



Equality and Protections against Discrimination: Where does Latin America Stand?

Why consider constitutions?

Constitutional guarantees of equal rights and protection from discrimination lay the foundation for equal opportunities and equal life chances.

As the fundamental documents outlining countries' political and socioeconomic organization, values, and goals, it is particularly important that constitutions guarantee equality and protection from discrimination in all spheres.

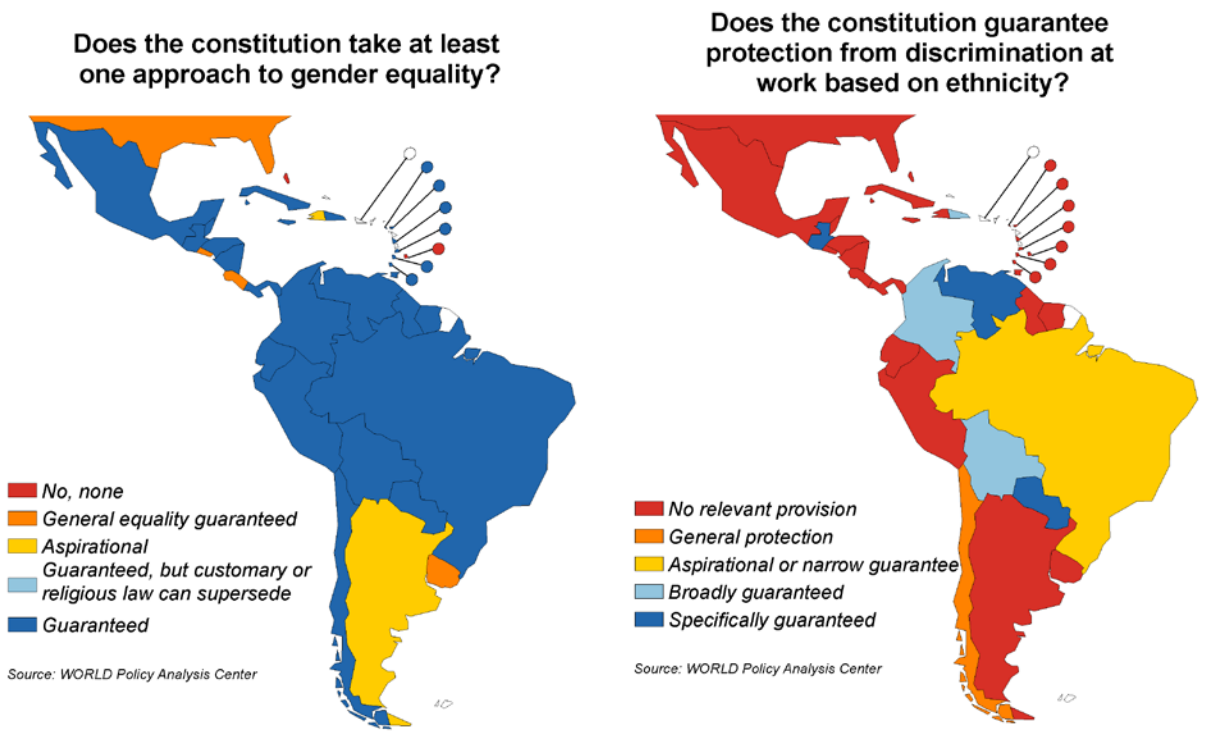
Although provisions that promote equality may also be delineated in national legislation and policy documents, including these protections in constitutions carries both symbolic and practical weight. Constitutions are typically more difficult to repeal or amend than other legislative or policy commitments, which can help to guard against reversal when political administrations change. Most significantly, constitutional protections can be a catalyst for action and provide a legal foundation for citizens to advance equality and combat discrimination.

Areas with more progress

- 26 out of 33 countries in the region specifically guarantee gender equality by taking at least one of the following approaches: prohibitions of discrimination against women, guarantees of equal rights, guarantees of equality before the law, and guarantees of overall equality for men and women.
- 25 out of 33 countries specifically guarantee equality on the basis of ethnicity by taking at least one of the following approaches: prohibitions of discrimination against any particular racial or ethnic group, guarantees of equal rights, guarantees of equality before the law, and guarantees of overall equality for different racial or ethnic groups.

Areas with greater gaps

- Only 9 countries in Latin America and the Caribbean, or less than a third of the region, guarantee the right to education specifically on the basis of gender. This places the region behind the rest of the world, where 43% of countries protect the right to education on the basis of gender.
- Similarly, only 10 countries in the region guarantee the right to education specifically on the basis of ethnicity.
- The majority of the region does not provide explicit constitutional guarantees of protection from discrimination at work based on gender or ethnicity. Only 6 countries specifically protect against employment discrimination on the basis of gender, and only 3 do so on the basis of ethnicity.



Maps show constitutional protections in place as of May 2014. Findings reflect information in national constitutions available by that time through the International Labour Organization’s NATLEX portal and HeinOnline’s “World Constitutions Illustrated.” If you are aware of relevant constitutional amendments or provisions in new constitutions, please contact Nicolas de Guzman at ndeguzman@ph.ucla.

	Latin America and the Caribbean	Rest of the World	Countries for which data are available
Does the constitution take at least one approach to equality?			
On the basis of gender			
No, none	2 (6%)	6 (4%)	
General equality guaranteed	3 (9%)	16 (10%)	
Aspirational	2 (6%)	1 (1%)	193
Guaranteed, but customary or religious law can supersede	0 (0%)	15 (9%)	
Guaranteed	26 (79%)	122 (76%)	
On the basis of ethnicity			
No, none	0 (0%)	6 (4%)	
General equality guaranteed	8 (24%)	30 (19%)	193
Aspirational	0 (0%)	2 (1%)	
Guaranteed	25 (76%)	122 (76%)	

<i>Does the constitution protect the right to education?</i>			
On the basis of gender			
No, none	10 (30%)	29 (18%)	
General right to education	5 (15%)	22 (14%)	
Aspirational	2 (6%)	4 (3%)	193
Broadly guaranteed	7 (21%)	36 (23%)	
Specifically guaranteed	9 (27%)	69 (43%)	
On the basis of ethnicity			
No, none	10 (30%)	31 (19%)	
General right to education	7 (21%)	36 (23%)	
Aspirational	0 (0%)	1 (1%)	193
Broadly guaranteed	6 (18%)	49 (31%)	
Specifically guaranteed	10 (30%)	43 (27%)	
<i>Does the constitution guarantee protection from discrimination at work?</i>			
On the basis of gender			
No relevant provision	23 (70%)	120 (75%)	
General protection	1 (3%)	1 (1%)	
Aspirational or narrow guarantee	2 (6%)	8 (5%)	193
Broadly guaranteed	1 (3%)	6 (4%)	
Specifically guaranteed	6 (18%)	25 (16%)	
On the basis of ethnicity			
No relevant provision	25 (76%)	139 (87%)	
General protection	1 (3%)	3 (2%)	
Aspirational or narrow guarantee	1 (3%)	1 (1%)	193
Broadly guaranteed	3 (9%)	10 (6%)	
Specifically guaranteed	3 (9%)	7 (4%)	

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