	5% - Law 29,973 General Law of people with disabilities
<b>Uruguay</b>	Yes	No	Gender Equality Seal Gender-Information System	91	10	8% quota Law for afro descendants - Law 19.122, 2013	4% quotas of public employment for people with disabilities – Law 18.651, 2010 Comprehensive law for transsexual people Ley integral para personas trans (Ley N° 19684) (año 2018)
<b>Venezuela</b>	Yes	No	Unknown	182	14	--	5% quota of public employment for people with disabilities – Law for people with disabilities Ley para las personas con discapacidad (2007)

Source: Norms and regulations identified in the web, reports, secondary information and expert interviews.

# PART II:

## COUNTRY OVERVIEW

### INTRODUCTION

This section presents an overview of the information gathered for 18 countries in Latin America, all of which have Presidential political systems. Four are federal governments (Brazil, Argentina, Venezuela and Mexico) and 14 are unitary governments with various degrees of decentralization.

The information is organized by country, with the following structure:

- The first section presents the domestic definitions of Public Administration and Civil Service, following the most updated legal and normative regulations of each country.
- Second, the occupational and hierarchical structures of Public Administration are described, with an emphasis on public management positions.
- Third, where information was found, sex-disaggregated data for public management positions is presented.
- Fourth, the regulatory body of civil service and the information system on public employment is examined, considering whether the data is publicly available or not.
- Finally, on-going gender equality measures addressing gender gaps in Public Administration are presented.

# ARGENTINA



## Definitions

*Public Employment.* All public employees at the national and subnational levels.

*Central Public Administration.* The national Executive Branch, the Legislative Branch, the Judicial Branch and the Attorney General's Office (*Ministerio Público*).

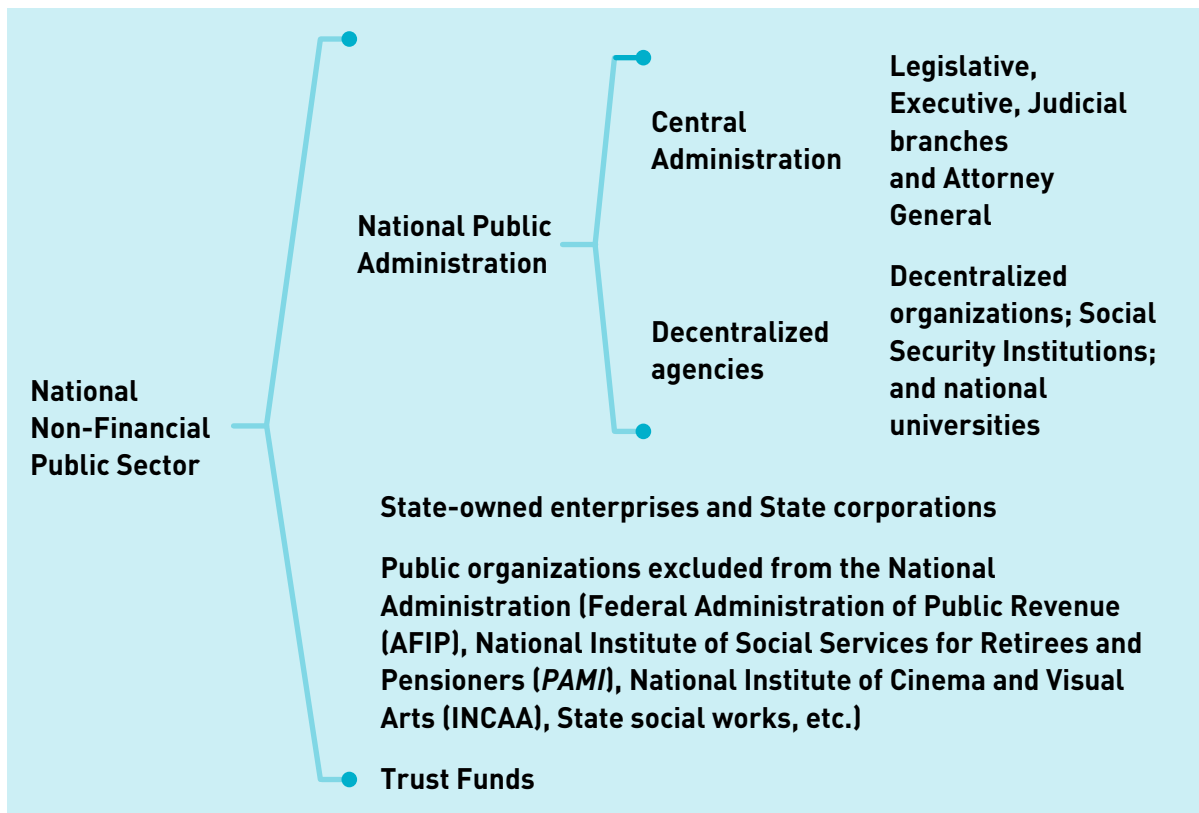
The *National Public Sector* includes: a) the National Administration stricto sensu, comprised by the Central Administration and the Decentralized Agencies,<sup>16</sup> b) Social Security Institutions, and the National Institute of Social Services for Retirees and Pensioners (*PAMI*), c) State-owned Enterprises and State Corporations, d) any other public agency excluded from the National Administration, e) fiduciary funds with a majority of State capital, f) the public financial system, and, g) national universities (Law 25827, Article 8).

*Civil Service Employees (Personal del Servicio Civil de la Nación).* Public employees that belong to the national Executive Branch and the decentralized agencies, who work under permanent or temporary labor regimes (Law 25164, Article 3).

Civil service employees are distinguished by three labor regimes.

- Tenured employees, with labor stability. These are also career employees selected by meritocratic procedures.

Illustration 1. Argentina. Organization of the National Non-Financial Public Sector.



Source: Asociación Argentina de Administración Pública (2015). Sector Público Nacional. Empleo Público. Empleo por Sector y Régimen Escalafonario. Pp. 8, Buenos Aires.

- Employees on fixed term contracts.
- Cabinet staff of higher authorities.

*National System of Public Employment (SINEP).* It is a professionalized segment of the civil service that covers only a small portion of the total public employees, adding up to 11,218 women and 10,418 men (Gobierno de Argentina 2017).

*Positions excluded from the Civil Service.* Politically appointed positions that are excluded from the national civil service:

- The head of the Cabinet of Ministers, the Ministers, the Secretary General of the President, the Secretaries and Deputy Secretaries of the Ministries, the Head of the Military House, the highest authorities of decentralized agencies and Social Security institutions, the members of the collegiate bodies, and any person performing functions of hierarchy equivalent to these.

*Special careers.* Occupational groups that are excluded from the Civil Service because they are regulated by special careers:

- Active and retired military personnel, and Police Forces. The Civil Service does include administrative positions in the Ministry of Defense, and civilian personnel of the Armed Forces.
- Foreign Service personnel (regulated by the Foreign Service Law).
- The clergy.
- Teachers and health professionals (decentralized public services).
- Personnel at university hospitals.

## Occupational and Hierarchical Structure

The national Civil Service in Argentina does not have a standardized occupational structure across ministries. Occupational groups (*Escalafón*) refer to very broad distinctions such as Superior Administration, SINEP, and non-classified employees. While SINEP establishes clear occupational classifications, it only covers a small portion of civil servants. Organizations have their own occupational groups.

**Table 6. Argentina. Gender disaggregated data for Civil Service personnel in the National Executive Branch and non-financial agencies. 2017.**

Labor Regime	Women	Men	Total
Tenured	48 (49.672)	52 (53.554)	100 (103.226)
Temporary on-payroll	53 (8.343)	47 (7.514)	100 (15.857)
Contract	50 (35.756)	50 (36.279)	100 (72.036)
Total	49 (93.771)	51 (97.347)	100 (191.119)

Source: Gobierno de Argentina (2017). Boletín Fiscal. June 2017.

The Ministry of Modernization reports two types of hierarchical positions:

- Political appointments. These are Ministers, Secretaries of Ministers, and Assistant Secretaries.
- Executive Functions (*Alta Dirección*), which are SINEP's highest level positions corresponding to the level of Directors or equivalent. In principle, accessing these positions is regulated by merits, and personnel can be recruited from within or outside the State, by public contest. SINEP, however, is influenced by political ties and not only merits. According to Zuvanic (2016) the provision of the executive function has been done upon political discretion, thus being influenced by conjunctures and short-term objectives. Consequently, when the minister or secretary changes, public managers also change.



- SINEP classifies Supervisory Functions (*Función de Jefatura*) right below the Executive Function. The Ministry of Modernization did not provide information about these positions.

**Table 7. Argentina. Gender disaggregated data of the Hierarchical Structure of Ministries, 2017.**

Labor Regime	Women	Men	Total
Political Appointments	24% (108)	76% (340)	100 (448)
Executive Functions (Alta Dirección)	42% (1,095)	58% (1,512)	100 (2,607)
Supervisory Function (Department Chief or lower)	Not reported		
Total employees (line Ministries)	Not Reported		

Source: Data provided by the Ministry of Modernization, upon GEPA's request.

For the purpose of GEPA, public management positions in Argentina include:

- Executive Functions (Alta Dirección)
- Supervisory Function (Department Chief or lower).

## Regulatory Body

In 2015, the national government created the Ministry of Modernization as the regulatory body of public employment that would design policies and procedures (including developing an efficient career system) and oversee human resources management. In 2017, the Ministry created the Integrated Dataset of Public Employment, BIEP (*Base Integrada de Empleo Público*) (Decree 365/2017), to standardize different databases and unify one single official source about national public employment.

## Information System

On a regular basis, the Fiscal Bulletins of the Ministry of Treasury provide the total counts of women and men in the national Executive Branch, by type of labor contract, and salary range. The bulletins, however, do not include information on the hierarchical structure of Public Administration (and its gender distribution).

BIEP is a comprehensive program for gathering and processing personnel information. In November 2018, BIEP presented its first report on public employment by gender. It is detailed raw data at the individual level that will require processing. It is unclear, however, the inclusion of variables measuring the hierarchical level of posts.

## Gender Equality in Public Administration and other Equality Measures

The National Institute of Women (INAM) develops policies, programs and initiatives aimed at empowering women and promoting gender equality, and eradicating all forms of gender-based

violence. In addition, INAM identifies the Equal Opportunities and Rights Plan as a way to promote gender equality in the Federal Public Administration. An innovative initiative is the Ministry of Treasury's program to incorporate the gender equality perspective in the management of human resources. Within this ministry, the activities seek to improve the information system and provide gender-sensitive training.<sup>17</sup>

Collective bargaining agreements regulate maternity and paternity leaves. At minimum, there are 100 days for maternity leave, and five business days for paternity leave (Prada, Sardegna and Valenziano 2005). Some public organizations offer care facilities and collective bargaining agreements may establish compensations for childcare costs. This study could not determine the actual number of childcare facilities in the public sector.

**Table 8. Interesting Regulations on Gender Equality**

<b>Decreto 514/2003</b>	Reglamentario de la Ley 25.674 de Participación Femenina en las Unidades de Negociación Colectiva de las Condiciones Laborales (Cupo Sindical Femenino).
<b>Decreto 2.385/93</b>	Acoso sexual en la Administración Pública Nacional.
<b>Decreto 1.363/97</b>	Igualdad de Trato entre Agentes de la Administración Pública Nacional.
<b>Decreto 254/98</b>	Plan para la Igualdad de Oportunidades entre Varones y Mujeres en el Mundo Laboral
<b>Ley 24.716</b>	Licencia para madres trabajadoras en relación de dependencia a consecuencia de nacimiento de un hijo/a con síndrome de Down
<b>Ley 25.273</b>	Creación de un Sistema de Inasistencias Justificadas por razones de Gravidéz
<b>Ley 25.674</b>	Participación Femenina en las Unidades de Negociación Colectiva de las Condiciones Laborales (Cupo Sindical Femenino).

17. <https://www.argentina.gob.ar/noticias/empoderamiento-y-equidad-de-genero-en-el-ministerio-de-hacienda>

## Key Issues

### *Key Issues*

- Argentina lacks thorough sex-disaggregated information that would serve to analyze the occupational and hierarchical structure of the national civil service from a gender perspective. This is an important omission since this country has the third largest public sector in the region, summing up 18% of the total national employment (OECD, 2017b). Partially, this lack of information relates to weak capacities to collect, systematize, analyze and publish data.
- The most recent CEDAW recommendations (17 November 2016), state that Argentina should improve the quality of sex-disaggregated data and actively use this information for policy design and programming (Recommendations 48 and 49, CEDAW/C/ARG/CO/7). A significant challenge is establishing a gender sensitive information system, with integrated information from various sources. At least currently, this kind of information system is not on the INAM's agenda. In terms of the data collected in this research, the proportions of women and men in Executive positions in the Ministries reflect a gender imbalance. A major challenge is, therefore, reducing this gender gap. No claims can be made about the Supervisory Function because this study could not get data on this management level.

### *Recommendation*

- Consolidate institutional capacities to produce gender-sensitive information. (BIEP is a welcome endeavor).
- Paternity leaves are insufficient, and women lack adequate care facilities. The gender units of public unions can be an ally in conducting public discussions towards a reform of parental leaves and the introduction of a care system.
- To remove discrimination and establish equal opportunities, gender-sensitive measures for public administration employees are needed, particularly affirmative actions to promote women in public management positions. The Ministry of the Treasury is currently developing gender-sensitive human resources management, a good practice that could be extended to the rest of the ministries.

# BOLIVIA



## Definitions

Central Administration of the State Office of the President and Vice President, and a total of twenty-line ministries.

*Public Servants (Servidores Públicos)*. Employees at any of the three branches of the State, in a dependent labor relation. This includes employees at the subnational governments and autonomous state bodies. Employees on independent contract services are not considered public employees.

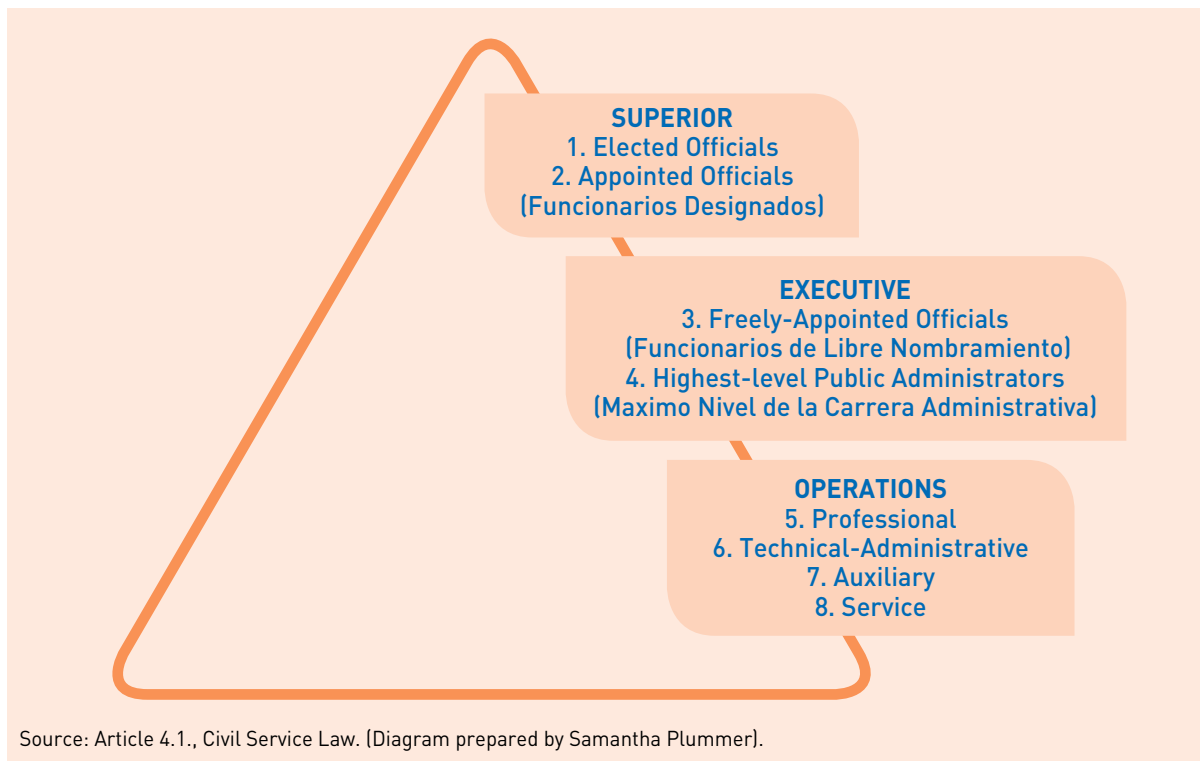
Public servants under special regimes are:

- Municipal Governments
- Public Universities
- The Judiciary (*escalafón judicial*)
- Career Prosecutors of the Public Ministry
- Foreign Service and Diplomacy

- Public Teachers
- Health Service personnel
- Social Security institutions
- Armed Forces and the Police.

*Career Public Servants (Funcionarios de Carrera)*. Refer to employees “who are part of the public administration that occupy positions established in the organizational structure of the institution, according to the staffing process, performing their duties according to the provisions of the administrative career established by the Statute and the present Regulation” (Decree 25749 of April 24, 2000, Article 12 d; own underlined).

## Occupational and Hierarchical Structure



In this table, the data provided by the Government of Bolivia is not reported according to the categories of the Civil Service Statute. For the report, the Directors category includes General Directors and Directors of General Services, which are appointed employees. The scope of public employment in the data is unclear and unspecified (“workers in the public sector”).

The “General Director” is an important public management position in the ministerial structure, and women are only one third of them, according to data published by the Coordinadora de la Mujer presented in table below.

Table 9. Bolivia. Description of the occupational and hierarchical structure.

Hierarchical group	Description
<b>Superior Positions</b>	Elected officials and appointed officials ( <i>funcionarios designados</i> ). Appointed officials are Ministers, deputy Ministers, <u>General Directors</u> , and <u>Directors of General Services</u> .
<b>Executive Positions</b>	<p><u>Group 1: Freely-appointed Officials.</u> They occupy administrative positions of confidence and provide expert and technical advice to personnel in the Superior Category. Freely-appointed personnel do not serve for a fixed term, they can be removed from office at any time. This level includes: Advisors, Coordinators, Cabinet Officials, Principal Officers, and Private Secretaries.</p> <p><u>Group 2: Unit Supervisors.</u> Unit Supervisor (<i>Jefe de Unidad</i>) is the highest decision-making level among career public servants (non-appointed personnel).</p>

Source: Domestic regulations.

**For the purpose of GEPA, public management positions are: a) Executive Positions, and b) General Directors and Directors of General Services (a segment of the Superior Positions).**

Table 10. Bolivia. Sex-disaggregated data on Occupational groups in the public sector. 2016.

Occupational Group	Women	Men	Total	Female Median Salary (Nominal)	Male Median Salary (Nominal)	Average salary (Nominal)
<b>Directors</b>	33 (3,877)	67 (7,779)	100 (11,656)	5,048	5,568	5,308
<b>Professionals and Technical Personnel</b>	51 (113,006)	49 (110,360)	100 (223,366)	9,236	9,935	9,702
<b>Administrative / Service Personnel</b>	61 (16,742)	39 (10,603)	100 (27,345)	5,180	5,428	5,303
<b>Workers</b>	10 (561)	90 (5,294)	100 (5,855)	3,116	3,690	3,339
<b>Temporary Employees</b>	36 (6,762)	64 (11,947)	100 (18,709)	4,694	5,328	4,932
<b>Total</b>	49 (140,948)	51 (145,983)	100 (286,931)	5,298	5,704	5,557

Source: Ministry of Economy and Public Treasure, and National Institute of Statistics. 2016. Information provided upon GEPA's request.

**Table 11. Bolivia. Percentage of women in General Directorships by Ministry. 2014.**

Ministry	Women	Men	Total	Female percentage
<b>Economy and Finances</b>	4	12	16	25
<b>Foreign Affairs</b>	3	11	14	21
<b>Office of the President</b>	4	3	7	57
<b>Justice</b>	3	5	8	38
<b>Mining</b>	5	3	8	63
<b>Hydrocarbon and Energy</b>	1	10	11	9
<b>Development Planning</b>	4	7	11	36
<b>Production and Plural Economy</b>	2	9	11	18
<b>Work and Employment</b>	2	7	9	22
<b>Government</b>	4	9	13	31
<b>Cultures</b>	3	4	7	43
<b>National Defense</b>	2	10	12	17
<b>Public Works, Services and Housing</b>	1	8	9	11
<b>Education</b>	4	7	11	36
<b>Health</b>	2	6	8	25
<b>Sports</b>	1	4	5	20
<b>Rural Development and land</b>	2	8	10	20
<b>Autonomies</b>	4	3	7	57
<b>Institutional Transparency</b>	2	4	6	33
<b>Communication</b>	2	3	5	40
<b>Environment and Water</b>	4	5	9	44
<b>Total</b>	59	138	197	32

Source: Coordinadora de la Mujer (2015).

## Regulatory Body

In Bolivia, once the Superintendence of Civil Service was shut down in 2009 (Supreme Decree 071/2009). Currently, two main bodies may have regulatory functions over public employment.

- The Civil Service Office is located at the Ministry of Work, Employment and Social Security. It is responsible for maintaining the Unified Public Service Registry. Nonetheless, it neither produces nor provides information on public sector employment. The Ministry produces bulletins that are available online, with information worth considering as it is related to organizational gender processes (e.g., complaints related to work/ family responsibilities and sexual harassment, and gender-related training).
- Another relevant organization is the General Directorate of Programming and Operations of the Vice Ministry of Treasury and Public Credit (at the Ministry of Economy and Public Finances). As responsible for the payroll of the National Public Administration, it gathers information about the public labor force through the Integrated System of Management and Administrative Modernization (SIGMA).

## Information Systems

In absence publicly available data, UNDP's Country Office contacted the Ministry of Economy and Public Finances to obtain sex-disaggregated information. The data presented in this study was tailor-made for GEPA and calculated from SIGMA.

## Gender Equality in Public Administration and other Equality Measures

Bolivia does not have a Gender Equality Act, but its 2009 Constitution is exemplary for including women's rights. The Deputy Ministry of Equality of Opportunities (formerly known as the Deputy Ministry of Gender and Generational Affairs) at the Ministry of Justice and Institutional Transparency developed the National Plan for Equal Opportunities – Women Constructing the New Bolivia for Good Living (*Buen Vivir*) (Executive Decree 29850, December 2008). By 2020, the Plan seeks to have reduced the barriers limiting the participation of women at all levels of public management, under the principles of equity and equal opportunities (Section 4.5, "Citizenship and Political Participation").

The Plurinational School for Public Management (*Escuela de Gestión Pública Plurinacional*) offers training to public employees on racism and all forms of discrimination, including a diploma on Human Rights and Prevention of Violence against Women, and Sexual and Reproductive Rights.

Article 61 of the General Labor Law establishes paid maternity leave for 90 days. It mandates that pregnant women rest for a period of 45 days before and 45 days after delivery. Additionally, it specifies that mothers should work no more than six hours per day. They are granted one hour for breastfeeding, until the child is one-year old (ILO, 2014). The law covers three business days of paid paternity leave (Executive Decree 1212, 2012).



The presence of women in political institutions is regulated by parity laws (Law 026, 2010), but no similar measures exist for leadership positions in the Public Administration. The Ministerial Cabinet reached gender parity only for the period 2010-2011.<sup>18</sup>

## Key Issues

### *Key issues*

- Bolivia lacks publicly available data on the occupational and hierarchical structure, disaggregated by gender.
- The information provided by the Bolivian Government shows a gender gap in leadership positions. While the span of organizations for which jobs are reported is unclear, the data reflects that women are under-represented, comprising only a third of these positions. However, this study could not determine what levels are included in the category “Decision-making positions”. The reported category by the government does not coincide with the normative distinction between Superior Positions and Executive Positions. This limits the assessment of the gender gap and poses significant challenges for properly measuring it.
- There are no affirmative actions or other gender equality provisions in the Public Administration, in contrast with the adoption of parity for elected positions. Removing the barriers for women’s access to public management positions remains a challenge.

### *Recommendation*

- The Bolivian State is set out to revise the indicators of the National Plan for Equal Opportunities (Gobierno de Bolivia 2014). The National Institute of Statistics (*Instituto Nacional de Estadística* - INE) is responsible for generating the main information. Because the National Plan states goals related to women’s participation in the public sphere, this offers an opportunity to include measures about women’s presence in public management.
- INE measures human rights indicators for 9 rights since 2014. While it lacks indicators on women’s posts in the Public Administration, this endeavor offers an opportunity to include them (<http://sice.ine.gob.bo/indicadoresddhh/>). Activities entailing the development of indicators offer the possibility of partnership with UNDP.
- While Bolivia made outstanding progress in gender equality norms and measures, it lacks specific instruments to remove inequalities in its Public Administration. Building upon the work of the Plurinational School for Public Management, a set of tools could be developed. This also offers a possibility of a partnership between the UNDP and the Government of Bolivia.

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18. <https://lostimposdigital.atavist.com/los-gabinetes-de-evo-morales>.

# BRAZIL



## Definitions

*Public Administration Personnel.* Civil service employees in the Federal Government, including the direct administration (Office of the President and line ministries) and autonomous agencies. Federal education institutions and federal science and technology agencies are excluded from this classification.

*Direct Public Administration.* Refers to the administrative structure of the Office of the President and the line ministries and secretariats with ministerial status.

*Indirect Public Administration.* It includes organizations with legal status, such as autonomous agencies (called autarchies), public enterprises, mixed economy corporations, public foundations and State-owned enterprises regulated under private law).<sup>19</sup> It also includes the national financial system (the Central Bank, which is an autarchy; the Bank of Brazil and the National Bank for Economic and Social Development, which are state-owned enterprises).

19. State-owned enterprises are ruled by private law, but in some cases, they follow the compensation system of public employees and employees are hired through public competitions.

## Occupational and Hierarchical Structure

The principles of merit are well-ingrained in the management of public services (OECD 2010). Public sector recruitment is competitive. However, access to senior management and advising positions lacks transparency (OECD 2010).

Despite the career guidelines established for employees in the Direct Administration as defined in Law 5,645 of 1970 (Llano 2014), the occupational structure is characterized by multiple classifications and careers, making job categories both numerous and complex (OECD 2010).

In contrast, High level Management and Advisory positions – DAS (*Direção e Assessoramento Superiores*) are clearly defined (Llano 2014). Law 5,645 (1970) defines them as “senior management and advisory positions of the administration, whose provision must be governed by the criterion of trust.” Besides DAS posts, there are other management positions, which are called Gratification and Commissioned Functions. These consists of decision-making jobs filled by appointed career employees.

As summarized in the table above, the DAS system includes senior and lower management positions. The levels are ranked from DAS 1 (the lowest level) to DAS 6 (the highest). The entry to

**For the purpose of GEPA, public management positions in Brazil are: a) DAS jobs, and b) Gratification and Commissioned Functions.**

Table 12. DAS levels and positions.

Level	Posts
<b>DAS 6</b>	Heads of autonomous agencies, Deputy Secretaries and other high-level authorities directly appointed by the President
<b>DAS 5</b>	Cabinet Chief of State Minister, Department Director, Internal Control Secretary and Deputy Secretary of Planning, Budget and Administration
<b>DAS 4</b>	General coordinators, Heads of Cabinet of local authorities and foundations, and Chiefs Advisor of Cabinet of Ministers
<b>DAS 3</b>	Coordinators
<b>DAS 2</b>	Head of Division
<b>DAS 1</b>	Intermediate Section and Section Chief

Source: Law 5,645, 1970.

these positions is open to applicants coming from outside the public service, with quotas reserved for career personnel. Decree 5497/05 establishes that 75% of DAS 1 to DAS 3 and 50% of DAS 4 must be reserved for career employees.<sup>20</sup>

Promotions into the DAS system and appointments with Gratification and Commissioned Functions “are discretionary and not subject to well-defined, competitive and transparent procedures, although some organizations have put in place such procedures on their own” (OECD 2010: 28). Discretionary appointment exists down to mid-level low-level DAS and in Gratification and Commissioned Functions. This “blurs the interface between the political and the administrative levels” (OECD 2010: 31).

Decree 4228/02, made under the National Program for Affirmative Actions, establishes access to DAS positions for afro descendants, people with disabilities and women. However, this study did not find further information on this provision nor data that would provide means of verification that there is compliance with these quotas.

**Table 13. Brazil. Hierarchical Structure, by Gender. 2017.**

Positions	Women	Men	Total
<b>DAS</b>	42% (5,363)	58%	100 (11,656)
<b>Gratification and Commissioned Functions</b>	41% (14,042)	59%	100 (223,366)
<b>Total Direct Public Administration</b>	56% (113,469)	43% (88,060)	100% (201,508)
<b>Total Federal Public Administration</b>	46%	54%	100% (582,636)

Source: Bulletin of Personnel Statistics (January 2017). Only DAS in the Direct Public Administration are counted.

**Table 14. Brazil. Number of Women and Men in DAS positions by level, 2017.**

DAS	Women	Men	Total
<b>DAS 1</b>	46	54	100
<b>DAS 2</b>	46	54	100
<b>DAS 3</b>	46	54	100
<b>DAS 4</b>	36	64	100
<b>DAS 5</b>	22	78	100
<b>DAS 6</b>	20	80	100
<b>Total DAS</b>	42% (5,363)	58% (7,261)	100% (12,624)

Source: Bulletin of Personnel Statistics (January 2017). Only DAS in the Direct Public Administration are counted.

20. OECD (2010) argues that it is necessary to improve the recruitment of DAS positions: “At present, the system hampers the necessary growth of a professional cadre of non-political managers specialized in public administration that could co-exist with discretionary appointments for the most senior and political positions. Senior managers should be managed as a cohesive group with clearly defined competencies. To achieve this, it is necessary to delineate between positions to which appointments can remain fully discretionary (mostly top-level positions) and those that require a higher level of transparency in the recruitment process based on the assessment of competencies” (OECD 2010: 14).

A more detailed look at the different DAS levels shows a significant gender gap, especially when it comes to the upper levels (DAS 5 and 6) where women face more barriers and do not reach even one third of the jobs.

## Regulatory Body

The Ministry of Economics is the ruling body of human resources in the public sector, and oversees the production, collection and publication of data on public employment, through three main offices: a) the Secretary of Personnel Management (SGP), b) the Federal Budget Office (SOF), and c) the Secretary of Management (SEGES).

## Information System

The Integrated Human Resource Management System- SIAPE (*Sistema Integrado de Administração de Recursos Humanos*), in place since 1989, is an online database and the main tool for managing civil service personnel in the Federal Administration. It contains information about 1.3 million active personnel, retired personnel (*aposentados*) and dependents of deceased personnel (*pensionistas*) from 231 organizations, including the Federal Administration, Federal Education Organizations, ex-federal territories, autonomous agencies (*autarquias*), foundations, public enterprises and mixed economy societies. It does not include information about the Federal Public Prosecutor's Office (*MPU – Ministério Público da União*), the Central Bank, the Foreign Service, public enterprises and mixed economy societies that do not receive money from the Federal Treasury for the payment of their staff.

SIAPE publishes a monthly bulletin of personnel statistics (*Boletim Estatístico de Pessoal e Informações Organizacionais*) with data about the Federal payroll expenditure, the distribution of personnel by body and organization of the Federal Administration, the number of public servants by pay grade and organizational information.<sup>21</sup>

- Sex-disaggregated variables in the report:

The reports have sex disaggregated data for personnel in the civil service with variables such as education level, age, salary, occupation, Ministry (and office within Ministry), labor regime, region of work, and retired public employees.

## Gender Equality in Public Administration and other Equality Measures

Brazil does not have a Gender Equality Act. After 2016, the situation of the gender equality initiatives in the public sector is unclear. Brazil is a pioneer in the implementation of the Gender Equality Seal, but there is no clear information about what happened to the program.

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21. The bulletin is updated every month and is publicly available at: <http://www.planejamento.gov.br/assuntos/gestao-publica/arquivos-e-publicacoes/BEP>.

Maternity leave in the public sector is 180 days, while for the rest of the workforce is 120 days. In addition, during breastfeeding, the worker may have two half-hour breaks during her workday to breastfeed her child (up to 6 months of age).<sup>22</sup>

Paternity leave is 20 days, after decree 8737/2016<sup>23</sup>.

## Key Issues

### *Key issues*

- Brazil has strong State capacities for producing comprehensive and publicly available data. Consequently, the challenge is the continuity of gender equality policies and affirmative actions for women in the Public Administration.
- Reducing the gender gap is also an important issue. It is important to highlight that the gender gap among Gratifications and Commissioned Functions was wider than the gap in DAS positions – given that the former are appointments of career employees where women are the majority. Nonetheless, among the highest DAS positions, women are very few.

### *Recommendation*

- This study recommends continuous support to previous gender-sensitive measures for the public sector, whose status is unclear under current political changes.
- Given that Brazil established affirmative actions for upper level jobs, it is advisable to introduce more effective compliance measures. A partnership with UNDP could be useful, and an opportunity for technical assistance in the process of implementation of gender equality measures.

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22. Article 4, Law N° 13.109, 25 march 2015.

23. [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2016/decreto/D8737.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/decreto/D8737.htm)

24. Public agencies (Servicios Públicos) are administrative organizations of the State responsible for satisfying collective needs on a regular basis. They are supervised by Ministries, but they have their own authority.

# CHILE



## Definitions

*State Administration.* The State Administration is comprised by the Ministries, the subnational administrative jurisdictions (*Intendencias and Gobernaciones*), and public agencies (*servicios públicos*),<sup>24</sup> as well as the General Comptroller's Office, the Central Bank, the Armed Forces, the Public Order and Security Forces, Subnational Governments (*Municipalidades*), and state-owned enterprises (Organic Constitutional Law 18,575, Article 1).

*Central Government.* Refers to all institutions ruled by the Budget Law, and in close relation with the Executive Branch. These institutions are the Central Administration, the National Congress, the Judicial Branch, the Comptroller General, and the General Prosecutor (DIPRES 2016: 14).

*Central Administration.* It refers to all organizations under the authority of the Ministries. Therefore, it excludes organizations that are autonomous from the Executive Branch, such as the National Congress, the Judicial Branch, the Comptroller General, and the General Prosecutor (DIPRES 2016: 14).

*Public Administration Personnel.* In Chile, public sector employment is regulated by the Administrative Statute (*Estatuto Administrativo*) only for employees in the Ministries, the

subnational administrative jurisdictions (*Intendencias and Gobernaciones*), and public agencies with administrative responsibilities (Organic Constitutional Law 18,575, Article 43).

*Excluded personnel.* Employees on temporary contracts, and employees on special career systems are not considered part of the Public Administration Personnel.

- Personnel with short-term forms of hiring (*honoraria*) are excluded from the career system (Organic Constitutional Law 18,834, article 3), and are not considered public employees (DIPRES 2016). Their jobs are regulated by their specific contracts.
- Other public employees are regulated by special regimes: higher-education personnel, Foreign Service, Gendarmerie, Social Security and Pension Funds personnel, auditors (*fiscalizadores*) of State agencies,<sup>25</sup> the National Television Corporation, public health personnel (Organic Constitutional Law 18,834, Article 162), health personnel at the municipal level (Organic Constitutional Law 19,378), employees at State-owned enterprises (Labor Code), teaching staff (Teaching Statute, Organic Constitutional Law 19,070, hired by local governments), and local government personnel (Local Level Employees Statute, Organic Constitutional Law 18,883).

Strictly speaking, only tenured employees (*personal de planta*) are on the administrative career. Employees on regular contracts (*contrata*), while not on administrative careers, can also be considered for promotion into public management positions. *Contrata* personnel should not exceed 20% of the total organizational roster.

*Public Senior Management System (Alta Dirección Pública).* The Public Senior Management System (SADP, for its acronym in Spanish) aims to provide government institutions with managers recruited by means of public and transparent contests to effectively and efficiently execute public policies. Created in 2003, in 2015, 1,256 public management positions corresponded to SAPD (Bentancor, Ureta, & González, 2015).

## Occupational Structure and Hierarchy.

The following table presents the occupational structure, including information about the type of employment (permanent, on regular contract, and short-term hiring or *honoraria*), and the number of women and men in each group.

**For the purpose of GEPA, public management positions in Chile include: a) Division Chief or equivalent, and b) Directors (*Directivos*). Some Division Chief (or equivalent) belong to the Public Senior Management System (SADP, *Alta Dirección Pública*). Consequently, SADP is a subset of what this report considers public management positions.**

25. Personnel excluded are those that conduct auditing functions in the National Economic Prosecutor's Office, the National Customs Service, the Internal Revenue Service, the Superintendence of Banks and Financial Institutions, the Superintendence of Securities and Insurance, the Superintendence of Social Security, the Superintendence of Pension Funds and the Labor Directorate (Organic Constitutional Law 18,834, Article 162, e).



Table 15. Chile. Percentage of Women and Men in the Occupational and Hierarchical Structure, 2016.

Occupational Groups	Main Features	Denomination in Ministries	Denomination in Public Agencies	Women	Men	Total Central Administration
<b>Highest Political Authorities and Superior Heads of Services</b>	Appointed by the President. Constitutional positions Appointed by the President or the corresponding political authority	Ministers and deputy Ministers Ministry's Regional Secretary Superior Head of Service * Division Chief or equivalent *	Head of Services: . Chief Director . Deputy Directors . Regional Director or equivalents * . Division Chief or equivalent *	29% (68)	71% (170)	100% (238)
<b>Directors (Directivos)</b>	Highest positions for permanent employees and employees on regular contracts ( <i>contrata</i> )	Department Bosses and equivalents ( <i>Jefe de Departamento</i> )		42% (2,852)	58% (3,939)	100% (6,791) (Professional Directors)
<b>. Professional Directors</b>				29% (333)	71% (814)	100% (1,147) (Non-Professional Directors)
<b>. Non-Professional Directors</b>						
<b>Professionals</b>	University degree			56% (57,345)	44% (44,593)	100% (101,938)
<b>Technical personnel</b>				64% (42,423)	36% (23,677)	100% (66,100)
<b>Administrative personnel</b>				65% (26,404)	35% (13,979)	100% (40,383)
<b>Auxiliary staff (Auxiliares)</b>				36% (7,381)	64% (12,848)	100% (20,229)
<b>TOTAL</b>				58% (136,789)	42% (99,952)	100% (236,784)
<b>Assignment of Critical Task (Asignación de Función Crítica) **</b>				39% (1,134)	61% (1,804)	100% (2,938)

Source: Based on Organic Constitutional Law 18,834 for classification; Data from DIPRES (2016). \* Could also be recruited by competition under SAPD.

\*\* The Assignment of Critical Tasks is a decision-making role and not an occupational category. For this reason, the number of people in this role are already included in the total number of employees.

As the previous table shows, even though women make up more than half (56%) of the employees of the Public Administration, there is an important gap between women and man in the highest levels of authority, including politically appointed personnel, as well as public management.

## Regulatory bodies

The regulatory body for civil service personnel is the National Direction of the Civil Service DNSC (*Dirección Nacional del Servicio Civil*). The Budget Office, called DIPRES (*Dirección de Presupuestos*) under the Ministry of Finance (*Ministerio de Hacienda*) is responsible for collecting, analyzing and publishing data on public employment.

## Information System

DIPRES collects individual-level information from all Ministries and public agencies from the Central Administration (DIPRES 2016: 16). The information is both comprehensive and highly reliable. The data is used to produce statistical reports of human resources for the public sector (*Estadísticas de Recursos Humanos del Sector Público*) containing Sex-disaggregated data about civil servants.<sup>26</sup>

Sex-disaggregated data is available since 2006, for different variables at the organizational and individual level.

- *Organizational level variables*
  - » Number of employees, by sex, by Ministry and branch of Ministry.
  - » Number of employees, by sex, by geographical location of Ministry and branch.
- *Individual level variables*
  - » Age
  - » Employment type (permanent, on regular contract, or short-term contract)
  - » Occupational group (and assignment of critical responsibilities)
  - » Retirement coverage
  - » Health coverage
  - » Working days not worked
  - » Work termination
  - » Critical functions

## Gender Equality in Public Administration and other Equality Measures

The Ministry of Women and Gender Equity actions for the public sector are guided by the National Plan for Equality between Women and Man. The Gender Management Improvement Programs (*Programas de Mejoramiento de Gestión – Género*) are one of the most important gender mainstreaming tools, implemented in conjunction with DIPRES. Through these instruments, the State collects sex-disaggregate information and designs public actions and deliverables, seeking to improve gender equality in the Central Administration.

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26. The reports can be downloaded from DIPRES website: <http://www.dipres.gob.cl/594/w3-propertyvalue-23223.html>. They exclude detailed information about the Armed Forces and the Police, as well as employees from the rest of the public sector at large -state-owned enterprises, employees at the municipal level, legislators, and the Judiciary..

Chile does not have a Gender Equality Act. Nonetheless, President Bachelet set the Gender Agenda 2014-2018 to increase the presence of women in decision-making positions in the State, among other equality actions. For example, the law 20.840 t replaces the binominal electoral system with a proportional representation system. Another law that has an equality approach is the law 20.940 which states: A third of union board members must be women. However, there is no record of actions taken to increase the presence of women among public managers

The Program “Good Labor Practices with Gender Equity” is another relevant initiative, being the Gender Equality Seal IGUALA a fine-grained tool encouraging equality actions. By means of the Norm NCh3262-2012 “Management Systems. Gender Equality and work, family and personal conciliation Management”, the Seal IGUALA Conciliation certifies organizations that reduce gender gaps.<sup>27</sup>

In terms of affirmative actions for increasing the presence of women in the public sector, President Bachelet asked state-owned enterprises to increase the number of women in their boards.

Recent regulations (Organic Constitutional Law 20,891 of 2016) extended the parental leaves and care benefits for employees. It is the labor law for all contract workers, including those in the public sector. There is full paid postnatal leave as well as care facilities for couples. Paternity leaves are 5 working days, and maternity leaves 18 weeks (126 days). Another interesting rule is the law 20.891 which improves parental postnatal leave and the exercise of the right to the nursery for civil servants and public officials.

## Key issues

### *Key Issues*

- In Chile, the proportion of men and women in the political and public management positions reflect a gender imbalance that needs to be reverted. The gender gap is significant, given the total numbers of women in the Public Service. In general terms, this gap obeys to gender stereotypes that interfere with the recruitment of women for command positions. But there are some specialities:
  - » The highest positions are presidential nomination and political factors operate.
  - » In the positions of top public management although women postulate little, they have good results in their applications.
  - » There are also other charges that are accessed through a career, where antiquity operates. Here are other types of discriminatory measures.

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27. <http://www.minmujeryeg.cl/institucion/estructura/mujer-y-trabajo/buenas-practicas-laborales-y-trabajo-decente-para-la-igualdad-de-genero>.

- Chile does not present significant challenges in terms of collecting, processing and producing public information, due to a consolidated information system. Along with Brazil, Chile offers one of the best information and online reporting systems in the region. However, there is a challenge related to qualitative information to understand what are the mechanisms used.

#### *Recommendation*

- There is a need to take affirmative action measures.
- Review the procedures of the Senior Public Management System and the mechanisms that make so few women.
- Review the horizontal segregation of charges.
- Generate support programs for women.

# COLOMBIA



## Definitions

*Public Service.* In Colombia, public service (*función pública*) is broadly defined as “those who provide remunerated personal services, with legal and regulatory relation, in the agencies and organizations of the Public Administration” (Law 909, article 1). As such, public service consists of the following four clusters:

- i) career public employees,
- ii) freely-appointed public employees,
- iii) fixed-term public employees, and,
- iv) temporary employees.

Public servants regulated by Law 909/2004 are the following:

- i) all employees on administrative careers within organizations of the National Executive Branch and its decentralized agencies;
- ii) administrative personnel from the Ministry of Foreign Relations;
- iii) administrative personnel from non-autonomous higher education institutions;
- iv) administrative personnel in educational institutions (preschool, elementary, and middle);
- v) public employees at decentralized agencies linked to the National Ministry of Defense, Military Forces, and National Police;
- vi) civilians employed within the Ministry of Defense, Military Forces, and National Police.
- vii) Career employees of subnational jurisdictions (Capital district, other districts, municipalities).

*Administrative careers.* Career public employees at the National Executive Branch and its decentralized agencies are, strictly speaking, the civil service in Colombia. The following categories are not considered career employees.

- i) At the National Central Administration: Minister; Director of Administrative Department; deputy Minister; Commercial Counselor; Accountant General of the Nation; Sub Accountant General of the Nation; Superintendent, Superintendent Delegate and Intendant; Director and Deputy Director of Special Administrative Unit; Secretary General and Undersecretary General; Director of Superintendence; Director of the Diplomat Academy; Director of Protocol; Commercial Attaché; Administrative Director, Financial, Administrative and Financial Director, Technical or Operational Director; and other hierarchical positions (that are not specified)
- ii) At the Decentralized Administration: President, Director or General or National Manager; Vice President, Deputy Director the General or National Deputy Manager; Director and Deputy Director of Special Administrative Unit; Superintendent; Superintendent Delegate; Mayor; Director of Superintendence; General Secretary; Technical Directors, Assistant Administrative, Financial, Administrative Assistant and Financial Directors; Director or Territorial Manager; Regional, Sectional or Local Director; Director of Hospital Unit; Heads of Offices, Heads of Internal Control and Disciplinary Internal Control; advisors who are attached to the offices of the Superintendent Banking and Superintendents Delegates and Heads of the Banking Superintendence of Colombia.

*Specialized Careers* govern the Judicial Branch; Inspector General and Office of the Ombudsman; Attorney General; State Universities or Autonomous Universities; Uniformed Personnel of the Ministry of Defense, Armed Forces, and National Police; and Diplomatic and Consular Careers; and Teachers. Personnel in these organizations are not considered part of the public service under Law 909/2004.

## Occupational and Hierarchical Structure.

**Table 16. Colombia. Total employment in the National Executive Branch at the National level, by type of employment contract. 2016.**

Public Employees		Women	Men
Freely-appointed employees	23,417	51%	49%
Temporal employees (planta temporal)	7,887		
Employees on administrative careers	77,416		
Fixed term employees	28		
SUB TOTAL	108,750		
Official Workers (Trabajadores Oficiales)	21,607		
Teachers	330,379		
FORCES OF ORDER (Personal uniformado)			
National Police	176,870		
Armed Forces	233,373		
Diplomats	800		
TOTAL EMPLOYMENT	871,779		

Source: Departamento Administrativo de la Función Pública. (2016), Informe al Congreso.

In the Executive Branch and decentralized agencies, the occupational and hierarchical structure consists of five groups (Decree 770/2005 and Decree 2772/2005) with political authorities at the top. Senior positions of the Public Administration, known as Directives or Public Management Group, are not part of the career track as these are freely appointed.

**For the purpose of GEPA, public management positions in Colombia are Directives (also known as Public Managers), which roughly correspond to “Other Decision-Making Level” in the gender quota law for the Public Administration.**

**Table 17. Colombia. Occupational and Hierarchical Structure, by gender. 2016.**

Description		Type of position	Approximate Correspondence with Quota Law	Percentage women	Percentage men	Total
Political Authorities (Alta Dirección)	High-level directives	Minister, deputy Ministers, and Secretary General; or corresponding authority in decentralized agency	Maximum Decision Level	38%	82%	
Directive level (Nivel Directivo) or Public Management	Design of institutional policies and plans and programs.	Includes some political-level jobs (stated in the Constitution or by Law) and managerial jobs. Freely appointed employees (Law 909/2004).	Other Decision Level (Not all Directive personnel is coded as Other Decision Level in the data identified)	42%	58%	
Advisory Level (Nivel Asesor)	Positions that assist and advice highest-level authorities.				--	--
Professional Level					--	--
Technical Level					--	--
Assistant Level					--	--

Source: Description of categories from Law 909/2004; Departamento Administrativo de la Función Pública.(2016). *Informe de participación de la mujer en los niveles decisorios de las diferentes ramas y órganos del poder público colombiano en la vigencia 2016. Cumplimiento de la ley 581 de 2000. Diciembre de 2016.*

Colombia has a Quota Law for guaranteeing the participation of women in decision-making positions in Public Administration. This regulation distinguishes between two categories: “maximum decision-making level” and “other decision-making level” (Table 17). The Law states that at least 30% of decision-making positions should be occupied by women. Female quotas are respected, but the overall female percentages in public management are not that different from comparable decision-making positions in countries without quotas for Public Administration.



**Table 18. Decision-making levels in the quota law.**

Level of decision-making and post attributions
Maximum Decision Level. "For the purposes of this law, "highest decision-making level" refers to those who hold the highest positions in the organizations of the three branches and organs of public power at the national, departmental, regional, provincial, district and municipal level." (Article 2, Law 581).
Other Decision-making Levels. "For the purposes of this law, "other decision-making levels" include positions of free appointment and removal of the Executive Branch, of the administrative staff of the Legislative Branch and of other organs of Public Power, different from those stated in the previous article, that the authority to direct and command the formulation, planning, coordination, execution and control of State actions and policies at the national, departmental, regional, provincial, district and municipal levels , including the positions of free appointment and removal of the Judicial Branch." (Article 3, Law 581).

Source: Law 581/2000.

**Table 19. Colombia. Percentage of women and men in decision-making positions by Level of the Executive Branch. 2016.**

	Percentage Women	Percentage Men
National Executive Level		
Maximum Decision-Making Level	37%	83%
Other Decision-Making Level	42%	58%
Autonomous agencies of the Executive Branch		
Maximum Decision-Making Level	38%	62%
Other Decision-Making Level	36%	64%

Source: Departamento Administrativo de la Función Pública.(2016). Informe de participación de la mujer en los niveles decisorios de las diferentes ramas y órganos del poder público colombiano en la vigencia 2016. Cumplimiento de la ley 581 de 2000. Diciembre de 2016. Based upon information submitted by 253 out of 262 organizations.

**Table 20. Colombia. Percentage of Women and Men in Decision-making positions j(Maximum Decision-Making level and Other Decision-Making level), at the National Central Administration. 2016.**

Ministry	Maximum Decision-making			Other Decision-making			Employees					
	Women*	Men*	Total	Women*	Men*	Total	Directive-level employees	Advisors	Professional	Technical employees	Assistant level employees	Total employees
Ministry of Internal Affairs	50% (2)	50% (2)	4	50% (7)	50% (7)	14	18	26	196	34	89	363
Ministry of Foreign Affairs	50% (2)	50% (2)	4	42% (33)	58% (45)	78	165	367	458	59	550	1,599
Ministry of Finance and Public Credit	50% (2)	50% (2)	4	37% (11)	63% (19)	30	36	333	154	60	154	737
Ministry of Justice and Law	0% (0)	100% (1)	1	50% (6)	50% (6)	12	13	32	207	25	76	353
Ministry of National Defense	17% (1)	83% (5)	6	45% (10)	55% (12)	22	42	1,901	1,264	3,255	11,530***	19,824
Ministry of Agriculture and Rural Development	25% (1)	75% (3)	4	44% (4)	56% (5)	9	17	18	151	38	71	295
Ministry of Health and Social Protection	25% (1)	75% (3)	4	47% (14)	53% (16)	30	40	68	460	81	152	801
Ministry of Labor	50% (2)	50% (2)	4	48% (24)	52% (26)	50	60	39	1,288	86	409	1,882
Ministry of Mining and Energy	25% (1)	75% (3)	4	63% (5)	38% (3)	8	13	44	166	21	79	323
Ministry of Trade, Industry and Tourism	40% (2)	60% (3)	5	47% (8)	53% (9)	17	29	100	192	49	134	504
Ministry of National Education	25% (1)	75% (3)	4	63% (15)	38% (9)	24	32	45	516	59	89	741
Ministry of environment and Sustainable development	33% (1)	67% (2)	3	50% (2)	50% (2)	10	15	52	245	26	45	383
Ministry of Housing, City and Territory	25% (1)	75% (3)	4	33% (5)	67% (10)	15	20	46	232	21	52	371
Ministry of ICT	0	100% (3)	3	65% (15)	35% (8)	23	30	77	257	38	84	486
Ministry of Transportation	25% (1)	75% (3)	4	--	--	--	32	34	302	107	270	745
Ministry of Culture	67% (2)	33% (1)	3	41% (28)	59% (41)	69	15	65	94	46	96	316

Source: Data with (\*) was obtained from Departamento Administrativo de la Función Pública. [2016]. *Informe de participación de la mujer en los niveles decisorios de las diferentes ramas y órganos del poder público colombiano en la vigencia 2016. Cumplimiento de la ley 581 de 2000*. Data with (\*\*) was reconstructed from organizational-level information at <http://reportes.sigep.gov.co/DistribucionEmpleos/>.  
 \*\*\* Others 1,832.

## Regulatory Body

The Department of Public Function (*Departamento Administrativo de Función Pública*) is responsible for producing information on public employment. The Department also monitors the adoption of the Quota Law and produces an annual report on the progress made. It has professional staff highly trained in data management.

## Information Systems

The Annual Quota Reports of the Department of Public Function provide information on women's progress into political and public management posts. Available since 2004, these reports contain gender-disaggregated data by decision-making level (Maximum and Other Decision-Making Level).<sup>28</sup>

- State organization
- Minority women (African Colombian)
- Women with Disabilities

The system of information on public employees is SIGEP, Information and Management System of the Public Sector (*Sistema de Información y Gestión del Sector Público*). It is an online information system with publicly available data about civil service employees (<http://www.sigep.gov.co/>) by online type of job and Ministry (<http://reportes.sigep.gov.co/DistribucionEmpleos/>).

## Gender Equality in Public Administration

Colombia has a Gender Equality Act (Law 823/2003, *Ley de Igualdad de Oportunidades para las Mujeres*). The Presidential Council for the Equity of Women (*Consejería Presidencial para la Equidad de la Mujer*) is responsible for assisting the President and the National Government in policies aimed at promoting equality between women and men, including gender mainstreaming. Another important law is the Public Policy of Equity for Women (CONPES 161), which has interesting inputs on the public function.

Besides the Quota Law, this study did not identify other gender-sensitive measures targeting the Public Administration.

Maternity leave is 18 weeks and paternity leave is 8 working days (Law 1822, 2017).

Though not specifically for women, Colombia has affirmative actions for civil service personal affected by conditions of violence.<sup>29</sup>

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28. These reports are available at: <http://www.funcionpublica.gov.co/en/informes-ley-de-cuotas>.

29. <https://www.cnsc.gov.co/index.php/carrera-administrativa/provision-de-empleos-de-carrera/empleados-de-carrera-en-condicion-de-desplazamiento-por-razones-de-violencia>.

## Key Issues

### *Key issues*

- In Colombia, a major challenge is the provision of sex-disaggregated information for the entire occupational and hierarchical structure. Meeting this challenge should not be particularly difficult because the government already has an online system with the total number of employees on each occupational group.
- In line with data management, another challenge is to clarify the overlap and differences between “Other Decision-making level” and the director level. The terminology utilized in the quota law does not match the definitions of law 909/2004 that presents the occupational and hierarchical structure of the Public Administration.
- The quota law of 30% is effective. The major challenge would be to increase this percentage and guarantee that women from diverse backgrounds (beyond elite women) are also incorporated.

### *Recommendation*

- For Colombia, this study recommends making sex-disaggregated information accessible online, with more clarity in the definition of decision-making positions.
- This study also recommends the introduction of other gender-sensitive policies besides the Quota Law, to accelerate an equal gender distribution of public management positions. Mentoring networks and organizational performance targeting can be considered and introduced as gender mainstreaming mechanisms.
- Given that UNDP Country Office and the Office for Public Service signed an agreement to work on reducing gender gaps in public sector employment, this provides an opportunity for GEPA to develop specific indicators and additional gender initiatives.<sup>30</sup>

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30. <http://www.co.undp.org/content/colombia/es/home/presscenter/articles/2016/03/08/-pnud-y-el-servicio-p-blico-de-empleo-firman-acuerdo-de-cooperaci-n-para-trabajar-por-el-cierre-de-brechas-de-g-nero.html>.

# COSTA RICA



## Definitions

*Civil Service Regime.* The Civil Service covers employees in the national Executive Branch –ministries and agencies – and employees at the National Institute of Learning. Civil servants are divided into two main tracks: i) the Administrative Career, and ii) the teaching career (teachers, technical teachers, and teaching administrative staff). Both tracks are regulated by the Civil Service Statute, under sections “Title I” and “Title II” respectively.

The following positions are not considered part of the civil service regime:

- Popularly-elected officials.
- Members of the Public Forces (except for some personnel in the Department of Foreigners and Residence and Migration Certificates and Passports, and the personnel of the Military Bands).
- Trust Personnel (*“cargos de confianza”*) of the President or Ministers, including:
  - » Heads of Diplomatic Missions and Diplomats on temporary missions
  - » The Attorney General of the Republic

- » Provincial Governors
  - » The Secretary and other personal assistants directly subordinate to the President of the Republic
  - » The major officials of the Ministries and the Ministers' chauffeurs
  - » Servants directly subordinate to the Ministers and deputy ministers (up to 10).
  - » Directors and General Managers of the Ministries, and similar personnel at the decentralized agencies.
- The National Treasurer and the National Sub-Treasurer
  - The Head of the Budget Office
  - Servants contracted for a specific project.
  - Servants who offer interim, occasional, or technical services through contract.
  - Servants who receive payment for independent (autonomous) work.
  - Medical doctors under Article 66 of the Health Code.
  - Interim Primary and Interim Secondary school teachers
  - Inspector General and Provisional Inspectors, Authorities, and Communications.
  - Director of Migration, Head of the Department of Foreigners and the Administrative Director of the Superior Transit Council
  - Officials of the National Commission of Risk Prevention and Emergency Care
  - Auditors and Sub-auditors internal to the Ministries and affiliated organizations

*Special regimes.* Several occupational groups have their own regimes:

- Social Security Institutions (decentralized institution, *Caja Costarricense del Seguro Social*).
- Foreign Service (Law 3530)
- Municipal Personnel (Law 7794)
- Public Ministry (Law 5155)
- Electoral Court (Law 4519)
- Decentralized agencies
- Public Health personnel (basically at the *Caja Costarricense del Seguro Social*).

## Occupational Structure and Hierarchy

Costa Rica maintains an updated, publicly-available repository of Civil Service Post Classification Manuals.<sup>31</sup> Manuals are divided into three categories: classes, specialties, and institutions. The Manuals of Classes are of interest here, because these describe the duties and requirements of each class of civil servants. For civil servants under Title I, Costa Rica has a relatively standardized classification structure.<sup>32</sup>

**Table 21. Costa Rica. Proportion of Women and Men in the Occupational and Hierarchical Structure, 2017.**

Occupational group (Estrato)	Description	Women	Men	Total
Management	Define and formulate institutional policies, plan, direct, and coordinate the performance of the institution where they work. Positions in-between political jobs (Ministers and deputy Ministers) and career employees. Mix of freely-appointed employees and career employees (depending on management level and institution).	35	65	100 (115)
Chief Professional (Jefaturas)	Middle-level decision-making positions with career employees. Chief Professional 3 has the highest hierarchy (Department level or Administrative Unit). Chief Professional 1 is no longer in use.	44	56	100 (1,494)
Subtotal decision-making positions		43	57	100 (1,609)
Professional	Positions in charge of analysis and research, formulation and development of concepts, theories and methods, advice or application of knowledge in their field of work.	58	42	100 (9,088)
Technical	Positions whose activities are intermediate in the occupational structure and involve developing processes that require performing analysis and research at an assistance level; demanding training such as a high school diploma to a fourth-year university degree.	52	48	100 (3,565)
Skilled	Positions at the base of the occupational structure, whose work processes require a higher occupational qualification.	72	28	100 (7,441)
Operative	Positions at the base of the occupational structure. Physical effort, manual dexterity and motor coordination, simple tasks. Minimal required training.	51	49	100 (12,518)
Total		57 (19,578)	43 (14,643)	100 (34,221)

Source: DGSC (2017). Data provided upon GEPA's request.

31. [http://www.dgsc.go.cr/dgsc/clases/dgsc\\_servicios\\_clasificacion.php](http://www.dgsc.go.cr/dgsc/clases/dgsc_servicios_clasificacion.php)

32. [http://cidseci.dgsc.go.cr/\[S\wp01eyogsqy3tgpx3fppqxa\]/datos/Resoluciones/R-285-2010%20CODIFICACI%C3%93N%20SISTEMA%20CLASIFICADO%20DE%20PUESTOS.pdf](http://cidseci.dgsc.go.cr/[S\wp01eyogsqy3tgpx3fppqxa]/datos/Resoluciones/R-285-2010%20CODIFICACI%C3%93N%20SISTEMA%20CLASIFICADO%20DE%20PUESTOS.pdf)

**Table 22. Costa Rica. Proportion of Women and Men in managerial positions, 2017.**

Management	Women	Men
Expenses Manager	0	100
Revenue Manager	48	52
Civil Service Manager 1	28	71
Civil Service Manager 2	36	64
Civil Service Manager 3	0	100
President Transport Administration Board	100	0
President Customs Board	100	0
Deputy Director of Expenditures	25	75
Deputy Director of Income	33	67
<b>Total</b>	<b>35 (40)</b>	<b>65 (75)</b>

Source: DGSC (2017). Data provided upon GEPA's request.

**For the purpose of GEPA, public management positions in Costa Rica are: a) Management positions, and b) Chief Professionals (*Jefaturas*).**



**Table 23. Costa Rica. Percentage of Women and Men among Chief Professionals, 2017.**

Chief Professionals	Women	Men
Area Director Group-F	45	55
Department or Program Director G-7	0	100
Central Level Director G-C	100	0
Central Level Director G-F	20	80
Regional Director of Health -F	11	89
Nurse 4	0	100
Nurse 5	17	83
Nurse 6	0	100
Chief of Expenses 1	61	38
Chief of Expenses 2	55	45
Chief of Expenses 3	71	29
Chief of Revenue 1	39	60
Chief of Revenue 2	63	37
Chief of Revenue 3	48	52
Head of Central Level Unit B	100	0
Head of Central Level Unit F	33	67
Head of Central Level Unit A	0	100
Head of Regional Level Health Unit D	0	100
Head of Regional Level Health Unit E	0	100
Head of Regional Level Health Unit F	50	50
Head of Regional Level Health Unit A	0	100
Chief Doctor G-3	14	86
Chief Doctor of Department -G-5	100	0
Nutritionist 4	100	0
Professional Bachelor Chief 1	27	73
Professional Bachelor Chief 2	0	100
Professional IT Chief 1-A	25	75
Professional IT Chief 1-B	32	68
Professional IT Chief 2	46	54
Professional IT Chief 3	43	57
Professional Civil Service Chief 1	46	54
Professional Civil Service Chief 2	42	58
Professional Civil Service Chief 3	39	61
Regional Medical Supervisor G-4	0	100
<b>Total</b>	<b>44% (655)</b>	<b>56% (839)</b>

Source: DGSC (2017). Data provided upon GEPA's request.

The previous tables show a gender gap in all public management positions. As in the rest of the countries, women are about one third, 35%. The percentage female increases to 44% among Chief Professionals, recruited from the career track. But this higher percentage is still low relative to their presence in the professional group (where they comprise 58%). This suggests a bottleneck for women to access Chief Professional positions.

## Regulatory Body

The General Direction of Civil Service, DGSC (*Dirección General del Servicio Civil*) safeguards the correct application of the Civil Service Statute, defines policies and guidelines for the human resources management, and collaborates with the forty-seven Offices for the Institutional Management of Human Resources (OGEREH), at other State institutions. DGSC process data on civil service employment and provided it upon GEPA's request.

## Information Systems

The main information source on public employees is the System of Integrated Human Resources, Payrolls and Payments INTEGRA (*Sistema Integrado de Recursos Humanos, Planillas y Pagos*). Currently, sexgender-disaggregated data is not publicly available.

## Gender Equality in Public Administration and other Equality Measures

In Costa Rica, the Law for the Promotion of Social Equality for Women (1990) seeks to introduce gender equality in the public sphere. The National Institute for Women (INAMU) implements the 2007-2017 National Policy for Gender Equality and Equity (PLANEG). A major goal was to reach gender parity among decision-making levels of the State, by the end of 2017. In 2013, INAMU created the Recognition System for Gender Equality in Employment (Good Labor Practices for Gender Equality) to motivate public (and private) organizations to adopt measures to close gender gaps in the workplace (Executive Decree No. 37905/2013). Additionally, INAMU's Gender Equality Seal (SIGEG) targets public (and private) organizations.

DGSC is committed to advancing gender equality in Public Administration. It currently offers courses on racial discrimination and LGBT rights. In terms of future actions, and as of June 2018, DGSC and INAMU are working on removing barriers that inhibit women's mobility into upper-level jobs.

The Labor Code regulates maternity leaves (updated in 2016), consisting of up to 120 days (4 months or 13 weeks). Maternity leaves can be extended in three months for medical reasons (articles 95 and 96).<sup>33</sup> Paternity leaves in the public sector are one week (Regulatory framework, article 33).

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33. Last amended in 2016.

## Key Issues

### *Key Issues*

- In Costa Rica, the availability of statistical sex-disaggregated data for the occupation and hierarchical structure of the Public Administration is a challenge. Costa Rica has both qualified personnel and information systems to produce and publish reports about Civil Service employees that can be publicly available.
- There is a significant gender gap in authority both in the management and chief levels. There are no affirmative actions or other gender equality provisions in the Public Administration to guarantee access for women to these posts, contrasting with the parity law for elective positions. A major challenge then is to reduce the gender gap in public management.

### *Recommendation*

- For Costa Rica, this study recommends increasing the number of women at the top, both at the Management and Chief Professionals categories.
- This study recommends the production of public reports with sex-disaggregated data. For Costa Rica, this is a relatively feasible goal, given the consolidation of its civil service, the highly professionalized personnel of the DGSC, and its recent agreement with INAMU.
- LANIG ended in 2017. This study suggests a partnership between UNDP, INAMU, and the DGSC to measure the progress made on women's access to decision-making positions of the State. It will serve to introduce GEPA indicators in future equality plans.

# DOMINICAN REPUBLIC



## Definitions

*State Administration.* The term refers to the Legislative, Executive and Judicial Branches, including municipal and constitutional bodies (such as the Central Electoral Board and the Chamber of Accounts).

*Central Public Administration.* It includes the Executive Branch alone, whose budget is programmed in the Public Expenditure Law.

*Decentralized Public Administration.* Organizations endowed with administrative and financial autonomy with legal personality different from that of the State. These are supervised by a corresponding Secretary of State.

*Public Servant or Public Functionaries (Función Pública).* Refers to employees on the regular budget (*cargos presupuestados*) that carry out public chores in the State, local governments (*municipios*), and in autonomous agencies (Law 41-08, Article 1).

There are four types of public servants (or public functionaries, as the terms are interchangeable, as per Law 41-08, article 18):

- Freely-appointed public servants
- Career public servants
- Public servants under the simplified statute (not tenured)
- Temporary public employees (*empleados temporales*)

*High Level Functionaries.* These are freely-appointed employees that occupy the highest levels of Direction and Supervision in the organizational structure (Decree 523-09, Article 11).

*Trust Jobs (Cargos de confianza).* Freely appointed advisors, assistants and secretaries to High Level Functionaries. These are positions outside the administrative career.

*Administrative Career Public Servants.* Refers to employees on a permanent job with a specific classification in the National Budget. These are tenured employees.

The following public employees are excluded from the administrative career:

- Positions elected by popular vote; members of the Central Electoral Board; members of the House of Accounts (*Cámara de Cuentas*).
- Public employees under the Labor Code.
- Military and Policy Personnel.
- Other public employees ruled by special administrative careers are: Teachers, Diplomatic and Consular personnel, Health professionals, and Public Ministry, as well as personnel of the National Congress (ruled by Law 02-06 of Careers at the National Congress).
- Members of the Judicial Branch (ruled by Law 327-98).

## Occupational and Hierarchical Structure.

The Manual of Common Classification of Civil Positions in the Executive Branch (*Manual de Cargos Civiles Comunes Clasificados del Poder Ejecutivo*) describes the structure of the civil service hierarchy in the Dominican Republic.<sup>34</sup> Freely-appointed positions, called “trust positions”, however, are not subject to the Manual’s classification (Decree 523-09). Below these jobs, there are five occupational groups – see next table for details on them.<sup>35</sup>

34. <https://map.gob.do/wp-content/uploads/2012/07/Manual-de-Cargos-Civiles-Comunes-Clasificados-del-Poder-Ejecutivo.pdf>

35. The Ministry of Public Administration approved by Resolution 96-2015 (December 16th, 2015) the “General Manual of Charges of Municipal bodies as a Document of Reference of the Municipal Entities”, based upon the competences at the municipal level and by type of local governments. It is designed considering the basic functions of the municipal branch (Law No. 176-07 of July 17, 2007, of the National District and the Municipalities). A total of 166 positions (except elected positions) are defined and grouped into 5 groups: i) General Services and Support, ii) Supervision, iii) Technicians, iv) Professionals, v) Directors.

**For the purpose of GEPA, public management positions in the Dominican Republic are: a) Directors and Supervisors (Group 5), b) probably some of the Trust Jobs, and c) a segment of the High-Level Positions (General Administrators, Managers and Deputy Managers).**

Given that this study does not have information on trust positions, the gender gap in authority cannot be fully assessed. Among the upper level positions, however, the presence of women is quite high relative to other countries, though it has not reached parity. Women represent 43% of Directors and Supervisors (Group 5). This gap is surprising given that these jobs are recruited from the professional cluster (Group 4) where women represent half of the job pool. In short, there is a loss of 7% of women when moving up from professional positions to more managerial responsibilities.

At the headquarters of the Secretariats of State (Ministerios), women have always been scarce. In 2019, there are only 3 women Ministers from 22 ministries: Ministry of Women, Ministry of Youth (which are the two ministries that receive less funding from the national budget) and Ministry of Higher Education. Dominican Republic is amongst the countries with the least representation of women at the ministerial level.<sup>36</sup>

## Regulatory Body

The Ministry of Public Administration, MAP (*Ministerio de Administración Pública*) is the regulatory body of the public service. The MAP guarantees the professionalization of Public Administration and the implementation of a rational and modern system of human resources management; as well as the design, implementation and evaluation of policies, plans and strategies for the institutional strengthening of the Public Administration.

MAP is responsible for collecting and systematizing information on public employees through the Portal of Statistics and Information, using data from the System of Administration of Public Servants, SASP (*Sistema de Administración de Servidores Públicos*).

## Information System

The SASP system contains information on all employees from the Public Administration. The information is regularly updated because it is linked to the payroll system. It is publicly available at <http://map.gob.do:8282/Estadisticas/Default.aspx> and includes the following variables:

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36. [http://www.do.undp.org/content/dominican\\_republic/es/home/library/womens\\_empowerment/mas-mujeres--mas-democracia--desafios-para-la-igualdad-de-genero.html](http://www.do.undp.org/content/dominican_republic/es/home/library/womens_empowerment/mas-mujeres--mas-democracia--desafios-para-la-igualdad-de-genero.html)

**Table 24. Percentage of Women and Men by group in the Dominican Republic, 2017.**

Group	Characteristics	Women	Men	Total
High Level Positions (Freely-appointed)	State Secretaries and Deputy Secretaries, Directors of autonomous and decentralized agencies, National/General Directors and Subdirectors, General Administrators, Managers and Deputy Managers, Legal Advisor of the Executive Branch, General Comptroller, Attorney General, Civil Governors.	44%	58%	100% (768)
Trust Jobs (Freely-appointed)	Assistants, Advisors and Secretaries to High Level Positions	--	--	--
Directors and Supervisors (Group 5)	Managers Grades 16-37	43 (1,251)	57 (1,633)	100 (2,884)
Professionals (Group 4)	Highly- trained professionals Grades 13-21	50 (3,624)	50 (3,601)	100 (7,225)
Technical (Group 3)	Trained technical workers Grades 6-19	38 (2,608)	62 (4,217)	100 (6,825)
Administrative support (Group 2)	Clerical workers Grades 4-15	59 (4,700)	41 (3,291)	100 (7,991)
General Services (Group 1)	General assistance Grades 1-8	40 (5,226)	60 (7,938)	100 (13,164)
Total public servants at Ministries		46 (17,409)	54 (20,680)	100 (38,089)
Central Public Administration *		64% (209,459)	36% (118,916)	100% (328,375)

Source: classifications reconstructed from the Manual, Law and Decree 523-09. Data directly provided to GEPA by the Ministry of Public Administration (July 2017). The information refers to public servants in all Ministries, except for the Ministry of Education. Annex: list of Ministries.

\* Data calculated for this report from site: <http://map.gob.do:8282/estadisticas/Forms/Instituciones.aspx>. In this calculation, public employment includes all types of workers at the Ministries, the General Attorney's Office, and Comptroller's Office. In the calculations, we excluded the Judicial and Legislative Branches, local level governments (Ayuntamientos) and autonomous agencies. The Ministry of Health includes all public employees (public servants and special career systems). The Ministry of Education is also counted and includes the teaching profession (Being the largest public institution with 187,775 employees).

- *Sex-disaggregated Overall State employment:*
  - » Percentage of male and female public servants without total counts.
  - » Sex-disaggregated salary range.
- *Sex-disaggregated organizational variables (measured at Ministry level):*
  - » Total numbers of men and women in each Ministry and within ministerial units,<sup>37</sup> with labor regime and salary range.

Because this information does not provide data on the occupational and hierarchical structure, MAP, upon GEPA's request, provided sex-disaggregated data on the occupational structure and upper level jobs at the Executive Branch.

## Gender Equality in Public Administration and other Equality Measures

The Ministry for Women implements the 2007-2017 National Plan on Gender Equality and Equity (PLANEG II), setting specific goals on gender equality in the State for decision-making positions (Section 4, PLANEG II). The National Development Plan 2010-2030 (Law 12-10) established that official statistics should be sex-disaggregated.

Since 2017, maternity leaves in the public sector are 14 weeks, in accordance with ILO 183 Convention (ratified in 2014).<sup>38</sup> In addition, during the period of breastfeeding, the worker is entitled, at the workplace, to three paid 20-minute breaks during her day<sup>39</sup>.

Parental leave is a minimum of two business days<sup>40</sup>. This year 2019, President Danilo Medina announced the extension of the Paternity leave to 7 days. This is being applied as mandatory in the Government as of March 2019<sup>41</sup>.

## Key Issues

### *Key issues*

- The Dominican Republic advanced significantly in building statistical capacities and providing micro level data by gender. The main challenge is providing gender information on the occupational and hierarchical structure.

37. <http://map.gob.do:8282/estadisticas/Forms/EstadisticasInstitucion.aspx?OI=0x07560B102F8A34292718>

38. <https://www.metrord.do/do/destacado/2017/02/08/14-semanas-de-licencia-materna-son-obligatorias.html>. Only four countries in Latin America and the Caribbean have ratified Convention 183: Cuba, Belize, Dominican Republic and Peru.

39. Article 240 Labor Code

40. Section 2 of article 195 of the Labor Code

41. <https://presidencia.gob.do/infografia/partir-de-marzo-la-licencia-de-paternidad-aumentara>



- Another major challenge is the provision of sex-disaggregated data on “trust” positions. These management positions influence public policies.
- The gender gaps in public management jobs are salient. There should be gender parity among Group 5 because people in this category are recruited among professionals, where women are half of it. But as shown in this research, there is a gap suggesting bottlenecks for women’s upper organizational mobility.

### *Recommendation*

- This study recommends furthering the process of having publicly available, sex-disaggregated data.
- In terms of gender-sensitive measures for the Public Administration, there is an opportunity for action thanks to Agreement signed between UNDP Country Office and INAP. A first step could be the provision of gender-sensitive training.
- PLANEG III will be published at the end of 2019, or early 2020. The issue of gender equality in the labor market is established in the broad sense, not only in the public sector.
- The resolution<sup>42</sup> exposes the mandatory creation of these Units in each public institution. It also establishes the place of hierarchy, budget allocation and mandatory trained personnel for their operation.

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42. In accordance with the postulates of the Constitution of the Republic and Law No. 1-12 of National Development Strategy 2030.

# ECUADOR



## Definitions

*Public Administration*<sup>43</sup>. Public administration includes the Executive, Legislative, and Judicial branches, the Indigenous Justice, the Electoral Justice body, the Attorney General's Office, and the Constitutional Court, decentralized State agencies and agencies under special regimes; as well as all bodies created for delivering public services. The Organic Law of Public Service (6 October, 2010) (LOSEP for its acronym in Spanish) is the main regulation for Public Administration.

*Citizen Participation and Social Control Council*<sup>44</sup>. It is a democratic innovation whose purpose is to promote the exercise of the rights to participation, to promote and establish mechanisms of social control and transparency, and to designate authorities to participate in other legally provided participation mechanisms. Its members are elected for three years, based on nominations made by general citizens and by social organizations within the framework of a process organized by the National Electoral Council. National Electoral Council<sup>45</sup>. To guarantee the exercise of

43. The Organic Law of Public Service (LOSEP), article 3.

44. Council for Citizen Participation and Social Control | LATINNO™ [s.f.]. Vease: <https://latinno.net/en/case/8032/>

45. Misión y Visión. [s.f.]. Recuperado 6 noviembre, 2019, de <http://cne.gob.ec/es/institucion/mision-y-vision>

the political rights expressed through suffrage, as well as those referring to citizens' political organization; and, to promote the strengthening of democracy, through the organization of electoral processes and the support of political and social organizations, ensuring parity, and a equitable, equal, intercultural, free, democratic and fair participation in order to choose and to be elected. Decentralized autonomous government<sup>46</sup>. The CPCCS is the governing body responsible for establishing the Surrender mechanisms of Accounts of public sector institutions and entities.

*Public Servant*<sup>47</sup>. All people that, under different employment relations, work within the public sector). There are two types of employees: i) tenured employees (*permanentes*), and ii) temporary (*provisionales*). Higher level jobs are considered temporary.<sup>48</sup>

*Public Service Career*<sup>49</sup>. Refers to tenured public servants in accordance with their skills, knowledge, competencies, experience, jobs demand, and other requirements. The system also guarantees the non-discrimination against people with disabilities through evaluation and economic incentives. According to the National Constitution, free appointments should be exceptional. The following public servants are excluded from the public service career:

- Public servants in charge of the political and administrative management of the State, sorted into 15 categories: Ministers, deputy Ministers and Deputy Secretaries; Heads of the agencies of Transparency and Social Control, Control and Regulation,; Secretaries and Deputy Secretaries of the higher level; National Coordinators; Directors and Managers of all categories and levels; Executive Presidents and Presidents; General Secretaries; Comptrollers; Attorneys; Governors; Superintendent, Chief Police Officers; Political supervisors; Institutional Coordinators; Directors of educational institutions of the National Education System.
- Fixed-term personnel
- Personnel elected by electoral vote
- All employees of the Judicial System, Attorneys of the Prosecutor System, Public Defenders on the Ombudsman career, members of the Council of the Judiciary, the Judges at the National Court of Justice, the Attorney General of the State, the General Public Defender, the Comptroller General of the State, the Notaries.
- Electoral Board and the Electoral Court
- Members of the Constitutional Court
- Armed Forces and Police

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46. Constitution of the Republic of Ecuador (2008), National Assembly of Ecuador, Quito, page 72

47. LOSEP, article 4

48. LOSEP, article 17, b.4.

49. LOSEP, Articles 82 and 83 and Civil Service and Administrative Career law article 3

- Freely-appointed employees
- Foreign Service
- Collegial State bodies and State corporations
- Personnel at state-owned enterprises
- Teachers and researchers of the National Education System; and university professors and researchers.

*Functionaries.* Public employees on freely-appointed positions or on fixed-term jobs that belong to the highest hierarchical level. These employees are excluded from the public service career.

## Hierarchical and Occupational Structure

The distribution of public employment across the different labor regimes is presented in the next table.

**Table 25. Ecuador. Public employment labor regimes. 2016**

Employees in General Budget Law	
Public servants	32%
Special regimes	59%
Labor Code	9%
<b>Total</b>	<b>100% (571,844)</b>

Source: Torres Vargas; Espinoza; and Sulca (2017).

The highest hierarchical level in the occupational and hierarchical structure includes the political and administrative management of the State, followed by three occupational groups of public servants divided by grade.

**For the purpose of GEPA, public management<sup>50</sup> are a segment of the Upper Hierarchical Positions (*Nivel Jerárquico Superior*), specifically, Advisors from level 5 (lowest) to level 1 (highest). Upper Hierarchical Positions include political jobs stated in the Constitution article 135 for example, which are not considered public management.**

50. Public management: Refers to how to manage the state administration. The Public Administration serves to designate the set of procedures, mechanisms and social forms through which the State operates and manages both goods and public services, through economic policy, the operation of the market

**Table 26. Ecuador. Hierarchical Structure, by Gender. 2017.**

Positions	Women	Men	Total
<b>Upper Hierarchical Positions<sup>51</sup></b> <i>(Nivel Jerárquico Superior)</i>	40%	60%	100%
<b>Operative Level (Nivel Operativo)</b>	62%	38%	100%
<b>Total</b>	60% (79,624)	40% (53,083)	100% (132,707)

Source: Ministry of Labor (November 2017, with data up to September 2017) upon GEPA's request.. Excludes employees in the legislative Branch, judicial Branch, in electoral bodies, Citizens Participation agencies and employees under the Labor Code.

## Regulatory Body

The Ministry of Labor is responsible for human resources management in the public sector through the Deputy Ministry of Public Service. By Organic Law of Public Service<sup>52</sup>, it is mandated to have a National Information System that collects data about public sector employees on a regular basis.

## Information System

The National Information System does not provide on-line data<sup>53</sup>. This research did not identify the name or the characteristics of the information system.

## Gender Equality in Public Administration and other Equality Measures

“Consejo Nacional de las Mujeres”, CONAMU<sup>54</sup> was created in 1997. It is a public law body with a social and public purpose, with legal status, assets and its own administrative and financial regime. After the political reform that Ecuador is carrying out, the Transition Commission<sup>55</sup> towards the National Council of Women and Equality of Gender, created by Executive Decree No. 1733 in 2009. Finally, The National Council for Gender Equality created in 2014, is the specialized

51. Ministry of Labor, Hierarchical Structures :  
Grade 1 includes positions such as: Advisor 5, Office Coordinator.  
Grade 2: Area Technical Director  
Grade 3: Advisor 4, Manager 1  
Grade 4: Advisor 3, Manager 2  
Grade 5: Advisor 2, Regional Director, Manager 3, General Coordinator.  
From grade 6 to 10 includes positions such as: President, Vice President, Minister, Vice Minister, Adviser 1 and Assistant Secretary. (I)

52. Organic Law of Public Service. [https://www.ecuadrencifras.gob.ec/LOTAIP/2017/DIJU/diciembre/LA2\\_OCT\\_DIJU\\_LOSEP.pdf](https://www.ecuadrencifras.gob.ec/LOTAIP/2017/DIJU/diciembre/LA2_OCT_DIJU_LOSEP.pdf)

53. Data searched between 2017 and 2018

54. Transition Commission towards the Women's Council and Gender Equality [http://www.siise.gob.ec/siiseweb/PageWebs/Marco%20Conceptual/macsim\\_conamu.htm](http://www.siise.gob.ec/siiseweb/PageWebs/Marco%20Conceptual/macsim_conamu.htm)

55. Equality, non-discrimination and good living plan for ecuadorian women conceptual framework, methodological route and transversalization strategy 2010 – 2014. <http://extwprlegs1.fao.org/docs/pdf/ecu152820.pdf>

mechanism of the State responsible for guaranteeing the rights of women and LGBTI persons. The National Agenda for Women and LGTBI population 2018-2021<sup>56</sup>, established that women and LGBTI population should participate without discrimination in all spheres of the State, both nationally and locally.

The 2008 Constitution establishes, article 65 the principle of parity of representation of women and men in all instances of decision-making positions of political movements and parties, electoral nominations, and Presidentially appointed positions.

No Gender Equality Act exists, but since 2009, political parity applies to all elected positions (*Ley orgánica electoral y de organizaciones políticas de la República del Ecuador, Código de la democracia*). Currently, the aspiration of the current government is to strengthen democratic institutions.

The maternity leave applies to all public services. Maternity leave for civil service employees is 12 weeks (Labor Code, articles 152 to 156), while paternity leaves range from 10 to 25 business days.

## Equality measures:

It is important to highlight recommendation 15<sup>57</sup> of the CEDAW with reference to the National Mechanism responsible for the advancement of women. Establishes the need to guarantee the participation of women in the processes of the National Council for Gender Equality and other decision-making processes concerning the protection of rights of women in different sectors of national and local scope. Temporary measures:

The Committee recommends that the State distinguishes between its policies and programs as well as between social policies and general economic benefits that also benefit women and measures temporary special provisions provided for in article 4 (1) of the Convention, that are necessary to accelerate the achievement of substantive equality of women and mens<sup>58</sup>.

## Key Issues

### *Key issues*

- So far it has not been possible to produce reliable statistical data disaggregated by gender. In addition There is no publicly available sex-disaggregated data about the proportions of men and women in public management positions

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56. National agenda of women and LGBTI people, PG.19. [https://www.igualdadgenero.gob.ec/wp-content/uploads/2018/11/Agenda\\_ANI.pdf](https://www.igualdadgenero.gob.ec/wp-content/uploads/2018/11/Agenda_ANI.pdf)

57. CEDAW, pg.5/15. <https://acnudh.org/load/2016/12/cedaw.pdf>

58. CEDAW, pg 6/16, idem.

- The Constitutional parity mandate has not yet been implemented therefore the potential it has to generate equal opportunities for women to reach decision-making positions has not been fulfilled.

#### *Recommendation*

- The National Institute of Statistics and Census (INEC) sponsors an Inter- Institutional Commission of Gender Statistics with the aim to improve existing gender indicators. Additionally, the gender budgeting initiative could provide a platform for following up the number of women in the Public Administration.<sup>59</sup>

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59. <http://www.cancilleria.gob.ec/ecuador-presenta-en-la-onu-ginebra-los-avances-en-eliminacion-de-la-discriminacion-contra-la-mujer/>; <http://www.finanzas.gob.ec/clasificadores-orientadores-de-gasto-en-politicas-de-igualdad/>.

# EL SALVADOR



## Definitions

The organizational structure of the public sector distinguishes between the Central Government and decentralized agencies and state-owned enterprises. The Political Constitution and the Civil Service Law provide the main regulatory guidelines.

*Public Function.* Refers to any activity, permanent or temporal, remunerated or ad honorem, carried out by individuals or by State organizations<sup>60</sup>.

*Public Administration.* Refers to the Presidency of the Republic, Ministries, the Legislative branch, Judicial Organs, autonomous agencies, departmental and municipal governments<sup>61</sup>.

*Public servants.* This is the most general term including all sorts of public employees. These are:

- Political personnel: President, Ministers and deputy Ministers,
- Personnel on individual permanent contracts
- Tenured employees appointed by an administrative act
- People on short-term, specific contracts, to conduct exceptional tasks
- People on compulsory military service
- Occasional volunteers with the State (e.g., those in emergencies such as natural catastrophes)

60. Art 236 Constitution of the Republic of El Salvador, 1983

61. Idem



- Public Works Contractors, Suppliers and Concessionaries to the Public Administration
- Notarized it's a public function. Article 1, Notary Act. (This it's not common in all the countries.)

The different public employment regimes are organized in the next table.

**Table 27. Public Employment Regimes in El Salvador.**

Regime Type	Description
<b>Civil Servant</b>	<p>Public Employee on the Administrative Career, appointed by an administrative act, on a post defined by the Salary Law Article 219 of the Constitution equates Administrative Career with Civil Service.</p> <p>These are tenured employees. This is the only regime with labor stability.</p> <p>Regulated by the Civil Service Law.</p> <p>The Salary Law creates specific occupational groups of these employees.</p> <p>Civil servants on special careers are:</p> <ol style="list-style-type: none"> <li>Teaching career (Teaching Career Law, 1996).</li> <li>Military career</li> <li>Foreign Service career</li> <li>Prosecutor career</li> <li>Judicial career (regulated by the Judicial Career Law, 1990).</li> <li>Municipal career (Law of Municipal Administrative Career, 2006).</li> </ol>
<b>Functionaries Public employee excluded from the Administrative Career mentioned in Article 4 Civil Service Law (13 categories) Includes political and freely-appointed personnel (trust personnel)</b>	<p>These are all positions of high responsibility and represent the highest hierarchy of public employment.</p> <ol style="list-style-type: none"> <li>Elected Officials by popular vote,</li> <li>Ministers and Deputy Ministers of State,</li> <li>The Attorney General of the Republic, the Prosecutor for the Defense of Human Rights, the Secretaries General of Public Institutions and Deputy Prosecutors,</li> <li>Presidential/Cabinet Secretaries</li> <li>The Departmental Political Governors and the Secretaries of the Political Government Departments of the Local Governments (Alcaldías Municipales),</li> <li>The President, Magistrates, Secretary General and Major Officers of the Supreme Court of Justice; the Magistrates, Major Officials and Secretaries of the Second Instance Chambers; Judicial Officers in Courts of First Instance, Judges of Courts of Peace and Secretaries; Chiefs of Probity Sections, Notary, Professional Investigation, Judicial and Section Chiefs of the Supreme Court of Justice and corresponding Secretaries.</li> <li>The members of the Civil Service Tribunal, the Supreme Electoral Tribunal, the Appeals of Internal Taxes and Customs and the members that make up the full National Council of the Judiciary and its Executive Secretary,</li> <li>The President, Magistrates and Secretary of the Court of Accounts of the Republic,</li> <li>The President and Secretary of the Superior Council of Public Health, Superior Council of Labor and National Minimum Wage Council,</li> <li>Members of the Armed Forces and the National Civil Police,</li> <li>The Chiefs, Commanders and Surveillance Personnel of the Criminal Centers; Inspectors and Custodians of the Tutelary Centers for Minors and Customs of the Republic; the Delegates, Deputy Delegates of the General Directorate of Migration; the Directors of Customs, Sub-Administrators of Customs and their Secretaries,</li> <li>Public servants who hold the positions of Directors, Deputy Directors and their Secretaries; Managers, Heads of Department, Section, Managers, collectors, treasurers, intendants, storekeepers, winemakers and auditors in any dependency of the Public Institutions, as well as those that manage funds public or municipal property or other assets that are in custody, deposit or any other title in charge of the State, or that for the performance of their duties are obligated to guarantee in favor of the Treasury; and in general, those public servants in charge of processing the Payment Orders.</li> <li>Persons under temporary contract, referred to in Article 83 of the General Public Budget.</li> </ol>
<b>Public employees excluded from the Administrative Career</b>	People on short-term, specific contracts, to conduct exceptional tasks on service contracts
<b>Public workers</b>	Employees on individual contracts (regulated by Labor Code)

Source: Civil Service Law.

## Occupational and Hierarchical Structure

This study did not find a clear map of the hierarchical structure of El Salvador's Public Administration. The Civil Service Law (article 64) tasks the Treasury with the responsibility of consolidating an updated occupational system, along with a Manual of Classification of Duties. This research did not identify a unified manual. Specific ministries do have their own manuals, such as the Ministry of Agriculture, the Ministry of Health, the Institute for Women's Development, some Municipal governments, and selected State agencies. The UNDP Country Office facilitated a document with main occupational guidelines dated 1995.<sup>62</sup>

**Table 28. El Salvador. Proportion of Women and Men in the Occupational and Hierarchical Structure, 2017.**

Occupational Category	Women	Men	Total
Executive	39 (759)	60 (1,157)	1 (1,916)
Technical - professional personnel	62 (25,811)	38 (15,868)	25 (41,679)
Teachers	66 (29,990)	34 (15,569)	28 (45,559)
Security	13 (3,142)	87 (21,740)	15 (24,882)
Administrative	46 (16,833)	54 (19,559)	22 (36,392)
Service personnel	35 (3,677)	65 (6,890)	6 (10,567)
Others	40 (745)	60 (1,102)	1 (1,847)
<b>Total</b>	<b>50 (80,957)</b>	<b>50 (81,885)</b>	<b>100 (162,842)</b>

Source: information provided by the Ministry of Treasury to GEPA.

The category Chief (*Jefatura*) is reported separately from the seven basic categories because it is a responsibility chore assigned to employees rather than a delimited job in the occupational structure. For this reason, the category Chief juxtaposes with the counts of employees in the occupational categories.

**Table 29. El Salvador. Women and Men in Chief Positions (Jefaturas), by 2017.**

Total Employees	Female Chiefs		Male Chiefs	
	Number	%	Number	%
<b>162,842</b>	4,871	52%	4,559	48%

Source: information provided by the Ministry of Treasury to GEPA.

62. Ministry of Treasury. Directorate for the General Budget. Guidelines 4025. Norms for the classification of positions.

The data provided includes the line ministries as well as decentralized and autonomous agencies. As such, the information presented refers to the entire Executive branch.

**For the purpose of GEPA, public management in El Salvador includes Chief personnel (*Jefaturas*). It should also include the occupational category Executive, but its scope is unclear. For example, from the data gathered in this study, it is uncertain whether this category includes constitutional political positions (Ministers and Vice Ministers) or not.**

## Regulatory Body

The National Commission for the Civil Service and the Tribunal of Civil Services the current authorities according to the Civil Servant Act. is the regulatory body for human resources management in the Public National Administration.

## Information System

The Ministry of Treasury gathers information on public employment, but the system is not publicly available. The information was provided to GEPA. This study did not identify the characteristics of the information system.

## Gender Equality in Public Administration and Other Equality Measures

El Salvador has a Law on Equality, Equity and Eradication of Discrimination against Women (2011). The National Institute for Women (ISDEMU) is the State office responsible for gender equality. There are no affirmative action measures for increasing the proportion of women in the State, but the 2016-2020 National Equality Plan for Salvadorian Women seeks to increase women's presence in the public sphere<sup>63</sup>.

In May 2010, Executive Decree No. 56 introduced "Provisions to avoid all forms of discrimination in the public administration, for reasons of gender identity and / or sexual orientation." According to this Decree, heads of offices must revise policies, programs and projects, and adopt the necessary measures to remove any form of discrimination on the grounds of gender identity and/or sexual orientation (article 3). ISDEMU is also promoting a Gender Equality Seal for public organizations (this is a pilot in 3 countries in LAC), with the Ministry of Labor and the Ministry of Economy, and in partnership with UNDP. ISDEMU houses an Observatory with gender indicators, but it does not contain up-dated information, nor does it present information on the presence of women among public management posts of the State (<http://www.infoigualdad-isdemu.gob.sv/>). The public seal is only with ISDEMU. The Private seal is with Ministry of Labor and Ministry of Economy.

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63. This not include specific output for the civil servant component, but it included substantive equality and measure as indicators of impact the participation of women at the Executive, Legislative y Judicial Power. <https://www.google.com/search?client=firefox-b-d&q=plan+nacional+de+igualdad+y+equidad+para+las+mujeres+salvadore%C3%B1as>

ISDEMU heads the Training School for Substantive Equality (EFIS). Since 2013, it provides training and awareness-raising activities among civil servants on gender equality, and the prevention of violence against women.

**In El Salvador, maternity leaves are 16 weeks and paternity leaves three working days.<sup>64</sup>**

**In addition, the Labor Code also provides for provisions aimed at facilitating breastfeeding. With it, workers can interrupt their workday up to one hour a day for this purpose (Art. 312). The absence of nursery rooms in workplaces has led to the usual practice of taking, when the company allows this practice. In other cases, workers, due to ignorance of the existence of this regulation or because of fear of losing their jobs, are not using this right.**

## Key Issues

### *Key Issues*

- This study did not find publicly available sex-disaggregated information that would serve to monitor progress on the incorporation of women in public management positions.
- In light of the absence of information about the hierarchical structure, the scope of the category “Executive” within the data provided to GEPA by the Ministry of Treasury remains unclear. Consequently, this research could not delimit, with precision, what jobs fall within public management positions. Thus, developing a public system of information, with precision in terms of variables and coverage, is a necessary first step.
- This study could not get any basic knowledge on the information system of public employees at the Ministry of the Treasury. Consequently, having more clarity about this system is an important task for GEPA.
- The proportions of women and men in the decision-making positions, based on the data provided by the Ministry of Treasury, show a gender imbalance, even relative to the total number of women in the State structure. It remains a challenge to reduce this gender gap at the top.
- This research did not identify affirmative actions or other gender equality provisions within the Public Administration. This type of action are relevant for removing the barriers that women face to access decision-making positions.

### *Recommendation*

- The first recommendation is to consolidate an open system that produces gender-sensitive information about public management positions.

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64. <http://www.mtps.gob.sv/noticias/reforma-al-codigo-trabajo-309-licencia-maternidad-entra-vigencia/>.

- In order to remove discrimination and establish equal opportunities, gender-sensitive measures for public administration employees are needed, particularly affirmative actions to promote women at the top of bureaucracies. In this sense, UNDP's previous work with ISDEMU, and Executive Decree 5617, offer an unparalleled platform for partnership and intervention. A discussion on parental leaves for the public sector is recommended. Although this study did not identify care provisions, it is important to highlight that the duration of the paternity leaves is short.
- Incorporate the public gender seal as an affirmative action that could continue with the current government
- It could be another recommendation that in the preliminary bill for the public function and the administrative career that it's in the middle of a legislative debate, include gender topic, parity and the elimination of any kind of obstacle at the civil servant participation of women.

# GUATEMALA



## Definitions

*Public Servant (Servidor Público).* Public servant (also called state worker) is any individual with a job in the Public Administration, by means of appointment, contract, or any other legally-established relation under the competence of the Public Administration, receiving a salary for the service (Civil Service Law, Article 4).

The following table summarizes all the variants of public servants, including civil service personnel, special careers, and employees not included in any form of administrative career. Despite the formally established structure, public employment is highly politicized in Guatemala (Iturburu, 2012a) [*The Workers of the State*: The workers of the State are at the service of the public administration and never of a political party, group, organization or [of] any person (Article 107 Guatemala's Constitution of 1985)]

*Regime of the Workers of the State:* The relations of the State and its decentralized or autonomous entities with its workers are governed by the Law of the Civil Service [Ley de Servicio Civil], except for those governed by the own laws or provisions of such entities. The workers of the State or of its decentralized or autonomous entities which by law or by custom receive benefits [prestaciones] that exceed those established in the Law of the Civil Service, will retain that treatment. (Article 108: Guatemala's Constitution of 1985)

**Table 30. Guatemala. Variants of public servants.**

Category	Description	Civil Service Regime
<b>Public Functionaries</b>	<p>Refers to any individual that occupies an elected position or is appointed by the highest authority of the public agency.</p> <p>These positions are not subject to Civil Service because these are executive functionaries. As such, they are freely-appointed and removed by the President.</p> <p>This includes the following positions:</p> <ol style="list-style-type: none"> <li>Officials appointed by the President and proposed by the State Council</li> <li>Ministers and deputy Ministers, secretaries, deputy secretaries, and councils of the President; general directors and departmental governors.</li> <li>General Treasurer of the Nation</li> <li>Notary of the State</li> <li>Manager of the National Lottery</li> <li>Officials of the State Council</li> <li>Property Registrars and corresponding personnel</li> <li>General Inspector of Work</li> <li>Officials of the Presidency of the Republic who report directly to the President.</li> <li>Employees of the Office of the President.</li> <li>Personnel in each Ministry of the State, whose duties are classified as confidential by the corresponding authority.</li> </ol>	No
<b>Public Employee</b>	<p>Any individual with a position in public agencies under the competence of the Civil Service Law, by means of an administrative appointment or a corresponding contract, receives a salary for the services and is supervised by an authority.</p>	Yes
	<p>Service without Contest (Servicio sin oposición). The Service without Contest encompasses Technical Advisors, Legal Advisors, and Hospital Directors, all of which are subject to the provisions in the Civil Service Law. They are regulated by the Civil Service Law except in recruitment and tenure. These are high level jobs, that are not tenured and can be appointed and removed by the highest authority.</p>	Yes: non-tenured (contract)
	<p>Service with Contest (Servicio por oposición). The Competitive Service includes all positions that do not fall under Exempt or Unopposed Service and that appear specifically in the Classification System of Competitive Service Positions (Sistema de Clasificación de Puestos del Servicio por Oposición). Administered by ONSEC.</p>	Yes: tenured.
<b>Other exempted personnel</b>	<p>Persons holding positions ad honorem.</p> <p>Persons contracted to provide services on a temporary, casual, or limited basis</p> <p>Employee with professional or technical service contracts (honorarios) are not considered public employees and are regulated by the State Contracting Law.</p>	No
<b>Special Careers</b>	<p>Legislative Branch, Judicial Branch<sup>66</sup>, Foreign Service<sup>67</sup>, Armed Forces and the Police<sup>68</sup>; Teaching personnel (Decree 1485<sup>69</sup>); IGSS (Social Security Institution)<sup>70</sup>.</p>	

Source: Civil Service Law.

66. The judicial career establishes the system that regulates the entry, permanence, promotion, promotion, transfers, benefits, training and initial and continuing professional training, performance evaluation, disciplinary regime and exclusion mechanisms, as well as other situations of the judicial career system of judges and magistrates, whatever their category, in order to guarantee their dignity, stability, independence, impartiality, responsibility and professional excellence in the exercise of their jurisdictional function. Art. 1

[http://ww2.uj.gob.gt/uci/images/fotosnoticias/2017/LCJ\\_DECRETO\\_32-2016.pdf](http://ww2.uj.gob.gt/uci/images/fotosnoticias/2017/LCJ_DECRETO_32-2016.pdf)

67. <https://www.minex.gob.gt/MDAA/DATA/MDAA/2010080309433331Reglamento%20Interno%20del%20MRE.pdf>

68. The members of the Police Race are public servants who, by virtue of legitimate appointment prior oath of fidelity to the Constitution, provide permanent services of public order to the inhabitants of the Republic. Art.13.

[https://www.oas.org/juridico/mla/sp/gtm/sp\\_gtm-mla-leg-police.pdf](https://www.oas.org/juridico/mla/sp/gtm/sp_gtm-mla-leg-police.pdf)

69. <http://transparenciaold.minfin.gob.gt/transparencia/BibliotecaDigital/Documentos%20Area%20Social/Lcatalo.pdf>

[https://www.mineduc.gob.gt/portal/documents/pacto\\_colectivo.pdf](https://www.mineduc.gob.gt/portal/documents/pacto_colectivo.pdf)

70. [http://www.caes.com.gt/index\\_htm\\_files/Ley\\_Organica\\_del\\_IGSS.pdf](http://www.caes.com.gt/index_htm_files/Ley_Organica_del_IGSS.pdf)

*Right to Opt for Public Employment or Office:* The Guatemalans have the right to opt for public employment or office and to do so only their capabilities, fitness, and honesty will be taken into account: [Article 113: Guatemala’s Constitution of 1985] *Individual of the Legislative Body* is considered to be the individual who occupies a position in the administration, by virtue of destination, contract or any other legal link, for which purpose he is obliged to provide his services in the terms that corresponds to a change of salary, under the continued dependence and immediate direction of the Board of Directors of said Organization, or of the corresponding authority, in the exercise of the administrative function. (Art. 4)<sup>65</sup>

## Occupational and Hierarchical Structure

This study gathered publicly available sex-disaggregated data about the labor regime of women and men, but did not identify information about the gender distribution of the occupational and hierarchical structure.

**Table 31. Guatemala. Sex-disaggregated data about the Labor Regime in the National Executive Branch\*, 2017.**

Labor regime	Women	Men	Total
<b>Employees without contest (line 022)</b>	50 (2,201)	50 (2,233)	100 (4,434)
<b>Employees with contest (line 011)</b>	50 (99,136)	50 (97,520)	100 (196,656)
<b>Employees on temporary employment (line 021)</b>	65 (21,818)	35 (11,734)	100 (33,552)
<b>TOTAL</b>	52 (12,155)	48 (111,487)	100% (234,642)

Source: ONSEC <http://www.onsec.gob.gt>

\* Includes line ministries, Office of the President, Secretaries and agencies directly dependent on the Office of the President.

The Manual Specifying Classes of Positions (*Manual de Especificaciones de Clases de Puestos*) classifies the category “Service with Contest” into 12 hierarchically organized work series or occupational groups.

**This study could not determine whether public management positions include all employees without contest or not. Consequently, public management jobs in Guatemala are undetermined.**

65. Legislative Branch: [http://www.oas.org/juridico/spanish/mesicic2\\_gtm\\_ley\\_serv.pdf](http://www.oas.org/juridico/spanish/mesicic2_gtm_ley_serv.pdf)



## Regulatory Body

The National Civil Service Office, ONSEC (*Oficina Nacional del Servicio Civil*) (<http://www.onsec.gob.gt/>) is responsible for administering the human resources system of the Public Administration. ONSEC regulates public employment on the Executive Branch, including its decentralized and autonomous agencies. It is also responsible for the administration of the pensions granted to former public servants and beneficiaries of the State Civil Servants' Pension System.

ONSEC provides public reports with sex-disaggregated information considering the labor regime of employees. However, they do not have sex-disaggregated information on the hierarchical structure.

## Information System

The Ministry of Economy, through the Department of Job Administration, Remunerations and Administrative Audits, keeps a payroll system called GUATENOMINAS, which supplies data to ONSEC that then processes and publishes the information, making it available to the public.

GUATENOMINAS is expected to be part of the Integrated System for the Administration of Human Resources - SIARH (*Sistema Integrado de Administración de Recursos Humanos*), expected to integrate payroll information with human resources variables.

*Sex-disaggregated variables publicly available include:*

- Number of people in occupational groups by labor regime, gender, and Ministry.

Currently, the National Institute of Statistics and ONSEC are implementing a Civil Service Employee Census.

## Gender Equality in Public Administration and other Equality Measures and Agenda 2030

Guatemala has no Gender Equality Act. The Presidential Secretary for Women, SEPREM (*Secretaría Presidencial de la Mujer*) implements gender-sensitive initiatives such as the earmarked gender budget (*clasificador presupuestario de género*) and the 2008-2023 National Equality Plan. The plan established the need to work with ONSEC for implementing SDGs 5 and 16 in order to introduce gender equality principles in the administration of human resources in order to increase the presence of women in decision-making positions of the State.

Maternity leave in the public sector permits mothers to take up to 84 days while paternity leave consists of two working days (Work Code, 2001). Currently, the Labor Code establishes that for the birth of a child parents have the right to two days of leave with a salary. Through the Law 5444 initiative, a modification in the Labor Code is being promoted to increase the days of parental leave for the birth of a child for up to 10 days. The argument of this initiative is to promote the role

of responsible parenthood. However, this type of regulation leaves a good portion of women who are responsible for the upbringing of their sons and daughters alone.

### *Interesting rules about maternity leave*

It is important to cite article 11.2. of the CEDAW. 2. “In order to prevent discrimination against women on grounds of marriage or maternity and ensure the effectiveness of their right to work, the States Parties shall take appropriate measures to: a) Prohibit, under penalty of sanctions, dismissal on grounds of pregnancy or maternity leave and discrimination in dismissals based on marital status; b) Implement maternity leave with paid salary or comparable social benefits without loss of previous employment, seniority or social benefits; (...); d) Provide special protection to women during pregnancy in the types of jobs that have been tested may be harmful to her. ”

The protection of maternity is a fundamental right for paid workers, but also a right of children, recognized in the Convention on the Rights of the Child, an instrument that promotes equality in obligations and responsibilities in the raising of mothers and parents. In addition to what is stipulated by the CEDAW Convention, the ILO has regulated this right through the promulgation of the 183 Maternity Protection Convention, of the year 2000, which entered into force two years later.

The ILO Committee of Experts (CEACR) also notes, related to the protection of pregnancy, the need to expressly prohibit in the legislation the requirement of pregnancy tests to access or remain in employment in several countries such as Guatemala, where this seems to be a recurring practice amongst employers (ILO, 2018b)<sup>71</sup>.

Pregnancy and motherhood are periods in which women, in general, face greater discrimination. The dismissals during pregnancy, the non-hiring at a reproductive age, the performance of pregnancy tests or the greater wage gap, are some of the most frequent manifestations of this discrimination (ILO, 2018c).

## Key Issues

### *Key issues*

- Paternity leaves are insufficient. UNDP could work towards highlighting the importance of the topic in the government agenda.

### *Recommendation*

- The Census of Public Employees, a joint endeavor between ONSEC and the National Institute of Statistics, will provide relevant gender information. This is an opportunity for

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71. Analysis of Discriminatory Legislation in Latin America and the Caribbean in the Area of Autonomy and Economic Empowerment of Women. Discriminatory Legislation Series, Notebook No. 1. UN Women and SEGIB. 2nd. Edition. December 2018

UNDP to collaborate with the government to obtain relevant data for GEPA, as well as set a path towards a gender tracking mechanism.

- According to interview with public officers, GUATENOMINAS contains variables on occupational and hierarchical categories that could be disaggregated by gender. Considering this, UNDP could support the production of public reports relevant for GEPA, in partnership with ONSEC, SEPREM and the Ministry of Finance.
- In order to remove discrimination and establish equal opportunities, gender-sensitive measures for public administration employees are needed. Given that SEPREM and ONSEC should work towards this goal as stated in the National Equality Plan, UNDP could support activities on this specific issue.
- Together with maternity protection, one of the main legislative measures would be to implement regulations that ensure the involvement of men in family responsibilities. The legislation related to maternity protection must be accompanied by regulations that regulate the licenses and permits of men, guaranteeing the principle of co-parenting in the legislation related to care, avoiding that the weight of care falls unilaterally on women. In Guatemala, motherhood is mostly unprotected, especially for many girls and adolescents in rural and urban areas, many of which were forced to carry these pregnancies to term. According to the latest National Survey of Maternal and Child Health (ENSMI), women living in the rural area have 4 children, on average. Those who live in urban areas carried from 2 to 3 children. These numbers place the country as the most fertile in Latin America, according to a report by the Economic Commission for Latin America (ECLAC). According to statistical data of the ENSMI, collected between 2014 and 2015, one fifth of the total of adolescents from Guatemala aged 15 to 19 were already mothers or were pregnant at the time of conducting that survey. However, 29% of those pregnancies were not included in their life plans. Therefore, beyond the protection of motherhood and / or the promotion of responsible parenthood, it is to ensure the protection of girls, adolescents and women who decide on their bodies and not force them into forced pregnancy or imposed motherhood

# HONDURAS



## Definitions

*Public Servants (Servidor Público).* This category refers to all employees who work in the State Secretaries, as well as public officers and employees working in the Municipalities and the National Council of Social Welfare (*Junta Nacional de Bienestar Social*), who are on the administrative career, and as such, selected by contest.

The following public employees are excluded from the definition of public servants (Article 3, Civil Service Law):

- Secretaries, Deputy Secretaries and their trusted advisors (*empleados de confianza*), i.e., personnel who are not protected by all labor laws and are freely appointed.
- Personnel of the General Secretariat and the Presidency of the Republic and all other public servants that are trusted advisors (*personal de confianza*) to the President.
- Major officials of the State Secretariats
- Politically-elected Governors (*Gobernadores Políticos*) and integral members of Municipal Corporations
- Members of the Diplomatic and Consular Corps
- Directors and Deputy Directors
- Members of the Civil Service Council

- General Provider and Deputy Provider of the Republic
- Active duty Military and personnel of the Office of Public Safety
- Treasurer and Deputy Treasurer of the Republic and Administrators of Revenue and Customs
- Directors, wardens, and guards of correctional facilities
- Those who offer technical or specialized services under special contract
- Those protected by the Organic Law of Education (Secretariat of Public Education and its constituent Departments of Pre-School Education; Primary Education; Middle-School Education; Vocational Education; Magisterial Education; Artistic and Cultural Extension Education; Literacy and Adult Education; Physical Education; and School Construction)
- Those who offer interim services and State employees who are paid through the payroll system
- Members of the Boards of Directors of the Decentralized Agencies
- Members of the National Elections Tribunal and the National Civilian Registry
- Presidents and Vice Presidents of the National Bank
- Other officials within other national jurisdictions, if they are dependent on the Executive Branch

*Administrative Career.* It covers public servants only. A different system applies to employees under special careers, and those in decentralized agencies (regulated by the Labor Code Decree 189/59 which include the Social Security Institutions). These special careers also include:

- Health professionals
- Education
- Foreign Services
- Police
- Armed Forces

*Other Special Regimes.* Employees at the Legislative and Judicial Branch have their own career regimes.

## Occupational and Hierarchical Structure

The formal structure is presented in the next table.<sup>72</sup> Nonetheless, such information cannot be interpreted at face value. Iturburu (2012b) warned about a wide gap between the formal and the real structure of positions.

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72. <http://www.sep.gob.hn/sitio/86-contenido/direccion-general-de-servicio-civil/215-clasificacion-salarial-vigente>

**Table 32. Occupational Groups, by Gender. Honduras, 2017.**

Group	Women	Men	Total
Political positions and trust Jobs Decision making Jobs, exempted from Civil Service Law. Not within the administrative career.	46 (23)	54 (27)	100 (50)
Decision making positions (Directores)	51 (14)	49 (13)	100 (27)
Executives	49 (105)	51 (109)	100 (214)
Technical positions	67 (5.867)	33 (2.839)	100 (8.706)
Operative and Administrative positions	60 (6.698)	40 (4.463)	100 (11.161)
Others (health personnel, which is excluded from the regime)	61 (2.970)	39 (1901)	100 (4.871)
Total number of employees at Central Government (within and outside the Civil Service Regime)			142,409*

Source: Data provided by the Dirección de Servicio Civil upon GEPA's request (November 2017).

(\*) SIARH (accessed 2017).

**In principle, public management in Honduras includes: a) Directors, and b) Executives. However, this is taken at face value because this research did not identify descriptions about the responsibilities of these two occupational groups.**

## Regulatory Body

In Honduras, the General Direction for Civil Service (*Dirección General del Servicio Civil*) is the ruling body, with the responsibility of advising the President on matters related to public employment.

## Information System

Two information systems collect information about public employees: 1) SIREP – System of Registry and Control of Public Employees (*Sistema de Registro y Control de Servidores Públicos*), and 2) SIARH - Integrated System of Human Resources Management (*Sistema Integrado de Administración de Recursos Humanos*).

## Gender Equality in Public Administration and other Equality Measures

Honduras has a Gender Equality Act (2000). The National Institute for Women is in-charge of implementing the II National Plan for Equality and Gender Equity (2010-2022) that promotes the participation of women in the State and in the economy.

Maternity leave is 10 weeks and is regulated by the Labor Code. These 10 weeks are compulsory leave. They are divided into 4 weeks before delivery and 6 weeks after it; however women

**Table 33. Information Systems in Honduras.**

System	Characteristics	Variables
<b>SIRAP - System of Registry and Control of Public Employees</b>	<ul style="list-style-type: none"> <li>. Depends on the Secretary of Finance</li> <li>. Updated monthly</li> <li>. It has the payroll for the public sector (State Secretaries, as well as the deconcentrated and decentralized agencies)</li> <li>. Includes employees under the Administrative Career as well as those under special career regimes.</li> <li>. The total number of records (individuals) is about 200,000</li> </ul>	<ul style="list-style-type: none"> <li>. Gender of employee</li> <li>. Date of birth</li> <li>. Contract type</li> <li>. Agency of work</li> <li>. Occupational group (with grade)</li> <li>. Salary and other income</li> </ul>
<b>SIRAH - Integrated System of Human Resources Administration</b>	<ul style="list-style-type: none"> <li>Depends on the Office of Civil Service</li> <li>. Includes Public Servants only (those on Administrative Career).</li> <li>. It is comprehensive for the 21 State Secretaries (under reorganization, for which it is expected to become 17)</li> <li>. The total number of records (individuals) is about 40,000</li> </ul>	<ul style="list-style-type: none"> <li>. Education</li> <li>. Career and title</li> <li>. Years of work (at the public sector)</li> </ul>

Source: Interviews with government staff.

are entitled to a maximum of 84 days. Currently, there is no paternity leave according to the government staff interviewed, although there have been proposals in the National Congress for postnatal leave for men (March 2019)

## Key Issues

### *Key Issues*

- The major challenge concerns the availability of public data measuring women’s presence in public management positions. The information should distinguish between different types of positions and occupational groups. It is unclear which occupational groups correspond to public management positions.
- Women fare better than men among Directors. But the uncertainty concerning the validity of the data poses limits in making any claim.

### *Recommendation*

- This study recommends strengthening the information systems.
- There is not enough information as to whether the National Institute of Women promotes gender equality in Public Administration. The absence of visible information suggests that the recruitment of women into public management is not high on the agenda.
- Paternity leave and care facilities are important issues to be included in the public agenda.

# MEXICO



## Definitions

*Federal Public Administration.* It refers to the centralized and autonomous agencies that comprise the public sector at the national level.

*Centralized Public Administration.* It is comprised by: the Office of the President of the Republic, the Secretaries of State, the Legal Department of the Federal Executive and the Coordinating Regulatory Bodies. In 2017, the total number of Secretaries was 18.

*Autonomous Federal Public Administration.* Decentralized agencies, state-owned enterprises, national credit institutions, national ancillary credit organizations, national insurance and bond institutions, and trusts<sup>73</sup> comprise the autonomous (parastatal) public administration.

### *Occupational and Hierarchical Structure*

The 1917 Constitution established a two-tier employment structure for the Centralized Federal Public Administration. It institutionalized two distinct and parallel segments of employees:

- 1) “base” employees, also known as “operative” or “unionized” employees,

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73. Article 90 Constitution of the United States of Mexico and article 3 federal law of the federal public administration.



- 2) “trust” employees, who occupy middle and upper level jobs, with decision-making responsibilities.

Until the advent of the Civil Service Professional Law in 2003, all trust employees were political appointees. The Professional Civil Service introduced merit criteria for the recruitment and selection of candidates. However, the Professional Civil Service remains a very small portion among middle and upper level jobs, still dominated by political appointments.

**For the purpose of GEPA, public management positions are trust employees: General Directors, Associate Directors, Area Directors, Department Head, Liaison post (*Enlace*).**

The total number of employees in the Public Federal Administration –counting both the centralized and the autonomous sectors– is 330,000 (Strazza 2014). This data excludes the Armed Forces and the Police, teaching staff and health personnel, which are regulated by special regimes.

As the table below shows, among General Directors and Coordinators, there is a gender gap whose size/range significantly varies by source. In this category, when it comes to the “best case scenario” women comprise less than a third of General Directors and Coordinators (28.4%) however, on the worst-case scenario, among General Directors and Coordinators, women comprise only 14% of these positions. Despite the different sources, it is noted that the lower the hierarchy, the more women in it. In regard to the amount of women that operate as Department Heads, at least according to two sources, the percentages for women are above 40%, a value usually signaling gender-integrated groups.

## Information Systems

Mexico’s Federal Public Administration has two main institutional mechanisms that compile data about public employees. One mechanism consists of official datasets from employee records. Another mechanism is the publication of official reports, being the report of the National Commission of Human Rights (CNDH) the most important for its monitoring responsibilities.

### Official Datasets

- The Secretary for Public Function (*Secretaría de la Función Pública*) (<http://www.spc.gob.mx/infogralurhp4.htm>) collects disaggregate data on employees on the professional civil service track. This dataset is called RHNet, but it does not provide public information. This data set is also limited: it only covers employees on the Professional Civil Service track.
- The Budget and Finance Secretary, SHCP (*Secretaría de Hacienda y Crédito Público*) collects information on all public employees at the Federal Public Administration, for it is responsible for the planning and budgeting processes. The system of information is called RUSP and it stands for “Unified Registry of Public Employees”. RUSP contains disaggregate data about 20 variables on the 1.6 million people that comprise the public sector in the country. It does not include information on the Armed Forces, the Police, teachers, and health professionals. The data is not publicly available.

**Table 34. Two-tier structure of the Federal Public Administration in Mexico.**

Employee Type	Features	Legal Framework	Total Employees
<b>Political positions</b> <b>Secretary of State</b> <b>Under Secretary of State</b> <b>Major Office (Official Mayor)</b> <b>Unit Head and Heads of Decentralized Public Agencies</b>	Executive Level positions Political positions, politically appointed.	1917 Constitution	
<b>Trust employees</b> <b>General Directors</b> <b>Associate Directors</b> <b>Area Director</b> <b>Department Head</b> <b>Liaison post (Enlace)</b>	Upper and Middle Level Public Management Jobs  Decision-making jobs Limited tenure Professional training Some of them are part of the Professional Career Service	Professional Civil Service Law (LSCP) (2003) and Regulatory Decree (2004)	36,000 (2014)  Located in 75 of the 100 agencies of the Centralized Federal Administration
<b>Exempted from Professional Civil Service</b> <b>Staff at the Presidency of the Republic</b> <b>Cabinet Staff</b> <b>Employees at the Secretariat of Foreign Affairs</b> <b>Armed Forces</b> <b>Employees of the Social Security System</b> <b>Teachers of pre-school, basic, upper and upper secondary education</b> <b>Medical and paramedical staff</b> <b>Other legal system of civil career service</b> <b>Employees on service contracts (fee payment).</b>			
<b>Base jobs</b> <b>Administrative and operative tasks</b>	Basic education <sup>74</sup> Tenured employees Limited career progression	Federal Law of Workers at the Service of the State (LFTSE)	Comprise the majority of the Federal Public Administration  85% of the Centralized Public Administration labor force (2014)

Source: own processing upon Civil Service Professional Law (2003), Strazza (2014).

74. Nowadays, due to the economic reality of the country, this is no longer the only case. There are many people in operational or grassroots positions who have a higher educational profile, but cannot get other jobs

**Table 35. Mexico. Comparative table of information on women participation in decision-making positions of the Federal Public Administration.**

Employee Type	INEGI 2016	INEGI 2017	CNDH 2015	CNDH 2018***	INMUJERES 2017	ENOE Survey (Encuesta Nacional de Ocupación y Empleo) 2015	GEPA 2014	OECD 2017
<b>POLITICAL POSITIONS</b>								
<b>Secretary of State</b>	25.4		26.7	18.8	10.5		15.0	
<b>Deputy Secretary of State</b>	22.0		13.5	20.0			13.5	
<b>Main Officers</b>	34.9		25.0*	22.2	19.8**			
<b>Unit Head (<i>Titulares de Unidad</i>)</b>	27.9			14.8	13.0		16.8	
<b>UPPER AND MIDDLE LEVEL DECISION-MAKING POSITIONS</b>								
General Directors/General Coordinators	28.4		19.8	21.9	18.8		14.0	
Associate Directors	24.7		22.8	28.5	26.1		16.4	
Area Director	13.6		36.0	37.3	36.5		19.9	
Area Sub Director			40.4	37.0			25.3	
Department Head			44.5	46.8			28.4	
Liaison post							34.3	
Base Jobs - Administrative and operative tasks	No data							
Functionaries and Directives (in general)						1.5		
Decision-Making Jobs (in general)							29.0	27.5 (1,358)

Source: reconstructed from INEGI (2017, 2016); CNDH (2015, 2018); INMUJERES (2017); ENOE (2015); GEPA (2014); OECD (2017).

\* Includes Unit Chief.

\*\* Includes Deputy Secretary. \*\*\* For data gathered in 2017 from 49 organizations of the Federal Public Administration (Central Government) (Comisión Nacional de los Derechos Humanos, 2018).

- The National Institute of Statistics (INEGI) conducted the 2017 Census on Government employees at the Federal Level.<sup>75</sup> It has information on gender measures, but not on the occupational structure
- *Transparency Portal*.<sup>76</sup> This is an online system that allows to obtain the list of individuals (by name) for each agency of the Public Federal Administration by type of post. Not all agencies present information in the system and the information is not always updated.

### **Available information from official reports**

Updated secondary sources provide the information that GEPA requires. State organizations produce official reports that contain data about women’s presence in upper-level jobs.

Most of these reports use the *Transparency Portal* to calculate the number of women in public management positions.

- INEGI’s annual reports “Women and Men in Mexico” are available at the institutional website. These reports only present percentages of women and men in the hierarchical jobs instead of total counts. They also show information for some Secretariats of the Federal Public Administration, but not for all of them.
- The CNDH produces regular reports about women and men at the Federal Public Administration that are available to the public. The latest one, published in 2018 (with data collected in 2017) provides in-depth information on gender authority gaps, salary gaps, as well as other sex-disaggregated information for the public sector.
- INMUJERES also provides regular reports – “INMUJERES Bulletin” – with data on the presence of women in the Federal Public Administration. The information is taken from the CNDH’s reports.

The major challenge with the reports is that they contain only partial data: they provide information for some (not all) Secretariats from the Federal Public Administration.

As the comparative table on public management positions by gender shows, different sources provide slightly different information. This introduces reliability problems given that the calculations seldom take into account the whole universe of Federal Public Administration organizations. Instead, calculations are based on unstable samples, since the organizations considered for the calculations vary from one source to another (CNDH; INEGI; GEPA; OECD).

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75. <http://www.beta.inegi.org.mx/proyectos/censosgobierno/federal/cngf/2017/>.

76. <http://portaltransparencia.gob.mx/buscador/search/search.do?method=begin>.

## Gender Sensitive Measures and Other Equality Measures

The normative framework for gender equality practices in the Federal Public Administration is profuse

- The 2006 Gender Equality Law between Women and Men (article 36) tasks the government with the responsibility of promoting equitable participation in public management positions.
- The 2013-2018 National Development Plan and the 2013-2018 National Program for Equal Opportunity and Non-discrimination against women (PROIGUALDAD) establish the need for gender equality in the public sphere.
- The Protocol for the Prevention, Treatment and Punishment of Sexual Harassment in the Federal Public Administration (2016), seeks to remove gender violence in the workplace.

INMUJERES promotes several gender equality programs for the Public Administration.

- A first one is the Institutional Culture Program that encourages all public institutions to conduct gender-equality assessments.
- Since 2015, the Standard on Equal Employment Opportunities and Non-discrimination, a non-binding standard, certifies public (and private) organizations that successfully introduce gender equality practices (Norma Mexicana NMX-R-025-SCFI-2015).<sup>77</sup>
- Since 2016, under a joint agreement with INMUJERES, the Secretary of Public Service seeks to improve women's presence among upper-level positions. To achieve this purpose, the Secretariat of Public Service introduced gender-equality provisions into human resources manuals, and created a Gender Area in 2017. In 2018, the Secretariat launched a Manual of Good Practices to promote a Culture of Gender Equality in the Federal Public Administration (*Manual de Buenas Prácticas para fomentar la Cultura de la Igualdad de Género en la Administración Pública Federal*). The principle of the manual is to achieve parity.

Other gender measures are worth mentioning. Mexico has a gender-sensitive budget, closely monitored by the Gender Committee of the Lower Chamber by means of regular meetings with Federal agencies. Additionally, the National Institute for Public Administration, responsible for the training public servants, offers courses on human rights and gender.<sup>78</sup>

In terms of family leaves, maternity leave is 12 weeks, and parental leaves are five days (both in the public and private sector).

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77. Between 2003 and 2015, INMUJERES promoted the Gender Equality Seal "MEG".

78. [http://www.inap.mx/portal/index.php?option=com\\_content&view=article&id=80&Itemid=475](http://www.inap.mx/portal/index.php?option=com_content&view=article&id=80&Itemid=475).

## Key Issues

### *Key Issues*

- The major challenge is to have clear data about women's presence in public management positions at the Federal Public Administration. This information should distinguish between different types of positions, and between the State branches - Centralized versus Autonomous Federal Public Administration. It should also cover the whole set of Centralized Federal agencies.
- Given that women represent 51% of the Federal Public Administration, the gender gap among public management positions is a major obstacle for gender equality. The removal of discriminatory and violent practices in the workplace is a key concern (OECD 2017a). Despite Mexico's parity norms for elected positions, there are no affirmative actions for guaranteeing the access of women to decision-making positions in the Public Administration.

### *Recommendation*

- INEGI conducted the 2017 Census on Government employees at the Federal Level, which includes sex-disaggregated data. Establishing a working partnership with INEGI has additional advantages for UNDP since it is an institutional reference for other Statistical Institutes in the region and, as such, it develops South / South Cooperation. Any achievements within a partnership with INEGI could lead to replications in the region by means of inter-institutional cooperation.
- INMUJERES has an outstanding Observatory on Women's Political Participation <http://observatorio.inmujeres.gob.mx/#>. It could add an entry on women in decision-making positions of the Federal Public Administration, with regularly updated information. This provides an opportunity for UNDP to deepen the existing collaborative ties with INMUJERES.
- Paternity leaves are insufficient, and it is unclear whether women in the Federal Public Administration have access to care facilities. This is an important issue for the public agenda. The current initiative to promote special measures to increase the number of women in management positions is most welcomed. For this reason, the results should be publicly available, not only for GEPA purposes but also because this information is relevant for the reporting process concerning SDG 5 progress.

# NICARAGUA



## Definitions

*Public Servants (Servidores Públicos)*. Any individual with a working relationship with the State, either by appointment or contract.

Law 476 divides civil servants into two categories:

1. *Public Functionaries (Funcionarios Públicos)*: All persons who are appointed to lead the public service (as career administrators or by temporary contract) and occupy higher-level positions in the civil service hierarchy.
2. *Public Employees (Empleados Públicos)*: All persons who execute or support services as a career or temporary employment.

*Civil Service*. The Civil Service comprises all unelected public officials and employees serving the Legislative Branch; Executive Branch; Judicial Branch; Electoral Branch; Autonomous and Governmental Municipal organizations; and Agencies of the Autonomous Regions of the Atlantic Coast.

The Civil Service does not include those who work and offer services within State-owned Enterprises; Universities and Centers of Technical Education; the Army; and the following categories of Public Officials:

- Public Officials who were directly or indirectly elected in the National State Branch, Autonomous Agencies, and the Municipal and Regional Governments, including:
  - » Directly-elected Public Officials, including:
    - » President and deputy President of the Republic
    - » Deputies and alternates in the National Assembly and Central American Parliament
    - » Mayors, Deputy Mayors, and Counselors
    - » Members of the Atlantic Coast Regional Councils
  - » Indirectly-elected Public Officials:
    - » Magistrates and adjutants of the Supreme Court
    - » Magistrates and Alternates in the Supreme Electoral Council
    - » Superintendent and deputy Superintendent of Banks and other Financial Institutions; Regular Members and Alternates of the Board of Directors of the Superintendence of Banks and Other Financial Institutions
    - » Prosecutor and Deputy Prosecutor for the Defense of Human Rights
    - » Members of the Superior Council of the General Comptroller of the Republic
    - » Members of the Directorial Council of the National Statistical Institute
    - » Members of the Directorial Council of the Nicaraguan Central Bank
    - » Superintendent and deputy Superintendent and members of the Directorial Council of the Superintendence of Pensions
    - » Attorney General and Deputy Attorney General of the Republic
- Public Officials appointed by the Board of Directors of the National Assembly
- Public Officials who are Superior Directors of Executive Branch Institutions who are freely appointed and removed by the President of the Republic, including:
  - » Ministers, deputy Ministers, and Secretaries General of the State
  - » Presidential Secretaries
  - » Departmental Secretaries and Regional Coordinators
  - » Appointed positions in decentralized governmental agencies



- » General Director of the National Police
- » Chief Commander of the Nicaraguan Armed Forces
- » Presidents and Chief Executive Officers of state-owned enterprises
- » Nicaraguan Ambassadors in foreign service
- Chief Public Officials serving in jurisdictional and auxiliary agencies of the Judiciary who are freely named and removed by the Court of Justice, including
  - » Magistrates in the Court of Appeals
  - » District and Local Judges
  - » Forensic Doctors
  - » Public Registrars of Real Estate and Merchandise
  - » Magistrates and Judges of Military Jurisdiction
  - » Directors of Auxiliary agencies; General Administrative Secretary, Director of the Disciplinary Judicial Inspectorate, and Deputy Director of the Judicial School
- Chief Public Officials serving in the auxiliary agencies of the Executive Branch who are freely appointed and removed by the Supreme Electoral Council

*Career Public Servants (Servidores Públicos de Carrera).* Individuals on permanent positions whose work is regulated by the *Administrative Career*.

Three categories of Civil Servants are not part of the *Administrative Career*:

1. Transitory Public Officials and Employees: civil servants contracted to temporarily fill permanent positions that remain vacant for no more than twelve months
2. Project-based Public Officials and Employees (*Funcionarios y Empleados de Proyectos*): civil servants contracted to perform activities and duties in specific programs and projects that do not hold permanent positions.
3. Trusted Officials and Employees (*Funcionarios y Empleados de Confianza*): civil servants contracted to offer personal services or to hold permanent positions of technical advice and assistance and/or direct administration of the offices excepted from the Civil Service Law.

## Occupational Structure and Hierarchy

The structure of the hierarchy is unclear, excepting for the legal definition of decision-making jobs as “Public Functionaries” also called Directorial group – all of them appointed employees. There are three functional groups and 22 levels.

**Table 36. Occupational groups and hierarchies in Nicaragua.**

Group	Group Description	Levels
<b>Directorial</b>	Strategic management positions Directing, planning, and organizing the work of important or very important administrative units; defining or participating in policies and institutional objectives.	XIII-XXII
<b>Executive</b>	Complex administrative and technical duties centered on the achievement of objectives and goals.	VII-XII
<b>Operations</b>	Positions with administrative and technical support duties, and general service.	I-VI

The General Budget Direction (DGP) and the Central Bank of Nicaragua provide another classification of the occupational structure along 8 lines: managerial, administrative services, scientific and technical, teaching, general services, production, health, and security and defense.

**Table 37. Nicaragua. Percentage of Women and Men in the Central Government, 2006.**

Occupational Group	Percentage Women	Percentage Men	Total (DGP)	Total (Central Bank)	Difference
<b>Management</b>	46 (2,608)	53 (2,976)	5,584	3,720	1,864
<b>Administrative Services</b>	69 (3,427)	31 (1,567)	4,994	3,851	1,143
<b>Scientific and Technical</b>	61 (3,571)	38 (2,234)	5,805	4,642	1,163
<b>Teaching</b>	72 (5,429)	28 (2,074)	7,503	7,663	160
<b>General Services</b>	45 (3,134)	55 (3,894)	7,028	5,938	1,090
<b>Production</b>	45 (278)	55 (347)	625	610	15
<b>Health</b>	72 (10,715)	28 (4,226)	14,941	12,717	2,224
<b>Security and Defense</b>	18 (1,504)	82 (6,717)	8,221	Not reported	
<b>TOTAL</b>	56 (30,666)	44 (24,035)	54,701	39,140	15,561

Source: DGP (2006) and Central Bank (2017) for year 2006.

**It has not been possible to establish what occupational lines are public management positions in Nicaragua. At face value, the Directorial and Executive groups appear to be management jobs, but this is unclear because of the lack of information describing these groups. Consequently, in this research, Nicaragua's public management positions cannot be determined.**

As the previous table shows, there is a gap between the DGP and the Central Bank data because the total counts of employees for the reported categories do not coincide. In the case of the Management category, the difference is significant.

## Regulatory Body

The Directorate General for Public Service (*Dirección General de Función Pública*) at the Ministry of Finance is the governing body. It is responsible for directing, supervising, and designing the System of Classification of Positions of the Institutions of State Administration. These regulations provide the method and criteria for line ministries should adopt to classify and evaluate civil service positions.

## Information System

This research could not determine the country's information system on public employment.

## Gender Equality in the Public Administration and Other Equality Measures

The Ministry for Women (MINIM) is the State office for promoting gender equality. The country has an Equality Act (Law 648, 2008, "*Ley de igualdad de derechos y oportunidades*") to promote equality between women and men in the State.

The Joint Gender Program between the former Institute for Women in Nicaragua and the UNDP (2008-2011) produced a diagnostic on the working conditions of women in the Central Government and in the 15 selected City Councils (*Municipios*).<sup>79</sup>

The Ministry of the Treasury (*Ministerio de Hacienda y Crédito Público*) has a Gender Unit whose mission is to assist public agencies to design gender-sensitive budgets and actions accordingly. At the Ministry, this Unit seeks to introduce a culture of gender equality.<sup>80</sup> The Ministry of Treasury has a Gender Policy, developed with the technical assistance of UN Women in 2015.

This study did not identify any further information about gender equality initiatives in Public Administration. Maternity leaves are 98 days (14 weeks) and paternity leaves consist of five working days (Labor Code and Family Code).

79. The Program supposed an execution of USD 8,000,000.

80. <http://www.hacienda.gob.ni/organos-de-apoyo/utg>.

## Key Issues

### *Key Issues*

- The main challenge is the public access to reliable sex-disaggregated data.
- Given the absence of sex-disaggregated data among decision-making jobs, it is difficult to identify challenges and draw recommendations.

### *Recommendation*

- The Ministry of Treasury, with the assistance of the Gender Unit, disaggregates the amount of money spent by line ministries on gender issues. This is public data. Consequently, a logical step is to produce and present sex-disaggregated information by occupational category. This is feasible given that the Ministry is responsible for the national budget, and as such, can request fine-grained information from the rest of the public sector. This opens the opportunity to develop a partnership between the UNDP and the Gender Unit at the Ministry of Treasury.

# PANAMA



## Definitions

*Central Government.* It is the totality of the Ministries of State.

*Decentralized agencies.* These are decentralized agencies, autonomous and semi-autonomous agencies, public enterprises and local governments (*Municipios*).

*Public Servant.* It refers to any individual appointed temporarily or permanently to a position in the public sector, in the Executive, Legislative and Judicial Branch, the municipal level, the autonomous and semi-autonomous agencies, and in general, to any individual that receives any payment by the State. There are three types of public servants: i) public servants on the Administrative Career, ii) public servants on special careers, and iii) public servants who do not belong to any State career.

*Administrative Career Public Servants.* Individuals on the Administrative Career, thus regulated by the Civil Service Law.

*Public Servants on Special Career.* Individuals on public careers stated by the Constitution or special laws. These are employees at decentralized institutions and public enterprises.

*Public Servants excluded from careers.* A third group of public servants does not belong to any State career. This group is divided into seven categories.

1. Popularly-elected officials
2. Freely-appointed and removed civil servants
  - a. Public officials who work as advisors, secretaries, and assistants whose appointment and dismissal are at the will of their superiors.
2. Appointed civil servants regulated by the Constitution
  - c. Magistrates of the Supreme Court and Electoral Tribunal
  - d. State Ministers and deputy Ministers
  - e. Attorney General of the Administration
  - f. Attorney General of the Nation
  - g. Comptroller General
  - h. Deputy Comptroller General
  - i. Electoral Attorney
4. Selected civil servants
  - e. Directors and Deputy Directors of decentralized agencies directly appointed by the Executive Branch and ratified by the Legislative Assembly or one of their Permanent Commissions for a fixed term.
6. Civil servants with Probationary status
  - g. Those who aspire to enter the administrative career ladder and are awaiting evaluation to determine through preestablished procedures if they meet the necessary conditions
8. Acting civil servants (*en funciones*)
  - i. Those who occupy a permanent public post until they acquire the conditions of career public servant through the established procedures.
10. Contingent workers (*eventuales*)

## Occupational and Hierarchical Structure

The Manual of Occupational Classifications should have been updated by December 2017. Law 23 (2017) distinguishes six hierarchical levels of employees:

- i. Political Level and General Directive Level
- ii. Supervisory level of National Directions (*Jefaturas de direcciones nacionales*).
- iii. Chief of Regional Directions (*Jefaturas de direcciones regionales*).
- iv. Department Chief
- v. Section Chief or Supervisory level
- vi. Execution level

Currently, no information is available on the gender distribution of hierarchical positions at the Central Government (Communication with *Contraloría General de Panamá*, September 2017, and June 2018). This information is expected to be ready in 2019. Sex-disaggregated information on the occupational and hierarchical structure is available only for the decentralized segment of the State, thus covering employees under special careers rather than the Central Government.

**Table 38. Panama. Proportion of Women and Men Employed in the Central Government, 2016.**

Hierarchical Level	Women	Men	Total
Political Level and General Directive Level	--	--	--
Supervisory level of National Directions (Jefaturas de direcciones nacionales)	--	--	--
Chief of Regional Directions (Jefaturas de direcciones regionales)	--	--	--
Department Chief	--	--	--
Section Chief or Supervisory Level	--	--	--
Execution level	--	--	--
<b>Total</b>	48% (57,799)	52% (63,911)	100% (122,710)

Source: Contraloría General del Gobierno de Panamá 2016.

## Regulatory Body

The ruling office is the General Directorate for Administrative Career (*Dirección General de Carrera Administrativa*) (<http://www.digeca.gob.pa>).

## Information System

The *Contraloría General de la República de Panamá* houses the National Institute of Statistics and Census. This Institute gathers data on public employment on a regular basis. Sex-disaggregated information for the Central Government is available in online reports at the web site of the *Contraloría*.

*Sex-disaggregated variables:*

- Total number of men and women, with salary, by Ministry.
- Total number of men and women, by type of labor relation: i) permanent, ii) temporary, and iii) contingent.

These reports, however, do not contain information on public management positions or occupational groups, by gender.<sup>81</sup>

Upon GEPA request, the *Contraloría General de la República de Panamá* provided sex-disaggregated information by occupational and hierarchical structure, but not for the Central Government (only for the decentralized segment).<sup>82</sup>

81. [https://www.contraloria.gob.pa/inec/Publicaciones/Subcategoria.aspx?ID\\_SUBCATEGORIA=39&ID\\_IDIOMA=1](https://www.contraloria.gob.pa/inec/Publicaciones/Subcategoria.aspx?ID_SUBCATEGORIA=39&ID_IDIOMA=1)

82. This information on the decentralized segment uses the census categories of occupational structure rather than the categories of the special careers.

## Gender Equality in Public Administration and Other Equality Measures

Panama has an Equality Opportunity Law for Women (Law 4, 1999). The National Women's Institute (INAMU) is the ruling body for gender equality, and responsible for the Public Policy for Equality Opportunities for Women (PPIOM) (Executive Decree 244, 2012). The plan (under the line "Participation and Citizenship") proposes to increase the participation of women in the decision positions of the national and subnational governments. INAMU certifies public (and private) organizations with a Gender Equality Seal.

Since 2011, public officers receive training on Gender Sensitive Budgets (with the support of international cooperation). The major achievement is the introduction of sex-disaggregated data in the State payroll (Gobierno de Panamá 2014).

Maternity leaves are 14 weeks (Labor Code, article 107), and paternity leaves three working days (Law 27, 2017). Law 42, Equalization of Opportunities (1999) established a 2% quota for people with disabilities in the Government (and private companies with more than 50 workers), though its actual application remains unclear.

### Key Issues

#### *Key Issues*

- Collecting sex-disaggregated information on the occupational and hierarchical structure of the Central Government, as expected by Law 23, is still pending.
- This study could not identify data on the hierarchical structure, disaggregated by gender. Therefore, it is not possible to determine if women are adequately represented in public management positions.
- Paternity leaves are insufficient given the few days allocated, however there are CAPIs that are the Early Childhood Care Center from 0 to 4 years old, they can be private or public. Currently, Executive Decree N° 252 is being reviewed (Tuesday, May 28, 2019), which establishes the Public Policy Board for the definition of the Comprehensive Care System.

#### *Recommendation*

- Produce regular data on men and women in hierarchical positions of the Central Government.
- Introduce gender-sensitive measures for public administration employees. This could be done within the Gender Equality Seal initiative thus building upon on-going commitments and policy efforts.



# PARAGUAY



## Definitions

*Central Administration of the State.* Refers to the institutions comprising the Executive Branch, the Legislative Branch, and the Judicial Branch.

*Public employees and functionaries.* These are similar terms.

*Public functionaries* (Law 1626, article 4). Any individual appointed by an administrative act to hold a permanent position established in the General Budget Act, in a labor relationship of dependency on the State, for which he/she receives a salary.

The following occupational groups are not considered public employees:

- Personnel on contract. Their work is regulated by the Civil Code and not the Public Service Law.
- Auxiliary service personnel (such as chauffeurs, elevator operators, cleaning staff, and others), whose work is regulated by the Labor Code (and not the Public Service Law).

The following positions are excepted from the Public Service Law:

- All popularly-elected positions, such as the President and Vice President of the Republic; Senators and Congress people; Governors and members of Departmental Councils (*Juntas*); Mayors; members of Municipal Councils.
- Ministers and Deputy Ministers of the Executive Branch
- Comptroller, Deputy Comptroller, Ombudsman, Deputy Ombudsman, and members of the Magistrate Council
- The Attorney General and District Attorneys
- Political and hierarchical personnel at the municipal level (excepting those hierarchical levels occupied by career employees).

*Special State Careers.* The following occupational groups are regulated by special career regimes.

- Foreign Service
- Armed Forces
- Police officers
- Teachers and professors at the National University and official institutions of primary, secondary, and technical education
- Magistrates of the Judiciary

The following employees are only partially subject to the Law of Civil Service, and their work relations are governed by different labor laws:

- Positions of confidence/trust (cargos de confianza)
  - » Designated officials with the rank of ministers, General Prosecutor, and officials that represent the Executive Branch in binational agencies or administrative agencies
  - » Secretaries, directors; heads of departments, divisions, and sections of the Presidency
  - » Secretary General, Private Secretary, Administrative Director, and Financial Director that offer services in the Ministerial Cabinet of the Executive Branch; presidents and members of councils or directors of decentralized agencies
  - » General Counsel of State agencies, except for those integrated in the Public Administration.

## Occupational and Hierarchical Structure

The next table presents the occupational and hierarchical structure defined in Decree 6369/2011. Ministry and agency-specific descriptions of positions are available online for some organizations, such as the Ministry of Public Health and the National Anticorruption Secretariat.<sup>83</sup> The data in the table is a proxy for the presence of women in public management level jobs because the formal classifications do not necessarily reflect actual decision-making (Iturburu 2012b).

**At least formally, for the purpose of GEPA, public management positions in Paraguay: a) Level C Superior Management, and b) some positions within Level B Superior Leadership (Director General and Director).**

## Regulatory Body

The Secretariat for Public Service, SFP (Secretaría de la Función Pública) (<https://www.sfp.gov.py/sfp/>) is the governing body for public employment. Created by Law 1626 in 2000, the Secretariat has ministerial rank and directly reports to the Presidency of the Republic. The Secretariat develops technical standards, advises institutions on human resources management, and trains public servants. The data on public employment, however, is gathered by the Ministry of Treasury, with a portal containing online individual payroll information.

## Information System

The Ministry of Treasury houses the National System of Human Resources (SINARH, *Sistema Nacional de Recursos Humanos*). Payroll information forms the basis of this system. It is online at: <http://nomina.paraguay.gov.py/>. It covers 273,040 employees, with full name, and other variables such as: workplace, occupation, salary, labor contract, and disability. The information starts in 2013 and is regularly updated for line Ministries.<sup>84</sup>

The Secretariat for Public Service is working on a new information system, called the Integrated Centralized System for the Administrative Career SICCA (*Sistema Integrado Centralizado de la Carrera Administrativa*). This system will provide information on careers.

Based on SINARH data, the SFP produces reports and cross-tabulations on a regular basis and publicly available.<sup>85</sup> The sex-disaggregated variables in the reports are:

- » Occupational structure.

83. <http://www.mspbs.gov.py/digies/wp-content/uploads/2012/07/DIGIES-Manual-Funciones-Julio-2010.pdf>; [http://www.senac.gov.py/archivos/documentos/Manual%20de%20funciones\\_xmhq2zg.pdf](http://www.senac.gov.py/archivos/documentos/Manual%20de%20funciones_xmhq2zg.pdf)

84. The validity of the information cannot be determined.

85. The reports can be downloaded from the site: <https://www.sfp.gov.py/sfp/seccion/82-datos-sobre-el-funcionariado-.html>.

**Table 39. Paraguay. Percentage of Women and Men in the Occupational and Hierarchy Structure, 2016 and 2018.**

Category	Positions	Women	Men	Total	Women	Men	Total
Level A: Political Leadership. Comprises positions achieved through popular election, procedures specified in the Constitution, by Presidential designation, and by special laws. Not considered career jobs.	i. President; Vice President ii. Ministers of the Executive Branch and Positions equivalent to Ministers; Deputy Ministers; Positions equivalent to Deputy Ministers iii. Comptroller General; Attorney General; Ombudsman; Chief Notary of the Government; Deputy Comptroller General; Deputy Ombudsman iv. Departmental Governor v. Advisor vi. Departmental Secretary vii. President of Decentralized Agencies viii. Superintendent	31% (47)	69% (104)	151	41% (175)	59% (250)	425
Level B: Superior Leadership. Comprises positions that are in direct relationship with Ministers or equivalent positions, whose tasks are to plan, organize, execute, and control organizational units, and participate in the formulation of policy proposals.	i. General Director ii. Director iii. Chief of Cabinet iv. Secretary General v. Internal Auditor	43% (415)	57% (547)	962	46% (590)	54% (690)	1,280
Level C: Superior Management. Comprises positions that are charged with formulating and executing programs, plans, and courses of action, in which they assume the responsibility to meet specific policy objectives of an administrative and technical character	i. Auditor ii. Coordinator iii. Departmental Head iv. Professional I v. Secretary I	46% (874)	54% (1,046)	1,920	48% (1,904)	52% (2,045)	3,949
Level D: Administrative and Technical Management. Comprises positions that are charged with leading the execution of actions and procedures that have specific results in a determined area.	i. Professional II ii. Secretary II iii. Technician I	44% (2,982)	56% (3,815)	6,797	47% (4,529)	53% (5,042)	9,571
Level E: Operations Management. Comprises positions that are charged with achieving specific targets of policy frameworks and/or providing technical assistance of an operational nature.	i. Division/Section Head ii. Technician II iii. Secretary II	40% (2,060)	60% (3,053)	5,113	43% (3,662)	57% (4,784)	8,446
Level F: Administrative and Technical Support. Comprises positions that are charged with completing technical and administrative tasks of a certain complexity that require specific knowledge and skills.	Administrative Assistant	42% (1,916)	58% (2,656)	4,572	45% (2,539)	55% (3,055)	5,594
Level G: Auxiliary Service. Comprises positions that are charged with developing, completing, and executing tasks individually or in assigned groups for immediate supervisors using instructions established in operations manuals.	Assistant Administrative Technician Service Assistant	53% (4,249)	47% (3,899)	8,068	54% (6,089)	46% (5,209)	11,297
TOTAL		45% (12,543)	47% (15,040)	27,583	48% (19,488)	52% (21,075)	40,563
OTHERS Employees on special regimes, not on civil service career.	Special careers. Health career; Teachers; Military and the Police; special agents.	51,142	41,861	93,003	94,622	66,102	160,724

Source: Law and Decree. (Secretaría de la Función Pública, 2018; 2016)

- » Type of labor relation (tenured versus contract).
- » Ministry (or other agencies in the Executive Branch).
- » Salary level.

## Key Issues

Paraguay has no Gender Equality Act. The Ministry of Women implements the 2018-2024 objective “move towards equality real and effective, clearing the obstacles that hinder or prevent it and eliminating all form of discrimination”. Part of the recognition that the process of building equality between women and men in Paraguay is long-standing, with more than 21 years of public policies embodied in plans. The scenario and the current situation have many advances, but also challenges, requires us to aspire to more, to achieve substantive equality.

In 2011, the Secretariat of Public Service issued the First Plan of Equality and Non- Discrimination in Public Service in Paraguay 2011-2014 (Decree 7839/2011). Progress is currently being assessed.<sup>86</sup> In 2011, the Secretariat installed a phone line for filing discrimination complaints, including sexual harassment and harassment in the workplace (more generally) among public institutions (Iturburu 2012b).

In 2018, the Secretariat introduced a Protocol for Intervening in Cases of Violence in the Workplace, as well as a Methodological Guide to implement gender and non-discriminatory approaches in the regulations of public institutions. In hand with the Ministry of Women, the Secretariat provides training on gender mainstreaming in human resources policies (*Enfoque de género en las prácticas y políticas de gestión de personas en el servicio civil*).<sup>87</sup> The Ministry of Women, with support from the German international cooperation (GTZ) is promoting the Gender Equality Seal “Safe Firms: free of violence and discrimination against women” to distinguish achievements among private but also public organizations (Presidential Decree 4452/2015).

Other welfare measures in the public sector that may benefit women are:

- The Work / Family balance Norm of the Secretariat of Public Service (Resolución 388/2010).
- The provision of care facilities among public institutions with more than 50 employees (of either gender) for children up to two year old (Law 1626/2000, article 134).

In the public sector, maternity leaves are 18 weeks (since 2015), and paternity leaves are two weeks.

86. [https://www.sfp.gov.py/sfp/archivos/documentos/instrumento.monitoreo.pipcd\\_p0j5uhfx.pdf](https://www.sfp.gov.py/sfp/archivos/documentos/instrumento.monitoreo.pipcd_p0j5uhfx.pdf).

87. See: <https://www.sfp.gov.py/sfp/noticia/13708-servidores-de-15-instituciones-publicas-se-capacitaron-para-impulsar-la-igualdad-en-la-administracion-publica.html#.We4tAmiCzIU>.

### *Recommendation*

- Establish within public institutions, the Seal of Gender Equality or similar instruments that allow for the empowerment and participation of women in decision-making spaces as well as in public policy-making.
- Improve the quality and communication of information on public officials.
- The adoption of protocols against gender-based violence and sexual harassment in public institutions of central, sub-national and local level and the corresponding monitoring of its implementation and results are recommended.
- Improve the System for recording information, updating and communication of data on gender violence in Paraguay in general and for feminicides in particular
- Monitor compliance with political participation quotas in the lists of party inmates, general elections, and reject them when they are not met.
- The necessary measures must be taken to monitor the fulfillment of all labor rights of workers and workers, including the maternity and paternity leave
- Thus, ensuring that these are fulfilled in small and medium enterprises.

# PERU



## Definitions

*Civil Servants.* Refer to civil employees working in any state organization, irrespective of their governmental level and employment regime (Article III, Regulatory Framework of the Civil Service Law). For civil servants under *special careers* the Civil Service Law is an overarching frame complementing their special regimes.

*Categories of Civil Servants.* Law 30057 distinguishes four kinds of occupational categories. Trust advisors (*servidores de confianza*) can be part of any of the four categories, but never more than 5% of all employees.

1. *Public Functionaries:* Political representative that directs or intervenes in the leadership of the State and approves policies and rules. This category is comprised by three types of positions:
  - ii. popularly elected public functionaries,
  - iii. public functionaries of regulated appointment and removal;
  - iv. freely-appointed public functionaries.

More detailed information on these three categories is presented in the next table.

Table 40. Peru. Types of public functionaries.	
Category	Specification
<b>Popularly elected public functionaries</b>	President of the Republic; Vice President of the Republic; Congressmen and Congresswomen; Regional Presidents, Regional Vice Presidents and Regional Chancellors; Mayors; Lieutenants Mayors; Councilor.
<b>Public functionaries under regulated appointment and removal</b>	<ol style="list-style-type: none"> <li>1. Magistrates of the Constitutional Court.</li> <li>2. Ombudsman and Deputy Ombudsman.</li> <li>3. Comptroller General of the Republic and deputy comptroller.</li> <li>4. President and members of the National Election Jury.</li> <li>5. Members of the National Judicial Council.</li> <li>6. Director General and members of the Board of Directors of the Academy of Magistracy.</li> <li>7. Holders, deputies, presidents and members of collegiate bodies of the constitutionally autonomous bodies.</li> <li>8. Holders, deputies and members of collegiate bodies of agencies that have express provision on the appointment of their officials.</li> <li>9. Judges who are members of the Executive Council of the Judiciary.</li> <li>10. Prosecutor of the Nation of the Public Prosecutor's Office.</li> <li>11. President of the Supreme Court</li> <li>12. Rectors and Vice Chancellors of public universities.</li> <li>13. Holders, deputies, chairmen and members of the board of specialized technical and regulatory bodies and administrative courts.</li> <li>14. Governors.</li> </ol>
<b>Freely-appointed public functionaries</b>	<ol style="list-style-type: none"> <li>1. Ministers of State.</li> <li>2. Deputy Ministers.</li> <li>3. General Secretaries of Ministries and those with equal hierarchy by law.</li> <li>4. Holders, deputies, presidents and members of the collegiate bodies of free designation and removal.</li> <li>5. General Manager of the Regional Government.</li> <li>6. Municipal Manager.</li> </ol>

Source: Law 30057 (Article 52).

2. *Public Director*: A civil servant that performs duties related to organizing, directing, or making decisions within an agency, organizational unit, program, or special project. This category includes servants in the Administrative Tribunals. Directors have a three-year tenure, and their mandates can be renewed twice, with exceptions (Article 60, Law 30.057). Only up to 20% of Public Directors can be freely-appointed employees (Law 30,057, article 60). By law, there are three different levels of Public Director: i) political-strategic, ii) strategic, and iii) operative – strategic. Iacoviello (2014) reported that SERVIR expected a total of 457, 1,342, and 1,788 employees for each level.
3. *Career Civil Servant*: A civil servant that performs duties directly linked to the fulfillment of substantive functions and internal administration of the organization. These are tenured employees and have a progressive career opportunity structure (Law Civil Service, article 65). They are on the civil service regime.



4. *Assistant Civil Servants (Servidor de actividades complementarias)*: A civil servant that performs duties indirectly linked to the internal administration of the organization. Labor relations are ruled by contracts.

Public Functionaries, Public Directors, and freely-appointed employees are excluded from collective bargaining rights as established by ILO Agreement 151 (Law Civil Service, article 40). Trust advisors (freely appointed), cannot exceed 20% of any category, and cannot exceed either 5% of the total employees of an organization (Civil Service Law, article 77).

*Public employees explicitly excluded from the Civil Service Law.* These are: Employees of state enterprises, Civil servants of the Central Reserve Bank of Peru, Civil servants of the Congress of the Republic, employees at the National Superintendence of Customs and Tax Administration, employees at the Superintendence of Banking, Insurance and AFP; nor the Comptroller General of the Republic, nor the employees subject to special careers. Workers of regional governments and local governments are also excluded.

*Special careers.* Other groups of public employees are subject to their specific normative frameworks:

- a. Diplomatic Service of the Republic (Law 28091).
- b. University personnel (Law 23733).
- c. Health Professionals (Law 23536).
- d. Teachers and teaching personnel (Law 29944).
- e. Military and Armed Forces (Law 28359).
- f. Police (Legislative Decree 1149).

For the purpose of GEPA, public management positions in Peru are: a) Public Directors, and b) General Secretaries of Ministries (freely-appointed public functionaires).

## Occupational and Hierarchical Structure

The Law on Public Service establishes a new occupational and hierarchical structure but SERVIR has not yet produced information for the new categories (Personal communication with SERVIR public officers, September 2017). For this reason, the following information refers to the old structure, and should be taken only as a general proxy of the presence of women in public management.

## Regulatory Body

SERVIR (*Autoridad Nacional del Servicio Civil*) is the ruling office for public employment, created in 2008 (<http://www.servir.gob.pe/>). SERVIR does not produce primary data disaggregated by gender, but it is very active in producing reports on the status of women in the public sector.

**Table 41. Peru. Percentage of Women and Men in the Public Employment Structure, 2016.**

Category	Women	Men	Total
<b>Public Functionaries</b>			
<b>Public Directors</b>	30%	70%	--
<b>Professionals</b>	43%	57%	--
<b>Assistant Civil Servants</b>	27%	73%	--
<b>Special Careers</b>	55%	45%	--
<b>Total employment at national level</b>	42%	58%	240,800**
<b>Total employment (national and subnational)</b>	46%	54%	1,400,000*

Source: Information for the entire public sector, and not for the national level nor the Executive Branch (SERVIR 2017). Raw figures not provided.

\* Approximate figure (SERVIR 2017).

\*\* Figure in Iacoviello (2014).

## Information System

The Ministry of Economy and Finance is developing the SIGEP, Personnel Integrated System (*Sistema Integrado de las Personas*) (Iacoviello 2015), which combines payroll data with career-related variables. Data is not publicly available yet. IADB supported the development of the system.

SERVIR has highly qualified statisticians. Since 2012, it produces the annual report “Women in the Public Sector.” This report provides summary data on the whole public sector disaggregated by gender, based on the National Survey of Families and Households. The data, therefore, does not refer to the Executive Branch specifically but to the public sector at large.<sup>88</sup>

## Gender Equality in the Public Administration, and Other Equality Measures

In Peru, the Law for Equality of Opportunity between women and men (Law 28983, 2007) mandates gender equality in the public sector. The Ministry of Women and Vulnerable Populations (MIMP) implements the 2012-2017 National Equality Plan (PLANG) that, among several aims, seeks to increase women’s participation in decision-making jobs in the State (Line of Action 7). To achieve so, PLANG establishes affirmative actions but, to our knowledge, these. MIMP is also committed

88. For such a reason, the list of variables is not detailed in the present document.

to changing the institutional culture of the public sector, for which reason it published the “Guide to Incorporate the Gender Perspective in the Communications of Public Agencies.”<sup>89</sup>

MIMP certifies organizations with the Seal Safe Firms free of Violence and Discrimination against Women. This study did not find evidence that line ministries adopted the Seal.

In the public sector, maternity leaves are 98 days (14 weeks) (Law 26644), and paternity leaves up to 4 working days (Law 29409).<sup>90</sup> Public institutions with more than 20 female workers in fertile age must have breast-feeding rooms (Decree 009-2006-MIMP). In 2016, SERVIR registered a total of 328 of these facilities (SERVIR 2017).

In regards to mothers and future mothers currently in the armed forces and national police of Peru. The right of maternity leave has now been extended to 98 days; so, the mothers in the police or military will receive 8 more days. The possibility of using this time in a deferred, partial and/or accumulated manner is maintained. The rest extension is also maintained for 30 more days if the pregnancy is multiple and / or the birth of children with different abilities.

**Table 42. Interesting regulations on maternity and paternity leave**

Theme	Reference	date	# days	periods	references
<b>Maternity leave</b>	Law 30367 Supreme decret 006-2016 TR	2015	98 calendar days	Before(45d) After (45) of childbirth (negotiable)	Protect the working mother against arbitrary dismissal.
<b>Paternity leave</b>	Law 30367 Decreto Supremo 006-2016 TR	2015	10 calendar days		Until before March 2019 the parents had only 4 days off
<b>Disability</b>	Law 29992	2013	30 additional days		In the case of children with disabilities.
<b>Lactarium</b>	Law 29896	2012			Obligation to implement “Lactarium” in the private and public sector.
<b>Adoption</b>	Law 27409	2001	30 calendar days		
<b>Domestic work</b>	Law29700	2011			Time use surveys

Source: Information from UNDP Peru.

89. <https://www.mimp.gob.pe/files/direcciones/dcteg/guia-orientacion-enfoque-genero-2016.pdf>.

90. See also: Law 28731/06 [Amplía duración de lactancia materna]; Law 26644/96 [Descanso prenatal y postnatal].

## Key Issues

### *Key Issues*

- Peru has made substantial progress in developing tools for the Public Administration in the last years. However, adequate data for women and men in the occupational and hierarchical structure remains a challenge.
- If we consider the information on general public employment, women are underrepresented among public managers. This reflects a gender gap in authority that needs to be removed for reaching SDG 5.
- Despite the quota laws for electoral jobs, there are no specific provisions to increase the number of women among the decision-making jobs of the Public Administration.

### *Recommendation*

- In Peru, the first recommendation is to support SERVIR in its current efforts to produce systematic data disaggregated by gender on the National Public Administration, and provide information following the new employment structure as stated in the Civil Service Law.
- Paternity leaves are insufficient. This is an important issue and has not yet received enough public discussion. UNDP could work toward making the topic salient and showing that it may interfere with more women in upper level jobs.
- It should be advisable to introduce gender-sensitive measures for public administration employees, more specifically, affirmative actions and gender-sensitive measures.

# URUGUAY



## Definitions

*National Executive Branch.* It is comprised by the Office of the President and 13 line ministries.

*Public Servants.* Law 19121 (article 3) refers to public functionaries (*funcionario público*) as any public official who, incorporated through a legal procedure, exercises public functions in the Executive Branch.

*Special careers.* Various groups of public employees are regulated by special regimes, for which reason they are only partially covered by Law 19121. These are employees in the Judiciary Branch, the Electoral Board, the Administrative Court (*Tribunal de lo Contencioso Administrativo*), and decentralized agencies (which include teaching and public health personnel). State-owned enterprises and employees in the Social Security Institution (*Banco de Previsión Social*) also have their own employment regimes.

Other groups under special careers are:

- Foreign Service
- Armed Forces
- Police

- Magistrates of the Public Ministry and the Office of the Attorney General

The following employees are not considered public functionaries:

- Scholarship students (*becarios*) or interns (*pasantes*)
- Artists
- Personnel with work and service leasing; provisional temporary contract of public law; employment contract; artistic contract and fixed-term contract.
- Advisors directly hired by Ministers of the State (*Adscriptos*).

*Public Servants and non-Public Servants.* This normative distinction is based on the labor relations between individuals and the State, differentiated by their tenure and obligations.

*Career Public Servants* are those individuals working for the State, appointed through administrative procedures, under a dependent labor relationship.

There are three main types of career employees:

- Regular Planned Personnel (*Funcionarios Presupuestados*).
  - Selected through a competitive, meritocratic process.
  - Hired on a provisional status that exceeds a trial period of 15 months, with satisfactory performance evaluations.
  - Entitled to the administrative career ladder and is not freely-removable.
- Provisionary employees (Provisoriatos).
- Employees on contracts.<sup>91</sup>

## Occupational and Hierarchical Structure.

**Table 43. Uruguay. Employees in the National Executive Branch\* by labor regime and gender, 2016.**

	Women	Men	Trans	Total
<b>Public Servant</b>	35 (26,393)	65 (50,043)	0.01 (6)	100 (76,442)
<b>Non-public servant</b>	62 (3,035)	38 (1,828)	0.02 (1)	100 (4,864)
<b>Total</b>	36 (29,428)	64 (51,871)	0.01 (7)	100 (81,306)

Source: Information from UNDP Peru.

\* Office of the President and line ministries.

91. These are: permanent contract of public service (contrato permanente de función pública), labor contract (article 92, law 19121), temporary contracts (ONSC 2016).

Law 19121 establishes occupational groups (*sistema escalafonario*) according to principles of good governance, objectivity, rationality, and equity. The occupational groups are defined by activities, training and educational requirements.

The upper positions are political (constitutional and trust positions also known as occupational groups P and Q) called “*Superior Administration*” (Law 19121, Article 59,). Below this level, there are hierarchical posts reserved for career employees. In descending rank these are: Area Director, Division Director, Department Director, and Sector Director. These are functions commended to employees directly by political authorities (*encargatura para el ejercicio de una función*), and do not represent formal positions in the national budget because these are critical assignments. For such reason, these jobs are difficult to track, and were specifically gathered for GEPA by the National Civil Service Office.

**For GEPA, public management positions in Uruguay are: a) Group Q among Superior Administration, and b) Area Directors through Department Directors. It is unclear whether Sector Directors should be included given their low span of decision-making.**

**Table 44. Uruguay. Proportion of Women and Men in the Occupational and Hierarchical Structure, 2016.**

Hierarchical levels	Description	Women	Men	Total
<b>Decision-making positions (*)</b>	P - Freely-appointed positions by Constitution			
<b>Trust Employees (“Q”)</b>	Directors and Deputy Directors Freely-appointed employees	29 (50)	71 (125)	100 (175)
<b>Area Directors</b>	Designated responsibility (encargatura)	43 (57)	57 (76)	100 (133)
<b>Division Directors</b>	Designated responsibility (encargatura)	50 (166)	50 (164)	100 (330)
<b>Total upper level Jobs (selected ministries) (**)</b>		43 (273)	57 (365)	100 (638)
<b>Other occupational groups</b>		Information not available		
<b>A – Professional</b>	University professional degree			
<b>B – Technical Professional</b>	University technical degree			
<b>C – Administrative</b>				
<b>D – Specialized</b>				
<b>E – Trades</b>				
<b>F – General Services</b>				
<b>R – Residual category</b>				
<b>Total National Executive Branch (***)</b>		64% (53,560)	36% (30,397)	100% (83,957)

Source: (\*) Data provided by the ONSC upon GEPA’s request.

(\*\*) Information not available

(\*\*\*) ONSC (2016).

## Regulatory body

The National Civil Service Office (*Oficina Nacional del Servicio Civil*) is the ruling body of public employment. The ONSC advises state agencies in human management, organizational structures, systems and procedures, regulatory projects, and training. It is responsible for the design and implementation of human management policies for the Public Administration.

## Information System

The ONSC provides data on an annual basis through its Observatory on Civil Service as part of the accountability process of the State. These reports provide information on the total number of employees, by Minister, by type of contract, and by sex (but not by occupation).<sup>92</sup> Reports are available since 2009 to present. The Information System that forms the basis of these reports is called Human Management System, SGH (*Sistema de Gestión Humana*). Since 2016, Uruguay includes the category “transgender” in the counting of total employees.

In 2013, the ONSC published a special report on women in the Public Administration, with information by Ministry and type of work contract. It also produced reports on disabled people and afro descendants on a regular basis.

## Gender Equality in the Public Administration, and Other Equality Measures

Uruguay has a Law of Equal Opportunities and Rights (Law 18104) and a 2030 National Strategy for Gender Equality. This Strategy includes gender parity for all branches of the State. The National Women’s Institute (INMUJERES), within the Ministry of Social Development, chairs the Coordinating Council of Gender Policies (*Consejo Coordinador de las Políticas de Género*), with steering responsibilities on the application of gender equality actions in the Central Government. INMUJERES houses a Gender System Information/SIG (*Sistema de Información de Género*), with staff for collecting and examining statistical data by gender, but it does not provide information on gender gaps in public management positions.<sup>93</sup>

INMUJERES implements the Gender Equality Seal for public (and private) organizations.

ENAP (National School of Public Administration) offers regular courses on human relations, discrimination, and harassment in the workplace.

In the public sector, maternity leaves are 13 weeks (91 days) and paternity leaves 10 days.<sup>94</sup> There are some exceptions:

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92. [http://www.onsc.gub.uy/onsc1/index.php?option=com\\_content&view=article&id=64&Itemid=61](http://www.onsc.gub.uy/onsc1/index.php?option=com_content&view=article&id=64&Itemid=61).

93. SIG produces thematic reports. The most recent one (dated November 2016) addresses, specifically, the gender authority gap in the country. Whereas it does not provide information on Public Administration jobs, it describes women and men in all political jobs in the three state branches, including state-owned enterprises. Another relevant publication for this research is the report “Gender Statistics 2013”. While the data is not updated, it does provide an overview of the evolution of public sector employment, (this is, employment in the Public Administration and state-owned enterprises) from 2009 to 2013 ([http://www.inmujeres.gub.uy/innovaportal/file/55631/1/eg-2013\\_documento-completo.pdf](http://www.inmujeres.gub.uy/innovaportal/file/55631/1/eg-2013_documento-completo.pdf)).

94. Law 16104/99 (Labor licenses for public employees); Law Ley 19161/13 (maternity leave); law 19121/13 (Public employee statute) and Decree 169/14.



- In case of multiple births, preterm or with a disability, the maternity leave is 18 weeks (126 days).
- For premature births with less than thirty-two weeks, parental and maternal leave is secured for the total days of hospitalization and then the regular paternity leave and a special maternity leave of 18 weeks (126 days) begins to apply.

## Key Issues

### *Key Issues*

- The main challenge is to provide sex-disaggregated data on public management positions on a regular basis. An important bottleneck is the collection of information on critical assignments (funciones). This supposes regular up-dates by organizations.
- A second challenge is to increase the presence of women in these upperpositions at the Central Public Administration because they are under-represented.

### *Recommendation*

- Uruguay is on its way to update the information systems. The National Civil Service Office staff is open to new initiatives.
- The country has the opportunity to incorporate the gender dimension in its information system and it would be a good practice to take account the opinion of other relevant actors as unions and NGO .
- Gender-sensitive measures exist among different organizations in the Central Administration but most of them are not generally accounted for.

# VENEZUELA



## Definitions

*The Statutory Law of Civil Service (Ley del Estatuto de la Función Pública)*<sup>95</sup> governs the employment relation between civil servants and the national, state, and municipal Public Administration. The Law does not apply to the following categories of civil servants:

- Civil Servants of the National Legislature
- Diplomats and other officials of the foreign service
- Civil Servants of the Judiciary
- Civil Servants of the Citizens Branch (*Poder Ciudadano*), e.g., the Ombudsman, Comptroller, and Deputy Comptroller.
- Civil Servants of the Electoral Branch
- Blue-collar workers in Public Administration
- Civil Servants in the Office of the Attorney General

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95. [http://www.mppp.gob.ve/wp-content/uploads/2014/01/LeyesEspeciales/Gaceta\\_37482\\_publica.pdf](http://www.mppp.gob.ve/wp-content/uploads/2014/01/LeyesEspeciales/Gaceta_37482_publica.pdf)

- Civil Servants in the National Integrated Service of Customs and Tax Administration
- Directorial, academic, teaching, administrative, and research personnel of the national universities

*Public Servants (Funcionarios Públicos)*. Any individual that receives a salary for his/her work in the State and has a permanent appointment.

## Occupational and Hierarchical Structure

The Civil Service Law tasks the Ministry of Planning and Development to produce a Descriptive Manual of Occupational Groups. This research did not identify this manual. Overall, this study found it difficult to get information about public employment in Venezuela. Presidential Decrees 6054 and 6055 (2008) introduced a new system of classification and remuneration of positions, and Decree 2835 (2017) approved a new general salary scale.<sup>96</sup> If the new system has taken effect, the public employment structure should resemble what is depicted in the next table. However, there is not enough information to identify public management positions in this structure.

**For Venezuela, GEPA could not obtain information about public management positions, nor clarity about what posts have decision-making attributes.**

**Table 45. Venezuela. Proposed Basic Structure of the Civil Service.**

Group	Class	Monthly Salary Levels (ascending order)
<b>University Degree Professional Personnel</b>		
	Professional 3	I-VII
	Professional 2	I-VII
	Professional 1	I-VII
<b>University Degree Superior Technical Personnel</b>		
	Technician 2	I-VII
	Technician 1	I-VII
<b>Bachelor Degree Administrative Personnel</b>		
	Bachelor 3	I-VII
	Bachelor 2	I-VII
	Bachelor 1	I-VII

Source: Decree 2835 (2017).

96. <https://www.slideshare.net/colegiotsulara/nuevo-sistema-de-clasificacin-y-remuneracin-de-cargos-presentation>; <http://www.finanzasdigital.com/2017/05/gaceta-oficial-extraordinaria-6-296-escala-sueldos-funcionarios-la-administracion-publica-nacional/>.

## Regulatory Body

The deputy Ministry of Social and Institutional Planning, within the Ministry of Popular Power and Planning is the regulatory body for public employees. It organizes the National Registry of Public Servants.

## Information System

There is no publicly available or updated information about public employment. This study could not identify the information system for public employment personnel either.

## Gender Equality in the Public Administration and other Equality Measures

The Ministry for Women and Gender Equality is responsible for implementing the National Equality Plan with general goals on promoting women's public participation. This study did not identify specific gender measures for the Public Administration.

Maternity leaves are one of the highest in the region with 182 days, and paternal leaves consist of 14 working days (Labor Law Decree 8938, 2012).

## Key Issues

### *Key issues*

- The main challenge is to produce information and make it publicly available.

### *Recommendation*

- Besides the obvious recommendations of making information accessible to the public, the absence of data makes it difficult to suggest specific recommendations because the gender gap in authority is unknown. Also, the public management positions in the Public Administration should be clearly stated.

# PART III:

## CONCLUSIONS

### Conclusions about the availability and quality of the data

To our knowledge, this is the first study to collect and analyze information about the authority gap in the national Public Administration of Latin American countries, measured as the proportion of women in public management positions of the Public Administration.

Diversity and gender equality in human resources management are beneficial to all workplaces, and the public sector is not exception to this. In the Latin American region, however, this idea is seldom acknowledged, for which reason there have been few policies and actions for increasing women's presence at the upper layers of the Public Administration. Some exceptions are Colombia (with gender quotas), and Brazil (with quotas for women and afro descendants).

**This study identified significant problems with the validity and reliability of the data analyzed, which implies a challenge for a gender tracking mechanism. An important conclusion is the need to carry-out country-specific studies to get better information that would help identify how many women and men get access to public management. This information will serve to monitor the progress of each country into achieving SDG Target 16.7 and indicator 16.7.1.**

### Data Validity

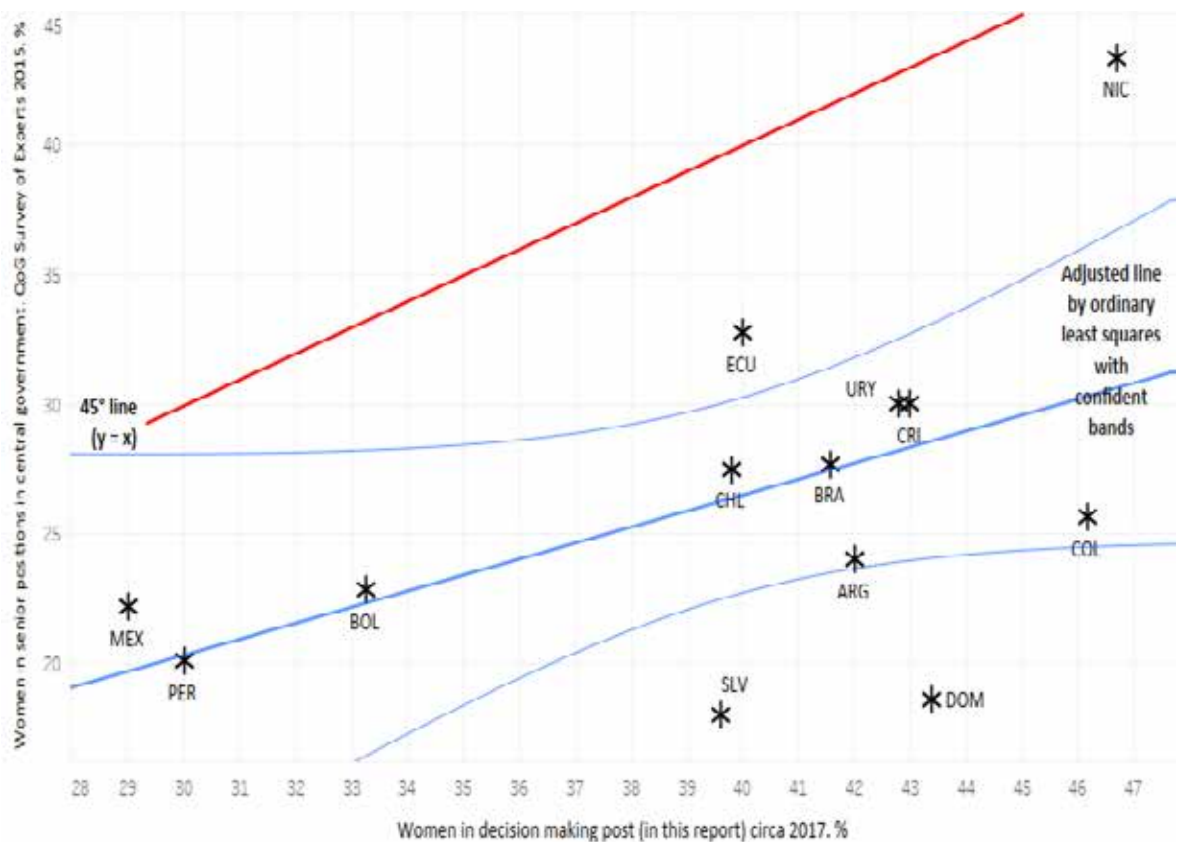
It is difficult to make a general claim about the *validity* of the data –specifically regarding the presence of women in public management positions. It is possible to say that if the information comes from official records, to a large extent, this guarantees some degree of validity. But our analysis showed serious problems because countries report occupational categories that: i) do not coincide with the formally established ones, ii) are not clearly defined in terms of layer but, mostly, in terms of decision-making attributes, iii) and the formal structure may not coincide with the more informal structure of decision-making.

To overcome these validity issues, further research is needed to arrive at substantive definition of what decision-making positions entail in each national context. Otherwise, a cross-national comparison based on documentary analysis does not guarantee the standard of *functional equivalency* – a methodological prerequisite to compare “apples with apples”.

In this report, we assessed the validity of the data gathered by using an external or parallel standard. Specifically, we selected the *QoG Expert Survey II* carried-out by The Quality of Government Institute of the University of Gothenburg in 2015. The *QoG Expert Survey* is a unique data set with information on the structure and behavior of public administration in 159 countries, based on a web survey of 1294 experts. To compare the consistency between the GEPA data collected in this report with the *QoG Expert Survey II*, we present the following graph that correlates the two sets of measures.

If the two measures were perfectly aligned, then all observations should be on the red line. This is not the case. Therefore, there are differences between the data collected by GEPA and the *QoG Expert Survey II*. On average, the difference is ten points. Despite this, the measures are positively correlated, and this is a sign of consistency. The observed gap could obey to the fact that the data was collected in different points in time (2015 for QoG and 2017-2018 for GEPA). It can also relate to a mismatch between what is interpreted as “senior position” in the expert survey, and the definition of public management position adopted in this research. El Salvador and the Dominican Republic are the most discrepant cases.

**Illustration 3. Comparison of data on the number of women in decision-making positions. Data from GEPA versus QoG Experts Survey II (2015)**



Source: Own calculations based on Dahlström et al. 2015

## Data Reliability

- Reliability problems may affect the quality of the data. These relate to: a) unclear information about the institutions covered and, conversely, excluded from the data, and b) partial measurement of the universe (i.e., data was collected by some organizations but not others).

National governments provided data about women in public management positions in Public Administration for eight countries -Argentina, Bolivia, Costa Rica, Guatemala, Honduras, and Uruguay-. Information from published reports was used for four countries -Chile, Brazil, Mexico, and Paraguay- out of which only, Chile and Brazil, provided standardized and comparable data on a regular basis.

In the case of Peru, data came from both published reports and direct communication with SERVIR. In the case of Panama, the data on decision-making positions was provided only for decentralized agencies and could not be used in this study

## Conclusions about the gender gap in public management positions

Despite the problems affecting the quality of the data, this study identified a clear trend: women are represented in lower proportions than men among public management positions. Relative to their overall participation in the Public Administration labor force, they are under-represented. Considering the data gathered for the whole set of countries, women are 30% to 40% of public management posts, whereas they roughly represent half of the public sector employment.

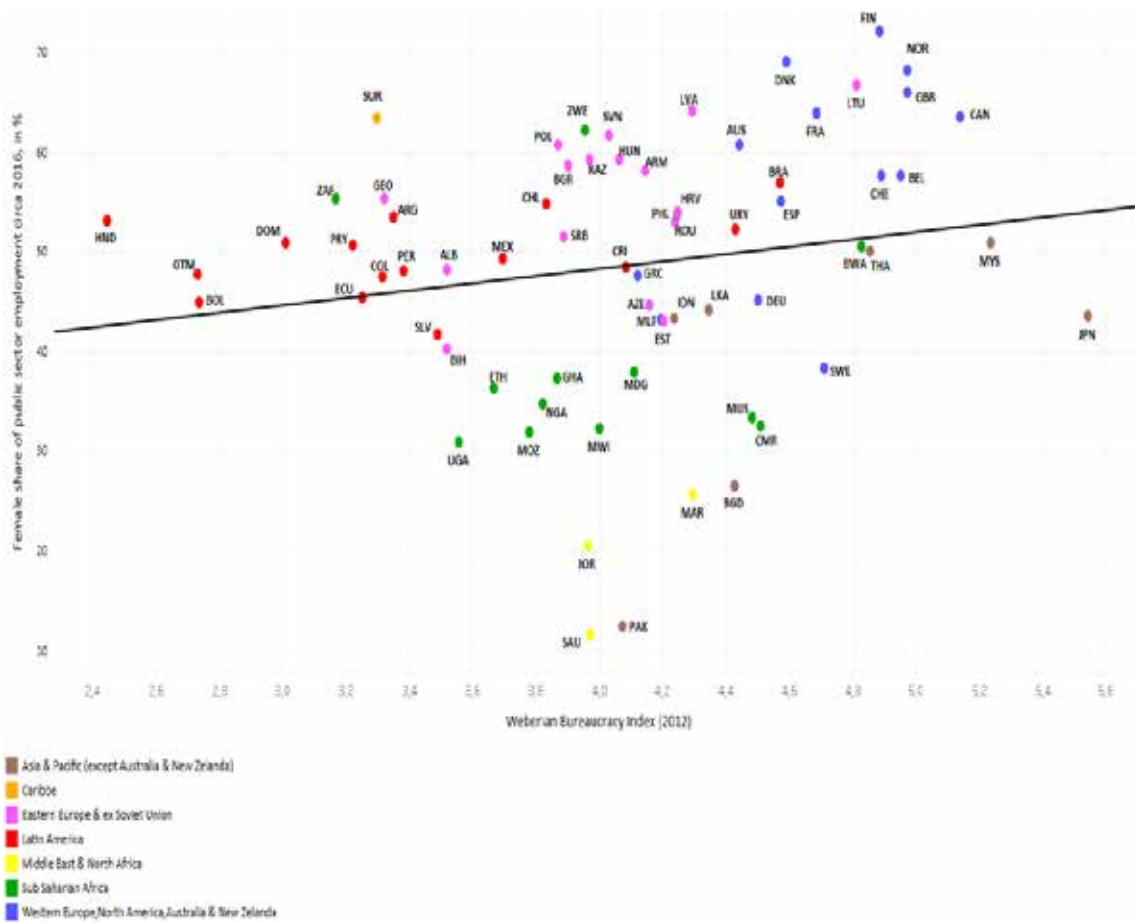
Women are well-represented in the professional ranks of Public Administration. Consequently, their reduced presence in public management is not because there is no expert pool in the State from where candidates are selected. The higher the post – and consequently, the more weight of political and personal ties rather than merits for this appointment --, the fewer the women in them. The bottlenecks are at the access to upper public management positions, highly determined by political and personal ties rather than the job performance within a career track. For this reason, affirmative actions of various sorts are a central key mechanism to incorporate more women at the top of public management. Flexibility in appointments does not translate into a fertile ground for having more women in the hierarchies of the Public Administration.

In the Latin American region, formal barriers hindering women's mobility upper public management have been removed. Further, many countries have gender equality acts, thus stating equal opportunities in legislation. This serves to combat discrimination, but the data gathered in this research shows that this is insufficient. At least numerically, men predominate in the upper tiers of public management.

Certainly, these the barriers found derive from a combination of stereotypical attitudes and perceptions, lack of adequate care facilities, as well as absence of mentoring programs that would encourage women to move into jobs with more responsibility. Tailored-made actions, including quotas and parity, could be fast-track solutions to revert gender inequality at the top of the Public Administration.

The existing imbalance identified in this report is also problematic for the democratic State, because women are left behind when appointing or promoting personnel to make decision on public policies. This also highlights a more structural problem, related to the quality of bureaucratic careers in Latin America. As discussed along the report, political and informal ties do seem to play a role in selecting public managers. These ties do not capitalize on women's experience and bona fide credentials, for which reason the gender gap at the top is directly linked to the State modernization and reform. The basis for this argument can be farther illustrated with the positive correlation between the percentage female in the public sector and the degree of meritocratic recruitment for public careers, as shown in the graphic below.

**Graph 2. Female participation in public sector employment (circa 2016) and Weberian bureaucracy index (2015). Countries by regions.**



Source: Rodríguez Gustá (2018) based on ILO and Dahlström et al. 2015.

Consequently, gender equality interventions within the Latin American Public Administration should be twofold: a) they should include special measures, but also, b) they should involve making State careers more based on the universal criteria of merits and demonstrated skills and abilities, thus leveling the playing field for both women and men.



# PART IV:

## RECOMMENDATIONS FOR THE REGION

This report has set out to be a link in the chain that will lead to the long-term goal that all girls, boys, women and men in Latin America can equally aspire to a role in the public sector, create a livelihood for themselves and their families in the process, and – ultimately – have equal opportunities to reach a level of seniority where they can influence the development path of their societies.

Due to the empirical findings of this report, several recommendations are presented to inform the future work of UNDP and partners to promote gender equality in the public administrations of Latin America, and particularly women’s role as decision-makers public sector.

This is not just important for the sake of reaching gender parity, as all countries in the region have committed to through the SDGs but is also vital to create a future where public institutions are responsive to the needs of the whole population. To move the needle on the responsiveness and accountability of the State, it is a central pillar that public institutions, including those that form the backbone of the administrative and financial management of the State, reflect the composition of the societies they serve.

### 1. Information Systems.

Without a consistent and continuous flow and analysis of data, the case for gender equality is significantly weakened. Therefore, this report decided on a sharp focus on analyzing tracking mechanisms in each of the countries in the region. The conclusion was that not only is consistent real-time data a scarcity but is also lacking the clarity on decision-making that is needed to address what is a central challenge of public administrations across the world: that women are overwhelmingly present in the lower echelons of government agency. As a result, one of the primary recommendations generated from the evidence collected is that there is a clear need to design detailed, publicly available, tracking systems on gender diversity at all levels of decision-making in the public administration. To implement this recommendation, it will be necessary to invest in strengthening institutional capacities to generate and analyze sex-disaggregated data with a view to transforming data into policy action.

### 2. Gender equality From Data to Policy Action: stimulating GEPA measures.

Based on the more coherent and updated data set, countries in LAC can already – in parallel with the design of new tracking systems - begin introducing new or revamped measures to promote gender equality at the senior levels of the civil service. Such measures may include disclosure

requirements, target setting or quotas and the inclusion of gender perspective in managerial performance criteria to improve executive accountability for gender balance at all levels in all occupational groups. Other measures consist of the provision of leadership development opportunities for women to access leadership positions.

3. Place indicators in the regional agenda and country specific measures to advance women's participation in decision-making positions.
4. Strategic partnerships.

There is a need for development partners who can influence the agenda of gender equality in public administration to come together in concerted initiatives. The key actors include organizations such as UNDP, CLAD, IADB, UNFPA and the UN CEPAL.

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