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The Implementation of Quotas:  
Latin American Experiences  
*Workshop Report*

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## Preface

The International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization with member states across all continents, seeks to support sustainable democracy in both new and long-established democracies. Drawing on comparative analysis and experience, IDEA works to strengthen electoral processes, enhance political equality and participation and to develop democratic institutions and practices. The inclusive and responsive nature of those institutions is considered of particular importance if there is to be effective governance, benefiting a wide spectrum of groups in society. In this context, IDEA is committed to promoting women's participation and representation in political life.

The implementation of gender quotas is increasingly viewed as an important policy measure for increasing women's access to decision-making bodies. The introduction of gender quota systems is highly influenced by recommendations from international organizations and cross-country inspiration. In 1995, the Beijing Platform for Action called on governments to take measures to ensure women's equal access to, and full participation in, power structures and decision-making fora, and to set specific targets and to implement measures to increase substantially the number of women in politics, including through positive action. Gender quotas present us with new challenges, both in practice and as a new field of research. IDEA is engaged in a global research project on the implementation and practice of quotas worldwide in cooperation with Stockholm University's Department of Political Science. By comparing the use of gender quotas in different political contexts it is possible to gauge whether, and under what conditions, quotas can be implemented successfully. This project aims to raise awareness about the use of gender quotas as an instrument to increase women's political representation and to show that they can and are being applied successfully. IDEA also seeks to develop skills and knowledge, as well as to establish useful networks and to identify partners, among the interested parties to assist them in making progress in this important policy area.

As a means of generating comparative informa-

tion on quotas, IDEA is convening a series of regional workshops. This report documents the discussion at, and the findings from, the second in the series, *The Implementation of Quotas: Latin American Experiences*, which is to be followed by workshops in Africa, Eastern Europe and the Caucasus, and the Arab World. The workshop was held in Lima, Peru, where IDEA has been operating a country programme since 2002.

Many individuals and organizations in Peru supported IDEA's workshop on quotas in Latin America, and we are grateful for their enthusiasm and experience. We thank Professor Drude Dahlerup from Stockholm University for her expertise and knowledge in organizing the event, staff and consultants at IDEA's offices in Lima and Stockholm, especially Violeta Bermúdez, Lorena Prieto, Andrea Stiglich and Yee Yin Yap, for assisting with logistics and arrangements for this event, and Julie Ballington, Christina Alnevall and Violeta Bermúdez for helping to compile this report.

We also thank the speakers and authors who made this report possible, particularly Clara Araújo, Christina Alnevall, Jimena Costa Benavides, Violeta Bermúdez, Drude Dahlerup, Ana Isabel García Quesada, María José Lubertino, Jacqueline Peschard, Gregory D. Schmidt, Rocío Villanueva Flores and Ana María Yáñez. From IDEA we are especially grateful for the expertise and untiring efforts of Julie Ballington, Manager of the Gender Project, and Myriam Méndez-Montalvo, former Manager of the Peru Project. We also thank Dr Patrick Molutsi, Director of the Political Parties and Institutions Programme, and Dr Daniel Zovatto, Director of the Latin American Programme. Lastly, we would like to thank IDEA's member states, for the support that made this event possible.



Karen Fogg  
Secretary-General  
International IDEA



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## About the Project and the Report

Obstacles to women's political participation exist throughout the world in prevailing social and economic regimes, as well as in existing political structures. In 2003, the representation of women stands at 15 percent globally. Although this total has increased in recent years, minimal progress throughout the world means that the ideal of parity remains distant. Given the slow rate at which the representation of women is increasing, various methods, such as electoral quotas, have been proposed or implemented to address the present gender imbalance in decision-making. Governments and political parties have experimented with different types of quotas; electoral quotas may be constitutionally or legislatively mandated or take the form of political party quotas. They usually set a target or minimum threshold for women, and may apply to the number of women candidates proposed by a party for election, or they may take the form of reserved seats in the legislature.

Increasing women's representation and participation in decision-making bodies requires well-developed strategies and information about which measures have worked successfully in different countries with different political systems. In terms of information on quotas, limited comparative research exists on how quotas have been or have not been successfully implemented and enforced. Certain country case studies or regional analyses are available, but there is a pressing need to examine different country and regional examples to assess the pros and cons of quota implementation on a global and comparative basis.

As the debate about the use of quotas as a tool to increase the political participation of women gains momentum, IDEA is collaborating with Stockholm University in a global research project that will lead to the production of a body of comparative practical knowledge on electoral quotas for women. The pro-

ject is the first global comparative analysis of the discursive controversies about quotas and how they work in practice. It aims to study the debates and decision-making processes that led to their introduction, and to look at the implementation of various types of quota, including formal and informal quotas, and their consequences.

As a first step in this process, a Global Database of Quotas for Women web site has been produced, providing an overview of the use of electoral quotas for women worldwide ([www.quotaproject.org](http://www.quotaproject.org)). It is a joint project between IDEA and Stockholm University's Department of Political Science. The web site provides information on the various types of quotas in existence today, detailing the percentages and targets in countries where they are applicable. Data is presented for over 90 countries, including 74 countries where quotas have been implemented in the constitution, regulations and laws or where political parties have implemented their own internal quotas. However, as the web site provides quantitative information about quota types and rules, it does not seek to draw conclusions about the connection between types of quota provisions and the representation of women globally. Further qualitative research is needed to illustrate the effect of quotas for women and quota enforcement in different countries, and the impact of other factors that affect the representation of women, such as the strength of the women's movement.

Consequently, IDEA is convening a series of regional workshops that will bring together researchers and practitioners to collect country- and region-specific information on quota implementation and enforcement, and to develop a network of researchers and experts working in this field. The first in the series examined Asian experiences with quotas, and was held in Jakarta, Indonesia, in

September 2002. The workshop held in Lima on Latin American experiences with quotas was the second in the series.

Latin America is an interesting region in terms of gauging both successes and failures in experimenting with quotas. The legislated quota system is widely used in Latin America, while in other regions informal political party quotas are the most utilized. Argentina was the first country in Latin America to legislate a gender quota in 1991, *Ley de Cupos*; ten other countries in the region followed suit between 1996 and 1997. There are also important examples of strict sanctions for the enforcement of quotas (also called compulsory quotas), where the law stipulates how the percentage is to be met by specifying the alternation or sequencing of candidates—for example, that at least one of every three candidates must be a woman. There is now a tradition of quota implementation in the region, and an emerging consensus that quotas have been instrumental in ensuring female access to decision-making bodies in the region.

The aim of the workshop was to provide a forum to appraise comparative information and trends, to share experiences and to provide networking opportunities for those involved in this debate in the region. The workshop also sought to encourage further research on quotas for women. Key issues examined included what types of quotas are in use in the region (including legislated and political party quotas), when, where and how have quotas worked, the challenges to implementation and enforcement, and what are the controversies surrounding, and the consequences of, the use of quotas. The resource people included researchers and practitioners from Argentina, Bolivia, Brazil, Costa Rica, Mexico, Peru, Sweden, and the United States. Other participants included researchers from, and representatives of,

civil society organizations and political institutions involved in gender equality advocacy, democracy and electoral issues in Peru.

This report is structured around the themes addressed in the Latin American context, providing an overview of the presentations and the discussion that emerged. The full papers submitted by the experts are also included. The themes addressed include comparative experiences of quotas, how to lobby for and implement quotas, the challenges to implementation and enforcement, and democracy and electoral systems. Conclusions and areas for further research are also documented. In this way it is hoped that the report will serve not just as a record of activity but also as a reference and information source for ongoing discussions and planning regarding the political participation of women in Latin America.

The project will result in a number of outputs, including a continually updated web site on electoral quotas for women, a handbook or series of policy papers that allow the aforementioned information to be provided in a format accessible to a wide audience, and an academic book—to be produced by Drude Dahlerup of Stockholm University—provisionally entitled *Quotas: A key to Equality? An international comparison of the use of electoral quotas to obtain equal political citizenship for women*. More information about the project and on quotas for women is available at [www.quotaproject.org](http://www.quotaproject.org), or by contacting IDEA.

Julie Ballington

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# 1

## 1. Quota Systems: An Overview

### 1.1. Overview of the Session

The first session of the workshop provided an introductory overview of the use of quotas worldwide, and defined the types and methods of quota implementation in Latin America.

Professor Drude Dahlerup notes that gender quotas are controversial, yet they are implemented throughout the world. Other quota systems, based on geography, ethnicity, religion, or other factors, are not usually considered as controversial as a quota system based on gender. The region where electoral gender quota systems have been implemented most extensively is Latin America.

There are different quota systems: constitutional, legislative, and political party lists. These different types of quotas are documented on the IDEA/Stockholm University web site on quotas ([www.quotaproject.org](http://www.quotaproject.org)). In Latin America the legislative quota system (legislated in either political party or electoral laws) is widely used. Argentina was the first country in Latin America to legislate a gender quota, the *Ley de Cupos* of 1991; ten other countries in the region followed suit between 1996 and 1997. The process of gender quota implementation has now progressed to a second level in Costa Rica and Mexico, where there has been a shift from legislative recommendations to a quota system based on constitutional law combined with strict enforcement sanctions—recommendations about quota implementation were insufficient in practice. Discussions have also recently been initiated in Peru about a higher quota percentage than at present, in combination with implementation enforcement sanctions.

Gender quotas present us with new challenges, both in practice and as a new field of research. As Drude Dahlerup argues, the idea of gender quotas confronts very different contexts, and country-specific research and comparative studies are important to gain a broadened understanding and to develop a strong base of knowledge. By comparing the use of gender quotas in different political contexts it is possible to gauge whether, and under what conditions, quotas can be implemented successfully, and whether they actually lead to the empowerment of women.

The introduction of gender quota systems is highly influenced by the recommendations of international organizations and cross-country inspiration. The latter is especially obvious in Latin America, where, as Dr Jacqueline Peschard shows, there is great diversity between states in regard to the ways in which quota systems have been implemented. But there is little doubt that international organizations like the United Nations (UN), the Organization for Security and Co-operation in Europe (OSCE), the Inter-Parliamentary Union (IPU) and the European Union (EU), and such international agreements as the 1979 United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the 1995 Beijing Platform for Action, have all influenced this new political agenda. The change in international norms and the fact that a significant number of countries have ratified the CEDAW and subscribed to the Platform for Action in 1995 (at the Women's World Conference in Beijing, China) give new impetus to women's movements worldwide, which base their demands on these international conventions.

While there has been a gradual increase in women's representation globally (the world average in lower houses of parliament was 15.1 percent in March 2003), the national differences are enormous. There has been great interest in the Scandinavian countries, where the representation of women is comparatively high at around 40 percent. However, Drude Dahlerup argues that Scandinavia should no longer be seen as the 'model' for achieving women's representation, as this took several decades to develop and was part of a broader process of attaining gender justice in these countries. In Latin America, gender quotas should be considered in relation to the process of democratic transition and an outcome of women's participation in, and the mobilization of, social movements, women's organizations and political parties. The issue of guaranteeing human rights, particularly the right to equality between men and women, became a part of the political agenda for Latin American governments and political actors.

Jacqueline Peschard explains the different types of quotas that are in existence in the region, where there is a tendency for quotas to be legislated. When con-



sidering the legal framework, though, a distinction needs to be made between indicative quotas, where the quota percentage is established without specifying how it is to be met, and compulsory quotas, which denote how the percentage is to be met by specifying the alternation or sequencing of candidates—for example, that at least one of every three candidates must be a woman. Indicative quotas exist in Brazil and Paraguay, whereas Argentina, Bolivia, Costa Rica, and Uruguay have compulsory quotas.

Peschard also argues that it is important to bear in mind the factors that influence the efficiency of quotas, including the type of electoral system. The proportional representation (PR) system easily lends itself to the implementation of quotas, because of placement mandates that can be applied to political party lists. However, whether lists are open or closed is important to consider, as voters may be able to influence the number of women elected by voting for women in open list systems. This is not possible in a closed list system, where the political party determines the rank ordering of candidates. Finally, it was noted that, in Latin America, there is now a tradition of quota implementation, and a general consensus that quotas have been beneficial to ensuring women's participation in decision-making bodies in the region.

# Comparative Studies of Electoral Gender Quotas

Drude Dahlerup

## Comparative Analysis of Gender Quotas: A New Research Agenda

The number of countries that have introduced some type of quota system is much larger than expected. Although highly controversial, electoral gender quotas are now being introduced at an amazing speed all over the world (see [www.quotaproject.org](http://www.quotaproject.org)). Having gathered data on quotas globally, it is time to establish a new research agenda to compare quota systems.

Comparative quota research might focus on:

- the discourse;
- the decision-making process;
- implementation; and
- the consequences of quotas.

The outcome of introducing quotas should be studied in quantitative and qualitative terms. Electoral statistics can tell the number of women elected. But, unfortunately, the official electoral statistics of many countries do not contain sufficient data on those nominated by sex, which must be provided through other channels such as through the political parties. The consequences of quotas should also be studied in qualitative terms, looking into the intended and unintended ramifications (for instance, stigma glass ceilings preventing the percentage of women from rising above the quota requirement, or unintended splits between different groups of women).

What happens when electoral gender quotas are introduced in political systems as dissimilar as those of Argentina, France, India, Pakistan, South Africa, Sweden and Uganda? What are the theoretical and methodological problems implied in comparing the introduction of electoral quotas in extremely different political systems around the globe? My research interest is in the relation between the discursive controversies surrounding the introduction of quotas, the actual implementation or non-implementation of quota systems and the outcome. Under what conditions do quotas contribute to the empowerment of women? When do gender quotas lead to unintended negative effects like stigmatization and marginalization?

With some outstanding exceptions, research on quotas has, until now, primarily been limited to one country, or to the employment of quotas in different electoral systems. It is, however, relevant to widen the perspective, and to discuss how to conduct research that compares quota discourse and implementation processes and results under different electoral systems, different political cultures and different gender regimes. Existing one-country studies seem to come up with quite different conclusions about the ability of quota systems to empower women. Yet, those differences might derive from the chosen

approach rather than from actual differences between countries.

The introduction of quotas is increasingly influenced by recommendations from international organizations and by cross-country inspiration. However, the new international idea of quotas, or ‘quota fever’, as it is now called in Southeast Asia, confronts very different contexts. Today, electoral gender quotas are being introduced in countries where women have been almost entirely excluded from politics, as well as in countries with a long history of mobilization of women into the labour market and into political life—such as in the Scandinavian countries, where electoral quotas were not introduced until the 1980s, when women’s parliamentary representation already exceeded 25 percent.

The introduction of effective quota systems represents a change in public equality policy, from ‘equal opportunities’ to ‘equality of results’. Quota systems thus represent a break with the widespread gradualism in equality policies. Seen in this perspective, the history of the Scandinavian countries can no longer be considered a model for obtaining equal political representation around the globe.

### ***Why Scandinavia is No Longer the Model***

For many years feminist organizations throughout the world have viewed the Scandinavian countries, Denmark, Finland, Norway and Sweden, as a model for women’s equality. One key factor has been the very high representation that women have enjoyed in parliaments and local councils in these countries, especially since the 1970s.

**Table 1: Percentage of Women in Scandinavian Parliaments in 2003**

<i>Country</i>	<i>Women in Parliament Election</i>	<i>Year</i>
Sweden	45%	2002
Denmark	38%	2001
Finland	37%	1999
Norway	36%	2001
Iceland	35%	1999

This extraordinarily high level of representation, seen in a global perspective, has led to the question: how did you come that far? What can we learn from the Scandinavian experience? As Nordic researchers we have tried to answer these questions by pointing to structural changes in these countries, such as secularization, the strength of social-democratic parties and the development of an extended welfare state, women’s entrance into the labour market in large numbers in the 1960s, the educational boom of the 1960s, and the electoral system. Strategic factors are also seen as important, especially the various strategies employed by women’s organizations in the Nordic states in order to raise women’s political representation.

I will, however, argue that the Scandinavian experience cannot be considered a model today, because it took 80 years to get that far. Today, the women of the world are not willing to wait that long. The introduction of electoral quotas is a symbol of their impatience, as well as an often efficient tool for increasing female representation. A very good example is South Africa, where the introduction of quotas by the African National Congress (ANC) resulted in female representation in this new democracy jumping to an international high of about 30 percent.<sup>1</sup>

### ***Different Quota Systems***

Even if constitutional amendments and new electoral laws may seem more commanding, it is not at all evident that they are more efficient when it comes to implementation than party quotas. It all depends on the actual rules and the possible sanctions for non-compliance, and on the general opportunity structure of the country for quotas. A distinction must be made between quotas for: (a) the pool of potential candidates; (b) the actual nominees; and (c) the elected. There are examples of quota requirements on all three levels, but most quota systems relate to (b). Here, the crucial question relates to where, for instance, the required 40 percent of women are placed on the lists or in the districts with real chances of election. The partly unsuccessful ‘women’s short lists’ in England provide an example of the employment of quotas on the first level, which broadens the pool from which the selection committee or the primary may choose. ‘Reserved seats for women’ is a different quota system, in which certain seats are set aside, as in Uganda, for instance, where certain regional seats

are reserved for women.

The electoral quota for women may be constitutional (as in Nepal, the Philippines and Uganda), legislative (as in many parts of Latin America and, for example, in Belgium, Bosnia-Herzegovina, Serbia and Sudan) or it may take the form of a political party quota. In some countries, numerous political parties apply some type of quotas, such as in Argentina, Bolivia, Ecuador, Germany, Italy, Norway and Sweden. But in many other countries only one or two parties have opted to use quotas. If the leading party in a country uses quotas, however, like the ANC in South Africa, this may have a substantial effect on the overall representation of women. Yet, most political parties around the world do not employ any kind of quota system at all.

Gender quotas may apply to the number of female candidates proposed by a party for election, or they may take the form of reserved seats in the legislature. In some countries, quotas apply to minorities based on regional, ethnic, linguistic or religious cleavages. Almost all political systems apply some kind of geographical quota to ensure a minimum representation for densely populated areas, islands and the like. That type of quota is usually not considered as controversial as gender quotas.

Quotas work differently under different electoral systems. Quotas are most easily introduced in proportional representation (PR) systems and other multi-list systems. Also several majority systems have introduced quota provisions, as the Electoral Quotas for Women website shows. But even in a PR system, because of the few candidates elected, small parties and parties in small constituencies have difficulties implementing quotas without controversial central interference in the usual prerogatives of the local party organization to select their own candidates.

### ***Gender-Neutral Quota Provisions?***

Most quotas aim to increase women's representation, since the problem to be addressed usually is the under-representation of women; this is particularly relevant since women usually constitute 50 percent of the population. An electoral gender quota regulation may, for example, require that at least 40 percent of the candidates on the electoral lists are women. A minimum requirement for women implies a maximum set for the representation of men. Since women are the under-represented group in

political institutions, most regulations seek to secure for women a greater minimum number of seats than before.

Some quota systems, though, are constructed as gender-neutral, which means that they aim to correct the under-representation of both women and men or at any rate establish a maximum for both sexes. In this case, the requirement may be that neither gender should occupy more than 60 percent and no less than 40 percent of the seats. A 50:50 quota is in its nature gender-neutral, and it also sets a maximum in terms of the representation of women, which a minimum requirement for women does not do.

The concept of a 'double quota' is used to refer to a quota system that not only requires a certain percentage of women on the electoral list, but also prevents women candidates from merely being placed at the bottom of the list with very little chance of being elected. Argentina and Belgium are examples of countries with legal double quota requirements.

### ***Quota Controversies***

Quotas are very controversial, yet several countries around the world, including such diverse ones as Argentina, Bosnia, France, South Africa, Sweden and Uganda, have recently introduced gender quotas in public elections. An electoral gender quota system sets up a quantitative prescription for the minimum representation of either sex, such as 40 percent. Sweden's 'every second a women' and 'parité' (France, Belgium) are other names for quota systems.

In political life, quotas have often engendered vehement debate. Research on quotas so far has tended to concentrate on these debates and on the actual decision-making process. These discursive controversies are also an essential part of the present research project, but, in addition, an emphasis is being placed on the too often neglected aspect of the troublesome implementation of quotas and on the consequences of introducing quotas. From studies of single countries, we know that a decision to introduce a requirement of a minimum of, for instance, 30 percent of each gender on the electoral lists does not automatically lead to women getting 30 percent of the seats. Thus, by comparing the use of quotas in many similar and different political systems, it is possible to illuminate whether and under what condi-

tions quotas can be considered an equal policy measure that contributes to the stated goal: equal political citizenship of women.

Introducing quotas is always highly controversial, yet the debates are often confused and only understandable if the hidden assumptions about women and women's position are scrutinized. This makes it possible to see why quotas for some are seen as discrimination and a violation of the principle of fairness, while others consider them to be compensation for the structural barriers that prevent fair competition. The idea of quotas is frequently in conflict with other notions like the prevailing discourse of fairness and competence, and the idea of individualism. However, quotas are seen as an efficient measure to attain 'real' equality, that is, equality of results.

An unclear debate and lack of legitimacy of the claim often lead to problems at the stage of implementation. In an earlier survey of quotas among the political parties in the Nordic countries and women's organizations in the same parties, the Norwegian Labour Party declared that it took three elections to implement a quota system. Why? Because the party does not throw out a male incumbent member of parliament (MP) in order to include a women.

The results of previous single-country studies are quite diverse. They range from the partial failure of the attempt to introduce women's short lists in a majority electoral system like that of England, which nevertheless showed some positive results,<sup>2</sup> through often 'minimalistic' compliance with the rules by the political parties, which has resulted in small and uneven gains in female representation in Latin America,<sup>3</sup> to the somewhat negative consequences of reserved seats for women in Uganda as they become stigmatized.<sup>4</sup>

### ***Research on Women in Politics***

Today, we see a worldwide increase in the political representation of women, but the regional differences are immense (the world average is 15 percent in 2003 according to the IPU). The international research community has taken a strong interest in the results of Nordic research, because, since the 1970s, female representation there has been extraordinary high by international standards. This has sometimes been attributed to the introduction of quotas.<sup>5</sup> However, this view is not accurate, since quotas in the Nordic countries were introduced after women's

representation had taken off in the 1970s, and not all Nordic political parties use quotas—those that do are mostly the parties in the centre and on the left. Furthermore, the few Danish parties with quotas abolished the system after just a few years. The Swedish principle of 'every second a women' is not even considered a quota system by the general public, even if it is in fact a radical one, demanding and, in many cases, leading to 50 percent of each sex.

We need more international comparative studies of quota systems and of women in politics in general.<sup>6</sup> The many empirical single-country studies and examinations of women in politics carried out over the past two decades<sup>7</sup> have paved the way for new, cross-national comparison research projects.

Research on gender and politics has tried to answer the two most frequently asked, yet rather complicated, questions: first, how did this increase in women's representation come about?<sup>8</sup> And, second, what difference does having many women in politics make?<sup>9</sup> The interaction between the elected women and women's organizations has been seen as important to the performance of female politicians and vice versa.<sup>10</sup> One conclusion is especially relevant for the introduction of quotas. In almost all political systems, no matter what the electoral regime, it is the political parties, not the voters, which are the real gatekeepers in regard to elected offices. Consequently, party nomination practices should be kept in focus.<sup>11</sup>

A new trend is also the growing interest in theoretical questions within gender studies, including the study of gender and politics. The concept of citizenship has been central to many feminist research projects in recent years, focusing on welfare state development and on the historical connection between political, social and civic citizenship.<sup>12</sup> The concept of citizenship guides our attention to comparisons between the political exclusion and inclusion of women and that of other groupings or categories. The new philosophical discussion of women as a contested category is also highly relevant for studies of gender and politics, and will be examined later.

### ***The Stockholm University Research Project: 'Quotas-Key to Equality?'***

There is a clear consensus among comparative studies of female representation in parliament that quotas have a positive impact on the numbers of women

represented. To date, there has been no evaluation of the extent to which the form and efficacy of gender quotas are determined by the model of citizenship and political system operating within particular countries. This project addresses this absence. It seeks to establish whether the precise form and perceived efficacy of quotas depend on the nature of citizenship at the discursive level, and the nature of the political system at the institutional level.

The use of quotas is increasingly influenced by international recommendations and by cross-country inspiration. The international idea of quotas, however, confronts very different contexts in individual countries. This phenomenon is at the core of the project. Consequently, quotas are being introduced in countries that do not have a long history of mobilization of women and of women's integration into the labour market and political life, as was the case in the Nordic countries.<sup>13</sup> There is not one but several models concerning the empowerment of women, usually defined as the ability to act and to prevent action, while citizenship refers to rights and capacities for collective action.

### *The Theoretical Discussion*

In the discussion of quotas, several important discussions about principles merge. Quotas represent a change in public equality policy, from 'equal opportunities' to 'equality of results'. But quotas also touch on fundamental questions in democratic and feminist theory, and this project intends to contribute to these theoretical discussions.<sup>14</sup>

In her classic text, *The Concept of Representation*, Hanna Pitkin argues that there is no common understanding about the nature of representation and about what fair representation is.<sup>15</sup> In regard to the distinction between the representation of ideas and social representation,<sup>16</sup> quotas for women relate to the latter position. Opponents of quota systems often argue from the standpoint of the former. The concepts of universal versus differentiated citizenship are under discussion here. Also at play are different concepts regarding the role of the politician: the delegate with a closed mandate versus the true representative or the public servant versus the group representative.<sup>17</sup>

Anne Phillips advocates gender quotas in a system that combines the politics of ideas with the politics of presence. Even if she sees the many arguments

against quotas, Phillips asks why everybody agrees on the demand for the equal participation of women, but not for equal representation. The fact that women all over the world have been excluded must be taken as the starting point, not the abstract principles of representation.<sup>18</sup>

Even if quotas are often met with suspicion, all electoral systems include some kind of quotas, for instance, geographically-based quotas, where more densely populated areas are given a disproportionate number of seats in parliament. The relation between gender quotas and quotas for other social groupings is complicated, since there are women in all (other) social groups. Quotas touch on the discussion of why female representation is important. Three arguments can be found today as well as in the campaigns for suffrage:

- women represent half of the population and hence have the right to half of the seats (the justice argument);
- women have different experiences (biological or socially constructed) that ought to be represented (the experience argument); and
- women and men have partly conflicting interests and thus men cannot represent women (the interest group argument).<sup>19</sup>

A fourth argument deals with the importance of women politicians as role models, who may pave the way for other women to enter politics.

In *Gender and Citizenship*, Birte Siim distinguishes between three models of citizenship: the liberal (UK, USA), the participatory (Scandinavia), and the republican (France). The introduction of quotas by Belgium and France under the name of 'parité' is supposed to transcend the controversial concept of group representation. Based on and developing a republican understanding of citizenship, parité 'does not mean simply adding women but implies the recasting of the social pact which enables women to be representatives of the universal, which makes ample room for the recognition of a plurality that is irreducible to the plurality of opinions and therefore makes room for the introduction of otherness in representation'.<sup>20</sup>

Quotas also touch on the present philosophical dilemma within feminist theory concerning 'the category women' and point to the old problem, so

well known by the feminist movement, that not all women identify with the group 'women'. Women as a group are both the Achilles' heel of the feminist movement and its *raison d'être*. 'The proletariat say "We", Negroes also. Regarding themselves as subjects, they transform the bourgeois, the whites, into "others". But women do not say "We" ... Men say "women", and women use the same word in referring to themselves'.<sup>21</sup> The present critique within feminist theory is partly a critique of Western ethnocentrism, stressing the principle of multiple identities, and partly a poststructuralist critique, that feminism tends to construct the very category it wants to dissolve.<sup>22</sup> But instead of labelling with static concepts of 'essentialism', the dilemmas facing, and the strategic choices of, women in various contexts should be explored empirically.<sup>23</sup> Studying quota systems implies analysing what concepts of representation and which understanding of 'women' as a group are at play in global discussions of quotas for women.

A comparative research design allows for analysis of how quotas are introduced and how they work in different contexts (structures as well as actors). A selected number of countries from all regions of the world will be included, the choice of which will be based on the expertise of the international research network created for this project. It will be necessary to supplement previous single-country studies with comparative studies in order to fill gaps. The project will result in articles for scientific journals and a larger book on quotas, which will include single-country studies by internationally reputed scholars, in addition to chapters dealing with the comparative aspects. Furthermore, a handbook for a general audience is planned in co-operation with the International Institute for Democracy and Electoral Assistance (IDEA). The international project will deal with the following four aspects of quotas as a policy measure.

### *The Discourse*

The project will study the debate on quotas, which seems to be particular to each country, as it is connected to other recent debates and to the general discourse on the meaning of gender and democratic representation (see above). Even if discourses are increasingly international, the actual debates still take place predominantly within national or regional linguistic boundaries. Thus, Mala Htun and Mark

P. Jones argue that the principles of gender equality in Latin America have been gradually incorporated into the prevailing understanding of democracy and modernity, which gives quotas a symbolic value. Notions of difference versus sameness are at play in these debates: whether quotas are seen as a temporary or permanent measure can be used as a test of the ontological understanding of gender differences.<sup>24</sup> Furthermore, if quotas are the answer, what then is the understanding of the problem and how is it constructed in the public debate?<sup>25</sup>

### *The Decision-Making Process*

The project will compare the decision-making process in the selected countries. Here the institutional setting, the party structure and the influence of the women's movement become crucial. Who were the main actors behind the introduction of quotas? Some countries have introduced quotas by amending their constitution or by the passing of legislation. In these cases, the state intervenes in order to secure equal representation. In the Nordic countries, gender quotas have only been defined in law in the case of appointed representation on public committees and boards.<sup>26</sup> In public elections in the Nordic countries, quotas are based exclusively on the political parties' own decisions, as in the case of the Swedish 'zipper-system'. Consequently, it is easy to remove quotas again, as the Danish case reveals.

### *The Implementation of Different Kinds of Quotas*

The project will scrutinize the implementation process, a usually neglected aspect of quotas-by researchers as well as by policy-makers. This study deals only with quotas that are applied in processes of selection potential or actual candidates for public elections. The issue of internal party quotas is thus omitted, as are quotas for public commissions and boards. National elections are highlighted, but regional and local public elections are only included providing the data is available.

This comparative study can contribute to a much more solid understanding of how different types of quotas work, seen in relation to different electoral and nomination systems (for instance, primaries or not, the degree of centralization of the party organizations, and closed versus open lists). It is a preliminary finding that quotas are less likely to be applied

and to succeed in electoral systems based on single-member constituencies, where each party only presents one candidate—contrary to proportional representation systems. But even in a PR system, small parties and parties in small constituencies have difficulties implementing quotas without controversial central interference in the usual prerogatives of the local party organization to select their own candidates.<sup>27</sup> Thus conflicts with other principles might hinder implementation. The legitimacy of the quota system is crucial. It is one of the hypotheses of this project that the character of the debate leading to the introduction of quotas is just as important to the result as the electoral system.

### *Consequences of Quotas*

The result of introducing quotas will be studied in quantitative as well as in qualitative terms. Electoral statistics can tell the number of women elected. Unfortunately, the official electoral statistics in many countries do not have sufficient data on those nominated by sex, which must be provided through other channels, for example, through the parties. The consequences of quotas should also be studied in qualitative terms, looking into the intended as well as the unintended consequences (e.g. stigmatization, glass ceilings preventing the percentage of women from rising above the quota requirement - or unintended splits between different groups of women).

The preliminary hypothesis of this project is that quotas that rest on a previous mobilization and integration of women into all parts of society have a better chance of success than those without this precondition, that is, to lead to the permanent empowerment of women and equal political citizenship. Since quotas in themselves do not remove all of the other barriers to full female citizenship, the crucial question is whether quotas imposed as a result of international inspiration without mobilization among larger groups of women can achieve the goal. Does a critical mass of women count in itself?<sup>28</sup>

The interplay between the national and the international level will also be subject to analysis, especially the influence of the many international bodies, which increasingly issue recommendations, and even rules, in the field of equality policy. Quotas have been recommended by the United Nations (UN), the Inter-Parliamentary Union (IPU), the European Union (EU) and the Organization for Security and

Co-operation in Europe (OSCE)—for example, in the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action, both 1995. Many international organizations have worked on this question; IDEA, the OSCE, the IPU and the EU all have projects on women and decision-making. No doubt, these international recommendations have given legitimacy to the use of quotas. A special study of the activities of the international community pertaining to the introduction of gender quotas in Bosnia-Herzegovina is part of this project.

To what extent and under which circumstances has it been possible for actors like the women's movement to use the international recommendations and cross-national co-operation between organizations to promote their case at home. The theoretical framework for this study is the present discussion as to whether social movements, in general, get more opportunities as a consequence of the processes of internationalization and globalization or whether they are, in fact, disempowered by these developments, unless they transform from being democratic grassroots movements and become professional non-governmental organizations (NGOs).<sup>29</sup>



**Notes**

- 1 Ballington 1998, 2000.
- 2 Squires 1996.
- 3 Htun and Jones 2002.
- 4 Christensen 1999.
- 5 Phillips 1995.
- 6 Rule 1987; Karam 1998.
- 7 Dahlerup 1986, 1988-90; Lovenduski & Norris 1993, 1998; Nelson & Chowdhury 1994; Jalusic & Antic 2001.
- 8 Bergqvist 1999; Haavio-Mannila, Eduards, Dahlerup et al., 1985; Karvonen & Selle 1995; Lovenduski 1986; Sainsbury 1993.
- 9 Skjeie 1992; Walby 1999; Wangerud 1998.
- 10 Dahlerup 1998a; Gustafsson 1997.
- 11 Dahlerup 1998b; Lovenduski & Norris 1996.
- 12 Lister 1997; Sainsbury 1999; Siim 2000.
- 13 Bergqvist 1999.
- 14 Fraser 1997; Phillips 1995; Young 1990.
- 15 Pitkin 1967.
- 16 Esaiasson & Holmberg 1996; Phillips 1995.
- 17 Squires 1996.
- 18 Phillips 1995.
- 19 Dahlerup 1978; Phillips 1995.
- 20 Marques-Pereira 2000, p. 23.
- 21 Beauvoir 1949.
- 22 Benhabib et al. 1995.
- 23 Dahlerup 2001.
- 24 Dahlerup 2001.
- 25 Bacchi 1999.
- 26 Dahlerup 1988-90; Bergqvist 1994.
- 27 Matland 1998; Dahlerup 1988-90.
- 28 Dahlerup 1988.
- 29 Dahlerup 2000b.

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# The Quota System in Latin America: General Overview

Jacqueline Peschard<sup>1</sup>

Since antiquity, politics has been a sphere of public life that has been reserved for men, and this has meant not only that public posts, both executive and representative, were held by males, but that politics was read and understood in male codes and standards, excluding women both in deliberations and in decision-making processes on matters of public interest.

It was not until the 20th century that this situation of exclusion and injustice began to reverse. Indeed, the 20th century has been identified as “the century of women” as it bore witness, from its first years, to the suffragists’ struggles for women’s recognition as citizens. Over the last 30 years, women’s incorporation into public affairs took the form of their participation in social movements of all sorts, and finally saw women’s efforts to accede to positions of leadership and political responsibility.

In Latin America, women first won recognition as citizens in Ecuador in 1929, followed almost immediately by Chile and Uruguay in 1931. Only 30 years later would the task of giving women the right to vote in the region be concluded, when Paraguay and El Salvador incorporated women’s suffrage into their constitutions in 1961.<sup>2</sup>

The long path taken by the Latin American countries for women to win the vote stands in contrast to the rapidity with which they joined in adopting legal provisions to promote women’s access to political positions of responsibility. One such provision has

been the quota system.

As affirmative action-type mechanisms, the quotas have involved according preferential treatment to women. This measure is aimed at creating a balance in view of the inequalities women face in acceding to political posts, on forcing their entry to positions of public authority and not leaving it completely to the good faith of the political parties, nor to their traditional procedures for candidate selection.

Accordingly, in 1991 Argentina, through the Quota Laws (*Ley de Cupos*), established a 30 per cent quota of legislative candidates. In subsequent years, 10 more countries have enacted laws aimed at including a minimum of women on the political parties’ lists of candidates; these laws established a minimum of 20 to 40 per cent women candidates. In addition, Colombia has incorporated this mechanism (30%) for the top-level decision-making positions in the public administration.<sup>3</sup>

The acceptance of gender-based quotas in Latin America is revealed in opinion polls that show that two-thirds of the population considers that quotas are generally beneficial for the region. In addition, most people in the region (57%) agree that quotas lead to better government, as women are more honest than men (66 of every 100 persons surveyed), and better decision-makers (85%).<sup>4</sup>

While Latin American women today are far from having achieved political equality with men, there is much greater awareness of the problems entailed in

their exclusion and discrimination. In this sense, it appears that a major consensus has emerged around the advisability of expanding women's participation in political decision-making, and that this should happen in the short term. In conclusion, in Latin America the women's question has come to be accepted as part of the public agenda.

### ***Quotas as an Expression of Democratization***

It was in the context of the processes of transition to, and consolidation of, democracy in Latin America in the 1980s, with the upsurge of the social movements - and of the women's organizations that emerged within them - and the reappearance of the political parties and democratic institutions, that the issue of extending human rights and citizen rights, and particularly the right to equality between men and women, became a part of the political agenda for Latin American governments and political actors.

During these years, women joined organizations pressing particular social demands in large numbers. From there they moved on to formal politics, first defending the effectiveness of the vote, joining organizations of election observers, and later seeking to head up such movements and accede to leadership positions. Nonetheless, it was not until after the Fourth World Conference on Women in Beijing in 1995 that the region would embrace the legal reforms instituting quotas for women. It is no mere coincidence that most of the countries that adopted quotas did so in 1996 and 1997. This process continues to move forward, given that one of the purposes agreed upon in Beijing was for women to attain effective access to 50% of political decision-making positions by the year 2005. The goal of achieving parity democracy by 2005 was clearly embraced.

Today, the Latin American constitutions enshrine legal equality among citizens; some even make specific mention of women (Argentina, Colombia, Ecuador and Nicaragua). Nonetheless, this generic protection is far from being translated into effective equality of opportunity for access to executive and legislative positions. Indeed, before quotas were introduced, on average women accounted for barely 9% of the members of Latin American legislatures.<sup>5</sup> The adoption of quotas in Latin America - and the fact that the vast majority of the countries that have adopted them have set 30 per cent as the quota -

does not mean that their inclusion in the election laws has been a mechanical and routine act, or necessarily connected with the degree of democratic development of each country. Costa Rica, a country with a long democratic tradition, has a quota of 40 per cent, while countries such as Brazil, the Dominican Republic and Peru, with different levels of democratic development, provide for 30, 25, and 25 per cent, respectively. And Paraguay, with a long history of authoritarian government, has established a 20 per cent quota.

### ***The Different Types of Quotas and How They Work***

The widespread adoption of these compensatory mechanisms requires that one analyse how they work as an instrument to reduce gender asymmetry in political representation. There are different forms or types of quotas, which affect their capacity to transform the inequality of women's participation.

Establishing a certain percentage does not mean that women candidates are actually in a position to translate the percentage of candidates into a similar percentage of seats. Experience shows that the provision can be respected without respecting its spirit, since women are placed at the bottom of the lists of principal candidates, or as alternates, where they have little if any possibility of getting elected. This explains why in the countries with quotas, the actual level of women's representation in the respective legislative organs is currently, on average, 15.8 per cent.

An additional provision useful for bolstering the effectiveness of quotas consists of setting an obligatory distribution of women's candidacies, and specific sanctions for failing to abide by it, such as refusal on the part of the electoral authorities to register the lists of candidates submitted to them. Along these lines, in Argentina the law provides that women candidates must be positioned in proportions sufficient to get elected. In Bolivia, the law provides that one of every three candidates must be a woman, and in Paraguay, one of every five places on the lists must feature a woman. In the case of Mexico, where the legislation requires that no more than 70 per cent of candidates can be of the same gender, each party complies in keeping with its own by-laws, that is, based on the political culture of its cadre and activists. Accordingly, while for the PRI (Partido

**Table 1: Quota laws and gender composition of the Chambers of Deputies (lower chamber) in 12 Latin American countries**

Country	Year of Reform	Minimum quota by law	Placment mandate	Type of list
Argentina	1991	30%	Yes	Closed
Costa Rica	1997	40%	No	Closed
Peru	1997	25%	No	Open
Dominican Republic	1997	25%	No	Closed
México	1996	30%	No	Closed
Ecuador	1997	20%	Yes	Open
	2000	30%		
Bolivia	1997	30%	Yes	Closed
Colombia*	2000	30%	No	Closed
Panama	1997	30%	No	Open
Venezuela**	1997	30%	No	Closed
Brazil	1997	30%	No	Open
Paraguay	1996	20%	Yes	Closed

Sources: Adopted from Htun, Mala and Mark Jones. 2000. "Leyes de cuotas" Cuotas y mujeres en América Latina;. Inter-American Commission of Women, Organization of American States. Available on internet at: <http://www.oas.org/CIM/spanish/leyesdecuotas.htm>.

\* The quota provision refers to administrative positions.

\*\* The quota was later rescinded.

### **Box 1: Types of quotas**

<b>Constitutional</b>	Enshrined in basic laws, mainly constitutions.
<b>Legislative</b>	Established by law. In Latin America, the quotas are provided for in the election laws.
<b>Political party quotas</b>	Some political parties use the quota systems in their procedures for selecting internal posts. <b>Examples include:</b> The Partido de la Revolución Democrática and the Partido Revolucionario Institucional of Mexico; The Partido Socialista, Partido por la Democracia, and Partido Demócrata Cristiano of Chile; The Partido Unidad Social Cristiana of Costa Rica; The Partido dos Trabalhadores of Brazil; Acción Democrática of Venezuela; Frente Farabundo Martí para la Liberación Nacional of El Salvador; and Frente Sandinista de Liberación Nacional of Nicaragua. <sup>6</sup>

**Box 2: Different Types of Quota Laws**

<b>Compulsory</b>	The percentage must be allocated in a certain way in the lists of both principal and alternate candidates, specifying alternation or sequencing (e.g., at least one of every three candidates must be a woman). Provide for sanctions in the event that the positions are not covered in the manner established. Examples: In Argentina, Bolivia and Paraguay, the lists of parties that do not meet the quota are not registered.
<b>Indicative</b>	The percentage is established without specifying how it is to be met. The political party leadership is given a wide margin of discretion for placing the women candidates in any place on the lists, if not in the space for the alternates. Examples: In Brazil, Panama and Peru, and the laws do not specify the precise placement of women on the lists.

Revolucionario Institucional) and the PRD (Partido de la Revolución Democrática), which have different quotas (50 per cent and 30 per cent, respectively), one of every three candidates is a woman, the PAN (Partido de Acción Nacional) has no order of priority.

The sound operation of quotas also has to do with the type of electoral system in place. While the electoral systems are not the only factor determining disparity in the political representation of men and women, they can make a difference in making quotas more effective. Generally, quotas tend to work better in proportional representation systems than in majority-voting systems in which there is a single candidate per electoral district.

In countries in which the lists of candidates for legislative seats are open, such as Brazil, Ecuador, Panama and Peru, promoting women candidates is left to the voters. In other words, it is the voters who determine the placement of the winners, and therefore the election of women to the legislatures. Even so, generally, the dominant political culture is reproduced, that is, male candidates are favoured. Additionally, all the countries of the region where the lists of candidates are closed and blocked, leaving the promotion of women candidates to the party cadre and internal competition, also fail to offer any guarantee of equality, given the traditional predominance of men among the party cadre. Accordingly, if there is no express provision for nominating women candidates, the objective of having quotas tends to get diluted, as it is left either in the hands of the political party leaders, who for the most part are men, or the voting public, which shares the dominant values and considerations about political affairs, leaving women at a disadvantage.

The size of the electoral districts is another element of the electoral system that may favour the inclusion of women, for the larger the district, the greater the opportunities for women to find a place in a representative position,<sup>7</sup> as there are more candidates.

Finally, the effective application of quotas also depends on other elements, such as the willingness of party leaders to open up decision-making positions and candidacies to women. In this context, if the decision as to where to place women on the lists is subject to the correlation of groups within the parties, quotas will only prosper when the women have succeeded in penetrating the party structures and securing places for themselves in mid-level and upper-level directing positions, that is, when they are involved in internal decisions on a regular and meaningful basis.

### ***Implementing Quotas in Latin America***

In assessing the implementation of quotas in the region, one must bear in mind that they have been adopted very recently, and therefore have not yet been in effect long enough to gauge their effectiveness. Nonetheless, in this context, the more immediate criterion for evaluating their success turns out to be the percentage of women who currently hold legislative seats.

By 2002, Argentina, which was the first country to introduce quotas, and which also specified their placement and provided for sanctions,<sup>8</sup> had 30.7 per cent women representatives in the Chamber of Deputies and 35.2 per cent in the Senate, that is, Argentina's Quota Law has already been successful.

Costa Rica, which has the highest quota (40%) in addition to a long democratic tradition and a society known to be liberal and open, had only 19.3 per cent women in the legislature until the decision of the Supreme Electoral Tribunal in 2000. In 2002, with implementation of the Tribunal's decision, which requires that the parties place women in winnable positions, Costa Rica attained 35 per cent women legislators. Cuba and Nicaragua, which do not have quotas, have 27.6 per cent and 20.7 per cent women legislators, respectively, which suggests that quotas are not the decisive factor for ensuring

gender equity, just one element that facilitates it. This is why political history and cultural traditions play a determinant role when it comes to women winning positions of political responsibility.

In effect, it is not sufficient to have a democratic system, or even a democratic tradition, to guarantee better opportunities for women. Chile and Uruguay, known for their long democratic tradition, have not incorporated quotas into their legislation, and in 2002 had only 12.5 per cent and 12.1 per cent women deputies, respectively. In addition, the existence of a democratic political culture among the

**Table 2: Composition by gender of the Chambers of Deputies and Senates in the different areas of Latin America**

<i>Region/Country</i>	<i>Election</i>	<i>Quota %</i>	<i>Women Representatives %</i>	<i>Women Senators %</i>
<b>Southern Cone</b>				
Argentina	Oct 2001	30	30.7	35.2
Chile	Dec 2001		12.5	4.1
Uruguay	Oct 1999		12.1	9.7
Paraguay	May 1998	20	2.5	17.8
Brazil	Oct 1998	30	6.8	6.3
Average			12.9	14.6
<b>Andean Region</b>				
Bolivia*	Jun 1997	30	11.5	3.7
Peru	Apr 2001	25	17.5	Single House
Colombia	Mar 2002		12.6	9.8
Ecuador	May 1998	20/30	14.6	Single House
Venezuela	Jul 2000		9.7	Single House
Average			13.2	6.8
<b>Central America</b>				
Costa Rica	Feb 2002	40	35.0	Single House
El Salvador	Mar 2000		9.5	Single House
Guatemala	Nov 1999		8.8	Single House
Honduras	Nov 1997		9.4	Single House
Nicaragua	Nov 2001		20.7	Single House
Panama	May 1999	30	9.9	Single House
Average			15.2	
<b>Others</b>				
México	Jul 2000	30	16.0	15.6
Dominican Republic	May 1998	25	16.1	6.7

Source: Adapted from: Inter-Parliamentary Union. Women in National Parliaments: World Classification. February 2002. [Internet]: <http://www.ipu.org/wmn-e/classif.htm>

\* In the case of Bolivia, the sequence in which women must occupy a candidacy on the lists is different depending on whether it's for the Senate or the Chamber of Deputies. For the Chamber of Deputies, one of every three candidates must be a woman, while in the Senate it must be one of every four.



elite<sup>9</sup> does not translate directly into a culture of equity. Indeed, in Uruguay, when quotas were discussed in 1988, the legislators rejected them, considering them unconstitutional, as they were seen to violate the principle according to which there must be equal treatment as between the sexes. In addition, it was argued, it was better for women to win elective posts based on their merits.<sup>10</sup>

Furthermore, in Ecuador, which has one of the most advanced quota laws (it provides that the percentage of women candidates is to increase 5 per cent in each successive election, with a view to attaining parity between men and women) women held only 14.6 per cent of the legislative seats in 2002.<sup>11</sup> Similarly, in Colombia, which is the only country with binding quotas for high-level executive posts, only 11.2 per cent of the legislators are women. The situation is somewhat similar in Brazil, which in 2000 increased its quotas from 25 to 30 per cent, and where women account for only 6.8 per cent of the members of Congress. All the foregoing reveals that neither consensus on the need to open the political systems to women nor gains in the law suffice to make political systems more fair when it comes to gender issues.

As was mentioned earlier, to make quotas more effective and reduce the deficit between what they entail and what really happens in practice, one of the first measures that would have to be adopted is that quotas must include specific placement for women candidates, and non-compliance with this requirement by any party should result in failure to register the lists from that party. Nonetheless, of the five countries that have quotas that prescribe specific placement on the lists, only Argentina has levels of women's representation that corresponds to the percentage of the quota, while Bolivia, Paraguay, and Ecuador have deficits in representation with respect to the quotas of 18.5, 17.5, and 15.4 per cent, respectively, which shows the insufficiency of the measure in contexts of incipient democratic development.

To explain the differences both in the application of quotas and in the reluctance of some countries to adopt them, one must incorporate an analysis of other variables that go beyond democratic development. First, one must note that in the countries that do have quotas today, the average level of representation of women is 15.8 per cent, while those that do

not have them have an average of 12.6 per cent; in other words, there is not a statistically significant difference. Seen from this regional perspective, Central America has the highest percentage of women legislators (15.2%), although only Costa Rica and Panama have quotas, while in the Andean region, where three of the five countries have them, the average is only 13.2% women legislators; and in the Southern Cone, where two of the five countries have quotas, 12.9% of the legislators are women.

One variable to be considered is the extent of social homogeneity in terms of opportunities for women. Societies more open to gender equity in the social, cultural and educational realms are better positioned for women to be able to compete effectively to accede to public office, in both the legislative and executive branches. Of course, cultural and religious considerations play a significant part: in the countries with a tradition of separation between Church and state, such as Mexico, Costa Rica and Cuba, there is greater recognition of women's right to participation on an equal footing.

Another factor to be considered is that political parties by nature have hierarchical structures, with highly centralized decision-making, which gives rise to resistance to the demands of other groups within them. Thus, so long as the political parties do not genuinely democratize internally, the demand for gender equity in political representation will face major obstacles no matter how much social legitimacy this demand enjoys.

Finally, quotas are not a formula for having an immediate impact, and there are some contradictions between quotas and actual practice. One of these is clearly evidenced in the difference of results in some countries that have quotas for elections to both houses of the legislature, such as Paraguay.<sup>12</sup> While Latin America has intermediate rates of female representation,<sup>13</sup> it is still far from attaining the objective of political equality. Nonetheless, it is possible to identify a series of benefits of quotas.

### ***The Benefits of Quotas***

Quotas have had an important symbolic effect because they have been raising the population's awareness of the problem of inequality, and of the situation of women and the problems they face. In addition, the debate on whether to adopt quotas has helped instill the habit of thinking of women as profes-

sionally and politically capable of holding positions of public responsibility. Furthermore, the presence of larger numbers of women dedicated to politics has made it possible to accumulate institutional resources for increasing the representation of women, and for drawing attention to the particular problems women face, i.e. to promote decisions and public policies with a gender approach.

Quotas result from the greater political presence of women, and are useful for encouraging a larger mobilization along these lines, in order to constitute a "critical mass", which it is believed is reached with about 30 per cent representation. It must be understood that for a given position and a particular set of interests to find their way into the decisions of a given organization or institution, it does not suffice for there to be just a few representatives of such interests: in fact, many are needed, to ensure that their position is not ignored.<sup>14</sup>

### ***Possible Solutions to the Lack of Political Equality***

Beyond the specific analysis of the effects of quotas on the representation of women in Latin America, perhaps the most important factor in defining additional strategies to foster gender equity in politics is to analyse and address the causes of the persistence of political inequality.

The quotas will bear immediate fruit to the extent that these mechanisms are accompanied by processes of change capable of generating a more balanced social fabric between males and females in terms of access to education, health care, and employment. This would mean introducing a set of reformist social welfare policies aimed at ensuring the existence of social institutions that effectively support domestic tasks, such as day-care centers, unemployment insurance, child care centers, and maternity leave. At present in Latin America the family has taken the place of these social institutions, that is, it is family solidarity, and not a social structure of support mechanisms organized by the state, that enables women to find employment outside the home. In relying on family solidarity, women are depending on a contingent and increasingly scarce resource.

Quotas should be part of a set of comprehensive strategies to support participation, which together constitute a basic framework, a firm platform from which to take off. At first, quotas attack the under-

representation of women in its ultimate expression, not in its causes, on which this under-representation is ultimately based. Accordingly, they can only be introductory, necessarily temporary, and merely a catalyst of consistent public policies aimed at making reparation for women's unequal status. Quotas are merely spearheads that prepare the terrain for developing public policies and programmes to address women's demands, as a necessary condition for building more egalitarian societies whose political expression is parity democracy.

**Endnotes**

- 1 This paper was originally published in International IDEA *Mujeres en el Parlamento. Más allá de los números*, Stockholm, Sweden 2002. (This translation may vary slightly from the original text. If there are discrepancies in the meaning, the original Spanish version is the definitive text).
- 2 It should be noted that although the right to vote was granted to women in El Salvador in 1939, the right to be run for elective office was not granted until 1961. Inter-Parliamentary Union. *Women's Suffrage. A World Chronology of the Recognition of Women's Rights to Vote and Stand for Election*. Available on the internet at <http://www.ipu.org/wmn-e/suffrage.htm>.
- 3 Morales Hoyos, Vivian. 2001. "Cuotas". Paper presented at the *Parlamento de Mujeres*. Mexico City: Congress of Mexico. p. 5.
- 4 Inter-American Dialogue/Gallup. 2000. "Latinoamericanas en el mando. Una encuesta a la opinión pública". Executive compilation for public dissemination. November. Available on the internet at [http://www.thedialogue.org/Gallupsummary\\_spanish.htm](http://www.thedialogue.org/Gallupsummary_spanish.htm).
- 5 Htun, Mala. 2001. "Women's Leadership in Latin America: Trends and Challenges", in Inter-American Dialogue. *Politics Matter: A Dialogue of Women Political Leaders*. Washington, D.C.: Inter-American Dialogue. p. 25.
- 6 Htun, Mala. 2001. p. 19.
- 7 Htun, Mala and Mark Jones. 2002. "Engendering the Right to Participate in Decision-Making: Electoral Quotas and Women's Leadership in Latin America". In: Nikki Craske and Maxine Molyneux (eds.), *Gender and the Politics of Rights and Democracy in Latin America*. London: Palgrave.
- 8 This mechanism was adopted later, among other reasons, in response to pressure from the women's organizations to ensure that the quotas were respected.
- 9 Martínez, Antonia. 1997. "Elites parlamentarias y cultura política en América Latina". In: Del Castillo, Pilar and Ismael Crespo (eds). *Cultura política*. Valencia: Tirant lo blanch. p. 136.
- 10 Nohlen, Dieter, Sonia Picado and Daniel Zovatto (eds). 1998. "Tratado de derecho electoral comparado de América Latina". Mexico City: Inter-American Institute of Human Rights, University of Heidelberg, Electoral Tribunal of the Mexican Judiciary, Federal Electoral Institute, Fondo de Cultura Económica, p. 416.
- 11 It should be noted that this 14.6 per cent women legislators were elected in the 1998 election, i.e. before approval of the provision on the gradual increase of 5 per cent in the quotas and the alternation and sequencing in the lists.
- 12 In countries such as Argentina, Brazil and Mexico, which have bicameral legislatures, women's presence is similar or less in the Senate than in the Chamber of Deputies. In others, such as Bolivia, the Dominican Republic and Paraguay, where the rule makes no distinction, the percentage of women legislators is much higher in the Senate.
- 13 Inter-Parliamentary Union. *Women in National Parliaments: World Classification*, February 2002. Available on the internet at <http://www.ipu.org/wmn-e/classif.htm>.
- 14 Dahlerup, Drude. 1993. "De una pequeña a una gran minoría: una teoría de la 'masa crítica' aplicada el caso de las mujeres en la política escandinava". In: *Debate feminista*. Year 4, Vol. 8. Mexico City. p. 174.

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## 2. Introducing Quotas in Latin America: Discourses and Legal Reforms

### 2.1. Overview of Presentations

The aim of the second session was to identify the discourse surrounding quotas in Latin America and how it is translated into practice through legal reform. It examined key questions concerning how quotas came to be seen as an important way to increase the representation of women, how mobilization around quotas by the women's movement translated into legal reform and whether mobilization was a necessary component to ensure effective implementation of quotas. The case studies examined were Argentina and Peru.

In the past couple of decades, there has been interaction between women's organizations in Latin America and women's organizations around the world, which has led to an exchange of knowledge and resources and to empowerment. The number of countries that have pledged support for the CEDAW and the Beijing Platform for Action has provided an important lobbying platform for the global women's movement.

As María José Lubertino argues about Argentina, the return to democracy in 1983, the presence of some Argentinean women at the Women's World Conference in Nairobi, Kenya, in 1985, the adoption of the CEDAW convention, and the interaction of women in Argentina with those who pushed for quotas abroad (including in Germany and Spain) marked a starting point for a new discourse in which demands for positive action were a central part. Women had been active in the struggle against the dictatorship, which resulted in their effective participation in political parties in the 1980s. There were both quantitative and qualitative changes within the women's movement, and in this situation a gender quota law was seen as a necessary instrument to hasten the cultural change needed, a culture that oppresses women. The demand for gender quotas also unified women across political parties.

Lubertino's paper provides important insights into the development of the demand for gender quotas and the way they came to be legislated. Different strategies were debated, such as promoting quotas in political parties or pushing for the adoption of a law, and whether to introduce a bill in the Senate or the Chamber of Deputies. After pursuing all strategies simultaneously, a bill was drafted according to which the lists of candidates could not include more than 70 percent of

the same sex, and requiring that, for every two candidates of the same gender, there would be at least one of the other sex. The Senate and the Chamber of Deputies approved the bill in September 1990 and November 1991 respectively.

Resistance was part of this process, and in the elections of 1993 there were few lists where the quota was respected. All political parties violated the law: the male leadership upheld 30 percent on the lists, but not in actual legislative representation. Consequently, different strategies were developed to confront this matter and to reform the law. Lawsuits were taken to the Supreme Court in Argentina and the Inter-American Court of Human Rights and the women's movement continued to lobby political parties. In 1994, an amendment to the constitution was approved which put an end to the argument about the 'unconstitutionality of positive action'. The Argentina case underlines the importance of developing clear and detailed laws regarding the implementation and enforcement of quotas. Lubertino concluded by noting that the challenge for Argentina is now to translate numbers into real changes in politics.

The Argentine case had an impact on the demand for, and the development of, gender quotas in other Latin American countries, especially in Peru. Gregory Schmidt argues that feminists were encouraged by the adoption of the quota law in Argentina, and that the momentum for quotas was further strengthened by the Beijing Platform for Action and an IPU meeting on gender in New Delhi, India, in 1997. In terms of legal reform, an important opportunity opened up as a result of the deliberations of the Constitution Committee of the Peruvian Congress in the late 1990s regarding a new electoral law. At least three proposals were submitted for quotas to be included in the law, although they were rejected. Nevertheless, women's groups, women in political parties and the Committee on Women continued to flag the issue. Mobilization in regard to gender quotas came largely from below, but in the Peruvian case, it took the intervention of then President Alberto Fujimori to incorporate quotas into national electoral legislation. Once Fujimori expressed his support for the reform, opponents in his own party quickly fell into line. A gender-neutral formulation of quotas, where women and men must each comprise at least 25 percent of the list, eventually

became law in 1997. Soon after, the figure was raised to 30 percent.

Discourses, however, seem to have global commonality, where the normative arguments for and against quotas demonstrate similarities across countries. Schmidt notes that proponents of quotas contended that gender is a relevant criteria for differential treatment, and that positive action was needed to compensate for social or institutional bias that works against women. But opponents argued that quotas violated the constitutional provision of equality and the voter's right to choose, and they questioned why other groups, such as ethnic minorities, were not included. Quotas were also deemed to be discriminatory, but a gender-neutral formulation of the law overcame this argument. Once Fujimori came out in favour of quotas, male opponents in the party towed the party line. According to Schmidt, Fujimori's gender-sensitive political discourse was one way in which he tapped into the female 'political market'.

The importance of the women's movement, or as Schmidt puts it, women's mobilization, was even more important than the quota itself in the 1998 municipal elections in Lima, showing that research has to adopt a bottom-up perspective when investigating the introduction and implementation of the gender quota. The paper presented by Rocío Villanueva Flores illustrates the problems of interpretation (or misinterpretation) of legal reform in Peru, and the role of the Office of the Ombudsman, which has overseen every election since 1998. The protection of human rights is the most crucial activity of the latter, which has participated in debates on quotas since 1997.

The first elections in which the 25 percent quota law applied were the municipal polls of 1998, yet Villanueva argues that the National Elections Board, the Jurado Nacional de Elecciones (JNE), interpreted the law in a way that resulted in problems with implementation and non-compliance with the quota provisions. Despite problems in calculating the minimum quota, the number of women councillors increased from eight to 24 percent in one election. Similar problems were encountered again in the general election of April 2000, although 26 women were elected (22 percent), up from 11 percent in the previous legislature. The application of the quota law has continually been monitored and evaluated by the Office of the Ombudsman and civil society organizations, resulting in ongoing discourse about legal reform and quota application in Peru. There is also an apparent need to

examine and scrutinize how political parties compile their lists of candidates for election, in order to comply with the quota provision.

## ***2.2. Overview of Discussion***

The presentations resulted in a discussion on the lessons learned from the cases of Argentina and Peru. It was noted that a thorough analysis of the electoral system and process needs to be undertaken before drafting laws on quotas and the different stages of implementation. It is apparent from the case of Peru that laws should be drafted that leave little room for misinterpretation, and that a dispute resolution mechanism should be put in place to deal with misinterpretation of the law. It was also pointed out that not all electoral management bodies are independent, and, therefore, may not interpret all laws in an unbiased way.

In terms of legal reform, it was stated that different strategies are needed simultaneously to lobby for quotas. While support of the women's movement has been critical in some countries, it was cautioned that one should not generalize about the nature of the women's movement, as it is country-specific. Relationships between women and men in political parties, between women from different parties and women in civil society can have a great effect on the implementation of a law. The discussion also focused on the role of the media, and how it may or may not be a supporting resource for women. It is apparent that having the media on side will be advantageous. In the case of Argentina, it was noted that it was hard work to get the media onboard, but by building relationships with journalists and developing communication skills, the media can be an effective channel for gaining public support.

The discussion also shifted to focus on other issues, such as a double quota, defined as a quota that not only applies to women, but also to diverse groups like indigenous communities. It was highlighted that some indigenous groups are fighting for quotas, and that we must not exclude sectoral representation in discussions on quotas in Latin America. It was also stated that where there are preferential or open list systems, women might be at a disadvantage in terms of campaigning and mobilizing the resources to compete with male candidates. Finally, the importance of having political parties with the will to affect change and to adhere to the laws was underscored.

Pioneering Quotas:

# The Argentine Experience and Beyond

María José Lubertino

## From Women's Political Participation to the Need for Quotas

The main objective of this document is to highlight the causes and to describe briefly the history of how the Quota Law (Ley de Cuotas, Law 24,012) came to be adopted in Argentina. What was the starting point? In what circumstances did the debate unfold? What was the role of women politicians? Why was a law such as this chosen, and in the context of what strategy? I will analyse the causes that led to the process via which the law was adopted, the causes that influenced the timing of the beginning of the debate, and the factors that came into play.

The historical moment in which the conditions for the debate were created was the return to democracy in 1983. This was due not only to the return to the normal functioning of institutions, and, therefore, the necessary functioning of the political parties, but also to the participatory climate that emerged in those years, and the role that many women had played in the struggle against the dictatorship. This resulted in the effective participation of women in the political parties, on a (massive) scale hitherto unseen. Indeed, the majority of the members of all of the political parties (except the Justicialista party) were women.

So democracy was a necessary condition for the establishment of contacts and relationships between political women in Argentina and abroad, for the development of relationships with women in other

social organizations and from different walks of life, and for collectively mobilizing to pursue shared grievances. With respect to interactions between those of us who pushed for quotas and women from abroad, the most fluid and fruitful contacts took place for reasons of history, language, proximity, ideological affinity, or financing-in Europe, with the women of the PSOE (Spain), the SPD (Germany), and the former Communist Party of Italy (PDS), and in Latin America with the Uruguayan women from the Frente Amplio (Broad Front), Chilean women from the Socialist Party, Brazilian women from the Workers' Party, and Paraguayan women generally.

At the outset of the discussion about the need for mechanisms for position discrimination, the viability of a quota system and its imposition by law, the following all had an important impact: the travel of some Argentine women to the United Nations Women's Conference in Nairobi, Kenya, in 1985; dissemination of the documents produced at that meeting and of the text of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; personal discussions with Spanish socialist women when they travelled to Argentina in the early years of the transition; contact with politically active women from Costa Rica; distribution of the first proposed legislation on real equality for women, in March 1988;



and, finally, the resolutions of the XVIII Congress of the Socialist International, in June 1989, in Stockholm, Sweden.

A qualitative change came about in political women as a group. Their 'feminization' enabled them to become cognizant of their status as women, beyond their different political ideals or ideologies, allowing them to perceive how they were discriminated against. This led them to deepen the analysis of the causes and possibilities of their removal, which led them to make their numbers visible and felt and to detect their absence in real decision-making positions, not only qualitatively, but quantitatively, leading them in turn to alter their language, and the content of the discourse, and to initiate new practices.

It is within this framework that the adoption of the quota laws should be seen as a necessary yet insufficient instrument for accelerating cultural change. It was like a banner that made it possible to unify politically active women, leading to other more substantive discussions. For some, it was the spearhead for penetrating the patriarchal system at a very weak point, but without losing sight of the fact that one must acknowledge the differences and be able to respect them and live with them for mutual benefit, redefining 'public space' and 'private space', and devolving to politics its ethical dimension. It is an effort that clearly involves expanding democracy.

With the return of constitutional government, many changes ensued, not only because women's participation grew significantly, but also because of changes of attitude in a wide array of different sectors, all seeking common ground and specific shared objectives. The 'historical feminists' began to worry about developing practices and strategies to reach women as a whole, sharing with them their experiences in developing theory; most of the women's movement understood that the struggle against women's oppression should not be subordinated to other struggles, as it is compatible with them and should be taken up simultaneously with them. Specifically, women from the political parties with a popular base made strides in furthering gender awareness, raising and adopting feminist demands and the discourse on power. These changes in the theoretical approaches and the testing of reiterated coherent practices made it possible to remove slowly mutual prejudices, to open up the spheres that had

been exclusive to each sector, to share experiences and, accordingly, to strengthen all women.

Women's participation in politics from 1983-89 was substantial and active; nonetheless, women's representation in decision-making positions was scant. This was the situation at the outset, which women worked to highlight in the search for consensus recognition of the need for quotas. The basic data on which we insisted were that women accounted for more than half of the electorate, and that, by 1991, if the current situation persisted, women would account for only three percent of the representatives in Congress. In addition, we highlighted the fact that women accounted for 48 percent of all of the members of the political parties nationwide—according to data from the Dirección Nacional Electoral, September 1988, and that women were present in the same numbers as men, if not constituting the majority in most of the political parties and in most of the most densely populated districts.

From the outset, different strategies were discussed: promoting quotas in the political parties, or pushing for the adoption of a law, and whether to introduce this in the Chamber of Deputies or the Senate. It was decided to pursue all lines simultaneously, and to go with whichever moved most quickly. On 6 November 1989, the national Senator of the Unión Cívica Radical (UCR) Party for the province of Mendoza, Margarita Malharro de Torres, introduced legislation to amend the national Electoral Code so as to require all political parties to have at least 30 percent of women on the lists of candidates for elective office and in proportions such that they would have a real chance of being elected, which was based on the debate that some women had raised in the National Congress of UCR Women held in October 1989 in Santiago del Estero.

On 16 November 1989, national UCR Deputy for the City of Buenos Aires Norma Alegrone de Fonte, accompanied by deputies Florentina Gómez Miranda (UCR), Inés Botella (Justicialista), Matilde Fernández de Quaracino (Democracia Popular), Blanca Macedo de Gómez (UCR), and Ruth Monjardín (Federal Party), introduced similar legislation, according to which the lists could not include more than 70 percent of persons of the same sex, and required that, for every two candidates of the same sex, there be at least one of the other sex, alternating from the first place in the list. The proposed

legislation took firm hold among the mid-level female leadership in all of the political parties, who assumed that they had found a way out of the fact that they constantly lagged behind in numbers and the frustration of always being relegated to secondary roles. On 20 September 1990, the bill was debated and approved overwhelmingly by the Senate, as the various blocs came together, with the explicit opposition of only two senators from the Justicialista party.

We succeeded in mobilizing a large number of women for the discussion of the legislation introduced by Malharro, even though it was uncertain what would come of the bill, because it was reported to the floor with an unfavourable opinion from the majority committees. Women's presence that night and the pressure that they exerted from the galleries 'turned the session around' and, one-by-one, the senators who had opposed it, albeit expressing all of their reservations, ended up voting for it. The sustained resistance of women resulted in the bill being adopted by the Senate, calling from the galleries, in the early morning hours, for their inclusion in decision-making. This proved the existence of 'women's power'. Crucial to our success was the coordinated and crosscutting work of women from all of the poli-

tical parties, which took the form, in 1990, of the Red de Feministas Políticas. This formation took on Latin American scope at the Latin American and Caribbean Feminist Gathering in San Bernardo, Argentina. In Argentina, the network engaged in major media events and fostered greater awareness on a massive scale, for example through women's sessions in the provincial legislatures and the National Congress.

On 6 November 1991, the bill was debated in the Chamber of Deputies, having been approved by the Senate, and was passed, becoming law. Although its wording could have been improved, priority was accorded to passing it quickly. The law gained the consensus backing of all of the blocs except the Unión del Centro Democrático and the Movimiento al Socialismo; the role of the executive was decisive, without its decision, the Justicialista party would not have allowed a quorum.

**Table 1: Number of Women Legislators in Both Chambers, 1983-2003**

Year	1983			1993			1995			2003		
	Women	Total	%	Women	Total	%	Women	Total	%	Women	Total	%
Deputies	12	255	4.71	36	257	14.0	71	257	27.6	77	258	29.84
Senators	3	46	6.52	*	*	*	*	*	*	26	72	36.11

\* In terms of the Senate, the rules on the women's quota were not applied until 2001, when the provisions of the constitutional amendment that provided for the direct and simultaneous election of three senators per district entered into force.

### ***Resistance and Strategies for Guaranteeing its Implementation***

In 1992, then President Carlos Menem signed the regulatory decree for Law 24,012, which determined the place that women candidates were to occupy. While the decree violated the floor established in calculating the percentage in many cases, in others (such as when there were two seats up for re-election, which was the case in many provinces) it proved decisive for determining that the quota would be 50 percent. The regulation of the law was an important step forward, but it did not permeate the consciences of the country's political leadership.

When the lists of candidates to the Chamber of Deputies were drawn up for the 1993 elections, very few lists respected the female quota. All of the political parties violated the law, and in every province. Both in their discourse and in their arguments before the courts later on, the majority of the male leadership upheld 30 percent on the lists but not in actual legislative representation.

Even though this law amended the national Electoral Code, the electoral judges did not accept the argument that it was a 'public' law. Accordingly, only the candidates themselves could legally challenge the lists. Women then decided on a strategy to address this situation. We communicated with the women candidates from all of the political parties whose lists did not comply with the law, and they organized operations with lawyers who would represent them in each province with resources from the Consejo Nacional de la Mujer and with the support of many different quarters. Even though we lacked a structure and the electoral deadlines were very short and strict, we had to act simultaneously in the country's 24 electoral districts, with a total of 213 lists.

An information network had to be organized to determine quickly the make-up of all of the parties' lists. Mindful of that complex situation, and there not being at that moment any possibility in Argentine law of the lists being challenged by anyone other than the candidate, 'preventive writs of *amparo*' were dismissed in *limine* in every case. Some judges dismissed the submissions, but did not officially accept the lists, instead sending them back to the political parties, to have them reconstituted in keeping with the law and its regulation. In this way, we obtained the first rulings by the national electoral chamber and the Supreme Court, according to

which Law 24,012 became a public law.

In 1994, the amendment to the national constitution was approved, and the women's movement (which thanks to the quotas now provided 100 of the 300 members of the constitutional assembly) succeeded in introducing the following texts, which since have served as a protective umbrella and have defeated the usual traditional male argument regarding the 'unconstitutionality of positive action' as a violation of the right to equality before the law:

Article 37, second part: 'real equality of opportunity as between men and women for access to elective and political party office shall be guaranteed by positive action in regulating the political parties and the electoral regime'.

Article 75, section 22: 'the Convention on the Elimination of All Forms of Discrimination Against Women ... is of constitutional rank'.

Article 75, section 23, first part (among the areas of competence of the National Congress): 'To legislate and foster positive action measures that guarantee equal opportunity and treatment, and the full enjoyment and exercise of the rights recognized by this Constitution and by the international treaties in force on human rights, in particular with respect to women ...'.

Second transitory provision: 'The positive actions alluded to in Article 37, final paragraph, may not be less than those in force at the time this Constitution is adopted, and shall last as long as the law determines'.

The 1995 election found Argentina with new legal and political tools at its disposal. In that election, all of the original lists had at least one woman in the third slot. In 1996, the constitution of the City of Buenos Aires was passed; it is one of the most advanced bodies of law in this respect, and certainly one of the most progressive in Latin America. Since the return to democracy, men and women have taken many collective strides towards equality in our society. Yet many of the rights and political and legal instruments embodied in the new constitution of the City of Buenos Aires can only be explained by the ownership felt by and commitment of many mem-

bers of the constitutional convention to the feminist movement, their other experiences, and the fact that they have regularly received updated information on comparative legislation in this area. This constitution recognizes women as *full citizens* in the context of a *'plural citizenry'* in which men and women are understood to be heterogeneous subjects with diverse dimensions and interests; in this respect, it stands in contrast to other provincial constitutions. Women are not stigmatized as mothers or wives. Nor is a list of rights presented for women as a sector or collective body-because, moreover, we are not that-but, instead, a truly egalitarian relationship is sought between the sexes in all areas, one that is respectful of the differences. In other words, the idea is to establish mechanisms to move towards parity *democracy*.

This is why it speaks of *real equality of opportunity and treatment* in both the public and private spheres, which will be sought through *'positive action'*. This presupposes acknowledging the search for *equality of outcomes*, on the understanding that it is not attained via formal equality before the law or non-discrimination (Article 11) or through equal opportunity, since there is structural inequality, given the lack of 'equality of initial conditions' as Sartori states. Nonetheless, this is not a search for an equality in which everyone is the same-which is why the 'right to be different' is recognized (Article 11)-but, rather, one that involves ensuring that women and men are on the same footing. In Spanish we say *'se equiparan'*, that is, 'they are placed on a par with one another', 'they are peers', 'they recognize one another as peers'; only those who are distinct, different, the others, those who are not equal. And here is one of the keys to democracy: it is only real among those who are different and recognize one another as peers. This constitution seeks to put both *sexes on an equal footing* in both public life, through positive action in politics and the workplace, and in private life, establishing equality in the exercise of sexual and reproductive rights and in the family.

The writ of *amparo* (Article 14) and the right to avail oneself of the Office of the Human Rights Ombudsman (Defensoría del Pueblo, Article 137), among others, are declared to be parity rights of male and female citizens, and they contain instruments to uphold these rights; but mainly, the state is required to incorporate the *'gender perspective'* in all of its public policies, to formulate an *'Equality Plan'* on a

participatory basis (Article 38), and to *implement 'positive action'* (Articles 11, 36, and others). Thus, the placing of women and men on an equal footing, to which the state commits itself, should aim to ensure 'equal access' and 'equality in starting point' (Article 12)-not only equal opportunity, but 'equal treatment', since we are seeking 'equality of outcomes'.

The same constitution enshrines the need for 'positive action in all entities and at all levels, which cannot be less than those now in place' (Article 36). Accordingly, the legislature must pass legislation on the subject (Article 80, section 7) and the executive must adopt those measures 'in all areas, at all hierarchical levels, and in all agencies' (Article 104, section 28). Concrete positive action is also included in this constitution, explicitly referring to: the composition of the lists of candidates for the legislature, the Juntas Comunales; the composition of the Judicial Council in terms of judges and attorneys and of the list for the *jurado de enjuiciamiento* (tribunal to try a judge's malfeasance or misfeasance) in terms of judges, attorneys, and legislators (as arises from a consistent interpretation of Articles 36, 130, 115, and 121); the list of collegial bodies designated by, or requiring the approval of, the legislature (such as, the Office of the Attorney General (Procuración General), the Office of the Auditor General, the Single Regulatory Agency of Public Services; the composition of the Judicial Council-Articles 36, 134, 136, 139, and 115; and the composition of the neighbourhood courts and of the Superior Court of Justice (Transitory clause 12(e) and Article 111).

This is a major advance in relation to the national constitution, which only provided for 'positive action' for the legislative branch, and for the conduct of the political parties. Here, too, it is required that the political parties take action to make effective women's access to *leadership* positions, but it also adds to accede to 'financial management', which anticipates a whole debate on the financing of the political parties and on the relationship between women and men and money, and it clarifies that at all levels and in all areas' (Article 36). In addition, the state should promote and encourage such measures designed to put women and men on an equal footing in private enterprises-as is already done in other countries of the world, which call them 'women-friendly' measures-when they reorganize

their personnel and salary structures to ensure equality between the sexes.

The state's obligation to incorporate a gender perspective into the design and implementation of all public policies, with special mention of education (Article 24) and the participatory preparation of the Plan for Equality of Men and Women (Article 38), presupposes the existence of a women's policy area in the government that can coordinate movement towards real equality with all other areas of the cabinet. There are numerous precedents in Europe and Latin America, at both the national and local levels, of public policy-making incorporating a gender perspective, and the design of equality plans, as government instruments, with the involvement of various non-governmental organizations (NGOs) devoted to the issue. The provincial laws were brought forward in this decade by the effort and pressure of women. In general, laws similar to the national law were adopted, with various mistakes and one aggravating factor: they failed to consider the particularities of the provincial electoral systems. See Table 2.

The adoption of laws with errors, which were not corrected afterwards by appropriate regulation, was a serious limitation in most cases. The exceptions were those provinces that had a history of women's organization and leadership, and sufficient political clout to adapt the laws and their regulation, and to wage a political battle when it came to defining the final make-up of the lists. In the provinces, women's presence on the lists continues to depend on their will, given the absence of guarantees of automatic judicial enforcement of the law. Of the 24 jurisdictions, at present, the provinces of Entre Ríos and Jujuy do not have a quota law.

Due to the pressure brought to bear by the women's movement, on 8 March 2001, President Fernando de la Rúa issued National Decree 1246/2000, regulating Law 24,012, which resolved any outstanding doubts, improved on the wording of the previous decree, and provided for future senatorial elections (henceforth, three instead of two senators would be elected per province, and in a single election).

Article 12: 'The thirty percent (30%) of posts to be filled by women as prescribed by Law No. 24,012 is a minimum. In those cases in which the mathematical application of this percentage were to

**Table 2: Provincial Laws Passed with Quota Provisions**

<i>Province</i>	<i>Law No.</i>
Buenos Aires	11,733, November 1995
Catamarca	4,916, July 1997
Córdoba	8,365, March 1994
Corrientes	4,673, November 1992
Chaco	3,747, May 1992
Chubut	Decree 813. Adopts National Law 24,012, a decree is issued for each election. 1999.
Entre Ríos	None
Formosa	1,155, July 1995
Jujuy	None
La Pampa	1,593, December 1994
La Rioja	5,705, May 1992
Mendoza	5,888, August 1992
Misiones	3,011, April 1993
Neuquen	2,161, March 1996
Río Negro	2,642, June 1993
Salta	6,782, January 1995
San Luis	5,105, March 1997
San Juan	6,515, October 1994
Santa Fe	10,802, May 1992
Santa Cruz	2,302, November 1992
Santiago del Estero	6,286, May 1996
Tucumán	6,582, September 1994
Tierra del Fuego	408, July 1998

result in fractions less than one, the concept of minimum quantity shall be the next greater unit, and shall be governed by the table which, as Annex 1, is an integral part of this Decree."

### ***Evaluation of the Results of Quotas***

Positive action has been implemented in Argentina since 1991. In 1994, the Convention on the *Elimination of All Forms of Discrimination Against Women* was made part of the national constitution. Article 4 stipulates that transitory positive action should not be considered discriminatory, and that, to the contrary, it should be promoted to attain real equality between women and men. In addition, in 1994, a paragraph was incorporated that authorizes Congress to adopt legislation to achieve real equality of opportunity and equal treatment between women

**Table 3: Minimum Number of Women on Party Lists**

<i>Seats up for election</i>	<i>Minimum</i>	<i>Seats up for election</i>	<i>Minimum</i>
2	1	21	7
3	1	22	7
4	2	23	7
5	2	24	8
6	2	25	8
7	3	26	8
8	3	27	9
9	3	28	9
10	3	29	9
11	4	30	9
12	4	31	10
13	4	32	10
14	5	33	10
15	5	34	11
16	5	35	11
17	6	36	11
18	6	37	12
19	6	38	12
20	6	39	12

and men, and, specifically, positive action.

At the national level we have implemented the 30 percent quota for deputies and senators in the national Congress; 22 of the 24 provinces also have quota laws. These laws have been applied with different results, depending on the different electoral systems, and, in addition, the fate of the women who have filled the quota-based positions has varied. Many have been disappointed by the lack of a gender commitment on the part of these women, and by styles that we thought were going to be changed with the inclusion of women, who had been excluded from traditional power practices.

Evaluating the situation ten years after these laws were first enforced, what lies behind all of this-beyond the political right of women to gain equal access to decision-making positions- is actually the backdrop to the dramatic socio-economic and human rights situation confronted by women in Argentina. This is what leads us to the conviction that, while it is true that many women may hold decision-making positions without having much of an impact, wit-

hout modifying the reality of the majority of women, we also know-and this is an empirical and scientific finding-that, if there are no women in decision-making positions, it is difficult for there to be public policies, legislation, and case law that account for, modify, and are sensitive to the human rights situation of most women.

This does not mean that only women can be sensitive. Indeed, we believe that it is good and necessary that there be more men involved in the commitment to human rights, and, therefore, to parity between the sexes. Yet we also believe that the process of integrating diversity and promoting democratic participation benefits when the persons directly affected by human rights violations-those who have suffered from segregation, domination and exclusion-become the ones who explain and lead initiatives to emerge from such situations.

In the 2002 shadow report to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), prepared by a group of Argentine NGOs, we indicated, with empirical findings, which human rights violations women continue to experience today. In general, the most critical areas are sexual and reproductive rights, economic and social rights, violations of which are felt most keenly by women, including the sexual exploitation and violence with which we are all familiar. International human rights organizations have issued repeated recommendations, including in regard to: non-punishable abortions being performed in public hospitals in dignified conditions; a gender perspective being incorporated into the national budget; value being attached to unremunerated work by women, which should be included in the national accounts; the more precise data that needs to be collected on the situation of women involved in prostitution; and the state of sexual exploitation in Argentina. By simply looking, in this assessment, at the areas in which the state has not taken action, it is clear that we must demand that the candidates in the next election-both men and women, but mainly those women who will be included in the lists via the application of the quota law-come up with solutions to these problems, which are continuing to violate women's human rights.

In this regard, our evaluation of positive action in the legislature is favourable, not only in terms of numbers, but also because many laws-such as those

on violence and reproductive health in the provinces would not have been passed had there not been women parliamentarians committed to these issues. We also saw other advances that turned on the presence of women in the legislature, such as the incorporation in the constitution of the city of Buenos Aires of positive action at the judicial level, as well as in some executive agencies, such as the Board of Directors of Banco Ciudad, the Ombudsman, the public services regulatory agencies, and the Judicial Council.

Nonetheless, there is still a long way to go, especially in two respects. On the one hand, in the legislative branches, in addition to the two provinces that have not adopted any form of quota law, we believe that the concern that needs to be raised is linked to the debate over the electoral and political reform called for by citizens. The calling into question of 'straight ballot' voting (*la lista sábana*) in Argentina may endanger the representation of women, minorities, and the minority political parties.

Women in Argentina agree that many males in politics are the first to embrace slight electoral reform that accepts that some things change, and that does away with the d'Hont method of vote tabulation to produce a cosmetic reform. This is so, because they know that it will be the political parties that will continue to nominate the candidates, and if the party decides on the candidates using the closed mechanisms of secluded circles of power, it will not change the quality of the candidates, even though it may change the electoral system.

In the shadow report submitted to the CEDAW, the participating NGOs pointed out that where the discussion of the mechanisms for selecting the candidates really gets bogged down is within the political parties, in the way politics is financed internally, not so much in the electoral system. The tools do not change the content; changing it requires more structural changes.

Furthermore, the question of positive action in the judicial and executive branches needs to be raised once again in the Congress. In the Constitutional Convention of 1994, the quota was only included in the legislative branch and in the political parties, in Article 37; it also ended up with a vague generic clause in Article 75, indicating to the Congress the need for positive action in other areas. Few of the women members of the national Congress have

introduced legislation along these lines: María Elena Barbagelatta, Diana Conti and Elisa Carrió were among the few who sought to extend positive action to the executive and judiciary. It was achieved in the constitution of the City of Buenos Aires, drawing on German laws and the equality plans of German cities. We were able to include it in the constitution of the City of Buenos Aires, but, unfortunately, at the national level there has been little progress—beyond the title of the 1998 Equality Plan—in extending positive action not only to the executive and judicial branches, but also to specific policies, and the indicators and results of those public policies.

One of our objectives at this time is to be able to find common ground on some draft language for legislation along these lines, but also in other areas. One must bear in mind that, with regard to professional schools, universities, professional councils and other areas where women play a role, there is room with the CEDAW and the existing legislation—to propose positive action and parity, equal opportunities and equal treatment of men and women. In this context, women scored one of the greatest successes in judicial arguments, such as that put forth in the case involving the Public Bar Association of the City of Buenos Aires, in which we challenged the lists that did not include women, by supplemental application of the Electoral Code.

Also in 2002, the Law on the Trade Union Quota was adopted. It provides: 'The lists put forth in internal trade union elections should include at least thirty percent (30%) women, unless the women members account for fewer than 30% of total members, in which case the representation may never be less than that proportion'. At the same time, in the cases of constituting collective bargaining units, women's participation is also to be at least 30 percent. The challenge is to begin actually to implement it.

Internationally, in 1995, during the Fourth World Conference on Women in Beijing, China, 189 governments from all over the world committed themselves to 'take measures to ensure women's equal access to and full participation in power structures and decision-making' and to 'increase women's capacity to participate in decision-making and leadership'. To attain these strategic objectives, the main action they agreed on was to establish 'the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and

in the judiciary, including, *inter alia*, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions’.

In 2000, at the Beijing+5 United Nations conference, several women’s organizations from different parts of the world, in coordination with the Women’s Environment and Development Organization (WEDO), launched the ‘50-50 campaign’ as a first step towards meeting the commitments assumed in Beijing in 1995 to attain balance between men and women in decision-making positions. This campaign demands that the governments work to achieve a ‘minimum target of 30% representation of women in cabinet ministries and legislative bodies by 2003 and equal representation by 2005’. This is summarized in the slogan of the ‘50-50 by 2005’ campaign, ‘Get the balance right!!!’ In 2000, the Instituto Social y Político de la Mujer agreed to be the focal point for this campaign in Argentina, declaring its commitment to ‘50-50 by 2005’.

The process to place women and men on a truly equal footing will continue its slow course. It will depend mainly on the impetus of the women’s movement and on women’s awareness of the tools within their reach, as well as the gender sensitivity of men and women holding positions in government and in the public administration. Implementing all of these actions entails and contributes to deepening democracy, modernizing the state and placing equality between men and women on the state, political, and social agendas. It commits the governments, and brings about greater efficiency in the public policy-making process. The latter requires considerable interaction between the state and civil society, which may occur gradually, but with a continuing tension at this time, given the weakness of social policy and the backsliding of the state in regard to social welfare programmes, together with the lack of a tradition of equality, an impoverished and in many cases inefficient, clientelist or corrupt state, and women’s areas with structural difficulties when it comes to acting horizontally in order to make an impact on the highest echelons of power.

Despite these complexities, the existence of legal bases for generating change is extremely encouraging. From there, women with gender consciousness

along with males committed to the equality proposals, within and outside of government, will build alliances through projects and accomplishments that bring our dreams closer to reality.





# The Implementation of Gender Quotas in Peru:

## Legal Reform, Discourses and Impacts

Gregory D. Schmidt

This paper is the first of two that I have had the pleasure of preparing for the workshop. It describes the process by which gender quotas were legislated and enforced in Peru, reviews the discourse of some of the key participants, examines the impact of quotas on local and congressional elections, and places the Peruvian experience in a comparative perspective. The paper that I will present this afternoon examines why quotas have been successful in Peru and why this success has some major implications for our understanding of quotas worldwide. Both papers draw on much more detailed working papers that have been prepared for the conference with the generous assistance of the Movimiento Manuela Ramos.<sup>1</sup>

### *The Passage of Quota Legislation in Peru*

During the 1990 presidential run-off campaign, *Foro Mujer*, a group of feminist non-governmental organizations (NGOs), requested that various issues of concern to women, including gender quotas for governmental and public institutions, be discussed in the televised debate between Mario Vargas Llosa and Alberto Fujimori, the eventual winner. The two candidates, however, ignored this proposed agenda, and the issue of gender quotas had little public resonance for the next several years.<sup>2</sup> Nevertheless, the 1991 adoption of gender quotas for congressional candidates in Argentina greatly encouraged feminists throughout Latin America. On International

Women's Day in 1994, *Foro Mujer* formally proposed a female quota of 30 percent for candidates in national, regional, and municipal elections, as well as for intra-party contests.<sup>3</sup> The momentum for quotas was greatly strengthened by the Platform for Action adopted at the 1995 World Conference on Women in Beijing, China, and a February 1997 inter-parliamentary meeting on gender equity in New Delhi, India, attended by Martha Hildebrandt and Luz Salgado, two pro-Fujimori congresswomen.

Soon after the New Delhi conference, the Constitution Committee of the Peruvian Congress began the final phase of its deliberations on a new electoral code. Martha Chávez, another leading pro-Fujimori congresswoman, was the chief author of the government's proposal, but she was sceptical of quotas<sup>4</sup> and did not include any provision for gender equity in the majority's bill. Nor did quotas appear in comprehensive alternative proposals drafted by a leading member of the opposition and the National Board of Elections (JNE). The Constitution Committee, however, also considered some three dozen bills that addressed more specific aspects of the electoral system. One of these bills, sponsored by Lourdes Flores Nano, required that at least 30 percent of congressional candidates be of each gender. Another specific bill introduced by Javier Diez Canseco, a congressman from a small leftist party, was similar to the proposal of *Foro Mujer*. Yet another bill, authored by Hildebrandt and Salgado, pro-

posed a 25 percent minimum quota for female candidates only.

Flores Nano made the case for quotas before the Constitution Committee, but the majority of the committee considered quotas to be unnecessary, and her proposal was thus rejected. ‘They almost beat me!’, exclaimed Flores Nano, who, as one of Fujimori’s leading critics, was no stranger to political confrontation.<sup>5</sup> When the newly created Committee on Women took up the issue later, Flores Nano deferred to women from the majority, and the 25 percent formula proposed by Hildebrandt and Salgado was endorsed.<sup>6</sup> The fledgling committee, however, did not yet have the authority to report a bill to the floor.

At this point, Fujimori intervened decisively by stating publicly that he would send a quota bill to Congress.<sup>7</sup> Whereas most members of Congress had been against quotas and had even ridiculed the idea, the majority immediately reversed its position and applauded the president’s initiative.<sup>8</sup> Once the passage of quotas became a foregone conclusion, only several congressmen—all from opposition parties—raised philosophical objections in a largely perfunctory floor debate.<sup>9</sup> In order to counter charges that quotas were discriminatory and thus violated Article 2 of the 1993 Constitution, gender-neutral language similar to that in Flores Nano’s proposal was used in the final legislation. Law 26,859, a new basic statute on national elections passed in September 1997, stipulated that women and men must each comprise at least 25 percent of party lists for Congress. Similar language was soon incorporated into the new statute on municipal elections (Law 26,864) after a limited debate that once again focused on normative issues.<sup>10</sup> After Fujimori’s flight from Peru, the quota was raised to 30 percent for congressional, regional, and municipal elections (see Laws 27,387, 27,683, and 27,734).

### ***The Political Discourse of Quotas***

Since my work has mainly focused on the impact of quotas, I feel a bit hesitant discussing the political discourse employed in favour of and against them in front of so many people who participated in the process. But with your indulgence, I would like to make four basic points.

First, the normative arguments for and against quotas in Peru seem very similar to those made regar-

ding affirmative action in the United States or pretty much any part of the world. Indeed, many of the arguments have been borrowed or adapted from the U.S. context. Proponents of quotas argued that gender is a relevant criterion for differential treatment and that some affirmative action measures are needed to compensate for social and institutional biases that work against the participation of women.<sup>11</sup> Moreover, gender quotas for political candidates give women political opportunities but do not guarantee election and, therefore, do not discriminate against the rights of voters.<sup>12</sup> However, less evident in the pro-quota discourse were some of the more recent arguments made in the U.S. that justify affirmative action in terms of its positive impact on the political system.

Opponents of quotas argued that they violated the constitutional provision of equality and the voter’s right to choose.<sup>13</sup> Congressman Jorge del Castillo maintained that quotas were especially objectionable in municipal elections, in which a closed list format does not allow voters to choose specific candidates.<sup>14</sup> Moreover, as one male congressman argued, if women deserve special treatment, why not other marginalized groups, such as ethnic minorities?<sup>15</sup> Several congressmen also contended that women were capable of individual achievement on the basis of their own merits.<sup>16</sup> This also appeared to be a position held by some prominent women, such as Martha Chávez and Beatriz Boza.<sup>17</sup> In addition, questions were raised about the qualifications of women in the poorer areas of Peru, a concern that was even shared by some proponents of quotas.

Second, the quota debate had a ‘bipolar’ quality. In its initial stages there was a lively, normative debate in which men from the pro-Fujimori parties and some opposition parties tended to argue against quotas. Most but not all women defended quotas, with support from some progressive men, such as Javier Diez Canseco and Henry Pease. Sadly, the debate was not always principled: some men were openly derisive of, and contemptuous towards, the women who supported quotas. Once Fujimori came out in favour of quotas, though, his male supporters toed the party line and the debate became sterile.

Third, as discussed in one of my working papers,<sup>18</sup> Fujimori was very adept at tapping the ‘political market’ for women. His support for quotas and a gender-sensitive political discourse were part of this strategy.

Fourth, in talking to legislators, feminist political activists and political analysts, this author found no evidence that any attention was paid to how quotas would work in conjunction with the very different rules that are used in municipal and congressional elections in Peru. Given the relatively high and unanticipated impact of gender quotas in Peru, perhaps this lack of attention to detail was a blessing in disguise.

### **Enforcement and Mobilization**

Once quota legislation was passed, feminist organizations did not retire to the sidelines of the political game. Instead, they continued to play important roles in securing favourable interpretations of quota legislation and in helping women to take advantage of quotas. The JNE has generally adopted interpretations of quota legislation that favour women, with the notable exception of three departments in the 2001 congressional election.<sup>19</sup> Moreover, informed observers agree that the JNE and regional electoral boards have enforced quotas at least up to the 2002 regional and municipal elections.<sup>20</sup> Lists that did not comply with the prescribed minimum number of female candidates for their respective magnitude were rejected.

In addition, PROMUJER, a joint project of five

Lima-based NGOs,<sup>21</sup> has helped women to take advantage of gender quotas. The project has attempted to persuade party leaders, especially those of national parties, to nominate women and to place them in relatively high list positions. PROMUJER has also diffused information about gender quotas, encouraged women to become candidates and provided the necessary training, and helped them to negotiate places on the list. Candidate training in handling the media and public appearances have been especially noteworthy.<sup>22</sup>

Ironically, the political mobilization of women was more important than the quota itself in the 1998 municipal elections in Lima. If we look at line 5 in Table 1, we see that the percentage of women elected in the districts of the capital increased from 21.82 percent in 1995, the last election without a quota, to 29.70 percent in 1998, after the passage of quota legislation. Table 1 also breaks down the data for 1998 between those winning lists that minimally complied with the quota and those that exceeded it. If we look at the last column of line 5, we see that only 22.17 percent of the candidates on the minimally complying lists were women. This is not a significant increase over the 21.82 percent that were elected in 1995.

**Table 1: Indicators of Female Electoral Success, District Councils in Lima, 1995 and 1998**  
(Lists that Won at Least One Seat)

	<b>1995</b>	<b>1998</b>	<b>1998</b>	<b>1998</b>
	<b>No Quota All Lists</b>	<b>Quota All Lists</b>	<b>Exceed Effective</b>	<b>Minimal</b>
	<b>(n=119)</b>	<b>(n=110)</b>	<b>Quota (n=50)</b>	<b>Compliance (n=60)</b>
1. ♀ Percentage of Candidates	23.82	37.56	44.64**	30.65**
2. Average Placement of ♀ Candidates (Percentile)	51.89	47.84	48.28	47.48
3. Relation to Median Candidates (Percentile)	-2.39	-7.91	-6.80	-8.84
4. Relative Success Rate (% ♀ Candidates Elected ÷ % ♂ Elected x100)	89.26	70.22	75.05	64.43
5. ♀ Percentage of Winning Candidates	21.82	29.70	37.70**	22.17**

Note: Data in Rows 1, 4, and 5 are for the overall population; data in rows 2-3 are list averages.

\*\* T-Test for equality of means using comparable list data for last two columns is significant at .003 level or better, two-tailed test.

Source: Elaborated by author from JNE data (1997 and 1999) and party lists in the JNE archive.

The overall female share of winners increased to 29.70 percent in 1998 because women comprised 37.7 percent of the candidates who were elected on 50 lists that exceeded the quota. Moreover, there was no significant difference among parties in the nomination or election of women. Instead, feminist activists—who were energized by the passage of quota legislation—successfully put pressure on leaders of various parties to exceed the quota. Thus, paradoxically, quotas per se were ineffective in Lima, but the political mobilization of women that accompanied

them was quite effective in increasing the percentage of female council members at the district level.

This interpretation is supported by a much more powerful statistical analysis in one of the working papers for this conference.<sup>23</sup> It is also supported by the data in Table 2, which show that the lists in priority PROMUJER districts had slightly greater percentages of female candidates, gave them better placements and produced a notably higher proportion of winners than those in non-priority districts.

**Table 2: The Impact of Lists in PROMUJER Districts in Lima, 1998**

	Lists in PROMUJER Districts	Lists in Other Districts
1. Female Percentage of Candidates Above Effective Quota	8.45	6.61
2. Average Placement of Female Candidates on Party Lists (Relation to Median Candidates, Percentile)	-4.65 <sup>a</sup>	-9.37 <sup>b</sup>
3. Female Percentage of Winning Candidates	35.77	26.46

Note: Data in rows 1 and 3 are for the overall population; data in row 2 are list averages.

a N = 34 lists in the 13 priority PROMUJER districts.

b N = 76 lists in the 29 non-priority districts.

Source: Elaborated by author from JNE data (1999) and a list of priority areas provided by PROMUJER

### ***The Impact of Quotas in Provincial Municipal Elections***

Peru has a two-tier system of municipal government that operates in 194 provinces and over 1,800 districts. A majoritarian list system is used at both levels. All voters cast a ballot to elect the mayors and municipal councillors of their province. Provincial municipalities perform certain functions for the entire province and also provide services for the provincial capital. Outside of the provincial capital, voters cast a second ballot for the mayors and councils of their respective district-level municipalities (not to be confused with electoral districts or district magnitude). Councillors have considerable executive powers at both levels of municipal government, particularly in relation to personnel decisions.<sup>24</sup>

Table 3 compares the success of women in the

1995 and 1998 municipal elections, before and after the adoption of quotas (Data for the 2002 regional and municipal elections were not available at the time of the workshop). As noted above, the female percentage of councillors increased by more than one-third from already high levels in the districts of Lima. The proportion of councilwomen at the provincial level almost doubled, from 10.81 percent to 21.54 percent. The most spectacular increases, however, occurred in districts outside of the capital, where the female share of council members more than tripled from only 6.96 percent to 23.50 percent.

**Table 3: Women Elected to Municipal Councils Before and After Quotas**

	Female % of Councillors		Percentage Change	% Women ÷ 25% Legal (1998)
	1995	1998		
Provincial Councils	10.81	21.54	10.73	.86
District Councils in Lima	21.82	29.70	7.88	1.19
Rest of Peru	6.96	23.50	16.54	.94

Source: Elaborated by author from JNE data (1997 & 1999), El Comercio and Movimiento Manuela Ramos (1999), and PROMUJER (1998, pp. 78-131 & 1999, p. 7).

This last increase is all the more remarkable because the districts outside of Lima include the most backward parts of the country. Whereas women have long enjoyed electoral success in the capital,<sup>25</sup> the situation is quite different in rural Peru, where women contemplating candidacies fear rejection by their husbands and public ridicule.<sup>26</sup> Indeed, in rural areas, the political parties often have had difficulty in meeting their gender quotas because women are reluctant to run for office.<sup>27</sup>

### ***The Impact of Quotas in Congressional Elections***

Since 1985, Peru has used a variant of the open list system called the 'double optional preferential vote' to elect its national legislature. From 1980-92, its Congress was bicameral. Departments elected the Chamber of Deputies, but 60 senators were chosen in a single national district. After the presidential coup (*autogolpe*) of 1992, a special body of 80 members, the so-called Democratic Constituent Congress (CCD), was elected in a single national district to write a new constitution and to serve as the regular legislature until the end of Fujimori's first term. The 1993 constitution established a unicameral congress. It was elected in a single national district in 1995 and 2000 and by departmental electoral districts in 2001.

Table 4 provides data on female candidates for the Senate and unicameral Congress since 1980.<sup>28</sup> The first row lists the percentage of candidates who were women on lists that won at least one seat. The second row provides the relative success rates of women. The relative success rate is simply the percentage of female candidates who are elected divided by the percentage of male candidates who are elec-

ted, multiplied by 100. Thus, a relative success rate of 100 means that candidates of each gender have the same chance of winning office; less than 100 means that male candidates have better odds; and more than 100 signifies that female candidates have an edge. The third row denotes the percentages of women candidates who were elected.

Turning to the data in Table 4, women comprised 12.20 per cent of the candidates in the closed list contest for the Senate in 1980 (just 9.58 percent if four small leftist parties are excluded), but their relative success rate was only 24.75 percent. In other words, the average female candidate's chances of being elected were only about one-fourth of the average male candidate's.<sup>29</sup> The percentage of candidates who were women fell to 7.67 in 1985, when the double optional preferential vote was adopted, but most of this decrease was attributable to the decision of leftist parties to form an alliance that ran a single list. Nevertheless, the relative success rate of women candidates improved considerably under the open list system, and there was a slight gain in female representation in the Senate.

The female share of congressional candidates rebounded to ten percent in 1990 and remained at this level until the adoption of a quota. The relative success rate of women candidates, however, continued to improve. Indeed, in the Lima district for the Chamber of Deputies-the only lower house district for which data on candidates is available-women were actually more likely to be elected than men in 1990 (relative success rate equals 113.5). By 1995, female candidates had a slightly better chance of being elected than their male competitors in the single national district. Indeed, in that year, the average congresswoman polled more preferential votes

**Table 4: Female Congressional Candidates, 1980-2001 (Percentages)**

	Single National District						Multiple Districts
	Closed List		Open List				(M=4.8)
	Senate (1980) (M=60)		CCD (M=80)	Unicameral Congress (M=120)		Quota	
	1980	1985	1990	1992	1995	2000	2001
Female Candidates*	12.20 <sup>a</sup>	7.67	10.00	10.38	10.58	25%	36.05
Relative Success Rate <sup>b*</sup>	24.75 <sup>c</sup>	63.36	64.29	82.81	102.74	30%	39.82
Women Elected	3.30	5.00	6.67	8.75	10.83	21.67	18.33

Note: \* On Lists that Won At Least One Seat.

a 9.58 percent if four small leftist parties are excluded.

b Relative Success Rate = % Women Candidates Elected ÷ % Male Candidates Elected X 100.

c 38.51 if four small leftist parties are excluded.

Source: Calculated from data in Blondet and Montero (1994, pp. 20, 120-28), ONPE (2002), Tuesta Soldevilla (2001, pp. 66-69, 71-100), Villanueva Flores (1998, p. 31), Webb and Fernández Baca (2000, p. 264), and Yáñez and Guillén (2001, p. 20).

than the average congressman (see my paper entitled 'Unanticipated Successes: Lessons from Peru's Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems'). Consequently, female representation in Congress steadily improved to 10.83 percent in 1995.

Clearly the chief obstacle to the election of women was the paucity of female candidates. With the adoption of the 25 percent quota, the female percentage of congressional candidates more than doubled in 2000. This increase in the number of women running for office, in turn, led to a doubling of those elected—from 10.83 percent in 1995 to 21.67 percent in 2000. However, the female proportion of Congress declined in 2001 for reasons that are discussed in the 'Unanticipated Successes' paper.

### ***Peru in a Comparative Perspective***

The success of gender quotas in Peru is noteworthy for three major reasons.

First, the impact of quotas in Peru was greater than that in most other Latin American elections in which they have been employed. Although quotas had a very positive impact in some countries, most notably Argentina and Costa Rica, overall, they have been only mildly successful, increasing the election

of women by about five percent in the region.<sup>30</sup> Quotas produced significantly better results in Peru, as noted above. In 1998, women comprised a higher proportion of Peruvian municipal councils than of comparable locally elected bodies in other Latin American countries. Among national legislatures in the region in 2000, only Argentina and Cuba, a non-democratic polity, had higher percentages of female members.<sup>31</sup>

Second, gender quotas have been successful in Peru, despite a very unfavourable socio-economic context. Among Latin American countries with a population of at least 15 million, Peru has the lowest score on the gender-related human development index, which is a powerful predictor of women's political representation.<sup>32</sup> Moreover, as noted above, the greatest increases in the election of women councilors occurred in the most backward parts of the country.

Third, the success of quotas in Peru defies conventional wisdom in the field of electoral studies. The success of women in Peru's open-list national elections contradicts the prevailing view in the academic literature, which holds that closed list systems are more favourable for the election of women. Quotas had a major impact in closed list municipal

elections despite the lack of placement mandates prescribed by Mala N. Htun and Mark P. Jones.<sup>33</sup>

Moreover, whereas district magnitude has often been linked to the success of female candidates, there is no significant correlation between this variable and the election of women to Peruvian municipal councils.<sup>34</sup> Also, as noted earlier, female candidates made their greatest gains in 1998 in the low magnitude districts outside of Lima.

Why have quotas been relatively successful in Peru, despite an unfavourable socioeconomic context and electoral rules that are supposedly unfavourable for women? These questions are addressed in 'Unanticipated Successes: Lessons from Peru's Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems'.

## Notes

- 1 Schmidt 2003a.
- 2 Yáñez 1998, pp. 15-16.
- 3 Yáñez, 1998, p. 18.
- 4 See her comments during the floor debate in Congreso de la República 1997b.
- 5 Guillermo 1997, pp. 78-79.
- 6 Flores Nano 1999.
- 7 According to Chávez (2000), Hildebrandt and Salgado both lobbied Fujimori on the quota issue. Chávez believes that Salgado's influence was decisive in winning the president's support.
- 8 Yáñez 1998, p. 20 and Yáñez 1999a.
- 9 Congreso de la República 1997b.
- 10 Congreso de la República 1997a.
- 11 Villanueva Flores 1998, p. 23.
- 12 Bermúdez Valdivia 1998, pp. 25-55.
- 13 González 1998, pp. 23, 25-26.
- 14 Congreso de la República 1997a.
- 15 González 1997.
- 16 González 1998, p. 23; Congreso de la República 1997a and 1997b.
- 17 Congreso de la República 1997b; Yáñez 1999a.
- 18 Schmidt 2003b.
- 19 In the departments of Callao and Ica, the JNE required that only one out of four candidates (25 percent) be female, even though the quota had been raised to 30 percent.
- 20 Bermúdez Valdivia (1999) and Yáñez (1999a). However, in coding the gender of candidates and elected councillors, the author did encounter several cases in which the quota apparently was not met.
- 21 The official name of the project was Promotion of Women's Political Participation. The participating NGOs were the Movimiento Manuela Ramos, the Institute of Peruvian Studies, the Calandria Association of Social Communicators, the Center of Social Studies and Publications, and the Center of Studies for Development and Participation.
- 22 CESIP (Centro de Estudios Sociales y Publicaciones) 1999; Yáñez 1999b.
- 23 Schmidt 2003a.
- 24 Nickson 1995, p. 240.
- 25 Women accounted for 18 percent of the seats on the Lima Provincial Council in 1983 and 21 percent in 1989.
- 26 Yáñez 1999b, p. 108.



- 27 See del Castillo 2000; Zevallos 1999.
- 28 Unfortunately, data on the candidates for the Chamber of Deputies during the 1980-90 period is not available.
- 29 If we exclude the four small leftist parties, the relative success was 38.51 percent in 1980.
- 30 Htun & Jones 2002, pp. 32, 36, 41.
- 31 See the Women's Leadership Conference of the Americas (WLCA) 2001, pp. 12-15.
- 32 United Nations Development Programme (UNDP) 2001, pp. 210-213; Reynolds 1999, pp. 567-568.
- 33 Htun & Jones 2002.
- 34 Indeed, the Pearson's r for district magnitude and the election of women are all negative: -.035 for provincial councils, -.075 for district councils in Lima, and -.065 for a sample of district councils outside of the capital.

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# Taking Stock of the Implementation of Quotas in Peru

Rocío Villanueva Flores

Women won the right to vote in 1955.<sup>1</sup> Nonetheless, as Table 1 illustrates, few women have been elected to Congress. During the debate prior to the adoption of the quota law, it was argued: 'At this pace, it will take almost 54 years for there to be 30 women members of Congress in Peru (25%)',<sup>2</sup> that is, it would not happen until 2051.

**Table 1: Participation of women in the Legislature/Constituent Assembly**

Year	Percentage		
	Deputies	Senators	Congresspersons
1980	7.2%	3.3%	-
1985	5.6%	5.0%	-
1990	5.6%	6.7%	-
1992	-	-	8.8%
1995	-	-	10.8%

Source: Movimiento Manuela Ramos.

In March 1997, congresswomen Martha Hildebrandt and Luz Salgado introduced Proposed Law No. 2574/96-CM-CR, whose single article provided that: 'The lists of candidates for members of Congress be made up of at least 25% women'. The Defensoría del Pueblo (Office of the Human Rights Ombudsman) played a very active role in the process, providing arguments to support the adoption of

election quotas in the national legislation.<sup>3</sup>

On 25 September, Law No. 26,859, the Organic Election Law, was enacted; Article 116 provided as follows: 'The lists of candidates to Congress should include a number not less than 25% *women or men*.' On 13 October 1997, Law No. 26,864, the Municipal Elections Law, was enacted. Its Article 10(2) indicated that the list of candidates should be submitted in a single document: '2. The number that indicates the position of the candidates for municipal council member on the list, which should be constituted by not less than 25% *men or women*.'

As is apparent, the wording of both articles differs from that contained in Proposed Law No. 2574/96 CM-CR; the latter also includes men, thereby blocking the possibility of electoral lists with candidates of a single sex. It should be noted that no electoral list has ever been made up exclusively of women, precisely because of their historical exclusion from political participation. Accordingly, a provision on electoral quotas that includes men 'dissimulates' the nature of electoral quotas as a form of affirmative action for women.

## ***The Municipal Elections of October 1998***

### ***The Electoral Supervision Work of the Defensoría del Pueblo Since 1998***

The Defensoría del Pueblo has supervised all elections held in Peru since 1998. The first intervention

in the municipal elections that year involved responding to a complaint by several citizens, male and female, especially in the areas under the state of emergency. In response to that request, the Defensoría del Pueblo organized the first supervisory effort in the cities of Andahuaylas, Huamanga, Huancavelica and Huancayo, and the near-by districts. That supervision made it possible to verify the precarious conditions for exercising democracy in the emergency zones. In the district of Vinchos, in Ayacucho, for example, the elections were held without secret ballot booths, in the open air, and in the company of armed members of the military. The presence of the Defensoría del Pueblo on the ground, and the photographic evidence that was presented, contributed to the National Elections Tribunal's decision to annul the election results in that district.

One of the criteria for the Defensoría del Pueblo to act with respect to elections has been preferential protection for the rights of women, adopting a gender perspective to promote and guarantee affirmative action on their behalf.<sup>4</sup>

#### ***The First Elections in which the Quota Applied***

In Peru's elections, voting is by closed and blocked lists, made up of the candidate for mayor and a certain number of local council members. Accordingly, the place of a given candidate is very important. If, for example, the municipal council has ten members, the winner gets six council members, as the law provides that the winner has a majority.

The National Elections Tribunal, by Resolution No. 280-98 JNE, of 11 June 1998, specified the number of women or men who should be on the electoral lists to meet the minimum quota of at least 25 percent of the candidates being of one or the other sex. See Table 2.

#### ***Problems in Calculating the Electoral Quota and the Intervention of the Defensoría del Pueblo***

The Special Elections Tribunal of Huancayo<sup>5</sup> registered a list of nine candidates for council members of which only two were women, violating the provision of Resolution No. 280-98 JNE. Although the National Elections Tribunal finally declared that registration unlawful, the Defensoría del Pueblo

**Table 2: Minimum Number of Women Candidates on Electoral Lists**

<i>Composition of the municipal government</i>	<i>Number of candidates to satisfy the 25% minimum</i>
Mayor and 39 council members	10
Mayor and 15 council members	4
Mayor and 13 council members	4
Mayor and 11 council members	3
Mayor and 9 council members	3
Mayor and 7 council members	2
Mayor and 5 council members	2

Source: Resolution No. 280-98-JNE. Prepared by the Defensoría del Pueblo.

requested a copy of the resolution from the Special Elections Tribunal of Huancayo to study its reasoning.

In Resolution No. 11 of the Special Elections Tribunal of Huancayo of 8 September 1998, the following arguments are noted for registering the list of nine candidates for council members that lacked the requisite number of women.

1. The constitution does not provide that the electoral lists must be made up of men and women, and, accordingly, given the hierarchy of the laws, the constitution should prevail.
2. The failure to include a woman on the list cannot impede participation in the elections.
3. Twenty-five percent of nine is 2.25, and this figure, according to the rules of mathematics, should be rounded down to two, not up to three.

The Defensoría del Pueblo turned to the president of the Special Elections Tribunal of Huancayo, indicating that the National Elections Tribunal had fixed the number of women candidates at three when there are nine council members, because otherwise one would be in violation of the provision that requires that at least 25 percent of the candidates on the lists be women: two represents 22 percent of nine. In addition, the president of the National Elections Tribunal was asked to disseminate complete information on the quota system to avoid similar problems in future elections.

Some lists included a woman candidate for mayor when calculating the 25 percent minimum. Nonetheless, pursuant to Article 10(2) of the Municipal Elections Law and Resolution No. 280-JNE, the National Elections Tribunal rejected the appeals by political organizations that had considered the woman candidate for mayor in calculating the 25 percent minimum. In this context, several lists headed by women (Canta, Condesuyos, and districts of Nazca), which had included the woman candidate for mayor in their calculations of the quota, were kept from participating in the elections.<sup>6</sup>

### ***The Results of Implementing Electoral Quotas***

Despite the problems noted, the implementation of the quota system in the municipal elections of October 1998, and in the complementary elections of July 1999, showed that it is an effective instru-

ment for increasing the participation of women council members. The proportion of women local council members (regidoras provinciales y distritales) climbed from eight per cent to 24 percent. (See Table 3.)

In contrast, the increase in the number of women mayors (provincial and district) was practically negligible in relation to the municipal elections of 1995. In the first case, there was an increase from six women provincial mayors to ten. (See Table 4.) The number of women district mayors increased from 47 to 48. (See Table 5.) The increase in the number of women council members shows that they secured good positions on the lists, even though the law only requires that 25 percent of the candidates on the lists be women. In the complementary elections of July 1999, five illiterate women were elected to local councils; four of which were between the ages of 29 and 36 at the time.<sup>7</sup>

**Table 3: Number of Women Elected to Local Councils (Provincial and District) in the 1995 and 1998-99 Municipal Elections**

	<i>Number of council members in 1995</i>	<i>Percentage</i>	<i>Number of council members in 1998-99</i>	<i>Percentage</i>
Men	10,074	92	8,945	76
Women	933	8	2,826	24
Total	11,007	100	11,771	100

Source: Perú Compendio Estadístico 2001, INEI. Prepared by Defensoría del Pueblo.

**Table 4: Women Provincial Mayors Elected in October 1998 and in July 1999**

<i>Provinces</i>	<i>Number of women mayors in 1995</i>	<i>Provinces</i>	<i>Number of women mayors in 1998-99</i>
La Mar (Ayacucho)	1	Casma, Ocros (Ancash)	2
Huánuco, Puerto Inca (Huánuco)	2	Contumazá, San Miguel (Cajamarca)	2
Nazca (Ica)	1	Quispicanchis (Cusco)	1
Bolívar (La Libertad)	1	Puerto Inca (Huánuco)	1
Mariscal Nieto (Moquegua)	1	Oyón (Lima)	1
		San Martín (San Martín)	1
		Morropón	1
		Yauli La Oroya (Junín)	1
Total	6		10

Source: National Office on Election Processes. Prepared by Movimiento Manuela Ramos.

**Table 5: Women District Mayors Elected in October 1998 and in July 1999**

<i>Department</i>	<i>Number of women mayors In 1995</i>	<i>Number of women mayors in 1998-99</i>
Amazonas	3	6
Ancash	4	2
Arequipa	4	2
Ayacucho	2	2
Cajamarca	2	4
Cusco	5	4
Huancavelica	2	1
Huánuco	2	3
Junín	4	2
La Libertad	2	2
Lima	12	12
Loreto	1	1
Moquegua	-	2
Pasco	-	1
Puno	2	1
San Martín	1	2
Tumbes	-	1
Ucayali	1	-
Total	47	48

Source: National Office of Election Processes. Prepared by Movimiento Manuela Ramos.

### **The General Elections of 9 April 2000**

On 9 April 2000, elections were held for president, vice-president and members of the national Congress. It is impossible to refer to those elections without recalling the many questions they raised, among other reasons because of the lack of neutrality on the part of some public officials, and the apparent use of government resources to benefit the candidates of the Perú 2000 party, headed by former President Alberto Fujimori.<sup>8</sup>

In 2000, the 25 percent quota was applied in congressional elections for the first time. According to the election law, in legislative elections the voters have the option of the preferential vote. The first effect of the quota law was to increase the percentage of women candidates for Congress, from 11 percent in 1995 to 26 percent in 2000. As Ana María Yáñez has indicated, this resulted in more women learning about the internal mechanisms of the

various political parties, in many cases harmonizing their family responsibilities with their public roles.<sup>9</sup> However, there were a number of problems with the implementation of the quota.

1. A woman did not head a list.
2. Only 16 percent of the candidates in the first five places of the lists were female.
3. Only 17 percent of the candidates in the first ten places were female.
4. Of the first 20 places, women occupied only 18.5 per cent of them.
5. Most of the women were in the bottom half of the list.<sup>10</sup>

Moreover, of nine presidential slates, only three included women (Alianza Popular Revolucionaria Americana (APRA), Solidaridad Nacional and Somos Perú)

The Programas para la Mujer (PROMUJER) consortium (Manuela Ramos, Calandria, Cedep and Cesip) commissioned an exit poll from DATUM Internacional, which was administered on 9 April 2000 in Arequipa, Ayacucho, Callao, Huancayo, Huaraz, Lima, Maynas, Puno and Trujillo. It revealed that:

1. more men than women made use of the preferential vote (84 percent of men and 82 percent of women);
2. most of the electorate voted only for men: 70 percent, counting both men and women, voted for one or two male candidates;
3. a minority of the electorate voted only for women: 14 percent, counting both men and women, voted for one woman or two women;
4. more women than men voted for women: 36 percent of women, compared to 25 percent of men, voted for at least one woman; and
5. More women than men voted only for women: 18 percent of women voted for one or two women, while 11 percent of men did the same.<sup>11</sup>

In all, 22 percent of the members elected were women, that is, 26 women legislators were elected. Implementing the quotas led to a doubling in the number of women legislators. In 1995, 13 women had been elected, accounting for 11 percent of the total. Of all the women legislators elected, 20 were elected for the first time, and six were re-elected. Only

two women candidates who ran for re-election lost.<sup>12</sup>

Thanks to the preferential vote (open lists), of the 26 congresswomen elected, 16 improved their position on the list. Ten witnessed a decline in their position. A larger share of the women saw their position rise, that is, 65 percent, compared to 63 percent for men.<sup>13</sup> In three cases, women garnered the largest number of votes of all candidates on the list, even though none of them headed up their respective list. These were Mercedes Cabanillas<sup>14</sup> of the APRA, Ana Elena Towsend of Somos Perú and Gloria Helfer of the Union por el Perú (UPP).

### ***The 2001 Congressional Elections and Multiple Electoral Districts***

Pursuant to the agreements reached in the dialogue facilitated by the Organization of American States (OAS), former President Alberto Fujimori called general elections for the president, vice-presidents, and members of Congress, by Supreme Decree No. 028-2000-PCM, published on 10 November 2000. President Valentín Paniagua ratified the call for general elections in Supreme Decree No. 031-2000-PCM, published on 2 December 2000.

For this election, it was necessary to amend the constitution and the Organic Electoral Law. Law No. 27,365, the Law on Constitutional Reform, published in the official gazette *El Peruano* of 5 November 2000, did away with the possibility of immediate re-election of the president, reduced the presidential term and the congressional terms of the authorities elected in the 2000 general elections, and cut the lead time for public officials to resign in case they wished to run for a seat in Congress.<sup>15</sup>

### ***The Recommendation of the Defensoría del Pueblo to the Congress of the Republic to Increase the Electoral Quota***

In Official Note No. DP 2000-1080, of 15 November 2000, the Human Rights Ombudsman recommended to the Congress, through the chair of the Committee on Constitution and Regulation, that the electoral quota be raised from 25 percent to 30 percent and that multiple electoral districts be established.

Law No. 27,387, of 29 December 2000, amended several articles of Law No. 26,859, the Organic Electoral Law. The amendments include changes to Articles 21 and 116, by virtue of which multiple

electoral districts were introduced, and an increase in the electoral quota from 25 to 30 percent for elections of members of the national Congress.

Under the multiple district system, Peru was divided into 25 electoral districts, each corresponding to one seat, and the National Elections Tribunal was vested with the authority to distribute the remaining 95 seats proportional to the number of voters in each district; all voters residing abroad are considered to be within the electoral district of Lima. Resolution No. 057-2001-JNE, published on 18 January 2001, set the number of seats that corresponds to each electoral district.

### ***The Erroneous Calculation of the Electoral Quota and the Intervention of the Defensoría del Pueblo***

Resolution No. 068-2001-JNE, issued by the National Elections Tribunal and published in *El Peruano* on 24 January 2001, included the following table, detailing the number of members of Congress needed to comply with the electoral quota of 30 percent. (See Table 6.)

Nonetheless, one may note that, in the electoral districts of Ica and Callao the quota represented only 25 percent of all candidates. And in La Libertad the quota represented 28.5 percent. Accordingly, there were only 44 women candidates instead of 47, as should have been the case if the minimum quota of 30 percent had been applied in all of the electoral districts. In these three cases, on calculating the quota and obtaining a fractional number, the National Elections Tribunal rounded down instead of up, resulting in a quota of less than 30 percent. It forgot that the law notes that the quota prescribes a minimum number for each list.

Consequently, in order to forestall the violation of women's rights, in Official Note DP-2001-081 of 31 January 2001, the Human Rights Ombudsman called on the National Elections Tribunal to amend Resolution No. 068-2001-JNE, solely for the purpose of setting at two the minimum number of women candidates for the electoral districts of Ica and Callao, and at three for the electoral district of La Libertad. That appeal took into account that Article 116 of the Organic Electoral Law plainly indicates that 'the lists of candidates to the Congress in each electoral district should include a number not less than 30 per cent women or men', making it possible,



therefore, to establish a percentage greater than the requisite minimum. A similar request to the National Elections Tribunal was made by the chairwoman of the Committee on Women and Human Development of the national Congress, and by the Movimiento Manuela Ramos.

It should be noted that the term for registering candidacies was to expire on 8 February 2001, which is why the request of the Defensoría del Pueblo was entirely appropriate. Nonetheless, the National Elections Tribunal did not rectify Resolution No. 068-2001-JNE. To the contrary, via Resolution No. 122-2001-JNE, published on 7 February 2001 in El

Peruano, the National Elections Tribunal rejected the request for rectification of Resolution No. 068-2001-JNE, formulated by the Defensoría del Pueblo, the chairwomen of the Committee on Women and Human Development, and the Movimiento Manuela Ramos. It should be pointed out that the National Elections Tribunal is the final forum for appeal on electoral matters, and so its rulings are not subject to appeal.<sup>16</sup>

Resolution No. 122-2001-JNE, failing to heed the nature of affirmative action, noted in its considerations section the following points.

**Table 6: Number of Members of Parliament Needed to Comply with the 30 Percent Electoral Quota**

<i>Number</i>	<i>Electoral districts</i>	<i>Congresspersons for each district</i>	<i>Number of candidates for each list</i>	<i>Minimum number of male or female candidates for each list</i>
1	Amazonas	2	3	1
2	Ancash	5	5	2
3	Apurímac	2	3	1
4	Arequipa	5	5	2
5	Ayacucho	3	3	1
6	Cajamarca	5	5	2
7	Cusco	5	5	2
8	Huancavelica	2	3	1
9	Huánuco	3	3	1
10	Ica	4	4	1
11	Junín	5	5	2
12	La Libertad	7	7	2
13	Lambayeque	5	5	2
14	Lima and abroad	35	35	11
15	Loreto	3	3	1
16	Madre de Dios	1	3	1
17	Moquegua	2	3	1
18	Pasco	2	3	1
19	Piura	6	6	2
20	Puno	5	5	2
21	San Martín	3	3	1
22	Tacna	2	3	1
23	Tumbes	2	3	1
24	Ucayali	2	3	1
25	Callao	4	4	1
Total		120	130	44

Source: National Elections Tribunal.

1. The electoral legislation on quotas for the political participation of citizens is not directed exclusively towards the female sex. Accordingly, such measures, which contribute to consolidating legal equality between the sexes, cannot be considered discriminatory.
2. Resolution No. 068-2001-JNE established generally, proportionally, and equitably the minimum number of women and men who should constitute the lists of candidates to the Congress, thus there is no gender discrimination.
3. Political participation is 'a right of the parties whose essential requirement is freely-given consent, in keeping with the provisions of Article 118 of Law No. 26,859,<sup>17</sup> has been provided for generally'.

In this context, the Ombudsman called on the Special Elections Tribunals of La Libertad, Ica, and Callao, as organs entrusted with administering electoral justice, and responsible for implementing the provisions of Articles 51<sup>18</sup> and 138<sup>19</sup> of the constitution, to accord preference to protecting the rights to equality and political participation recognized in Articles 2(2), 2(17) and 2(31) of the constitution over any lesser-ranking provision, such as Resolution No. 068-2001-JNE. Accordingly, he called on them to verify that the lists of candidates presented by the political groupings complied with the minimum expressly established by the electoral law, requiring that they rectify any errors in the shortest possible time.

By Resolution of 9 February 2001, the Special Elections Tribunal of Ica decided not to accept the request made by the Defensoría del Pueblo; the Human Rights Ombudsman appealed that ruling, so that the National Elections Tribunal could review the case. The appeal was granted. It should be noted that the Defensoría del Pueblo did not receive any response from the Special Elections Tribunals of La Libertad or Callao.

The problem brought about by failure to comply with the minimum 30 percent quota in three electoral districts resulted in questions being raised on this point in the first report to evaluate the 2001 elections (Primer Informe de Evaluación del Proceso Electoral 2001), issued on 16 February 2001 by the civic association Transparencia. In addition, the statement issued by the second pre-electoral delegation

of the National Democratic Institute for International Affairs (NDI) and the Carter Center, on 9 March 2001, mentioned the existence of an error in calculating the number of places accorded to women candidates for the lists for Congress in La Libertad, Ica and Callao, and emphasized that, if this problem were not resolved in this election, the authorities should at least acknowledge their mistake and ensure that it not recur. Yet nothing of the sort happened.

On 28 February 2001, the Movimiento Manuela Ramos sent a communication to Eva Zetterberg, the Chief of the Observer Mission from the European Union, on the failure to abide by the electoral quotas.

By Resolution No. 295-2001-JNE, published on 4 April in *El Peruano*, the National Elections Tribunal rejected the appeal by the Ombudsman regarding Resolution No. 029-2001-JEEI, issued by the Special Elections Tribunal of Ica. In the considerations section of Resolution No. 295-2001-JNE, the National Elections Tribunal noted:

That ... Mr. Walter Albán Peralta requested of the National Elections Tribunal that it amend Resolution No. 068-2001-JNE, considering that it reduces the opportunities for women's political participation; the request was rejected by Resolution No. 122-2001-JNE of 5 February 2001, as the electoral legislation on reserving quotas to guarantee the political participation of citizens is directed to both sexes, without favouring one exclusively to the detriment of the other, which would, to the contrary, entail gender-based discrimination.

The National Elections Tribunal confirmed its lack of familiarity with affirmative action and with the implications of the principle of equality. Accordingly, in three electoral districts, the general elections of 8 April 2001 were held without respecting the rights of women to equality and to be free from discrimination in political participation.

In a letter dated 11 April 2001, Zetterberg expressed her concern about the situation of Peruvian women to the Movimiento Manuela Ramos. For this reason, the Preliminary Report of the European Union Election Observation Mission (8 April 2001) expressly indicated that:

'In the area of rights, we should refer to issues of discrimination. To foster women's representation, which has traditionally suffered from discriminatory practices, a minimum proportion of thirty percent has been established to seek a balance between the sexes in the presentation of candidacies. It has not always been respected, and claims have not been upheld'. (English translation).

Additionally, the Movimiento Manuela Ramos filed a complaint with the OAS Election Observation Mission regarding the failure to comply with quotas in the 2001 general elections. On 16 April 2001, Héctor García, the mission's Compliance Officer, informed the Movimiento Manuela Ramos that, on 12 March, he had requested information from the National Elections Tribunal on the processing of that complaint, yet to date no official response had been forthcoming. Indeed, the Movimiento Manuela Ramos never received any information indicating that any official response was ever given to the OAS mission.

In the 11 July 2001 Final Report of the NDI/Carter Center (Joint Election Observation Project), under the heading Election Administration and Procedures, it was expressly stated that, in the 2001 election, the 30 percent quota was not attained in the districts of La Libertad, Ica or Callao.

Having exhausted domestic remedies, the Defensoría del Pueblo deemed it appropriate to lodge a petition with the Inter-American Commission on Human Rights. That petition is discussed later in this paper.

#### ***The Number of Women Candidates and the Number of Women Elected to Congress***

In the 2000 congressional elections, 36 percent of the candidates running for a seat in Congress were women, up from 25 percent in 2000. (See Table 7.)

Of nine presidential slates, six included a woman. Nonetheless, despite the increase in the number of women candidates, only 22 women were elected to Congress, accounting for 18 percent of the members. (See Table 8.)

As can be seen, in only ten of the 25 electoral districts did women win a seat. Moreover, 50 percent (11) of the 22 women elected are from the electoral

**Table 7: Gender Breakdown of Candidates for Congress, 2000**

<i>Candidates</i>	<i>Number</i>	<i>Percentage</i>
Men	1,020	64
Women	575	36
Total	1,595	100

Sources: ONPE, 2001, Participation and Leadership Program (PROMUJER) of the Movimiento Manuela Ramos. Prepared by Defensoría del Pueblo.

**Table 8: Number of Congresspersons Elected, by Gender and Electoral District**

<i>Electoral district</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Amazonas	0	2	2
Ancash	1	4	5
Apurímac	0	2	2
Arequipa	1	4	5
Ayacucho	1	2	3
Cajamarca	1	4	5
Cusco	0	5	5
Huancavelica	1	1	2
Huánuco	0	3	3
Ica	0	4	4
Junín	0	5	5
La Libertad	2	5	7
Lambayeque	0	5	5
Lima	11	24	35
Loreto	0	3	3
Madre de Dios	0	1	1
Moquegua	0	2	2
Pasco	0	2	2
Piura	1	5	6
Puno	2	3	5
San Martín	0	3	3
Tacna	0	2	2
Tumbes	0	22	
Callao	1	3	4
Percentage	18%	82%	100%

Source: ONPE 2001.

district of Lima. This suggests the need to build women's leadership locally.

Once again, three women in Lima won the largest number of votes of any candidate from their respective parties: Ana Elena Townsend from Perú Posible,

who occupied fifth place on her list;<sup>20</sup> Mercedes Cabanillas of the APRA, who was first on her list this time; and Luz Salgado Rubianes: Cambio 90 Nueva Mayoría, who was also first on her list.

Of the 22 women who won seats in Congress, 11 have been re-elected, all in Lima. Thanks to the preferential vote, 41 percent of the women improved their placement in relation to their original places on the list, as compared to 39 percent of the men. Nonetheless, 18 percent of the women candidates saw their position on the list drop, compared to 14 percent of the male candidates. Moreover, 41 percent of the women remained in their assigned place, while 47 per cent of the men did not change place.<sup>21</sup>

### ***The 2002 Municipal Elections and the Increase in the Electoral Quota***

Law No. 27,734, published in the official gazette El Peruano on 28 May 2002, amended the Municipal Elections Law (Law No. 26,864). Among the changes was an amendment to Article 10, providing that the lists of candidates are to be presented in a single document, and must contain:

‘3. The number that indicates the position of the candidates for local council member on the list, which should be made up of at least thirty percent (30%) men or women, and at least fifteen percent (15%) representatives of native communities and indigenous peoples of each province, where they exist, in keeping with the determinations of the National Elections Tribunal’.

By Resolution No. 186-2002-JNE of 11 June 2002, the National Elections Tribunal resolved:

‘Single Article. Establishing the minimum number of male and female candidates who must be on the lists of candidates for members of the municipal councils (provincial and district) of the Republic for the municipal elections of 2002, as follows.’ (See Table 9.)

As illustrated above, in contrast to what happened in the 2001 general elections, and probably due to the complaint lodged with the IACHR, on this occasion, the National Elections Tribunal correctly calculated the minimum quota of 30 percent female candidates.

### ***The Intervention of the Defensoría del Pueblo ‘Too many women’ as Grounds for Disallowing the Registration of the Electoral List***

By Resolution No. 240-2002-JEE/ANDA-J of 28 August 2002, the Special Elections Tribunal of Andahuaylas declared ‘null and void and without any legal effect whatsoever’ the provisional registration of the list of candidates of the Unidad Nacional for the municipal elections in the province of Chincheros, department of Apurímac. In addition, when an effort was made to bring the list into compliance, it declared the registration of that list ‘out of order’. It based its resolution on the failure to abide by the procedural requirements, as it had been noted that there were ‘more women council members than provided for in Resolution No. 186-2002-JNE’.

In the context of its electoral supervision work, the Defensoría del Pueblo called on the Special Elections Tribunal of Andahuaylas to amend Resolution No. 240-2002-JEE/ANDA-J, and ordered the definitive registration of the Unidad Nacional list. In addition, it explained that the 30 percent quota is a minimum percentage aimed at fostering the political participation of women.<sup>22</sup> The Special Elections Tribunal answered that it had already amended the resolution in question, and had definitively registered the Unidad Nacional list.

### ***Failure to Abide by the Minimum Quota of 30 Percent in the Electoral Lists***

In its supervisory work, the Defensoría del Pueblo detected that several lists had been registered that violated the requirement that 30 percent of candidates for local council members be women in the provinces of Tumbes and Zarumilla, and in the district of Matapalo. The Defensoría del Pueblo turned to the Special Elections Tribunal of Tumbes, urging it to adopt the measures necessary for the lists to comply with the minimum number of women candidates required in each case.

The Special Elections Tribunal of Tumbes answered that it had rejected the registration of those lists, and that most of the political parties and movements had presented an appeal to the National Elections Tribunal, which is why it had lost jurisdiction over the lists that failed to include the number of women required by law. These cases were part of a larger

**Table 9: Minimum Number of Male or Female Candidates for Municipal Council Elections**

<i>Order</i>	<i>Make-up of the</i>	<i>30% of all candidates Municipal Council</i>	<i>Minimum number of male or female candidates</i>
1	Council with 39 members	11.7	12
2	Council with 15 members	4.5	5
3	Council with 13 members	3.9	4
4	Council with 11 members	3.3	4
5	Council with 9 members	2.7	3
6	Council with 7 members	2.1	3
7	Council with 5 members	1.5	2

Source: Resolution No. 186-2002-JNE, 11 June 2002, National Elections Tribunal.

body of lists that had not complied with the 30 per cent legal minimum, and whose registration had been rejected by the respective special elections tribunals. Part of the problem originated in the scant dissemination and knowledge of the electoral quota.

The National Elections Tribunal rejected the appeals, affirming the ruling of the special elections tribunals that rejected the registration of the lists that had failed to abide by the minimum quota of 30 per cent.

#### *The Call Issued by the Defensoría del Pueblo to the National Elections Tribunal*

The Defensoría del Pueblo directed a communication to the National Elections Tribunal, proposing a way to resolve the problem that would be most favourable to the right to political participation. The Defensoría del Pueblo proposed the possibility of rectifying, within two days, the failure of some political groupings to comply.

While there is no express provision that establishes that the Special Elections Tribunals can offer a deadline for rectifying the failure to meet the minimum electoral quota, it was fitting to interpret two provisions of the Organic Electoral Law, No. 26,859, applied on a supplementary basis to municipal elections, so as to maximize the impact of the right to political participation, one of whose expressions was the ability to present lists of candidates.

In effect, Article 95 of the Organic Electoral Law indicates with respect to registering lists of signatures of supporters that ‘any flaw in the request for registration may be rectified by order of the National Elections Tribunal’. In addition, Article 118 specifi-

es that, when a candidate appears on two or more lists, he or she has a period of ‘2 (two) calendar days’ to indicate expressly on which list he or she should appear. The last paragraph of that provision adds that, if the list shows the same candidate in more than one place, then the whole list will be void, ‘unless that error is cured in the time period set by law’. Accordingly, an interpretation of such provisions favourable to the right to political participation, in the opinion of the Defensoría del Pueblo, would enable the National Elections Tribunal to set criteria of interpretation to make it possible for such political groupings to rectify the problem within a very short time, which, taking into account Article 118, could be set at two calendar days. Nonetheless, the National Elections Tribunal adopted a different standard.

#### *The Restrictive Interpretation Rendered by the National Elections Tribunal*

The National Elections Tribunal ruled favourably on the appeals by the political groupings that failed to comply with the minimum electoral quota. In effect, departing from the standard adopted in Resolution No. 186-2002-JNE, it approved the registration of lists with less than 30 percent women candidates, since they had included the woman candidate for mayor in the calculation. For example, Resolution No. 372-2002, published in the official gazette *El Peruano* on 12 September 2002, reads, in part, as follows:

‘... even though appellant had not complied with the provision of Article 10(3) of Law No.

26,864, in terms of the percentages by gender in the list of candidates for municipal council member, it is also the case that the said percentage does not suffer any change if one adds the woman candidate for mayor to the number of council members ...

... accordingly, departing from the standard established in a prior ruling, in the case of lists in which the candidate for mayor is a woman, and if, adding her to the number of women candidates on the list of candidates for council member the minimum number set in Resolution 186-2002-JNE is attained, then that requirement shall be considered to have been met'.<sup>23</sup>

Consequently, several lists that did not comply with the requirement that 30 percent of candidates for municipal council be women nonetheless participated in the elections.

#### *The Lack of Results to Date*

On 17 November 2002, municipal and regional elections were held. However, the Jurado Nacional de Elecciones (JNE) (the National Board of Elections) has not yet provided the data from the 125 Special Elections Tribunals, so as to make it possible to assess the impact of the quotas on the municipal elections.

#### *The Regional Elections of 2002*

Law No. 27,680, the Law on Constitutional Reform of Chapter XIV of Title IV, on decentralization, published on 7 March 2002, amended Article 191 of the constitution, indicating as follows: 'The law establishes minimum percentages to make accessible the representation of gender, native communities and indigenous peoples on the Regional Councils'. The same treatment is applied to Municipal Councils.

Law No. 27,683, the Law on Regional Elections, published on 15 March, Article 12, on the registration of lists of candidates, provides as follows:

'The list of candidates to the Regional Council should be made up of one candidate from each province, in the order in which the party or movement decides, including one runner-up in each case; also, of no less than thirty per cent (30%) men or women, and at least fifteen per cent (15%) representatives of native communiti-

es and indigenous peoples from each region where they exist, as determined by the National Elections Tribunal'.

According to the election laws, the election of regional authorities is by closed and blocked list.

By Resolution No. 185-2002-JNE of 11 June 2002, the National Elections Tribunal resolved 'to establish the minimum number of male or female candidates who must be on the lists of candidates for the Regional Councils of the Republic to be formed for the 2002 regional elections, as follows'. (See Table 10.)

As can be seen in Resolution No. 185-2002-JNE, the National Elections Tribunal calculated the 30 percent minimum quota appropriately.

#### *The Restrictive Interpretation by the National Elections Tribunal*

Nonetheless, as in the previous case, the National Elections Tribunal allowed lists of council members that only 'met' the 30 percent minimum by including the women candidates for regional president and vice-president in the calculation. For example, in Resolution No. 445-2002-JNE, published on 15 September 2002, one reads:

'Notwithstanding ... non-compliance with the gender percentage referring to candidates for regional council member ... it should be borne in mind that the percentage does not suffer any change if, to the number of council members provided for, one adds woman candidates for president or vice-president'.<sup>24</sup>

#### *The Participation of Women in Regional Governments*

Women accounted for 37 percent of the candidates for regional council members. The percentage of candidates for regional president and vice-president was much lower (seven percent and 15 percent, respectively). (See Table 11.)

Women's political participation in the regional governments is reflected in figures provided by the Movimiento Manuela Ramos on the results of the regional elections (see tables 12, 13 and 14).

### ***Quotas and the Regional System for the Protection of Human Rights***

As indicated above, the Defensoría del Pueblo decided to lodge a petition with the IACHR, for failure to comply with the minimum quota of 30 percent in the general elections of 8 April 2001. This non-compliance occurred in three of the 25 electoral districts. In effect, the National Elections Tribunal established a quota of 25 percent in Ica and Callao, and a quota of 28 percent in La Libertad.

The Defensoría del Pueblo and the Movimiento Manuela Ramos submitted the petition in August 2001. The petitioners adduced that the Peruvian state, through the National Elections Tribunal, had

breached the following provisions of the American Convention on Human Rights.

1. The right to equality and non-discrimination recognized in Articles 1(1) and 24, to the detriment of the women of Ica, Callao and La Libertad who had the chance of becoming candidates to the national Congress.
2. The right to political participation recognized in Article 23, to the detriment of the citizens referred to above and to the detriment of Katia Chumo García and others who did not have a reasonable number of women among the candidates to be elected.

**Table 10: Minimum Number of Male or Female Candidates for Regional Council Election Lists**

	<i>Regions</i>	<i>Council members for each region</i>	<i>30% of all candidates</i>	<i>Minimum number of male or female candidates</i>
1	Amazonas	7	2.1	3
2	Ancash	20	6	6
3	Apurímac	7	2.1	3
4	Arequipa	8	2.4	3
5	Ayacucho	11	3.3	4
6	Cajamarca	13	3.9	4
7	Cusco	13	3.9	4
8	Huancavelica	7	2.1	3
9	Huánuco	11	3.3	4
10	Ica	7	2.1	3
11	Junín	9	2.7	3
12	La Libertad	12	3.6	4
13	Lambayeque	7	2.1	3
14	Lima	9	2.7	3
15	Loreto	7	2.1	3
16	Madre de Dios	7	2.1	3
17	Moquegua	2.1	2.1	3
18	Pasco	7	2.1	3
19	Piura	8	2.4	3
20	Puno	13	3.9	4
21	San Martín	10	3	3
22	Tacna	7	2.1	3
23	Tumbes	7	2.1	3
24	Ucayali	7	2.1	3
25	Callao	7	2.1	3
	Total	228	68.4	84

Source: Resolution No. 185-2002-JNE, 11 June 2002.

3. The obligation to respect and ensure the rights recognized in the convention, set forth in Article 1(1).

The Peruvian state responded to the petition by arguing that domestic remedies had not been exhausted, and that:

1. Article 116 of the Organic Electoral Law did not enshrine a quota for women, for the Congress legislated against the exclusive predominance of one or the other gender in the legislative elections; and
2. it was mathematically, legally, and physically impossible to comply with the percentage of 30 percent established in said Article 116.

Given the weak arguments presented by the Peruvian state, the response to its answer was quite simple. According to Article 181 of the constitution, the National Elections Tribunal is the forum of last resort in electoral matters. Historically, women have been excluded from public life, therefore a provision that contains an electoral quota is an affirmative

action that necessarily benefits them. Nor was there any legal or mathematical impossibility standing in the way of applying the minimum quota of 30 percent, considering that, with the establishment of a minimum percentage by law, the figure had to be rounded up to the next whole number, to get one more woman candidate, in the electoral districts of Ica, Callao and La Libertad. Finally, the petitioners affirmed that it was not clear what the Peruvian state was referring to in arguing physical ‘impossibility’, unless it meant that there were not enough women, which was also a false claim.

The petition submitted was admitted with the issuance of Report No. 51/02 on Admissibility, by the IACHR, of 25 October 2002. On 13 January 2003, the Defensoría del Pueblo and the Movimiento Manuela Ramos expressed their willingness to pursue a friendly settlement with the Peruvian state in regard to this case. The hope of the petitioners is that this case can serve as a precedent for respecting electoral quotas in Latin America, considering the different problems that have arisen in the region in connection with the implementation of such affirmative action measures.<sup>25</sup>

**Table 11: Candidates in the Regional Lists, by Type of Post**

<i>Regional post</i>	<i>Number of women candidates</i>	<i>Total candidates</i>
Regional president	15 (7%)	225
Vice-president	34 (15%)	225
First council member	38 (17%)	225
Council member	756 (37%)	2,048
Total	843 (31%)	2,723

Source: National Elections Tribunal. Prepared by the Civil Rights Program of the Movimiento Manuela Ramos, November 2002.

**Table 12: Regional Presidents Elected**

<i>Presidents</i>	<i>Number</i>	<i>Percentage</i>
Men	22	88
Women	3	12
Total	25	100

Source: Right to Political and Citizen Participation Program of the Movimiento Manuela Ramos. Prepared by Defensoría del Pueblo.



**Table 13: Vice-Presidents Elected**

<i>Vice-presidents</i>	<i>Number</i>	<i>Percentage</i>
Men	21	84
Women	4	16
TOTAL	25	100

Source: Right to Political and Citizen Participation Program of the Movimiento Manuela Ramos. Prepared by Defensoría del Pueblo.

**Table 14: Council Members Elected in Regional Governments**

<i>Council members</i>	<i>Number</i>	<i>Percentage</i>
Men	178	78
Women	50	22
TOTAL	228	100

Source: JNE, January 2003. Prepared by Right to Political and Citizen Participation Program of the Movimiento Manuela Ramos

## **Conclusions**

Despite the problems concerning the interpretation of quotas, they have met their objective of increasing the presence of women in public office. Nonetheless, it is to be recommended that the electoral laws on quotas be amended to affirm clearly that they constitute an affirmative action for women. Furthermore, in the case of voting with closed and blocked lists, one should introduce, in addition to the quota, a mechanism to provide for the placement of women on those lists, to ensure that they not be relegated to the last places.

The figures indicate that the larger the electoral district, the larger the number of women elected. However, the multiple district system has shown that it is necessary to work on building local women's leadership, given the number of electoral districts in which not a single woman was elected in the 2001 general elections.

The preferential vote has tended to benefit women, especially those who are national leaders or well-known local leaders. Nonetheless, even though women have come first in terms of the number of votes garnered, and have even won internal elections, they have not always headed up the lists. There is a pressing need for a political party law that, among

other things, regulates the mechanisms for constituting the electoral lists, and provides for affirmative action for women within the political parties. A deadline for rectifying non-compliance with the electoral quota needs to be incorporated into the electoral laws, so as to avoid interpretations that restrict the right of women to participate in political life.

It is hoped that the finding of the IACHR that the petition presented by the Defensoría del Pueblo and the Movimiento Manuela Ramos is admissible will set a precedent for gaining respect for electoral quotas in Latin America.

## **Notes**

- 1 Article 204 of the 1993 Constitution provides that 'Women with the right to vote in municipal elections may be elected to the Municipal Councils.' Nonetheless, under Law No. 12,391, Articles 84, 86, and 88 of the 1933 Constitution were amended so as to grant women citizenship:  
'Single Article. Articles 84, 86, and 88 of the Constitution are replaced by the following:  
Article 84. Male and female Peruvians of age,

- those married who are over 18 years of age, and those emancipated are citizens.  
Article 86. Those citizens who can read and write shall enjoy the right to vote ...’.
- 2 Data from the presentation by Martha Hildebrandt in the Committee on Women’s Affairs of the Congress of the Republic, on the proposed law on quotas for the electoral lists.
  - 3 See Report No. 002-DP-DM presented by the Defensoría del Pueblo in relation to Proposed Law No. 2,574/96-CM-CR. See also Yáñez, Ana María. 1998. “Lo que hizo el movimiento de mujeres por las cuotas políticas: un camino que tomó siete años”. In *Poder Político con perfume de mujer: Las cuotas en el Perú*, Lima: PROMUJER, (August), pp. 15-20.
  - 4 See Resolución Defensorial No. 63-99/DP.
  - 5 Law No. 26,859. Article 44: ‘The Special Election Tribunals are temporary organs created for each election or popular consultation. The functions of the Special Election Tribunals are those established in the Organic Law on the National Elections Tribunal and in this law’. Law No. 26,486. Article 36(f): ‘The Special Election Tribunals shall have the following functions within their respective jurisdiction: To administer, in the first instance, justice in electoral matters’.
  - 6 Movimiento Manuela Ramos. 2002. *El Cuarto Femenino*. Year 4, No. 15, (November), p. 46.
  - 7 (Movimiento Manuela Ramos). 1999. *El Cuarto Femenino*. Year 1, No. 5, (October), p. 4.
  - 8 See Defensoría del Pueblo. 2000. *Elecciones 2000* (supervisory report). (May), Lima: Defensoría del Pueblo.
  - 9 Yáñez, Ana María. See the introduction, *El Cuarto Femenino*, March 2000, Year 2, No. 7, p. 3.
  - 10 *Ibid.*, pp. 4-5.
  - 11 Movimiento Manuela Ramos. 2000. *El Cuarto Femenino*. Year 2, No. 8, (June), p. 15.
  - 12 *Ibid.*, p. 18.
  - 13 *Ibid.*, p. 22.
  - 14 The case of Mercedes Cabanillas is unique. Even though she won the internal elections in her party, she was not placed first on the list. Cabanillas jumped from fourth to first place, with three times as many votes as Jorge del Castillo, who headed up the list. See Movimiento Manuela Ramos. 2000. *El Cuarto Femenino*. Year 2, No. 7, (March), p. 5.
  - 15 On the amendments to the Organic Electoral Law, see Movimiento Manuela Ramos. 2000. *El Cuarto Femenino*. Year 2, No. 9, (December).
  - 16 The Inter-American Commission on Human Rights, in Report No. 119/99 of 6 October 1999 (Case 11,428), noted that the provisions of the Peruvian legal order that provide that the rulings of the National Elections Tribunal ‘are final and non-appealable, and are not subject to any review[;] [t]here is no remedy against them’, violated the right to simple and prompt recourse, as provided for in Article 25 of the American Convention on Human Rights.
  - 17 Law No. 26,859, Article 118: ‘No candidate, without his or her consent, may be included on a list of candidates for the Congress of the Republic and the Andean Parliament’.
  - 18 Constitution of 1993, Article 51: ‘The Constitution prevails over all statutory provisions, over provisions of lesser rank, and so on. Publication is essential for any provision adopted by the State to enter into force’.
  - 19 Constitution of 1993, Article 138: ‘In any proceeding, if there is an incompatibility between a constitutional provision and a statutory provision, the judges shall accord preference to the first. In addition, they shall prefer the statutory provision over any other provision of lesser rank’.
  - 20 Despite garnering the largest number of votes of any candidate for Perú Posible, Ana Elena Townsend was not elected speaker of the Congress.
  - 21 Movimiento Manuela Ramos. 2001. *El Cuarto Femenino*. Year 3, No. 11, (July).
  - 22 Case No. 9918-02 DP-DM.
  - 23 The Movimiento Manuela Ramos published a compilation of 31 lists in which the woman candidate for mayor was considered in the number that met the 30 percent quota. See Movimiento Manuela Ramos. 2002. *El Cuarto Femenino*. Year 4, No. 15, (November), pp. 48-53.
  - 24 The Movimiento Manuela Ramos published a compilation of four lists in which the candidates for president and vice-president of the

region were considered as part of the number that met the 30 percent quota. See Movimiento Manuela Ramos. 2002. *El Cuarto Femenino*. Year 4, No. 15, (November), pp. 53-54.

- 25 See Villanueva, Rocío. 1999-2000. "Participación política de las mujeres: ¿favor, mérito o ejercicio de derecho? El camino de las cuotas en América Latina." In No. 2. Lima: Defensoría del Pueblo, pp. 37-60.

### 3. Quotas in Practice: The Challenge of Implementation and Enforcement

#### 3.1. Overview of Presentations

Evidence from Latin America suggests that, while quota laws may be enacted in legislation, a real challenge lies in ensuring that quotas are implemented in practice. The third session focused on the challenges of implementing and enforcing quotas, with case studies of Brazil, Bolivia, Costa Rica and Mexico.

Argentina was the first country to introduce electoral gender quotas in 1991, and many other countries in Latin America have followed suit. The information provided in Peschard's introductory paper illustrates that the outcome of the implementation of quotas differs tremendously among the countries of Latin America. There are only two states in the region that exceed 30 percent, namely Argentina with a 30 percent quota law and Costa Rica with a 40 percent quota law. At the other end of the spectrum are countries like Brazil and Bolivia, where, despite the existence of quota provisions of 30 percent, female representation is below 10 percent. The real challenge, therefore, lies in the enforcement of quotas in different countries.

Clara Araújo explains that the debate on quotas in Brazil began in the late 1980s at a time when democracy returned to the country. The Labour Democratic Party (PDT) and the Workers' Party (PT) first adopted political party quotas for national and regional directories in 1986 and 1991 respectively. Other parties have since followed suit, with quotas varying between 20 and 30 percent. However, Brazil differs from other Latin American countries in the sense that political parties did not introduce quotas for their lists of candidates for election. Additionally, before the quota law was adopted, there was no organized women's lobby within the political parties that could demand a quota for candidate lists for election. The first law on quotas was passed in 1995, under which 20 percent of candidates in municipal elections were to be women. The law was approved with little debate or resistance. In 1997, a law was passed which required that 25 percent of candidates in elections to parliament, state assemblies, and the federal chamber should be women. A second law increased this figure to 30 percent in 2002. With both laws the number of seats to be filled in each of the party lists was increased from

120 percent to a maximum of 150 percent of seats to be filled.

Although the number of women candidates increased in the elections in 1998 and 2002, none of the political parties observed the quota and reached the 30 percent mark. Araújo argues that positive results derived from quotas appear to be conditioned by a host of factors, such as the strength of the women's lobby within the party structure, the political culture and the nature of the electoral system. In the case of Brazil, the latter played an important role in the implementation of quotas. Electoral lists in Brazil are open, and voters can choose to vote for individual candidates on a list. Araújo claims that this affected the nature of competition within parties, and had a negative affect on women, who often do not have access to funding to run an elaborate election campaign. Further factors that weaken the Brazilian quota law relate to the lists themselves. First, according to the law, if one gender on the lists does not meet the minimum established percentage (30 percent from 2002), candidates of the opposite sex cannot fill the gap. But the parties are not obliged to occupy all positions; there are no sanctions for not doing so. Second, the 1997 legislation increased the number of competing candidates by 50 percent. In other words, a party can present up to 150 percent of the candidates for the total number of seats to be filled. It is difficult to fill the seats, and alterations to list formation proceedings are not enforced, since the total number of places is big enough to include all.

The implementation of gender quotas is no easy task, irrespective of where they are introduced. Resistance and counter-arguments are part of the process everywhere, including in Latin America, as shown by all of the papers presented at the workshop. Arguably the most successful example of electoral quota implementation in Latin America is provided by Costa Rica. In 1996, an amendment to the Electoral Code was adopted establishing a minimum quota, whereby 'the delegations from the district, cantonal and provincial assemblies shall be made up of at least 40 per cent women'. However, as with other examples from the region, the law did not include sanctions for political parties that failed to respect the provision. In the elections of 1998, 15 of

the 23 parties that presented candidates to the legislative assembly did not have 40 percent of women on some of their lists.

It is apparent that the implementation phase is particularly important for the interpretation of the legislation, thereby affecting how the legislation is put into practice. Ana Isabel García Quesada details in her paper the long hard fight by women's groups, women in political parties and by the INAMU (previously the Centro de Mujer y Familia (CMF) or Centre for Women and Family), which continuously argued that the quotas had to be for eligible places on the lists to ensure that women candidates were placed in 'electable' positions, and that there should be sanctions for non-compliance by political parties. Eventually the Constitutional Chamber of the Supreme Court ruled in favour of a quota that required women candidates to be placed in 'electable' positions. In this process the women's movement was a determining factor; a successful information campaign directed towards different levels of society was initiated and alliances were established.

The Costa Rican case shows the substance of a well-organized grassroots' movement and highlights the fact that it does matter. Information and networking are seen as important components of the development of women's participation in the public sphere. But as Quesada notes, it is necessary to combine this with judicial knowledge and national research and investigations to identify the problems associated with the interpretation of the law so that they can be met with well-founded arguments. Costa Rican women's organizations appear to have had a conscious and well-organized programme, which has inspired women's organizations across the region.

Jacqueline Peschard explains that legislative gender quotas are working as an equilibrator of the inequality that women are confronting when they seek political positions. In Mexico, quotas were first implemented as part of the electoral reform agenda largely as a result of lobbying by the women's movement and by women in political parties. However, the type of quota was not clearly established, and political parties could 'contemplate' that one sex should not take more than 70 percent of seats on party lists. As a result, most political parties did not comply with the quota in the 2000 elections. This prompted the women's movement and legislative groups to work together to amend the electoral code-

's provisions pertaining to quotas. In 2002, the legislative committee of the Party of the Democratic Revolution (PRD) spearheaded a reform agenda, which included a provision that 30 percent of candidates for election by majority or proportional representation were to be of a different sex, that on the PR lists women were to be included among every three candidates, and that any party that failed to meet the quota would have the list of candidates excluded. These reforms were approved ahead of the 2003 elections.

The electoral management body (EMB) of Mexico, the Institute Federal Electoral (IFE), has responsibility for enforcing the quotas, and will call on political parties to amend lists of candidates that do not comply with the law. In the event that a list submitted by a political party contains 80 percent men and 20 percent women, men, starting from the bottom of the list, will be scratched to bring the list into compliance. Peschard argues that we cannot just hope for goodwill among the political parties or rely on traditional methods of candidate selection to include women. The case of Mexico includes an important role for the EMB in overseeing the enforcement of the quota law.

In Bolivia, Jimena Costa Benavides notes that, in the process of consolidating democracy, opportunities to implement major political reforms have created institutions that promote greater representation and citizen participation in decision-making. The constitutional reform of 1995 includes a new way of electing members of the Chamber of Deputies through a Mixed Member Proportional Representation system, combining 68 single-member constituencies and 62 seats filled by party lists in nine multi-member constituencies. In 1997, a change to the Electoral Code included a quota provision requiring that at least 30 percent of candidates on the party lists be women, and that they be distributed in such a way that one of every three candidates is a woman.

However, Benavides states that, as in many countries, those political parties that did comply with the law did so minimally by placing women on the list of alternate deputy positions. A further drawback was the single-member constituency elections, in which the quota did not apply, and in which women faced obstacles because of the cost of waging a campaign and family opposition to being a candidate. Benavides concludes by noting, though, that, while

quotas may facilitate women's entry into politics, the law is not enough to make significant gains in female political participation, as many hurdles remain. To overcome them, an ideological transformation within the political system and the forging of alliances among women are required. After being elected, alliances among women parliamentarians are important, but, unfortunately, in Bolivia, female politicians have no common strategy, no pacts, and no agreements. Hence, the hierarchy structure is still in the hands of the male politicians.

### **3.2. Overview of Discussion**

In the discussion, it was noted that quota implementation in Latin America involves different stages and challenges. The first challenge is to develop quota laws, depending on the electoral system, that are clear and strict in terms of enforcement sanctions. Second, it is important to reform existing laws to ensure that there are sanctions for non-compliance when the law contains loopholes, meaning that political parties do not implement it effectively. It is apparent that all reforms require extensive lobbying and commitment by the women's movement and by women in political parties, and that this process can take several years, as in Costa Rica.

The type of electoral system was flagged as an important consideration when discussing issues of enforcement, and coming up with best practices based on the type of electoral system could be extremely valuable. We need to be aware that there are different rationales for establishing different types of quotas, and that different strategies may be used depending on the different systems and cultures.

While legal reform and the regulation of quotas are extremely important, it was noted that regulation needs to go hand in hand with the commitment and will of the political parties to adhere to the rules, especially in regard to the internal selection of candidates for election. Often there are few women on the executive committees of political parties, which are the real 'owners' of the parties. This is made worse where there are few women in the party that actively lobby to ensure that the rules are followed. Additionally, some parties do not have formal nomination committees or rules for recruiting candidates, or the internal organization of parties is weak, as is the case with some political parties in Brazil. Many participants highlighted the integration of women

into the culture of political parties as a crucial challenge. While, on the one hand, laws may exist, on the other, there are obstacles to their enforcement, which frequently include culture and prevailing gender relations.

A related problem is that of financing of candidates, especially of internal party campaigns and primary elections in political parties-this is where women are often at a disadvantage compared with their male counterparts. This was noted as a problem in Argentina and Brazil, as well as in most other Latin American countries. Regulation of financing of campaigns was suggested as one way to overcome this problem.



# Quotas for Women in the Brazilian Legislative System

Clara Araújo

In 1996, Brazil joined other Latin American countries in adopting mandatory quotas for lists of proportional representation candidacies. The first experience involved the Chamber of the Council, the equivalent of local legislative power. In 1998, mandatory quotas began to be applied at the federal and regional levels.

This paper evaluates the initial results of the application of gender quotas in the Brazilian legislative competition. It is based on research beginning in 1996, and it aims to assess both the process and the impact of the quota system.<sup>1</sup> The results of the 1992 municipal elections, prior to the adoption of quotas, are compared with those of 1996 and 2000, after the quota system was in place. The Federal Chamber and the State Assemblies are studied via a comparison of four elections, in 1990, 1994, 1998 and 2002. The first two elections preceded the adoption of quotas.

The first part of this paper briefly introduces the politics surrounding quotas and the position of the women's movement in recent decades. It is followed by a broad review of the process that led to the adoption of quotas in Brazil. The third part deals with the electoral results in quantitative terms. The final segment attempts to identify some of the factors that have influenced these results up to the present day.

## *Overview of the Political System*

Brazil is a federative, presidential republic, composed of 26 states and a federal district with a bicameral parliamentary representative system—the Federal

Senate or Upper House and the Lower Chamber, the formation of which is based on a system of proportional representation (PR) in each state. Legislative power is organized on three levels: the federal level, made up of the Federal Senate and the Chamber of Deputies, forming the National Congress; the state level, consisting of legislative assemblies; and the municipal level, comprising city councils. Senators have a mandate of eight years, while all others legislate for four years. Local legislative and executive elections take place every two years. With the exception of the Senate, the legislative electoral system is proportional representation. Federal representation is circumscribed by the characteristics of each state. The magnitude of the districts varies according to the size of the electorate, but each state has a minimum of eight and a maximum of 70 representatives. The voting system is based on an open party list.

Thirty official political parties participate in the elections. These include about eight large and medium-sized parties as well as several left-wing parties, such as the Communist Party (PCdoB) and the Green Party (PV), which have shown some institutional stability. However, most political parties in Brazil go through name changes and amalgamations, and are poorly organized.



### ***The Political Path of Women in the Brazilian Democratic Context***

Brazilian women obtained the right to vote in 1932, 51 years after the proclamation of the republic and of the qualified male vote. This fact is frequently considered a reason for their late entry into politics and one of the causes of the existing asymmetry in relation to the political participation of women. But this cannot be considered the sole reason. Indeed, when considering the country as part of the international scene, Brazil is found to be ahead of some European nations when it comes to voting achievements; it is on the same level as the average Western country. Nevertheless, this situation has engendered a structural deficit for women in the political world.

In the Brazilian case, two historical factors must also be mentioned when considering the difficulties of integrating women into the political realm. First, Brazilian democracy has a troubled history. It has gone through two dictatorial periods-1937-45 and 1964-84-a total of 38 years of authoritarianism and the suspension of civil rights. Second, historically, the country's political culture has been based on patronage.

Although women have traditionally enjoyed a political presence during important moments in the country's history, it was not until the early 1980s that there was effective change in regard to their participation in national politics and institutions. Socioeconomic factors, such as the increased number of women in the work force and in schools, and political factors, such as the return of a democratic environment, were determinants in this process. The return of democracy brought about more substantial growth in the participation of women. The presence of women in the Federal Chamber increased from 1.7% in 1982 to 5.3% in 1986, the first polls after the end of the dictatorship. It is important to note that the elected parliamentary representatives were also responsible for organizing a national assembly to write a new constitution. The constitution was signed in 1988, and remains in effect today. This event secured a democratic state after 20 years of dictatorship. One of the most remarkable aspects of the process was the systematic presence of members of the women's movement, along with elected congresswomen-known as 'the lipstick lobby'. The constitution granted many social and civil rights for the population as a whole, and specifically for the women of

Brazil.

After the 1986 elections, the rise in female representation in the legislature slowed, as will be shown in following sections. Political representation of Brazilian women gained a new boost during the last federal elections, in October 2002. The results suggest that the election of Luís Inácio Lula da Silva as president had an impact on all electoral levels. In the legislative branch, the number of centre-leftist members increased. There was also a considerable rise in the number of women, both in the Chamber of Deputies and in the Senate.<sup>2</sup> These elections also seemed to have an effect on the female presence in executive offices-state governors and mayors-which used to include few women (see Table 1). The first female state governor, Roseana Sarney of Maranhão, was only elected in 1994, and re-elected in 1998.<sup>3</sup> In the 2002 elections, two states elected female governors. Approximately six percent of elected mayors in 2000 were women.

**Table 1: Elected Female Mayors in Brazil, 1992-96<sup>4</sup>**

<i>Regions</i>	<i>1992</i>	<i>1996</i>	<i>% Growth</i>
Brazil	171	302	76.6
North	19	28	47.4
Northeast	92	153	66.3
Southwest	38	64	68.4
South	11	30	172.7
Centre-west	11	27	145.5

Source: Data published by Superior Electoral Tribunal (TSE), indicates a 10.2% growth in the number of municipalities in the country. A similar trend had already been observed in previous elections, with a 59.8% increase between 1988 and 1992 (IBAM, 1997).

Despite these recent results, the participation of Brazilian women in parliament remains very low in percentile terms when compared with other Latin American countries. In addition, it remains low even when compared with the participation of women in non-governmental organisations (NGOs), community associations and other kinds of organizations in Brazil.

### ***The Brazilian Process of Adopting Quotas: A Brief Retrospect***

In Brazil, the debate on the adoption of quotas as a means of increasing the presence of women in political institutions and party leaderships began in the late 1980s, and accompanied the return of democracy to the country. The Labour Democratic Party

(PDT) and the Worker's Party (PT) were the first to discuss and adopt a form of quotas in their national and regional directories, in 1986 and 1991<sup>5</sup> respectively. Since then, other parties, mainly from the left, have followed suit, with quotas varying between 20 and 30 percent. Among the larger parties, though, only the PT and the PDT (both considered to lie on

**Table 2: National Members of the Six Main Political Parties, 1986-2002**

Political parties	1986			1991			1996			1999			2002		
	Total	Fem.	%	Total	Fem.	%	Total	Fem.	%	Total	Fem.	%	Total	Fem.	%
PPB	-	-	-	-	-	-	-	-	-	160	8	5.0	385	27	7.0
PFL	121	3	2.5	121	2	1.7	177	3	1.7	190	5	2.6	200	10	5.0
PMDB	121	3	3.3	121	4	3.3	141	9	6.4	119	8	6.7	119	9	6.7
PSDB	-	-	-	121	8	6.6	121	6	5.0	236	19	8.1	203	17	8.4
PDT	119	11	9.2	119	11	9.2	121	18	14.9	160	29	18.1	191	33	17
PT	81	5	6.2	82	5	6.1	86	27	31.0	62	19	31.0	81	24	30.0

the left of the political spectrum) implemented quotas for party directories. This measure helps to explain their percentage increase in female participation, as can be seen in Table 2.

Brazil, though, is unlike many other nations whose projects for implementing a quota law for legislative mandates originated in the previous experiences of political parties that adopted quotas in their lists of candidates for election. There is no record to suggest that Brazilian parties, prior to the passing of the quota law, adopted quotas in their candidate lists in a spontaneous way. This fact does not stem just from the resistance of party leaders. Before the adoption of quotas, there was neither an official position nor organized lobbying by feminist factions inside the parties that could have led to a quota in the candidate lists for legislative seats.

### ***The Approval of Quotas Legislation for Legislative Candidates***

The first proposal for quotas was approved in 1995. It was presented that year by a member of the Chamber of Deputies, Marta Suplicy (PT), and dealt only with legislative seats in municipal districts. It established that a minimum of 20 percent of the candidates had to be female. At the same time, the number of candidates increased to 120 percent of the

total number of disputed seats.

The approval of quotas in Brazil was not marked by debate or great controversy, as observed in other countries. It must be mentioned that their introduction did not stem from a position of consensus or a maturity of the debate in Brazilian society, but, rather, from the absence of both. There was a brief interval between the concept being proposed, by a congresswoman and not by departments or women's rights commissions in the parties, and its approval by parliament. The proposal was not supposed to mobilize broad sectors of society. In fact, the feminist movement seemed divided. On the one hand, there were some positive expectations, while, on the other, there was some questioning of the initiative's worth.<sup>6</sup> Thus, in the beginning, the future of a quota system assumed an ambiguous character among the women's movement. It was considered innovative, while, at the same time, its effectiveness and nature were viewed with caution.

The atmosphere resulting from the fourth World Conference on Women seems to have increased the attractiveness of the proposal in parliament. However, it was not debated intensely in the National Congress. Some parties with rightist tendencies were openly opposed to quotas. Suplicy affirmed that, during the negotiations, several leftist

members of parliament, including members of her own party, raised some objections. Yet most abstained from the debate, as evidenced by documental research. There was some questioning of the constitutionality of the proposal, but not enough to refute it. Its eventual approval (by means of leadership voting) seems to have been due to the articulating capabilities of several congresswomen and a certain practical sense on the part of party leaders. These leaders wished to avoid any conflicts with women and seemed to anticipate the limited applicability of the proposal.<sup>7</sup>

Between 1995 and 1997, representatives in National Congress presented eight proposals for quotas. By the end of 1997, rules for future elections had been established and the reservation (in the form of quotas) had become permanent legislation. Law number 9.504 established a 25 percent quota of state and federal representatives in the parliamentary elections of 1998. The minimum percentage for the following elections would be raised to 30 percent of each sex. Consequently, the number of seats to be filled in each party's list was increased from 120 percent to a maximum of 150 percent of the disputed seats. The filling of the quotas remained guided by the norm approved in 1996.

During this process, some positions that seemed to illustrate the debate on these experiences in other countries<sup>8</sup> were also present in the Brazilian case, although in a very discrete form. Favourable arguments by party leaders normally underlined the transitory character of the idea, its contribution to legitimizing democracy, and its symbolic role in encouraging women and in ending prejudice, both implicit and explicit. A more substantive argument, which was exposed to little debate, was defended by the author of the proposal, Suplicy, and by other feminists. It concentrated on a critique of the paradigm of equality and on defending the concept of gender parity as an organizing principle of representative democracy. In this case, quotas are not considered merely a strategy for boosting and highlighting the participation issue, but are considered to be a path to parity.

There were also arguments of a different nature. Objections to the discriminatory character of the proposal prevailed. It was seen as a denial of equal rights and opportunities, or as a way of confirming the incapacity of women. Although more common

among conservative sectors of the women's movement and centre and right-wing parties, such questioning could also be observed among members of left-wing parties, including Suplicy's own party, the PT. There was another line of criticism—a position similar to that of authors like Varikas and Squires<sup>9</sup>—which questioned the extent to which quotas could lead to changes to structural and cultural factors that support the exclusion of women. It was argued that a quota policy would have a superficial effect, and a search for broader mechanisms of reform in the political framework of representation was suggested as political priority.

After the initial period, the quota proposal seemed to be assimilated by the feminist movement in general and by the political realm in particular. Among politicians, some sectors incorporated it in a formal manner, because of its political and electoral appeal—that is, defending women's rights. Other sectors took advantage of its possible benefits, either symbolic, cultural or material (it would now be possible to alter the number of women in the representational arena).

As quotas became a part of the nation's political reality, their results tended to breed new discussions. Some conservative sectors that were against the policy gathered data and used it to reaffirm the inefficacy of quotas, by questioning the interest of women in competing for seats, and to query their ability to be elected. Sectors on the left argued that the results reinforced the need to intervene in structural, political, cultural and economic obstacles that constrain or impede the ascent of women to the political élite. However, feminist NGOs and organized women in centre and left-wing parties believe that quotas should be considered a privileged, almost exclusive means of bringing more women into positions of power. In the case of the legislative competition, the criticism basically centres on the resistance of, or lack of interest among, party leaders in making this policy viable.

### *Electoral Results in Brazil and the Impact of Quotas*

#### *Results in the Municipal Chambers*<sup>10</sup>

As noted above, there is no systematic information on candidates in municipal elections prior to 1996. Even the 1996 data is estimated, since 37.25 percent of the candidates could not be identified by gender.

Therefore, it is not possible to make a comparison with preceding periods, given that the quota law includes candidacies. Of those candidates that could be identified by gender in the country's 5,505 municipalities, 17.32 percent were women. It is important to remember that, in 1996, the minimum gender quota was set at 20 percent, rising to 30 percent in 2000. In 2000, the achieved index was 19.2 percent of the total. Apparently, the observed increase in the number of female candidacies between 1996 and 2000 was small, and the increase in the index was far less than the minimum established percentage. None of the 30 officially registered political parties managed to observe the minimum quota. The Unified Workers Socialist Party (PSTU), a small extreme left-wing party with no representation in Congress, presented 22.2 percent of female candidates, followed by a small right-wing party, the National Order Reconstruction Party (PRONA), with 22.19 percent. The six largest parties, which spanned the political spectrum,<sup>11</sup> were all situated in the 18 percent range, with the exception of the PT (20.17 percent). Although higher rates were observed among smaller parties, the percentage of their female candidates compared to the overall number of candidates is very small: 0.09 percent in the PSTU; and 0.3 percent in PRONA.

**Table 3: Council Representatives Elected in Brazil, 1992-2000**

<i>Elected</i>	<i>1992</i>	<i>1996</i>	<i>2000</i>
Total	53,108	58,704	60,262
Elected Women	3,964	6,598	7,001
% Elected Women	7.46	11.23	11.62

Source: IBAM, 2000; TSE, 2000.

In the case of elected candidates, the lack of data does not permit an analysis of a historical statistical series. Table 3 shows that there was a significant increase in the number of elected female candidates between 1992 and 1996. Since no information is available on the 1988 elections, it is debatable whether the increase is due to quotas or whether it was caused by a preceding trend. However, a comparison of the 1996 and 2000 elections shows that the percentages of elected councilwomen remained stable.

In 1996, women occupied 11.23 percent of available seats at the legislative level. In 2000, this figure was 11.62 percent of the total.

When elected candidates identified by gender are considered, the four parties that proportionally elected the largest number of women in 1996 were the small ones. Indeed, the first two places were occupied by centre and right-wing parties defined as 'dwarves', that is, very small parties that are not normally present in Congress: the PGT with female representation of 14.3 percent (0.02 percent of the total number of elected women in the country); and the PRTB. Left-wing parties came next, the PCdoB, followed by the Socialist Popular Party (PPS). When the six largest parties are considered, the PT elected 9.8 percent and the rest were situated in the eight percent zone. In 2000, these indices rose somewhat, but small parties were still the ones to elect more women (see Table 4). Once again, it is important to note that, with the exception of the PT (14.1 percent), the remaining three parties reached, at best, 0.5 percent of the total number of elected councilpersons in the country. The portion of women elected by the remaining five large parties varied between nine and 12 percent.<sup>12</sup>

There is little discrepancy regarding the percentages of elected women in the parties. However, the lack of earlier data hinders an analysis of the possible effects of the quotas on different parties. Nevertheless, the data does confirm the view that women tend to be more accepted in smaller parties, with emphasis on the left-wing ones, and face greater difficulties in the larger parties, even more so in the more conservative ones.

#### ***The Elections of 1998 and 2002 to the State Assemblies and the Federal Chamber***

Elections to the state legislatures and the Federal Chamber were held in 1998. Although this was the country's second general experience of the quota system, it was the first time that it was applied on a regional and federal scale. The minimum quota for each gender became 25 percent. In 2002, the second election for these levels of representation took place, with a definitive quota, stipulated by law, of 30 percent.

**Table 4: First Political Parties to Elect Councilwomen, 2000**

Party	Number of councilwomen	% Elected councillors	Ideological profile
PRONA	30	16.7	Right
PT	2485	14.1	Left
PC do B	149	13.4	Left
PST	407	13.3	Centre

**The quotas for State Assemblies**

Table 5 allows us to highlight several features. One of them concerns the rise in the number of female candidates, a trend detected before the adoption of quo-

tas. Subsequently, an increase can be observed between the first and second election, but it was smaller, particularly when the increase in the minimum percentage of places for each gender is considered.

**Table 5: Women Candidates and Women Elected to State Assemblies, Brazil, 1982-2002**

Year	Candidates	% Total	Elected	% Total	% Growth
1982	-	-	28	3.0	-
1986	-	-	31	3.3	10.7
1990	-	-	58	5.5	87.0
1994	591	7.2	82	7.8	45.5
1998	1,270	12.6	101	9.7	23.2
2002	1,863	14.6	129	12.5	28.5

None of the parties observed the quotas, and, as with city councils, the smaller parties had higher percentages of female candidacies in the state context. When compared to the performance of the major parties in the last elections (see Table 6) one can sug-

gest that the quota system has had an impact on centre and right-wing candidacies. The main left-wing party, however, was minimally affected. In this case, the percentage of female candidates even decreased slightly during the 2002 elections.

**Table 6: Total and Percentage of Women Elected to State Assemblies: Six Main Parties, 1994-2002**

Party	1994			1998			2002		
	Total general	Women	%	Total general	Women	%	Total general	Women	%
PFL	157	8	5.1	169	14	8.8	120	9	7.5
PPR/PPB	113	4	3.5	107	9	8.4	93	7	7.5
PMDB	205	11	5.4	171	18	10.5	134	22	16.4
PSDB	97	8	8.3	150	15	10.0	138	23	16.7
PDT	86	8	9.3	71	6	8.5	62	6	9.8
PT	92	16	17.4	85	16	18.8	147	29	19.7

A new examination of Table 5 clearly shows that the Legislative Assemblies present a stable growth in female participation. In absolute terms, this growth was higher during the last election, but, in relative terms, the largest increase can be perceived to have

occurred in 1990, when the first election after the constitutive process took place. Quotas do not seem to alter a pre-existing trend, but they can consolidate it.

**The electoral results for the Federal Chamber**

As a basis for comparison, four elections were considered: 1990 and 1994,<sup>13</sup> before the application of the quota system, and 1998 and 2002, after quotas were established. Table 7 presents evidence that shows that, between 1994 and 1998, there were significant increases in the percentages of female candidacies, a fact that can be interpreted as being due to the effect of quotas. However, the number of female candidates remained relatively small and far from the quota of 25 percent. Changes occurring between 1998 and 2002, although positive, cannot be considered very significant. Not even half of the minimum percentage established for the election, that is, a 30 percent quota, was achieved.

What occurred in the city councils and the state assemblies resembled what happened among the political parties: none reached the 30 percent mark in regard to female candidacies. Small parties of all ideological persuasions obtained the highest percentages. The percentage of female candidates among the six parties that have been examined more systematically (including the PT), did not reach 14 percent (see Table 8). The smallest impact was on the

PT. Even though it had the highest proportion of women in the group, it achieved smaller growth, compared to 1994. Since 1990, the PT has had more female candidates than any of the other parties. The adoption of quotas did not do much to alter these levels. In terms of a comparison of the evolution of the candidacies, a suggestion can be made that, as in the case of state parliaments, the quotas tend to have an initially positive impact on the centre or centre-right parties competing for seats in the Federal Chamber. Such parties are normally not receptive to the ingression of groups traditionally considered as outsiders in the political realm.

By examining the data relating to all three electoral levels-city councils, state assemblies and the Federal Chamber-one can perceive that the percentage of women competing for legislative positions decreases as the complexity of the dispute increases. The data also suggests that the policy of quotas had an initially positive impact, but its goals were far from being achieved in all four elections. This difficulty tends to be more significant at the federal level than at the municipal level.

**Table 7: Percentage of Women Candidates to the Federal Chamber, 1990-2002**

Year	Total candidates	Women	% Women candidates
1990	3,596	229	6.4
1994	3,007	185	6.2
1998	3,361	348	10.4
2002	4,176	481	11.5

**Table 8: Women Candidates to the Federal Chamber: Six Main Parties, 1990-2002**

Parties	1990			1994			1998			2002		
	Total	Women	%	Total	Women	%	Total	Women	%	Total	Women	%
PDS/PPR/PPB	211	8	3.8	262	14	5.3	228	21	7.4	193	11	5.7
PFL	281	12	4.3	233	6	2.6	272	22	8.1	225	21	9.3
PMDB	444	19	4.3	396	24	6.1	344	42	12.2	307	33	10.7
PSDB	240	17	7.1	271	17	6.3	287	26	9.1	264	33	12.5
PDT	385	22	5.7	304	13	4.3	299	28	9.5	276	31	11.2
PT	377	41	10.9	373	38	10.2	326	40	12.3	417	58	13.9

### ***Elections to the Federal Chamber Before and After the Quotas***

Analysis of the elected contingent must be interpreted in the more general context of the evolution of the female presence in the Brazilian Federal Chamber. As previously mentioned, the largest change in the female presence occurred between 1982 and 1986, when the first democratic elections in 20 years took place. After this, growth diminished and, during the 1998 elections, when quotas were adopted for the first time, a decrease in the contingent of elected women can be observed. Table 9 and Figure 1 illustrate the evolution of women's participation in the Federal Chamber and, at the same time, the lack of an initial impact of the quota system on the elections of 1998. In fact, there was a rapid decrease in the already incipient percentage of elected women: from 6.2 percent in 1994 to 5.2 percent in 1998. The results of the 2002 elections were much more favourable. The percentage of elected congresswomen reached 8.2 percent of the total, an increase of 45.3 percent in comparison to the previous elections. Still, this increase does not beat the one registered in 1986 in relative terms. When *the relation between all female candidacies and the ones who were elected* is considered, one can perceive that, in 1994, 17 percent of all candidates got elected. In 1998, 8.3 percent of candidates were elected. In 2002, although the elected percentage in relation to all elected candidates increased, *the proportion of elected females decreased to seven percent of the candidacies*. Indeed, it seems impossible to establish a direct relation between the high levels of female candidacies and the high levels of elected females, as suggested in previous studies (IPU, 1997). In the Brazilian case this is a significant issue, since one of the strong arguments in favour of the quota system is to ensure a greater number of female candidates in order to widen the universe of elected females. Low numbers of competing women is due to the resistance of party leaders to the idea of increasing the number of female candidates.

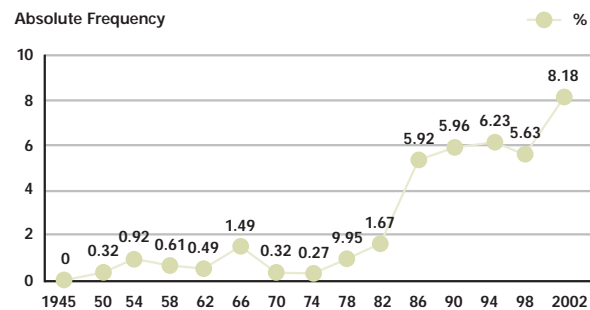
In 1998 and 2002 the smallest parties elected most women in relative terms. In addition, there was a trend of left-wing parties electing more females than centre and right-wing ones (Table 10).

If we consider the six main parties that are being followed, the first three places belong to the PT, the PSDB and the PFL, respectively (Table 11). The

**Table 9: Presence of Women in the Federal Chamber, 1945-2002**

Year	Total	Women	%
1945	286	0	0
1950	304	1	0.32
1954	326	3	0.92
1958	326	2	0.61
1962	409	2	0.49
1966	409	6	1.49
1970	310	1	0.32
1974	326	1	0.27
1978	420	4	0.95
1982	479	8	1.67
1986	487	26	5.33
1990	503	28	5.96
1994	513	32	6.23
1998	513	29	5.63
2002	513	42	8.18

**Figure 1: Percentage of Women Elected to the National Congress, 1945-2002**



**Table 10: Percentage of Elected Women to the Federal Chamber: First Political Parties, 2002**

Political party	Women elected	% total councilpersons	Ideological profile
PCdoB	5	41.6%	Left
PST	1	33.3%	Right-centre
PSD	1	25.0%	Right-centre
PT	14	15.4%	Left

**Table 11: Women Elected to the Federal Chamber: Six Main Parties, 1990-2002**

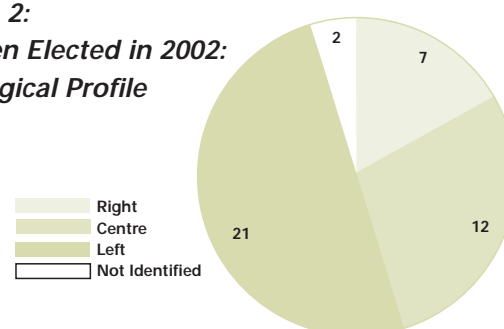
Political Party	1990			1994			1998			2002		
	Total	Women	%	Total	Women	%	Total	Women	%	Total	Women	%
PPB	42	4	9.3	52	3	5.8	60	0	0.0	49	1	2.0
PFL	83	3	3.6	89	2	2.3	105	5	4.8	84	6	7.1
PMDB	108	5	5.6	107	8	7.5	83	8	9.6	74	4	5.4
PSDB	38	1	2.5	63	5	7.9	99	7	7.1	71	6	8.5
PDT	46	6	10.3	34	2	5.9	25	1	4.0	21	1	4.8
PT	35	5	14.3	50	7	14.5	58	5	8.6	91	14	15.4

number of parties that elected women also widened. In 1994, ten organizations elected female officials; in 1998, only seven did so. In 2002, this number increased again to 11 parties, out of a total of 30. There was also a general increase in the number of parties that elected representatives of either gender. However, due to the switching of parties by various congresspersons, not all parties that elected candidates were able to secure their seats in the National Congress.<sup>14</sup> The fact that 11 parties elected women is also due to the fragmentation of the Brazilian party system. Although the specific literature normally defines a large party as one that has at least 30 per cent congressional representation, in the case of Brazil, in 2002, the PT achieved the largest share with 17.7 percent, and only four parties provide more than ten percent of all congresspersons.

The distribution of the total number of elected women based on the most general ideological profile-left, right and centre-shows that 50 percent were elected by the left, 26.2 percent by the centre and 16.7 percent by the right (Figure 2). The concentration is the same if we observe the percentage of elected deputies in comparison to the overall number of elected candidates in their respective parties, gathering them in each of the three categories: 14.4 percent of the elected candidates in leftist parties are female; in the centre parties, the proportion is 6.1 percent; and in the rightist parties, it is 5.3 percent (Table 12). Even when the undefined are considered (they can be viewed as centre or centre-right candidates), this concentration holds true. An initial comparison with the previous elections-1994 and 1998-reveals a transformation in the ideological profile of the elected congresswomen. In 1994, there was a decrease in the number of leftist representatives and those in the centre became more numerous. This

trend continued during the 1998 elections, after the quotas were adopted. In 2002, there was an increase in female representation, mainly due to the results of left-wing parties.

**Figure 2: Women Elected in 2002: Ideological Profile**



**Table 12: Percentage of Elected Women Representatives: Ideological Profile, 2002**

Ideological profile	Total	Women elected	% Women elected
Right	133	7	5.3%
Centre	197	12	6.1%
Left	146	21	14.4%
No definition	7	2	28.6%

It is important to note that the left, in alliance with several parties from the centre, was victorious in the 2002 elections. The PT not only elected the president, but it also elected a greater number of senators and its level of representation in the Federal Chamber rose by 57 percent. Other left-wing parties also increased their numbers of representatives. The centre-right alliance, which supported the federal government for eight years, now has fewer repre-



sentatives. Nevertheless, two parties, one on the right (the PFL) and one in the centre (the PSDB), increased their female presence (Table 11).

Periods of significant political change can influence the gender composition of parliamentary representation. This tendency has been observed in other nations<sup>15</sup> and is suggested by the evolution of the female presence in the Brazilian parliament. It is a factor that must be taken into account in this analysis.

The comparison between the two elections that took place after the adoption of quotas suggests an impact on the first election candidacies, but not on its results. In 2002 there was a further rise in the number of female candidacies, but it was smaller than in the previous election. The percentage of women elected grew considerably. Yet, when one examines the party profile of the elected females, including those in the Senate, it is fair to state that the more intense electoral environment may have had a greater influence on the increase than did the quotas. At the same time, the data shows that the quotas had a more significant impact on the candidacies in large centre and right-wing parties. Generally, these were the more conservative and traditional parties, whose spheres of influence were already firmly occupied. New political actors tended to find it harder to gain access to these organizations. However, the general data indicates that the quota system did not have a considerable impact in electoral terms on all levels: city council, state assemblies and the Federal Chamber.

### ***An Interpretation of the Results***

The issue of the female presence in the representative levels involves distinct analytical dimensions. Its origin includes a background of historical exclusion, social trajectories marked by its gender condition, aspects related to the socio-economic situation and elements of the political system, such as the political culture, the party and the electoral system.<sup>16</sup> These factors also tend to influence the outcome of the quota system. As suggested by various studies,<sup>17</sup> positive results derived from the quota system appear to be conditioned by a combination of factors, such as the degree of organization and the strength of women's movements within party structures, the political culture and the conditions of the electoral system. In regard to the latter, the type of voting list, closed or

open, appears to be relevant in order to understand the results of the quota system in Brazil. Other specific issues can also be considered as relevant in relation to the results.

### ***The Electoral System***

A matter that has been the subject of much debate within PR systems concerns the relation between potential female access and the types of electoral lists. Open list systems tend to be identified with more individualized competition. Party politics tend to yield less weight than the personal influence of the individual candidate, thus spurring competition among candidates of the same party.<sup>18</sup> Nevertheless, not all authors are in full agreement on this issue; some defend positive aspects of the open list.<sup>19</sup> The literature suggests that closed or semi-closed lists tend to be more favourable towards women than open lists. Some evidence, however, tends to contend this thesis, as in the case of Finland. Finland is a country with an open list system and has the third most significant level of female participation in parliament in the world. This reinforces the analytical view that takes into account multiple causes when studying female access to politics.

Unlike the controversies that exist concerning the influence of the types of lists on the election of women, the relation between list systems and the quota system seems clearer. The effectiveness of the quota system seems to be more evident when the results obtained by this system are analysed according to the type of system and the type of electoral lists effective in each country.<sup>20</sup>

In Latin America, there are some discrepancies regarding the results achieved under the quota laws in countries whose electoral systems use closed or semi-closed lists and those that use open lists. This is a significant point, since these nations (on the same continent) share some common traits, in terms of culture, economic policies and democratic construction (although the degree of political organization and the type of electoral system may vary). The weakest results to date were obtained in Panama, where the percentage of female members of the House of Representatives increased from 9.0 percent to 9.7 percent, and in Brazil. Peru, however, has an open list system (like Brazil) and has achieved more positive electoral results.

This brief discussion suggests that quotas tend to

be more effective in systems with closed or semi-closed lists than in those with open lists. In countries with an electoral system like that of Brazil, forming a list of candidates tends to be a formal and legal procedure. Voters vote for a candidate, not for the list. Votes can favour a particular candidate, irrespective of the associated party, thus resulting in an individualized competition.<sup>21</sup> Voters gain awareness of the candidates by means of electoral propaganda. Often, candidates that have a broad support base or considerable financial resources launch a propaganda campaign independent of that of their party. Being part of a list of party names, therefore, does not guarantee the support of the party or that the candidate has visibility in the electoral race. Moreover, in the internal dynamics of each party, what is most important, above all, is the number of votes that each candidate obtains.

Some researchers argue that semi-closed or closed lists allow for greater interference by the party in respect of the organization and presentation of candidates. In this case, quotas could be more effective. At the same time, the Argentine case demonstrates that the closed list can work better for the implementation of quotas when women have enough political strength to impose other requirements, such as alternate sequencing of names according sex, or some kind of sanction when the quota is incomplete. This also holds true for the semi-closed list. Otherwise, females tend to be positioned at the bottom of the list.

#### ***Aspects of the Brazilian Quota law***

As mentioned previously, in addition to the list system, there are two aspects that further weaken the Brazilian legislation on quotas. The first one concerns fulfilment of established percentages. According to the law, if the minimum established percentage (30 percent from 2000) is not satisfied by one gender, it cannot be met by candidates of the opposite sex. But the parties are not obliged to occupy all of the positions; there are no restrictions or punishments for not doing so. The second aspect relates to the contingent of competing candidates, which has had an indirect effect on the law. The 1997 legislation increased the number of competing candidates by 50 percent. In other words, a party can present up to 150 percent of the candidates for the total number of seats up for election. It becomes har-

der to fill the seats and alterations in list formation if proceedings are not enforced since the total number of places is big enough to include all.

Interviews with candidates and party leaders showed that this scenario, in both the 1998 and 2000 elections, led to the incomplete fulfilment of the quotas by most parties. It also resulted in the absence of female mobilization and debates when the lists of candidates were being formed. In this context, the possibilities for female mobilization tended to be small and their possible symbolic effect minimized. In fact, the lack of objective mechanisms to generate or stimulate debate leads to the conclusion that the process was marked by bureaucratic and formal procedures.

Features of the Brazilian electoral system and the type of quota legislation that was adopted appear to explain why quotas were approved with relative ease for all parties, irrespective of their ideological profile, in a country still characterised by unclear citizenship issues and various forms of gender inequality. The quota system had little influence on promoting modifications of the inner logic of the country's electoral processes and, consequently, of the situation of woman in terms of proportional representation.

#### ***The Electoral Campaign and Public Financing***

The literature highlights the fact that the conditions surrounding electoral campaigns-pertaining to support groups, the media, and, above all, financial resources-are relevant factors when considering the eligibility of women. In Brazil, these factors seem to be decisive when competing in the electoral campaign. The main problem resides in the absence of public financing of political campaigns. Although parties receive a certain amount of public funds, the amount is a function of the number of seats involved and, in fact, is insignificant when the overall costs of a campaign are considered. Each party distributes its funds according to its own political criteria, based on the electoral appeal of the candidates.

During the official campaigning period, the electoral legislation grants all parties taking part in the elections free space in the media-radio and television. Time is distributed according to each party's influence in the National Congress, and the parties must determine how much time each candidate will be allocated or even which candidates can have access to this time. There is no evidence of discrimination

against female candidates. A research project on the Free Television Advertisement Time-Table (HGPE), for candidates in the state of Rio de Janeiro, shows a certain balance between the percentage of candidates of each gender and their access to the HGPE. However, an analysis of the time distribution clearly reveals the dominance of male candidates with the longest exposure or those that represent priorities for their parties.

The continental influences on the country, the individual character of the competition and the absence of public financing means that candidates need some form of more established political capital. The latter can take several forms. Many political agents recognize financial capital as a fundamental factor, all the more in state and federal campaigns.<sup>22</sup> Support groups are another form of capital, in cases where candidates are community or union leaders, or where they represent specific interest groups. Individual charisma can also be a decisive asset in the political competition. Religious leaders, artists, soccer players and others tend to possess it. Belonging to a family of politicians can also be considered an important form of capital.

Women, when examining the first two forms of political capital, have a structural disadvantage even before entering the competition. In regard to financial capital, they are at a disadvantage because they earn less money and possess fewer resources. In the second case, with the exception of community associations, their disadvantage is due to the fact they do not occupy the more important positions in these movements. These points help to explain the prevailing profile of elected females: either women coming from community associations, normally elected by the left, or women possessing family capital (spouses, sisters or daughters of politicians), usually elected by the centre or right. The fact that the quota law does not include any kind of affirmative action mechanism or an instrument to ensure the democratic distribution of campaign resources contributes to the fact that the adoption of quotas cannot produce more substantial changes to this scenario.

### **Political Parties**

A final factor that is relevant in this review is related to the organization and the strength of women inside the parties. Due to limited space, only a brief reference will be made to this subject. The history of

organization of the feminist movement in Brazil, stemming from the re-democratization process, has created a certain amount of tension between the 'autonomous movements' and women defined as 'partisans'.<sup>23</sup> For some time, participation in political parties was not considered a feminist activity, and was viewed with distrust by participants in the 'autonomous women's movements'. This tension hampered women's efforts to organize inside the political parties, including those on the left. In addition, there were difficulties due to frequent amalgamations and name changes, not to mention the organizational difficulties inherent in the Brazilian party system. Most parties, with the exception of a few left-wing ones, do not have an internal organization that functions as a structured and permanent channel for the participation of their militants and affiliates. Therefore, access to the party's resources, to its structure and to its political decision-making tends to be limited to the authorities that command the party's mechanisms. Interviews showed that few parties held internal meetings or defined specific strategies to fulfil the quotas. This was the case even among parties that had some form of organized female representation.

### **Final Considerations**

The results can also be evaluated based on their symbolic and cultural dimensions. In this aspect, the experience is still relatively recent for a consistent review of its effects. The issue of female participation was most visible in the 2002 elections, including a female candidate for the presidency of the republic, a vice-presidential candidate in the governmental party, and five women running for state government (two were elected). The themes of gender rights and public policy gained more space in debates and in electoral propaganda. Also, affirmative action initiatives were discussed and it was suggested that they be included in many government policies. These are noteworthy achievements that can be considered to be positive results, symbolic or indirect, of the quota system.

Quantitative results can also influence subjectively many political actors. Among women, the electoral gains can either stimulate or inhibit their willingness to enter the competition. Leaders can perceive the electoral power that can be held by women in their parties, but they can also reinforce some exis-

ting prejudices, such as the concept of 'feminine apathy' in politics or the inaptitude of women to compete. Simplistic interpretations that focus on the absence of willing female candidates, or their weak performances in elections, have been noted by party leaders and by part of the media. In this case, the results are interpreted as a female problem and as an expression of their lack of interest in politics, not as a consequence of difficulties arising from a structural situation and from features of the nation's political system.

When considering the central aspect of this paper, the electoral results in Brazil, it can be said that the results obtained to date do not suggest a very favourable balance, although the data does not justify categorical conclusions. While results on the candidacy level have in part been positive, they have been very weak at the electoral level. The recent (2002) elections suggest that other factors had played a part.

It must be noted that the limitations perceived until now suggest a need to focus on features of the electoral system and the quota legislation. It is imperative, however, to widen the debate to include other economic, cultural and social conditions that restrain the participation of Brazilian women in politics.

## Notes

- 1 The first part of this research project was included in the author's doctoral thesis, completed in January 2000. The second part was initiated in October 2000 and is in the process of being concluded. The research is based on statistical and qualitative data-interviews with participants in the political process and analyses of documents. Up to the present, 96 interviews have been carried out, including with party leaders, parliamentary representatives, candidates for elective office and women participating in specific women's departments of political parties.
- 2 Until 2002, 7.4 % of the Senate was made up of women. In 2002, eight female Senators were elected (of 54), amounting to 14.8% of the total.
- 3 In April 2002, due to a license of the elected governor, Benedita da Silva, the vice-governor, became governor of the state of Rio de Janeiro. She was the first-ever black woman to occupy this position in Brazil.
- 4 Data published by the Superior Electoral Tribunal (TSE) indicates 10.2% growth in the number of municipalities in the country. A similar trend had already been observed in previous elections, with a 59.8% increase between 1988 and 1992 (IBAM, 1997).
- 5 Although the PT has the most extensive experience, the process of quotas adoption for its instances was marked by intense controversy, and the proposal was initially rejected. Its policy of a minimum of 30 percent of female positions includes the national, regional and municipal directories.
- 6 This subject was briefly discussed in the feminist preparatory meeting on Gender and Power at the Fourth World Conference on Women. However, the approved recommendations did not include quotas.
- 7 As can be seen in Araújo, 2000.
- 8 Philips, 1995.
- 9 Varikas, 1995; Squires, 1996.
- 10 The lack of systematic statistical data until 2000 affects in particular the municipal elections. In this case, the lack of identification holds for all candidates in some states and for significant percentages in some important and populous states, like São Paulo.

- 11 To ensure a more systematic evaluation, two parties in each ideological sphere were chosen: the PT and the PDT for the left; the Brazilian Democratic Movement Party (PMDB) and the Brazilian Social Democracy Party (PSDB) for the centre; and the Brazilian People's Party (PPB) and the Liberal Front Party (PFL) for the right. The PDT has been outmatched by the Brazilian Socialist Party (PSB) in number of congresspersons. Yet, for reasons of comparison, the same parties were considered in all elections.
- 12 Definitions of large and medium-sized parties tend to vary a little, according to the electoral results for the National Congress. Given the fragility of the party legislation, after the election most congresspersons switched parties (according to their interests), creating new force correlations. Normally, the parties that sustain the government tend to receive elected congresspersons that were under different headings.
- 13 In Brazil the mandate lasts for four years. Elections of councillors and mayors do not coincide with the election of members of the House of Representatives, governors and president. Thus an election occurs every two years.
- 14 In 2002, 19 parties elected congresspersons, but during the beginning of the legislature 35 members of the Congress had switched their headings, reducing the number of parties represented in the Federal Chamber to 15. The PSD and the PST, which elected four and three congresspersons respectively, (each including a woman), will not be represented because all of the elected candidates switched parties even before the start of the new legislature.
- 15 Short, 1996.
- 16 See, for example, Lovenduski and Norris, 1993; 1996; Reynolds, 1999; and Inglehart and Norris, 2000.
- 17 Polanco, 1999; Viegas and Farias, 2001; Araújo, 2001; Htun and Jones, 2002.
- 18 Nicolau and Schimitt, 1995; Nohlen, 1995.
- 19 Lima Junior, 1997.
- 20 Polanco, 1999; Araújo, 2001; Htun and Jones, 2002.
- 21 In Brazil, the sum of votes in the party and the votes for candidates form the electoral quotient. This has contributed to the fact that elected

- candidates could not obtain enough votes.
- 22 The financial aspect was the most cited item by interviewees.
- 23 See Goldberg, 1989.

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Putting the Mandate into Practice:

# Legal Reform in Costa Rica

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In 1996, Costa Rica joined the group of countries that have established, by law, the positive action of minimum quotas for women in relation to the holding of popularly elected positions (president and vice-presidents, deputies, and elective offices at the local level), and in relation to their participation in political party structures. The minimum established by law is 40 percent.

A summary of the milestones that laid the foundations for this reform follows, as does an overview of the main obstacles that have had to be addressed to uphold the spirit of the law. Tables are also presented, with statistical information on the holding of popularly elected posts according to sex, showing the slow pace of women's representation before 1990 and what has happened since. Finally, some conclusions are posited on the Costa Rican experience.

## ***Background to the Positive Action Mechanism***

Costa Rica's experience in promoting equitable participation and representation of women in public decision-making bodies is characterised by several key events in regard to legal electoral arrangements.

The right to vote and to be elected was won in 1949 after more than 50 years of struggle by women and various groups—a right that, hitherto, was reserved exclusively for men.<sup>1</sup> That year, following a civil war, a new constitution was adopted; it is still in force today, and includes women's suffrage and

women's right to be elected. The first time that Costa Rican women had the opportunity to exercise this right was in 1950, when a plebiscite was held.<sup>2</sup> In popular elections in 1953, the first three women legislators were elected.

The second milestone came in 1988, when draft legislation was introduced (initially known as the 'Real Equality for Women Act'), the original version of which proposed the positive action mechanism of a minimum quota of representation. This mechanism did not gain consensus backing during the legislative debate. Finally, in 1990, this legislation was approved under another name, the 'Law for the Promotion of Women's Social Equality' (Law No. 7142), but it excluded the quota mechanism. This initiative came from a group of women who held positions in the public administration at that time (1986-90, under President Oscar Arias of the Partido de Liberación Nacional (PLN) (the National Liberation Party)—they offered to draft the proposed legislation, and to negotiate its approval. The public figure who came forward to head this group of women and to present the proposal to the Costa Rican populace and to the legislature was the First Lady. This was one of the most important initiatives of the Arias administration.

In addition to being the first specific law on gender equity in Costa Rica's history, Law 7142 put the issue of women's participation on the national political agenda, especially in the political parties:



‘... the idea of implementing the quota system provoked strong negative reactions and heated discussions in the Legislative Assembly. After many debates, quotas were excluded from the final version of the law ... Even though much of the original proposal was lost, the law includes a chapter on political rights and creates the Office of the Human Rights Ombudsman (Defensoría de Derechos Humanos). This entity is to take measures to eliminate discrimination in the holding of public office in the centralized and decentralized parts of the public administration. The law also establishes that political parties should:

include mechanisms in their by-laws to ensure women’s participation in their internal elections, in the governing bodies of the party, and in the slates of candidates; include women in government as vice-ministers, executives heading up institutions known as *oficialías mayores and direcciones generales*, as members of boards of directors, and in the positions of executive president, manager, and deputy manager, and earmark a percentage of the *deuda política* (conditional subsidy paid by the government to the political parties) to foster women’s training and political participation’.<sup>3</sup>

As Isabel Torres points out: ‘The fact that the wording in the chapter on political rights used vague and general terms such as “effective mechanisms” and “significant percentages” made it difficult to carry out the mandate’.<sup>4</sup> In response to Law 7142, several political parties amended their by-laws, but given this weakness in the law, effective mechanisms to bolster women’s representation were not established.

The third milestone was approval of the minimum quota for women’s participation in 1992, which occurred after a woman legislator (from the same political party that promoted the Law for the Promotion of Women’s Social Equality, the PLN) took up the issue anew and introduced a bill to amend the Electoral Code, whose aim was to introduce compulsory quotas for the political parties. ‘This bill proposed a transitory article for “the Supreme Electoral Tribunal to guarantee and oversee that there be female representation, in both the party structures and on the ballots for elective office”.

Nonetheless, once again there were debates on this point and the tribunal ... came out against the bill, arguing: (a) that women were forced to participate actively in the political party structures and elective offices, and (b) that the bill did not establish the mechanisms needed to verify compliance with the principle of proportional representation or sanctions for those who did not comply with the provision’.<sup>5</sup>

The fourth milestone came in 1996, when an amendment to the Electoral Code was finally adopted that established minimum quotas for the participation of women. A female legislator had proposed this initiative one year earlier, in the context of the discussion in the legislative committee entrusted with reaching consensus on several amendments to the code. It was rejected on that occasion, and, therefore, was not included in the text agreed upon by the political parties represented in the legislature at that time. When the legislative committee’s report went to the floor for debate, the legislators saw the need to reopen the debate on the whole set of reforms of the code, because of the issue of the conditional subsidy, which, under Costa Rican law, the parties receive from the state to participate in elections. The opportunity was seized by the national women’s machinery (then known as the Centro Mujer y Familia (CMF) (Center for Women and Family)-now known as the Instituto Nacional de las Mujeres (INAMU) (National Women’s Institute)), which re-introduced language on a minimum quota for women, through a woman legislator from the government party (the PLN). The CMF authorities identified this legal reform as part of their strategic action plan, known as the Primer Plan para la Igualdad de Oportunidades entre Mujeres y Hombres 1996-1998 (the First Plan for Equal Opportunity for Women and Men 1996-1998), designed in the context of the post-Beijing era. It was part of the set of actions that the executive fostered during that administration to improve the legal, institutional, and cultural framework for the promotion of women and gender equity. Moreover, the First Plan included the creation of a specific programme within the national machinery (the Program for the Promotion of the Active Citizenship of Women (PROCAM)-the first government programme of this sort in Latin America), which undertook, among other things, to assess the background of the reform and the arguments for promoting it.

The 1996 amendment to the Electoral Code, binding on the political parties, provided as follows in Chapter IV, on the positive action mechanism of the minimum quota for participation:

**'Article 58**

The by-laws of the parties must contain:

...

n. The mechanism that ensures the participation of women in the percentage established in Article 60 of this Code, in both the party structure and in the nominees for elective posts.

ñ. The percentage and the manner in which the provision contained in Article 6 of Law No. 7142, of March 8, 1990, will be put into practice'.<sup>6</sup>

**'Article 60**

In their organization, the parties shall provide for:

...

The delegations from the district, cantonal, and provincial assemblies shall be made up of at least forty percent (40 per cent) women.'

### **Transitory**

When a party has attained the political participation of women in proportion to their numbers in the voters' roll, and to the satisfaction of the Supreme Elections Tribunal, the measures cited in the last paragraph of Article 60 of the Electoral Code may be terminated by resolution of that tribunal.

Although the CMF authorities included the concept of a minimum quota of participation in regard to *electable positions* in their proposed reform, this definition was not approved. The difficulties at that time in defining it and arguing in favour of its legitimacy hindered its effective implementation, as can be verified in the electoral results (see Tables 1-5). Another weakness of this reform was that no sanctions were established for parties that failed to respect the provision.

This government initiative did not enjoy the open and full support of the different groups of organized women in Costa Rica. Even so, some groups (grass-roots and national), state entities (such as the Office of the Ombudsman-Defensoría de los Habitantes), and women (mainly from political parties, but also others acting individually) appeared alongside CMF

representatives in meetings of the legislative committee that discussed the proposal.

Furthermore, the CMF launched a campaign to provide information and to raise awareness of the proposed reform, using the mass media (holding news conferences and issuing press releases, notices and pronouncements in the main newspapers, conducting interviews with key persons and placing op-ed articles, for example), and engaging in a variety of activities (the convening of roundtables and talks, and the publication of brochures, pamphlets and posters, for instance).

The fifth milestone stemmed from the previous reform and the response to its content and shortcomings. The CMF authorities in the administration that governed the country from 1994-98 sought clarification from the Supreme Elections Tribunal of the rules that it would look to in enforcing that reform, and took advantage of the occasion to propose a new definition that would make it possible to uphold the spirit of the minimum quota for women. In other words, the CMF tried to make up for the weaknesses in the argument concerning the concept of *electable positions* that had manifested during the legislative debate. The CMF indicated in its official memorandum that the percentage established in the Electoral Code did not guarantee that women would be placed in 'positions with a real chance of being elected', and averred that such a calculation could be obtained based on the vote for each party in previous elections. The CMF provided solid, well-founded and convincing arguments on the legal and political validity of positive action mechanisms, generally, and minimum quotas for the participation of women, in particular.

In response to this request, the tribunal opted to clarify just a few aspects for the political parties (decision of Session No. 11,088 and decision XIII of Session 11,112 of 25 March 1997): (a) that each party should have at least 40 percent women candidates in each of their provincial ballots for deputies; (b) that the 40 percent minimum should be calculated by considering separately the lists of principal and alternate candidates; and (c) that the Civil Registry would not accept any ballot for elective office that failed to meet the 40 percent criterion. Nonetheless, it refrained from specifying the placement of candidates under the quota, based on the argument that every candidate, no matter what their

position, is electable (which is so, strictly speaking, from a legal standpoint).

The sixth milestone came with the 1998 elections. Despite efforts made to date, the results underlined the problems in enforcing the mechanism included in the Electoral Code. Two texts explain this situation:

‘As it was not expressly indicated that the 40 per cent should be construed as referring to electable positions, the political parties that participated in the election placed the minimum quota of representatives of women mainly in the alternate places for directly elected posts, or situated them on the lists with little if any possibility of getting elected. Another practice for achieving the 40 per cent was to sum up all the women proposed in the national, cantonal, and district elections, without considering the separate ballots, or each municipality and province separately.’<sup>7</sup>

‘As indicated in a national daily newspaper, “once again, the most recent elections have highlighted the strength of the customs, attitudes, and practices that have historically excluded women from decision-making and the exercise of political power.” Even though this subject figured prominently in the electoral debate and programs, the specific results have hardly met expectations.

‘In brief, the breach of this provision of the Electoral Code has been evidenced through the complaint lodged by the CMF, to the effect that of the 23 parties that presented candidates to the Legislative Assembly, 15 did not have the 40 per cent in some of their ballots. Nonetheless, the Supreme Elections Tribunal declared unfounded the initiative brought by the Center to have the parties correct the ballots that did not satisfy the rule, based on a report from the Civil Registry that sought to show that the quota was being met.

‘That report introduced mechanisms for calculating that were at odds with the resolutions of the Tribunal whose effect is harmful to the participation of women, since with a fewer number of women’s candidacies, one creates the appearance that the provision is being abided by. In this way, all the ballots presented by all the parties are summed up, or all the lists presented in all the provinces by a given political party are summed up, and they are even added combining the principal and alternate candidates. In the case of three provincial parties, whose lists did

not meet the 40 per cent threshold, the actual percentages were ignored, and a smaller percentage was found acceptable based on the argument that one could look at the absolute number and “round upwards.”

‘... the argument that there were not enough women interested in or nominated for those elective positions is not credible, especially when there are known cases of women who stated they have been excluded. In any event, if there is any difficulty along those lines, it would be a direct responsibility of the parties to resolve it, determining the mechanisms for ensuring that women are nominated, as required by the law.’<sup>8</sup>

As illustrated in the tables below, in these national elections, there was an increase in female accession to certain positions, but the 40 percent minimum was not attained in every case.

An increased number of women took up positions in the executive, as the winning party had two women on its presidential ballot, both as vice-presidents (Costa Rica had already had women vice-presidents on two occasions, in 1986, and in 1994). The percentage of women in the legislature also increased, but only to 19 percent. It was at the local level (where, until 1998, only the members of the municipal councils and the district councils had been popularly elected) that the quota was met to a greater extent, although only in about half of the cantons in the case of the principal members of the municipal and district councils.

### ***Revisions to the Law***

After these first elections following the adoption of the electoral reform that includes the quota mechanism, the new authorities of the INAMU (hitherto the CMF) once again took up their predecessor’s struggle and, in response to the election results, asked the Supreme Elections Tribunal to review the 1997 decision with respect to the definition of the minimum quota of participation. Arguments were presented on the difficulties that the new law was facing, and the need for the tribunal to expound on its scope.

Accordingly, one-and-a-half years after that election, the tribunal overruled the 1997 decision and corrected its error via the adoption of Resolution No. 1863, now in force. This document provides as follows:

- the 40% participation of women on the ballots for deputies, municipal council members, and district council members, must be in electable positions;
- the 40% minimum quota for women must be respected in the designation of delegates in each district, cantonal, and provincial assembly, and not in the overall totals;
- each political party is obligated to incorporate into its by-laws-before the next designations of delegates to assemblies and candidates to popularly elected positions-the adjustments needed to guarantee the participation of women in the manner and in respect of the percentages provided for;
- the Civil Registry shall not register slates of candidates not in line with these parameters; and
- the Civil Registry shall not accredit reforms to the by-laws or the minutes of assemblies when it determines that the provisions established were not complied with.

This resolution of the tribunal upheld the intent of the 1996 reform to the Electoral Code with respect to the minimum quota, making it possible for it to be applied effectively in the 2002 elections. In other words, even though it was adopted into law in 1996, it was not until six years later that it was enforced.

In terms of the participation of different actors in this phase, as has been indicated, the push for a review by the Supreme Elections Tribunal of its decision came from the public institution entrusted with women and gender issues: the INAMU. On this occasion, the pressure brought to bear by women from within the political parties was greater, because, *inter alia*, their numbers had increased in the lists of candidates, both as part of a trend, and encouraged and promoted by the 1996 electoral reform. At this time, the presence of grassroots and non-governmental women's organizations was neither visible nor significant.

In response to the 1999 resolution, on various occasions, different parties and political figures sought clarification on certain points from the tribunal. The use of the mechanisms for communication between citizens and a public organ has made it possible to specify better the meaning of the law and the responsibility of the electoral authority, clarifying, for example, what the 'historic average' means when

calculating the placement on the ballot of a political party, which should be understood as the limit of the real probability of being elected. In this regard, via Resolution No. 2837 of 12 December 1999, the tribunal set forth the following definition:

'The average of the results obtained in the elections in which the political grouping has participated would yield an approximation of the places with real possibilities of being elected, and within these, consideration should be given to the participation of women in the terms and proportions indicated. This formulation discards the real possibility of them being included in just any position on the ballot, as this would render their effective participation illusory'.

This same resolution defines as an electable place 'that which is assigned to a person with real possibilities<sup>9</sup> of being elected, and this should be considered individually in drawing up the lists of candidates for each province'. It indicates that, since the parties are: 'under an obligation to implement the quota system for women's participation, they must consider that the 40 per cent quota is a minimum which, as such, may be increased so as to favour such representation, but not diminished ... The political party is under an obligation to foster a democratic and participatory culture that makes it possible to incorporate women'.

Such specifications and enhanced awareness by citizens that one can recur to the institutional structures to uphold their rights have made it possible for the activists of a given political party (the PLN) to appeal at various levels regarding the formula adopted by that party to amend its by-laws (first to the tribunal of their own party, then to the Supreme Elections Tribunal, and later to the Constitutional Chamber of the Supreme Court), to bring them into line with the obligation to apply the minimum quota.

It is not possible here to describe the entire process and the various arguments employed in this case,<sup>10</sup> but it must be noted that there was clear resistance on the part of the male hierarchy that led the process of amending the party by-laws. It undertook to adopt the kinds of changes and wording that would prevent results that would actually reflect the 40 per cent minimum of women in positions with a real likelihood of being elected. To this end, the male hierarchy drew on its wide-ranging experience in elections and in managing party meetings (conventions)

and alliances, so that the changes would entail a mathematical calculation contrary to the spirit of the quota reform.

Given the lack of any entity within the PLN to represent women's interests, a large group of women decided to assemble (calling themselves the *autoconvocadas*, 'self-convened women') and to support the proposed amendments to the by-laws that one sector among them was pushing. Later, during the lengthy decision-making process that ran from October 1999 until just a few months prior to the 2002 national elections, several meetings were held of representatives of the three groups that were struggling to determine the official PLN candidate. At those meetings, each group designated its representatives, who were to defend the position of coming up with a text that effectively guaranteed the minimum of 40 percent of women in positions with a real likelihood of getting elected. They reached agreement and discussed their shared views with the secretary-general of the party. Nonetheless, the final decision was made by the Directorio Político (the national committee), in a vote, after another vote in a specific sub-committee designated for that purpose by the Directorio Político. Women sat on both bodies, but given their partial absence, the male hierarchy triumphed (although there were also men who supported the women, who sought amendments to the by-laws more in line with the quota stipulated in the Electoral Code). The Directorio Político had agreed that the decision of the majority should be considered to represent a consensus. This was also called into question by a group of women from the PLN, as they believed that some of the female members of these bodies were manipulated and demonstrated a lack of solidarity. So the proposal of the Directorio Político was taken to the party convention; it quickly approved the proposed reform, which had reduced the possibilities for women to appear in the first positions on the ballots.<sup>11</sup>

In summary, with the PLN, it was seen how men who have extensive knowledge of the rules that govern decision-making processes and elections (party and national), as well as negotiating skills, proved capable of overcoming any organized or unorganized effort by women to uphold a right that they had long struggled to attain. In the case of Costa Rica, it also happened that the parties had to think through and approve amendments to their by-

laws to apply this quota provision, at the same time as the concept of electable places (or those with a real likelihood of getting elected) was being processed by the national electoral body, and at the same time as the parties had to choose their official candidates and the persons who would be included on the district, cantonal, and provincial lists. In other words, it was a complex and confusing electoral period, internally, locally and nationally, amidst a general climate of resistance to the greater presence of women, which means in a context in which the cultural change needed was still incipient.

In regard to this complex process of change within the PLN, it was even the case that a positive action mechanism was initially approved involving 'setting aside seats' (one post for women in each of the country's seven provinces), but this happened one month prior to the tribunal resolution that specified the meaning of the term 'electable' and which defined the 'historical method' for calculating the number that forms the basis of which position is considered electable. This made the setting aside of seats insufficient, and the party had to undergo a new process of consultation on changes to its by-laws.

The motions to vacate and to repeal (*recursos de nulidad y derogatoria*) presented by several women before the internal tribunal of the party in question and the Supreme Elections Tribunal were rejected. They then went to the Constitutional Chamber of the Supreme Court, which ruled favourably on the challenge in February 2001. That resolution provided for admitting the petition and prohibited the application of those articles of the PLN by-laws being challenged until a decision is handed down. Nonetheless, not only has this chamber not yet handed down a decision, but at the request of the PLN and of a female member of the Supreme Elections Tribunal, the chamber decided only three days before the February 2002 elections to suspend the constitutional challenge that it had deemed admissible, deducing that this series of events had produced a situation of juridical insecurity with respect to the elections.

Despite all of the aforementioned developments, as can be seen in Tables 1-5 on how participation by sex has evolved in relation to elected office, in the 2002 elections there was a major increase in female participation, especially at the local level. However, for the reasons set forth above and some others that

are mentioned below, the percentage of women in the national legislature reached only 35 percent.

It must be noted here that, just as the decision of the PLN had negative repercussions on the place that women ended up occupying on the lists of candidates, the PLN decided, when it undertook that reform, that the division of votes would not apply to the election of municipal council members, which, in practice, has resulted in it being the party with the most women heading up these lists, and which, therefore, has helped it to take the percentage of women municipal council members over the 40 percent minimum. In other words, more women would have been elected to the national legislature if the PLN had not opted for the method outlined here.

As for the other political parties, suffice it to say that, in addition to the complications that the PLN faced due to both resistance and the diversity of the positive action measures adopted, they decided to change their method for choosing candidates at all levels, for the first time making it more direct. On of the other leading parties opted to continue with semi-closed internal elections. Nonetheless, the Partido Unidad Social Cristiana (PUSC) (Christian-Social Unity Party) decided to alternate by sex in drawing up its lists of candidates, without much debate. Accordingly, even though there was also male resistance, these mechanisms facilitated the placing of women on the lists in positions with a greater probability of being elected.

The approaches of minority and emerging parties were similar in some respects and different in others. For example, those that have, in the past, elected only one person to the national legislature (such as the Acción Laborista Agrícola and the Renovación Costarricense) sought clarification from the tribunal on the historical average that would be applied to them; the response made them exempt from having to consider putting a woman at the top of their lists.<sup>12</sup> But it also happened that the emerging party that became the third leading force in the 2002 elections (Acción Ciudadana) decided to increase the quota to 50 percent for elections of deputies, but not for municipal council elections.

### ***Before and After 1990 in Figures***

In the 50 years since women won recognition of their right to vote and to be elected to public posts, their level of access to decision-making positions in

the executive and the legislative branches has increased slowly and inconsistently.

In the *executive branch*, the only popularly elected posts are those of president of the republic and of vice-president (two); the president designates the holders of the remaining posts. Since 1949, only about 20 women have served as ministers (or held ministerial rank), or presidents of autonomous institutions (the first in 1978), and approximately 32 have been vice-ministers (the first also in 1978). The number of women in these executive-branch positions has varied with each administration; in the case of cabinet ministers and presidents of autonomous institutions, the largest number of women was witnessed in the 1998-2002 period, and in 2002-06 for vice-ministers. In relative terms, the maximum figure in terms of women's participation thus far has been 25 percent for presidents of autonomous institutions, 31 percent for cabinet ministers, and 48 percent, only recently, for vice-ministers.

Costa Rica has not yet elected a woman as *president* of the republic, but it has elected women to serve as vice-president. The first time a woman was elected *vice-president* was in the administration of 1986-90. Since then, the country has elected five women vice-presidents, but not continuously, as the administration in office from 1990-94 had men as president and vice-presidents. The following administration, from 1994-98, went back to this practice, which, moreover, is established by law (minimum quota in popularly elected positions, which in the case of the presidential slate requires at least one person of the other sex) precisely during that same period, as described above.

With respect to the *Legislative Assembly*, women accounted for less than ten percent of the total number of representatives until the mid-1980s. With the establishment of policies for women and quotas in the 1990s, that proportion rose to 19 percent in 1998 and 35 percent in 2002.

It is at the *municipal level* that women's participation has achieved parity, as there was a progressive qualitative leap as a result of the 1990 Law for the Promotion of Women's Social Equality and the regulation of the political parties' by-laws, and, above all, as a result of the 1996 amendments to the Electoral Code. In effect, up until 1994, women did not constitute more than 14 percent of municipal council members, counting both principals and alternates.

With the entry into force of the new election laws in the 1998 polls, that proportion increased to 36 percent and then to 50 percent in the subsequent elections. In any event, it must be noted that the proportion of women serving as presidents of the municipal councils is much lower: in 2002, women held 32 percent of such posts.

As for Costa Rica's other elected offices, as of December 2002, with the latest changes to the Electoral Code, the information available indicates that women's participation is also limited in regard to the positions of mayor (municipal executive) and intendant (district executive). This is because these are uninominal elections in which, even though the code establishes that a slate is to be elected, and, therefore, that the quota is applicable, as in the presidential ballots (which by resolution of the tribunal should be at least one person from the other sex), all of the parties (national, provincial and local) that participated had a majority of male candidates (only 10 percent of the 370 candidates elected to serve as municipal or district executives in the 2002 polls (were women). As this is the first time that such elections have been held, it is also necessary to identify a proposal for the future. The results of this election indicate that, of the 81 mayors elected, only seven (nine percent) are women, and of the eight intendants elected, only two are women (25 percent).<sup>13</sup>

### ***Challenges to be Addressed to Ensure the Enforcement of the Minimum Quota***

In the context of widespread dissatisfaction with the political class and the party system in general in Costa Rica, one can identify the following specific challenges to achieving effective enforcement of the minimum quota for women in elective office—as a transitory measure until such time as it is no longer necessary, due to cultural and institutional changes.

- The different modalities adopted by the political parties to guarantee the minimum of 40% women in elected office need to be reviewed so as to identify proposed modifications and adjustments, based on experience to date.
- Systematic and sustained efforts are needed to raise the awareness of, and to provide information and training to, both women and men, especially—but not only—to those within the poli-

**Table 1: Evolution of Women's Participation as Cabinet Ministers, 1953-2002**

<i>Period</i>	<i>Total</i>	<i>Women</i>	
		No.	% of total
1953-58	N/A	0	0
1958-62	12	1	8
1962-66	12	0	0
1966-70	12	0	0
1970-74	12	0	0
1974-78	13	1	8
1978-82	13	4	31
1982-86	13	0	0
1986-90	19	1	5
1990-94	20	2	10
1994-98	20	2	10
1998-2002	20	4	20
2002-06	20	5	25

Source: Based on information provided by the official institutions.

**Table 2: Evolution of Women's Participation as Vice-Ministers, 1978-2002**

<i>Period</i>	<i>Total</i>	<i>Women</i>	
		No.	% of total
1978-82	13	2	15
1982-86	13	1	8
1986-90	19	4	21
1990-94	22	4	18
1994-98	20	4	20
1998-2002	20	5	25
2002-06	20	12	60

Source: Based on information provided by the official institutions.

- tical parties (particularly local and sectoral leaders).
- The tribunal should review its ruling on the historical average that should be applied by emerging parties or by those with a history of having only one member elected (mainly to deputy positions), as this exempts them from having to apply the minimum quota for women.
- One must analyse the possibility of establishing

**Table 3: Evolution of Women's Participation as Executive Presidents of Autonomous Institutions, 1978-2002**

Period	Total	Women	
		No.	% of total
1978-82	16	1	6
1982-86	14	2	14
1986-90	16	1	6
1990-94	16	0	0
1994-98	14	4	28
1998-2002	29	7	24
2002-06	21	4	19

Source: Based on information provided by the official institutions.

**Table 4: Evolution of Women's Participation as Deputies in the Legislative Assembly, 1953-2002**

Period	Total	Women	
		No.	% of total
1953-58	45	3	7
1958-62	45	2	4
1962-66	57	1	2
1966-70	57	3	5
1970-74	57	4	7
1974-78	57	N/A	N/A
1978-82	57	5	9
1982-86	57	4	7
1986-90	57	7	12
1990-94	57	7	12
1994-98	57	9	16
1998-2002	57	11	19
2002-06	57	20	35

Source: Based on official documents.

**Table 5: Evolution of Women's Participation as Principal and Alternate Municipal Council Members, 1990-2002**

Municipal council members	1990-94			1994-98			1998-2002			2002-06		
	M	W	W%	M	W	W%	M	W	W%	M	W	W%
Principals	477	65	12	502	75	13	378	195	34	265	235	47
Alternate	430	88	17	412	123	23	344	220	39	238	269	53
TOTAL	907	153	14	914	198	18	722	415	37	503	504	50

Note: M denotes men, W denotes women, and W% denotes women as a percentage of the total.

Source: Based on information provided by the INAMU and the following resolutions of the Supreme Elections Tribunal: 583-E-2002, 584-E-2002, 585-E-2002, 586-E-2002, 587-E-2002, 588-E-2002 and 589-E-2002.

some type of positive action mechanism for positions for which the elections are uninominal, to which the quota mechanism does not apply (a recent example is the election of mayors and intendants, but it also applies to the presidential ballot).

- Promoting the adoption of several bills currently in the legislative pipeline that refer to this issue, and which advocate greater effective and equitable participation of women and men in public decision-making. These include the pro-

posed legislation on political parties, amendments to the Electoral Code, and the proposed amendment to the Law for the Promotion of Women's Social Equality.

- It is necessary to raise the duty of the political parties to earmark for training and promoting women a certain percentage of the monies that the government (still) earmarks for the political parties, for experience has shown that it is possible for them to fail to do so, and that there are not yet any means of verification or of sanction in this respect.



### *Lessons Learned from the Costa Rican experience*

- The 1988 initiative, the 1992 initiative and the 1996 initiative are all proposals that have been initiated by women engaged in political party activity or in the public administration, whether in the executive branch or the legislature, who have formed alliances with other women or non-political party organizations to bring to bear public and political pressure. In other words, it appears to be necessary to promote both the organizational strengthening of the women in political parties and outside of the parties, independently, and to foster their alliance, and, in both cases, to increase their knowledge, abilities, and skills in the areas of party politics, electoral politics, and negotiation.
- In the case of Costa Rica, the main electoral reforms have been initiatives by women with a given political party affiliation, namely the PLN. Nonetheless, when it comes to bringing pressure to bear, the women in the opposition party proved more effective, even though the party has less of a history as a political grouping. This would appear to indicate that it is not sufficient to share an ideology more open to equity-based proposals, even given the important and fundamental gains in this area, but, rather, that one must also have organizational strength and greater gender awareness generally in order for these changes to be promoted more effectively. On reviewing the women who have held major political positions in Costa Rica since the mid-1990s, the majority who have become more sensitive, have received training offered by the CMF/INAMU and their own political party, and have undertaken initiatives to form alliances among women, have come from the Social Christian Party. Although the PLN has put more women in such posts, and has done so from an earlier date, all indications are that the organizational weakness of the women themselves made it difficult to take advantage of these opportunities, which came about in 1995-96, in a context of national and political party-based electoral reforms.
- In Costa Rica, it is striking that the non-partisan groups of organized women have displayed weak participation, and have not taken any initiative

in this regard; in fact, there are some sectors that have displayed a certain resistance to applying public pressure on the various occasions when proposed positive action mechanisms have been presented, or to forming alliances with women from political parties. The most significant alliance was formed in 1988, when the call came from the then-First Lady, other women in important government posts, and from the national machinery for women (then called the Centro Mujer y Familia). Yet, on subsequent occasions, some organized sectors of women stressed that they did not want to be used again for political party purposes. Everything seems to indicate that it is necessary to strengthen these alliances, starting by clarifying the different roles of each sector, and their common objectives. The reticence of women who are not in the political parties to be part of them, or to enter into alliances with women who are, should be minimized, as one must understand that, until the democratic rules of the game change in countries like Costa Rica, the way to impact on public decisions is through politics, and that the mechanism is representation (through the political parties), which, combined with organized and individual citizen participation, should yield the best results. In any event, efforts to increase women's participation occur in the context of political dynamics whose rules one must learn in order to play the game.

- The first times that it was proposed that legislation be adopted to establish quotas (in 1988 and 1992), there were neither sufficient nor effective arguments to uphold the need for such an instrument (the grievance is a matter of justice in the face of the historical discrimination women have experienced, but one which was not addressed by the legal electoral language in force). There is a need to research the electoral and political behaviour of women and men, including the type of activity they are engaged in, and to analyse and identify the main challenges that it might face. In addition, this knowledge has to be socialized and key persons need to be identified to implement and defend the proposals in various spheres.
- Related to this, Costa Rica's experience has shown that one must combine knowledge (his-

torical, of other countries, legal-electoral, political) with creativity, as the diverse situations and the complexity of a democratic system that seeks to draw together the forms of representation and participation call for developing capacities to intervene, propose and negotiate possible positive action mechanisms in a timely, intelligent, sustained and audacious manner.

- The Costa Rican experience, in keeping with its own political identity and history, has entailed the need to go through several stages in raising citizen and political awareness. In other words, even in Costa Rica, with the gains that women have made and the very advanced legal framework, it has not been possible for this type of positive action framework to be easily and quickly accepted by the citizenry. Nine years passed between the proposed legislation being introduced (in 1988) and it finally being adopted (in 1997), and, as outlined here, adjustments are still needed on all levels. Clearly these cannot be addressed as isolated experiences with no strategy. It is a long-term effort that will need to incorporate several particular features, including: training women who lead the process; forming technical teams to develop the arguments in favour of the proposals and to advocate them; forming alliances with men from political parties; raising the awareness of opinion-makers and the media; addressing the need for a comprehensive strategic plan in which this issue is one of the main lines of action, but not the only one; and organizing campaigns to raise awareness and to provide information.
- In 1996, negotiations for the quota were part of a government strategy, and part of a strategic plan designed and promoted by the CMF. As has been explained, during that administration the first Plan for Equal Opportunity for Women and Men was designed and developed, with a specific chapter devoted to fostering socio-political equity. The actions contained in that chapter related mainly to the executive, one of these being to advance the electoral reform that is the subject of this essay. This policy meant, among other things, that the government would develop a specific programme to promote the active citizenship of women. In the framework of that programme, studies were performed and proposals were formulated both for reform and for advocacy work that were properly supported. Unfortunately, both the Plan for Equal Opportunity and the programme were abandoned with the change in government, and even today there is still no plan to operationalize the public policy that every country should have for promoting women and gender equity. In terms of the specific programme, an area has been created over the INAMU which, nonetheless, has not been able to implement a systematic and sustained strategy on all levels, with both the political parties and the female population generally, in the area of political participation. This issue needs to be part of comprehensive and strategic public policies, which, in keeping with the Beijing Platform for Action, are a responsibility mainly of governments to promote, but which are of interest to women's groups, the feminist movement, and cooperation agencies that seek to advance equity. But, above all, there is a need to have action plans whose results can be measured and evaluated.
- In all of the above-mentioned actions, the political astuteness of the women who led the initiatives has been evident, as has the importance of the arguments vis-à-vis the Congress and political parties. In other words, political party skills and know-how have been fundamental for advocacy in Costa Rica; and it is something that had not been used as a tool or experienced by organized women's groups. Women need to strengthen their efforts in this regard.
- Both Costa Rica's experience and that of other countries indicate that there is a need to identify, construct and promote not only one type of positive action mechanism, that is, the quota, or to focus mainly on it. A set of measures is needed, both statutory and regulatory, for the political parties and other types of organizations (such as cooperatives and unions) and collegial public organs (such as committees, commissions and boards of directors). In addition, these measures should be presented in the context of a strategy that combines a diverse range of actions (including communication and lobbying), which make this change socially and politically viable in the institutions of representative government and in the population in general.

- Effective use has been made of the channels and mechanisms of communication that exist within Costa Rica's democratic institutional framework, which made it possible for different interlocutors to engage in dialogue with those who make decisions on legal and electoral matters. It has also been made clear that these mechanisms are used mainly by individuals who are either directly affected (mainly politicians) or institutions and female leaders who have held decision-making positions. It has been since then that initiatives have arisen to lodge complaints and/or to present demands by citizens who, in principle, were not directly involved in competition for some popularly elected posts. In other words, the nature of the institutional framework and how advanced the legal framework is matters for implementation.
- Finally, it must be noted here that, as in other countries where the presence of women in public decision-making bodies increased and alliances among these women were formed, in Costa Rica, the Congress is making decisions on laws and posts in the judiciary that favour greater female participation. This is the case with the 50 percent quota in the law that determined the new make-up of the assembly of the Banco Popular, the surveillance to ensure respect for the principle of guaranteeing the effort to achieve parity between the sexes in the formation of associations, the opinion along these lines contained in several proposed laws, and the election of women to judicial vacancies. While questions can be raised about these decisions, they are leaving their mark.

## Notes

- 1 For more details on this period, see: Barahona 1994; CMF/CIM 1982; CMF 1985; CMF 1986; CMF 1988a and 1988b; DGMF 1983; García 1999; Moreno 1995; PRIEG/UCR 1988; Rivera 1981 and 1986; Romero, Carmen et al. 1986; Sojo 1985.
- 2 Plebiscite to determine whether certain towns would belong to or join one of two adjoining cantons, San Ramón or San Carlos, both in the province of Alajuela.
- 3 See García 1999, p. 103. In carrying out the mandate established by the Law for the Promotion of Women's Social Equality, in 1992, the two majority and traditional parties (the Partido de Liberación Nacional (PLN) (social-democratic) and the Partido Unidad Socialcristiana (PUSC) (Christian-democratic)) incorporated some mechanisms and strategies to ensure greater female participation in their party structures. The PLN modified its by-laws and incorporated several articles to ensure the free participation and representation of women in the party. The PUSC created the Secretariat for the Promotion of Women's Political Participation, whose main objectives are to promote women's participation in internal elections, in the party's governing bodies, on the ballots, and in government. These amendments to the by-laws began to have effect mainly in local elections (see Table 5).
- 4 Torres 2001.
- 5 García 1999, p. 104.
- 6 This refers to the percentage of the conditional subsidies received from the government that the political parties must earmark for the training and political participation of women, in keeping with the 1990 Law on the Promotion of Women's Social Equality.
- 7 Torres 2001, p. 53.
- 8 García 1999, p. 106.
- 9 Note that the tribunal uses the term possibility instead of real probability, which appears to be more fitting.
- 10 See, in this respect, Torres 2001.
- 11 The 28 October 2000 reform of the by-laws stipulates that, for the direct election of candidates for deputy, the PLN will divide each province into regions, so that both women and men

can compete for regions. Nonetheless, since this party had already decided to apply the mechanism of setting aside seats for women (one per province), it provided that, in those cases, the female winner would be the one who obtained the largest number of provincial votes, divided by as many regions as each province has. This, in practice, diminishes the total votes obtained by the women elected at the provincial level, which translates into a disadvantage when determining the order of the candidates. This is because, as happened, those who had competed at the regional level and had won had a better possibility of receiving a larger number of votes than those who had run in the provinces, and whose vote was divided by the number of regions. (The group of women who were advocating a fairer solution proposed that the language in force until then remain, or that, just as at the regional level, the calculation be made with respect to their own electoral district, and that the same be done for the women candidates competing at the provincial level with respect to the size of that electoral district.) Furthermore, given that the setting aside of seats was not sufficient to meet the 40 percent of positions with a real likelihood of getting elected (now that the historical average of that party was known), the Assembly decided-but only after much effort and many months-to increase the number set aside to two for two provinces, and half of the first four 'national' places (which are controlled by the party's presidential candidate) for women. Here, too, there was a debate, as one of those national positions, as per the by-laws, corresponds to the representative/president of the Movimiento de Mujeres Liberacionistas (the PLN women's caucus), and it was counted as part of the quota, a decision that has met with objections.

- 12 In any event, creative approaches have been forthcoming that tend to be more just, for example, that the lists of the parties whose electoral history has been to have only one person elected as deputy draw up their future lists applying alternation by sex, or alternation by sex in heading up the lists by electoral event. These proposals have yet to be debated by these parties.

- 13 As for the other popularly elected posts, on this occasion, for the first time in Costa Rica, results showing a breakdown by sex were not available on the members of the District Councils.

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# Quota Implementation in Mexico

## Summary of Presentation

Jacqueline Peschard

After the 2000 elections in Mexico, with the advent of a change in power, the issue of women's political representation came to the fore among the demands for consolidating democracy. Those women's movements that have been fighting for more decision-making positions came together with legislative groups to amend the electoral code and to incorporate specifications into the provision on quotas that has been in place since 1996.

In April 2002, the legislative group of the Partido de la Revolución Democrática (PRD) launched the reform initiative, which won the support of the other parties, underlining the broad consensus around the issue of gender equity. Indeed, it was the only initiative of the 20 introduced on electoral issues that was ultimately approved in the run-up to the 2003 mid-term elections.

The reform of the quota system had three main parts.

(1) Thirty percent of the principal candidates would have to be of a different gender, both where elected by relative majority and proportional representation (PR).

(2) In the lists for PR, female candidates would be included among every three of the lists to ensure better opportunities for winning a seat.

(3) Any political party that failed to meet the quota would be sanctioned by the exclusion of the respective candidacies, that is, of as many candidates as

necessary to attain gender proportionality.

The provision recognized just one caveat: that in electing candidates through majority vote, the political parties that opted for a direct method of election—that is, open consultation among their members or the general population, a sort of primary election—would be exempt from meeting the quota.

The electoral authority needed to regulate how the respective slates of candidates that surpassed the maximum of 70 percent for a single sex would be cancelled. Two provisions were introduced.

(1) In order to determine which candidacies had to be cancelled to meet the requirement, male candidates (for cancellation) would be drawn by lot until 30 percent of the candidates were women.

(2) In the case of the PR lists, the cancellations would begin with the last names and work up from there, in each of the five electoral districts into which the country is divided.

This decision implied that compliance with the law would be required in regard to each of the slates, and not as applied to all candidacies taken as a whole. Moreover, in the case of PR lists, the gender percentage was required for each particular district, that is, in each group of 40 candidates, and for all of the lists taken together (200 candidates).

Enforcement of the quota law revealed that seven

of the 11 political parties, including the three largest ones, resorted to some form of direct selection of their majority candidates so as to be relieved of the quota requirement in a particular area. Nonetheless, the proportion of principal women candidates reached 29.6 percent on average, albeit with major differences among the political parties. For while the Partido Revolucionario Institucional (PRI) registered 11 percent majority women candidates, the México Posible Party, a recently registered party, which grew out of the women's movements, registered 51 percent women candidates.

The final tally of the candidacies showed that all of the parties far surpassed the threshold of 30 percent principal women candidates, reflecting acceptance of this measure among the rank-and-file in the various parties. One hundred and fifteen women legislators took up seats in the Chamber of Deputies—23% of all of its members, up from 16% in the previous legislature. This is the first time that more than 20 percent of legislators have been women. Nonetheless, although the reform, widely known as the 'double quotas', was effective in terms of increasing the number of women in Congress, it did not suffice, on its own, to attain the desired goal.

There are several reasons for this. Certainly the lack of a balanced gender composition within political party structures is the main obstacle to female candidates being proposed on a regular basis. Accordingly, the nomination of female candidates was not concentrated in those districts in which each political party has the best chance of winning, since they are reserved for their best leaders, among whom there are few women. Of course, behind all of this lurk culturally rooted convictions as to the inadvisability of nominating women, who have various roles to play, yet who lack sufficient training and skills to assume political responsibilities.

Only a detailed study to follow up on each political party in the process of nominating women candidates would make it possible to identify specifically the persisting lag in balanced gender representation.

# Women's Political Participation in Bolivia:

## Progress and Obstacles

Jimena Costa Benavides

### Overview of Bolivia's Democratic Process

Representative democracy in Bolivia is confronting a not-very-participatory political culture<sup>1</sup> that still views the state as the benefactor state, and which associates democracy with solving social and economic problems more than with expanding citizen participation and placing limits on the arbitrary actions of rulers. It is a representative democracy in form but not in substance. It operates like a pacted democracy: given the dispersion of the vote no one can garner an absolute majority to elect the government.

The main problem with the Bolivian process is that it has not been accompanied by policies aimed at ideological transformation to promote a democratic and participatory culture to attain the exercise of full citizenship. Even though 'institutionalizing norms and

values' is a slow process that stands in the way of substantial change in the practices of the political community, the institutionalization and transformation of the 'rules of the game' has been swift. Indeed, part of the progress made-and the very consolidation of democracy-has a great deal to do with the capacity of political parties to reach agreement to reform the regime, despite the fact that they have reproduced a series of 'traditional' and harmful practices that are gradually deepening the political crisis, including prebendalism, clientelism, *padrinazgo*, patrimonialism, caudillismo, and the exclusion of majority sectors from the public debate. That is the case of women, who constitute 50.2 percent of the national population, as illustrated in the following table.<sup>2</sup>

**Table 1: Population According to the Census by Area and Sex, 1950-2001**

DESCRIPTION	1950	1976	1992	2001
<b>BOLIVIA</b>	<b>2,704,165</b>	<b>4,613,486</b>	<b>6,420,792</b>	<b>8,274,325</b>
Men	1,326,099	2,276,029	3,171,265	4,123,850
Women	1,378,066	2,337,457	3,249,527	4,150,475
<b>Urban area</b>	<b>708,568</b>	<b>1,925,840</b>	<b>3,694,846</b>	<b>5,165,882</b>
Men		934,998	1,793,445	2,517,434
Women		990,842	1,901,401	2,648,448
<b>Rural area</b>	<b>1,995,597</b>	<b>2,687,646</b>	<b>2,725,946</b>	<b>3,108,443</b>
Men		1,341,031	1,377,820	1,606,416
Women		1,346,615	1,348,126	1,502,027



Despite all of the limitations, Bolivia's pacted democracy has facilitated the stability of the regime, but also the implementation of several major political reforms, which have made it possible to create institutions that promote greater representation and citizen participation in the structuring of power. The constitutional reform of 1995, which modernised the state, includes a new way of electing the Chamber of Deputies: a Mixed Member Proportional (MMP) electoral system. The lower house is now made up of 68 single-member constituencies, elected by direct vote (a simple majority), and nine multi-member constituencies with representatives elected by party list. Political citizenship has been expanded to include all Bolivian males and females who are 18 years or older, and quotas have been introduced, requiring that at least 30 percent of candidates on the party lists be women.

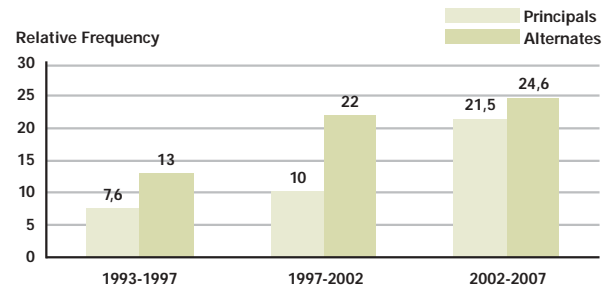
### Women's Political Participation

The political participation of women in Bolivia began in 1947 and 1949, when a few female members of the ruling oligarchy gained the right to vote in municipal elections. With the National Revolution of 1952, and universal suffrage in 1956, Bolivian women began to exercise political citizenship. But it is only recently (in 1997), with the introduction of quotas—a product of the struggle waged by the Coordinadora de la Mujer, Plataforma de la Mujer, Unión de Mujeres Parlamentarias de Bolivia, the Office of the Undersecretary for Gender Affairs, and those women from political parties grouped together in the Foro Político de Mujeres—that the Electoral Code has required that parties have at least 30 percent of women on their national lists of candidates, distributed such that at least one of every three candidates is a woman.

While the results do not translate automatically into parliamentary seats—for in a list of Senate candidates made up of two principals and two alternates, it is clearly impossible to apply—the impact of the law, as expressed in the 1997 national election results, was encouraging, even though it led to disruption and resistance within the political parties that abided by the measure more out of obligation than conviction. Making women candidates for alternate deputy positions was the easiest way to comply with the law, and it did not have much effect on the interests of the male candidates. The results of the national elections of 1993, 1997 and 2002 - when quotas

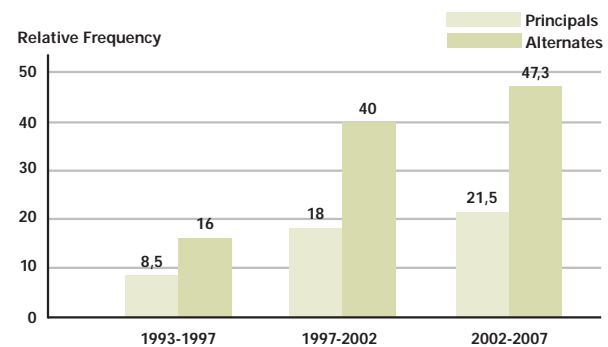
were introduced - reflect the following changes.

**Table 2: Women Elected in 1993, 1997 and 2003**



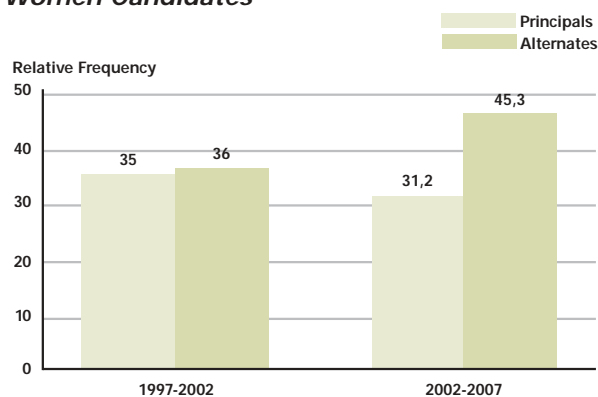
The number of women elected as principal representatives has increased by more than 100 percent, while alternates have seen their numbers rise by over two percent. It is important to note, though, that only three cases currently constitute the sample—the national elections of 1997 and 2002, and the municipal elections of 1999. In just five years we are already close to the minimum threshold, such that, if the trend continues, within another five years the number of women participating can be expected to surpass 30 percent. With respect to the candidacies, there have also been some significant changes.

**Table 3: Women Candidacies for the Senate, 1993-2003**

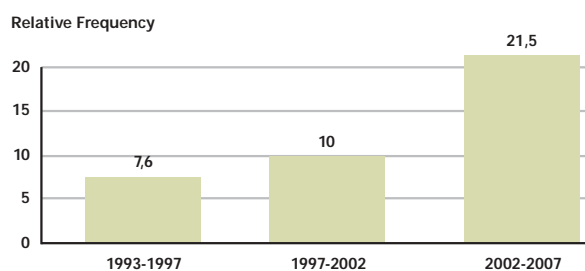


Furthermore, given the characteristics of Bolivia's mixed system, the greater presence of women is concentrated in the Chamber of Deputies in the uninominal representations, as illustrated in the following graphs.<sup>3</sup>

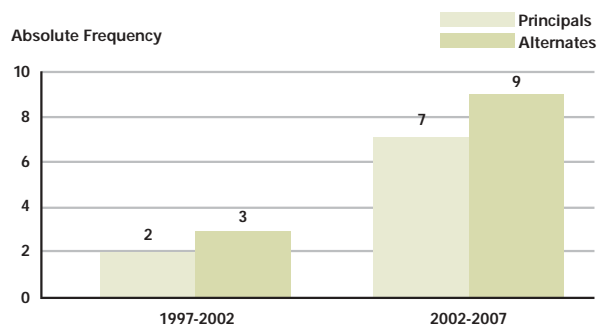
**Table 4: Proportional Representation Women Candidates**



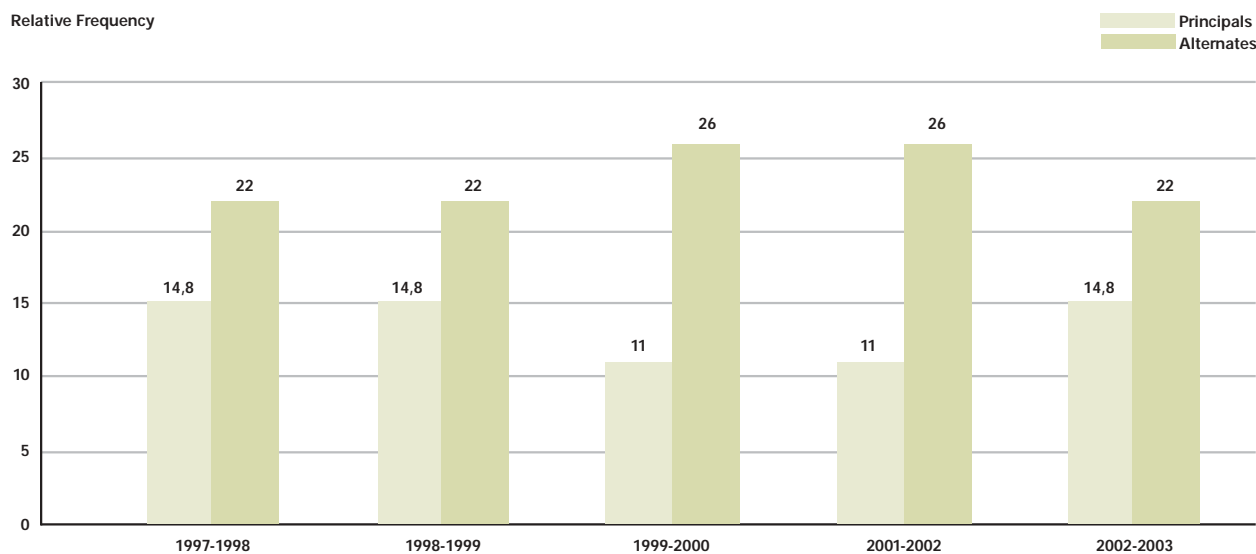
**Table 6: Women Principal Candidates, 1993-2003**



**Table 7: Women Uninominal Deputies**



**Table 5: Women Senators, 1997-2003**



**Women in Power**

Yet beyond the substantive gains, we must ask ourselves not only how many women have entered Congress, but also what their situation is once they get there. The research project by Lourdes Zavala<sup>4</sup> on women’s political participation in the National Congress after the implementation of the Quota Law shows that the main drawbacks for women are associated with the election of uninominal deputies. The main reason the majority principle has a negative impact has to do with the social and cultural characteristics of the Bolivian political community:

‘The dual or mixed electoral system (proportional and simple majority) operates perversely in terms of the quotas. First, it does so by reducing the parties’ margin of security with respect to the first and second positions. In this very complex scenario, the possibilities offered by the quota are curtailed, if we consider that women are, almost mathematically, situated in every third place on the ballots, almost invariably vying to get elected as alternates’.<sup>5</sup>

According to that report, another difficulty women

face is the economic cost of political campaigns and family opposition to them standing as candidates. Even so, without this positive action measure, it would have been difficult to increase the number of women legislators.

A gain whose impact was even greater came in 1999 when the municipal governments, under the new Electoral Code, introduced the principle of 30 percent women plus alternation on the lists for the election of municipal council members: 'the first male/female council member shall have a female/male alternate. The second and third principal council members will be assigned alternately, i.e. M-F, F-M'.<sup>6</sup> The results were 46.6 percent candidacies for alternate members, 29.4 percent for principal council member, 21 women mayors elected (in 1995 there were just 12), and 32 percent women council members elected (in 1995 women accounted for just 8.3 percent). Hence, the first time the new law was applied to municipal elections, the minimum quota was surpassed.

Yet one should note the other problems that arose in the municipal elections: post-election harassment, and physical and psychological violence<sup>7</sup> to provoke the resignation of the women council members elected, generally for non-partisan cultural reasons.

The experience of 1997 to 2002 is but the beginning of a process that cannot demonstrate significant results in just five years. Despite the limitations detected, however, one can conclude that the Quota Law shows positive results, increasing the possibility of electing women to the legislative chambers and to the municipal councils. In the 1993 elections, nominations amounted to just ten percent, as compared to 24 percent in the 1997 elections, until reaching almost 50 percent in 2002, after implementation of the quota. Quotas are also a preventive mechanism to stop the number of women legislators from dropping.

Another fundamental factor to analyze concerns the legislative performance of the women elected: the legislative work seems invisible, and there appears to be a lack of participation in the decision-making and directing positions of the legislative branch. Accordingly the ranking positions in the legislature remain in the hands of male legislators. Zavala's work shows that women legislators have had a hard time doing their job in the legislative chambers: they often lack skills, do not have sufficient

advice, and lack knowledge and information on the use of legislative instruments and congressional rules and procedures, which is also very common among men. Their capacity for legislative output is therefore hindered, but still significant considering their numbers. In Bolivia, women legislators do not adopt as their main collective objective the introduction of gender issues on the legislative agenda, which, while representing a qualitative leap forward with respect to the democratic consolidation, neglects a historic opportunity to introduce affirmative action measures in other instances. The following tables<sup>8</sup> summarize the bills introduced in both chambers by women in the previous legislature.

Other problems were also flagged in the research project: the lack of commitment and coordination among female members of Congress when it comes to addressing the specific interests and demands of women, conflictive relationships among them, and the lack of a strategic vision in regard to forming alliances and pacts and entering into agreements that would enable them to act as a collective subject with the capacity to apply pressure.

### ***Women's Participation and the Political Party System***

Under Bolivia's democracy, the political parties have a monopoly on representation, and citizens can only exercise the right to hold public office and run for election through them. This is an impediment to the political participation of women, who confront a number of limitations and obstacles.<sup>9</sup> The internal characteristics of the parties-with slight variations among them-can be summarized as follows: (1) personalised, that is, the organization is highly concentrated around the party leader; (2) internal divisions; (3) weak processes of institutionalization; (4) lack of ideological factors to encourage internal cohesion; and (5) persistence of authoritarian and 'traditional' relationships, such as *padrinazgo*, prebendalism, and clientelism. All of these factors have led to a deepening of the crisis in terms of the legitimacy of, and representation within, the political system.

Analysis of the mechanisms to promote women's political participation in the by-laws of the political parties shows that there are basically two instruments to achieve this objective: the quotas established by law; and the secretariats for women's affairs-in which issues essential to the party are not discussed, and

**Table 8: Chamber of Deputies: Bills Introduced by Women Members of Congress, 1997-2002**

<i>1997-2002 Term</i>	<i>National Legislative Reforms</i>	<i>Regional Issues</i>	<i>Social Issues</i>	<i>Gender-specific Issues</i>	<i>Total Bills</i>
1997-1998	2	4	2	4	12
1998-1999	3	8	1	1	11
1999-2000	3	7	1	2	13
2000-2001	5	11	4	1	21
2001-2002	6	4	2	-	12
Total Bills	19 (26%)	34 (48%)	10 (14%)	8 (11%)	71

Source: Zabala, based on data from the Chamber of Deputies.

**Table 9: Bills Introduced by Women in the Senate**

<i>1997-2002 Term</i>	<i>National Legislative Reforms</i>	<i>Regional Issues</i>	<i>Social Issues</i>	<i>Gender-specific Issues</i>	<i>Total Bills</i>
1997-1998	1	2	--	3	
1998-1999	2	2	-	-	4
1999-2000	1	1	-	-	2
2000-2001	3	2	2	-	7
Total Bills	7 (44%)	7 (44%)	2 (12%)	-	16

Source: Zabala, based on data from the Senate

which do not enjoy the support of the party leaders. According to the study by Karin Monasterios and Luis Tapia Mealla, these secretariats may be a form of positive differentiation, but also an organizational means of exclusion, depending on the political party in question. Taking the 14 political parties with the largest presence in the party system, the analysis shows that only in two of them (the Movimiento Nacionalista Revolucionario (MNR) and the Movimiento Sin Miedo (MSM)) are there quotas both within the party and for public office.<sup>10</sup>

The party system is clearly a reflection of the society from which it has come; in it the politicians reproduce the styles and conduct of society. One underlying problem of Bolivian democracy is that the process of ideological transformation is not keeping up with fast-paced institutional changes; as a result, the rules of the game are observed partially or sometimes not at all. A new tension has arisen between an ideological process of democratization in some sectors, and a defence of questionable traditio-

nal practices in others—norms and conduct that are not very democratic or transparent, not only within the political system, but also in society. The main obstacle to women's participation is not the parties, but the failure of the political culture to transform. The parties assimilate quotas out of obligation, not out of democratic conviction; they assume that the adoption of quotas has introduced distortions in the political market and that it impoverishes representation, reducing the participation of 'the best and most capable men'. Nonetheless, those parties that have already experienced some degree of internal democratization are characterised by considerable female participation compared to those parties that have not democratized. The MNR was the only party in the 2002 campaign that had quotas within the party.

### ***Political Culture as an Obstacle to Participation***

The historical circumstances surrounding the construction of liberal democracy in Bolivia leave little

**Table 10: Political Party and Public Office Quotas**

	<i>Declaration against Discrimination</i>	<i>Secretariat of Women's Affairs</i>	<i>Quotas Public Posts</i>	<i>Quotas within Party</i>
AND		Yes		
NFR	Yes	Yes		
FRI				
KND				
MBL	Yes	Yes		
MIP		Yes		
MIR		Yes		
MNR	Yes	Yes		30%
MRTKL		Yes		
MSM	Yes	Yes	50%	50%
NFR	Yes			
PCB				
PS 1	Yes			
UCS	Yes	Yes		
VR 9				

space for plurality. The foundations of liberal individualism have denied other identities and the traditional practices of some social and cultural actors; furthermore, the indigenous cultures are not based on gender equity and equality. One example is Aymara democracy-the Aymara being one of the most populous indigenous peoples in Bolivia-in which only males can participate in public debate: the Communal Assembly-*parlakipawi*-as the highest authority and centre of community life, bars female participation. Being elected the main authority (*jilakata or kuraka*) is a privilege that is enjoyed only by men who are married, own land, and are heads of family. The criteria for selecting the leaders of peasant unions are similar: one must be male, the head of a family, married, own land, and have completed military service. In both cases, the criteria exclude women, youths, single persons, and those who do not own land.

When it comes to finding a characteristic common to all practices and sectors, from actors in the political system to members of civil society, cutting across all of these are the restrictions on women's participation in public decision-making processes, which are based on the view that men are better suited and more effective in politics. In addition, women hold a central place in rural areas.

The political practices of the mestizo western culture and of the indigenous cultures make women second-class citizens. Beyond the characteristics particular to each model, we note that, in the mixture, Bolivian political culture leads to discrimination against the participation of women in politics, and, when they are accepted, they are viewed as tools for satisfying the interests of the party or of specific leaders. The problem is that many women play into that role. The research done by Monasterios and Tapia in the city of El Alto shows that:

'When it comes to applying the 30 per cent, one turns to one's sisters, female cousins, sisters-in-law, or simply those servile women of the party who will not object to the decisions of the influential men in the municipal government. It does not matter than they have no preparation, what matters is ensuring their loyalty, and in a sense their lack of understanding of politics, so as to perpetuate the non-interference of women in men's affairs'.<sup>11</sup>

One can conclude that, in shaping the direction of democracy in Bolivian political culture, there are positive factors: pluralism, the right to dissent, freedom of opinion, expression, preference and associa-

tion, and the effort to reach consensus and to establish mechanisms of accountability. Yet there are also negative factors: unequal distribution of opportunities to formulate preferences, discriminatory meritocratic criteria, corruption, intolerance, imposition of majorities over the minority, and discrimination, particularly against women. One additional problem is the profound fragmentation of the social movements and pressure groups within civil society. There is no one sector that enunciates the interests and demands of other sectors in an articulated and coherent way—that is, no sector is hegemonic. Accordingly, indigenous, ethnic, environmental, homosexual, human rights, urban, peasant, workers, and neighbourhood movements, among others, do not share common goals or ideologies. Consequently, the plural societies cannot yet overcome exclusion.

The mere implementation of the Quota Law is not enough to ensure substantive gains in women's political participation. It is necessary to take steps towards the ideological transformation of the political system, the party system, and, particularly, civil society, so that women themselves change their conduct and their expectations. Nevertheless, quotas in Bolivia are quickly achieving success, and women have significantly improved their position in the process of public debate: 32 percent female participation in municipal government positions in just five years.

## Endnotes

- 1 The concept of political culture is understood as a set of psychological orientations—emotional, cognitive and evaluative—that refers to political objects as roles or specific structures, to the persons who play such roles, and the principles of government, decisions or the imposition of public decisions. Gabriel Almond and Sydney Verba. 1992. “La Cultura Política”. In *Diez textos básicos de Ciencia Política*. Barcelona: Ariel.
- 2 “Censo Nacional de Población y Vivienda 2.002”. Instituto Nacional de Estadística.
- 3 The graphs were prepared by the author, and are based on official data from the National Electoral Court.
- 4 María Lourdes Zavala, Raquel Romero and Carmen Sanabria. 2002. *La participación política de las mujeres en el parlamento*. Document prepared with the support of the Program for the Support of Congressional Representation (PARC-USAID-RF/SUNY/Bolivia), La Paz.
- 5 Zavala et al. *La participación política de las mujeres en el parlamento*, p. 9.
- 6 Electoral Code, Title VI, Second Chapter, Article 112(2)(a) and (b).
- 7 There are many documented cases of women municipal council members or members of the Local Government Oversight Committees with support from political parties, who the community members beat in the town plaza, even cutting off their braids with hatchets or knives to get them to step down from their positions of representation.
- 8 Zavala et al. *La participación política de las mujeres en el parlamento*. Based on data from the Chamber of Deputies and the Honorable Senate of the National Congress.
- 9 See Karin Monasterios and Luis Tapia Mealla. 2001. *Partidos y Participación Política de las Mujeres en El Alto*. La Paz: Centro de Promoción de la Mujer Gregoria Apaza.
- 10 Karin Monasterios and Luis Tapia Mealla. *Partidos y Participación Política de las Mujeres en El Alto*, pp. 52-53.
- 11 Karin Monasterios and Luis Tapia Mealla. *Partidos y Participación Política de las Mujeres en El Alto*, p. 84.



## 4. Democracy and Electoral Systems

### 4.1. Overview of Presentations

The purpose of the fourth session was to examine the extent to which political parties and electoral systems affect the representation of women in Latin America. It sought to unravel some of the questions about different types of party list systems (open or closed) and how political party quotas compare to legislated quotas. It also touched on the role of women in politics in representing the broad interests of women, and on whether quotas lead to the empowerment of women.

Ana María Yáñez declares that electoral gender quotas have to be seen as part of human rights, democracy and development. The society, she claims, is not fair if women and men do not have the same opportunities and are not equally represented in institutions where formal power is exercised. She notes that, in 1979, the CEDAW convention first addressed the need for states to accelerate the processes of women's participation in politics through quotas. The right for women to participate effectively was further reiterated at the Women's World Conference in Beijing in 1995, which provided much of the impetus for the adoption of quotas in several Latin American countries at the end of the 1990s. Yáñez also raises the dilemma within feminist theory and practice regarding the nature of representation: when women are elected, whom do these female politicians represent? Do the women represented take into account the very diversity within the group of women? Does having more women in power contribute to development? Despite these fundamental questions, Yáñez gives examples of the importance of female representatives in the Peruvian Parliament when challenging new laws, or reviewing old ones. She notes that women have a different way of 'doing politics' compared with men, and many women have been more open to dialogue, debate and negotiation about the issue of democracy.

In countries where open list electoral systems are used, like Brazil, Ecuador, Panama and Peru, the political parties determine an initial list of candidates, but voters are able to vote for a preferred candidate on the party list. Candidates with the highest number of votes are elected. In closed list systems, it is up to the political party to decide the rank ordering of candidates, and voters choose between politi-

cal party lists. In open list systems, a common thesis is that voters reproduce the dominating political culture and that this favours male candidates and typically works against female candidates. Moreover, male candidates are more likely to have the resources needed for individualised campaigns.

However, Gregory Schmidt argues that Peru is an example that goes against this 'rule of thumb', and indeed has implications for the perception of open versus closed list systems. He demonstrates the importance of performing an individual country analysis, as the Peruvian case contradicts many of the arguments in the present literature on electoral studies. Schmidt argues that, in Peru, female candidates are popular, and that, elsewhere in Latin America, women are seen as more honest, less corrupt and so on. One of Schmidt's conclusions in his second paper is that future research should focus on the interaction of quotas and related institutional factors in different contexts. For example, whereas party magnitude is relatively unimportant in Peru's open list congressional elections—which are held under a system of proportional representation—a combination of high effective quotas and high relative party magnitudes often guarantees seats for women in Peruvian municipal elections, which are closed list and majoritarian.

Even if the quota law specifies where on the lists the female candidates should be placed, it is no guarantee that the level of representation will correspond to the quota law percentages. Thus, not only is the quota law per se important for further research, but how the law is put into effect is even more central. Here we might need to develop variables to perform comparative analyses, such as the 'effective quota' that is used in Schmidt's second paper. There are other institutional variables that can affect the electoral outcome for female candidates, such as district and party magnitude and placement mandates.

There is also a difference between the national and local levels in Peru, as pointed out by both Schmidt and Yáñez. The national parties based in Lima are more accessible to female candidates than independent lists constructed at the local level, especially those outside of the capital. It can be assumed, therefore, that this may vary over time and space. In



Nicaragua, for instance, it has been much easier for female politicians at the local level than at the national level.

#### **4.2. Overview of Discussion**

The participants noted the important findings of Schmidt that open lists are not necessarily a disadvantage for the election of women in Peru. This is an area for further research in relation to other preferential systems in Latin America, which must include an analysis of other factors and the political system. In Brazil, it was noted that voters are often not aware of the candidates on party lists, and the fact that candidates are listed in alphabetical order has implications for the way that the electorate votes. However, it was also noted that, typically, open list systems require candidates to campaign, and it was cautioned that this is an obstacle for women. Resources are extremely important.

While there was general agreement that quotas have been a largely successful mechanism for women to gain access to politics, questions were still raised about the rationale for implementing quotas—is the quota just to have more women in politics, and, if so, why? Who do women represent? It was also pointed out that, often, women politicians may have a gender agenda, but there is an incredible challenge to have this incorporated into the agendas of political parties. While we may question the effect of women in politics, this needs to be couched within general considerations about party structure and discipline. Finally, it was noted that the whole electoral process must be considered in order to gauge the real effect of women in politics. For the purposes of this workshop, it was noted that, while we cannot just put issues of representation aside, the primary focus is the process of quota implementation and its effectiveness as a policy instrument to increase the representation of women.

# Quotas and Democracy in Peru

Ana María Yáñez

## The Rationale and Political Significance of the Quota Mechanism

Some have sought to defend quotas as a 'different way of women engaging in politics' based on characteristics or values attributed to or more rooted in them than in men, such as honesty, sensitivity, impartiality altruism and generosity.

After a decade of authoritarian government in which political women played a key role in dismantling democratic institutions, it is clear that this argument cannot be sustained. The history of political women in Peru shows us that they are not more honest, more sensitive, nor more disinterested than men, although this does not mean that their conduct is identical to that of men. Interestingly, for example, women have defended the cause of their political leader with the vehemence he has demanded, and their loyalty has been maintained even after his fall. (Whether oedipal, erotic, or other types of relationships have entered into play is an issue that remains to be studied.)

Clearly the argument about the supposed 'virtues of women' is no longer upheld, which does not mean that quotas or some other affirmative action mechanism does not have a theoretical foundation.

Three main reasons justify and validate quotas: rights, democracy and development.

First, it has not been possible to exercise women's right to be elected to positions of power due to a series of obstacles, among them prejudices regarding the

capacity of women to manage public affairs and the barriers that they face in their own political parties. Nonetheless, and even though this right was recognized in 1955, it was not until 1979, through the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), that an international instrument first addressed the need for states to accelerate the processes of women's inclusion and participation in politics through the quota mechanism, as a temporary measure until equality is attained. Since then, the need to create mechanisms so that women can exercise this right effectively has been reiterated progressively, and at the 1995 World Conference on Women in Beijing, China, exercising this right was proposed as a strategic objective for achieving equity and development. Since 1995, most of the Latin American countries have adopted quotas. Of course, the enjoyment of these rights leads us to the argument concerning equity. There cannot be a just or equitable society without the participation of women in positions of formal power, and without men and women having equal opportunities.

The second argument has to do with representative democracy and with the consolidation, in the second half of the twentieth century, of the view of democracy as the political system. Nowadays, one even hears talk of democracy as a human right. This process of validating democracy as the best political

system, to which all human beings have a right because it is the only one capable of helping to bring about the establishment of a state open to the development of full human potential, has been accompanied by debates and analyses regarding, for example: what is democracy? How should it work? How can the diverse interests of different individuals be represented? What are the adequate mechanisms or what should they be?

Historically, women have not been represented in the formal power structure as a specific segment of the population, for it was assumed that what was 'good for the gander' was also 'good for the goose', that is, from a male-centred perspective, what is good for males is also good for females. Nonetheless, the contributions of, and the research by, many women have cast light on the needs, problems and interests that are particular to women and merit that women have their own representation. What are those interests and problems that are particular to women? What can women represent that men cannot represent? For instance: the exercise of sexual and reproductive rights affects each sex differently; maternal mortality concerns only women—the same can be said of early pregnancy; and the lag in the enjoyment by women of economic and social rights. All of these points paint a picture in which women have less education, lower incomes, and less access to property rights than men, to mention just some areas. Nonetheless, the main problem is men's inability to perceive the differences and their effects. Experience shows that men are not sensitive to the demands, needs or suffering of women. In Peru, we have many examples, but I will cite only one. The Criminal Code contained a provision that cleared all rapists of criminal liability (in the case of gang rape) if one of them married the woman who was assaulted. This provision remained on the criminal statutes for over 70 years in Peru, and no legislator ever questioned it. It was a woman (Beatriz Moreno) who proposed its elimination, and when it appeared that the proposal was going to gain a positive response from all of the male members of Congress, the 'war of the sexes' broke out. Thanks to the pressure brought to bear in the Peruvian and international press—due, among other factors, to pressure applied by women—this anachronistic and abusive legal provision was repealed.

So, having women in power makes it possible to

address women's grievances and, in that sense, is a democratizing element, broadly speaking. Nonetheless, the question arises as to the nature of the representation. Is it possible that a group of women can represent all women? Yes, but it requires the existence of a system of political representation, which, in turn, is derived from a solid party system that enjoys legitimacy, and that operates openly and democratically. It also requires a strengthened civil society, present and engaging, as well as mechanisms of accountability, and institutional channels for citizen participation, none of which, unfortunately, we have in Peru or in many other countries of Latin America.

We must also analyse the nature of the political representation. What are we talking about when we ask ourselves whether women in politics represent us? Should women in politics represent all groups of women? First, political representation is not a mirror that reflects the identities of each and every social group; nor is it a mandate for the representative to do what the constituent desires or expresses. Yet, while the representative (female or male) must be autonomous in relation to his or her constituents, he or she must, above all, have a skill for 'reading' or 'interpreting' the will of the voters, and act accordingly. And to interpret this will, channels and mechanisms are needed to ensure the direct participation of citizens in matters of state. Representation and participation go hand-in-hand.

Moreover, who do the women in power represent? All women? To whom are they accountable? It is possible that they represent some groups of urban women, including some rural women, others from the popular sectors, and others from professional middle sectors, but it would be hard for any one woman to represent all women. Do women feel represented today when witnessing a persistent campaign against the implementation of sexual and reproductive rights? Probably not. Nonetheless, the lack of representation that women experience is not limited to women. It has to do with the crisis of representation within the Peruvian political system, which became more acute in the late 1980s, and came to a head in the early 1990s. This situation has a particularly strong impact on women, as women's 'big time debut in politics', so to speak, occurred precisely in the context of the terrible crisis of representation that affects all political actors equally, and

which no doubt benefited the authoritarian regime in power during those years.

It is true, therefore, that women's presence is a democratizing element to the extent that the representation of women's interests is more faithful than when there were no women present in the organs of power. And, although it is not perfect, it is a foundation without which it will not be possible to build a better system of political representation, nor, in the long run, to establish an equitable political system.

Third, the contribution of women is necessary to achieve development. Since 1995, the United Nations (through the Commission that evaluates the legal status of women) has advised the member states on the need to ensure that at least 30 percent of all decision-making positions be held by women as a *sine qua non* for attaining development. The question thus arises: why does having women in decision-making positions contribute to development? Answer: because women, due to the sexual division of labour, hold positions in society and in the labour market that shape particular ways of seeing the world and of proposing solutions. The multilateral development banks (the World Bank and the Inter-American Development Bank (IDB)) provide the most visible examples of women's contribution to development. Various studies describe how, in the case of an investment in the infrastructure of a given community (water, electricity, roads), women's contribution has yielded better results. Simply put: economic investment results in a better return if women participate in the planning and implementation of development projects.

Given this situation, it was affirmed that, in many cases, the implementation of the quota system failed because it promoted the participation of authoritarian women, not democratic women. The quota is a mechanism for gaining access solely and exclusively to a given space or office. In the case of education, it promotes access for racial minorities, and likewise in the case of employment. The mechanism-which is neutral-cannot be responsible for the capture of power by women who in many cases have been considered to be 'counter-models'. The only ones responsible for this are the political organizations and the voters. The efficacy of quotas in regard to the representation of women is not unrelated to the parties' institutional structures and the *clubes electorales* that come together only at election time, to get can-

didates elected to public office.<sup>1</sup> The quota mechanism cannot impede the participation of, or access for, women 'outsiders', who might be authoritarian or poorly qualified; rather, as in the case of men, it is precisely the crisis of representation that facilitates the election of such persons. The quota mechanism cannot be blamed at all for the failings of the political system; fundamentally, it is a mechanism for promoting human rights, because it seeks, in an especially accelerated manner, to overcome the problems generated by the structural discrimination found in all societies (mainly on grounds of race, sex and religion).

### *What is the Value-Added to Politics from the Presence of Women on the Official Scene?*

When, in 1990, Peruvian feminists first pressed for the adoption of the quota mechanism, it was assumed that it would be adopted in the context of continued democratization. Nonetheless, paradoxically, it was in the context of a formal democracy called into question since 1992, and mounting authoritarianism beginning that same year, that many women became drawn into the spheres of power and began to take up some of the issues on the agenda of the women's movement. To cite just some examples, we have the law that recognizes grassroots women's organizations, the set of laws and policies on family violence, amendments to the Criminal Code on the crime of rape, amendments to the Civil Code to facilitate the recognition of children, and the very issue of quotas for political participation, not to mention the creation of the Ministry of Women's Affairs, which had been a specific demand of women since 1990, and of the Office of the Special Ombudswoman for Women (Defensoría Especializada de la Mujer), and the Women's Committee of the national Congress. While the post of Ombudswoman was not a direct creation of the regime of President Alberto Fujimori, the Defensoría del Pueblo (Office of the Human Rights Ombudsman) was, as it was established as part of the 1993 Constitution, adopted to give legitimacy to his regime. It is an institution that did not exist before that time in Peruvian law. At the same time, though, other measures were introduced that represented significant material rollbacks for women, such as the elimination of legal protection in the workplace, increasing unemployment, particularly in the formal sector, and the reduced availa-

bility of free services, in a context of adjustment, deregulation and flexibility that impoverished the population, forced it to live off public charity,<sup>2</sup> and subjugated it politically.

In other words, while significant strides were made at the legal and institutional levels-albeit focused on a just a few rights-the fragility of civil society persisted and worsened, particularly affecting women, weakening the effective capacity of the vast majority of Peruvians, including women, to participate in political processes and to benefit from institutional gains.

Hence, the inevitable question is: have these strides made been for naught, in an authoritarian context, without citizen participation, taking advantage of vertical clientelist relations, and often subjugating the social organizations? Apparently not. Even with all of the contradictions and weaknesses, any democratizing reform does have value unto itself, which goes beyond the survival of whoever advocated it. The authoritarian regime is now a thing of the past, yet the laws and the institutions remain. It is a responsibility of everyone, in particular the political class, to make them democratic.

The laws, independent of how they were defined and who defined them, to the extent that they expand and improve 'citizenship', are contributing to democracy. Citizenship has a normative component via which relations between the state and civil society-and in the case we are looking at, women-are institutionalized. We have a series of rights institutionalized; even though they cannot be fully enjoyed, they can be used, strengthening the consciousness of women and contributing to their empowerment as citizens. For example, Andean women are trying to get- physically and materially-the text of Peru's Law against Family Violence, to raise it up in opposition to their possible assailants. Similarly, electing at least one woman on the board of directors of a peasant community in Puno, out of fear that the law requires that community to do so, is another significant gain. The presence of women-even illiterate women-in the rural municipal governments, first gives visibility to the women (they have begun to 'exist' in certain communities), and, second, focuses attention on their problems. As a result, more *defensorías* are being established (as required by law) to address the problems of violence.

These expressions indicate that, in effect, women's

citizenship is expanding, to the extent that the law enables them to turn around centuries of exclusion. And it has been possible to secure many of these laws (they can be called gains to the degree that they have responded to the pressures and demands of the women's movements) thanks to the horizontal alliances among the women in Congress that changed the correlation of forces: from a political party coordinate, there was a shift to a gender coordinate. Still, however, many of the gains were due to the authoritarian support of Fujimori.

In the face of this situation came the question: did Fujimori do all of this because of his sensitivity to women's issues? The same would have to be asked in regard to whether the dictator Manuel Odría was being 'gender -sensitive' when he recognized women's right to vote, whether the dictator Juan Velazco was sensitive to gender issues when he recognized the property rights of women concubines-when he prohibited mention of the legal situation of children born out of wedlock-or whether President Alan García was sensitive to women's issues when he created insurance for housewives, or the family allotment, or women's police stations. The intent of the laws, measures or policies cannot be examined or evaluated independent of the political project of each individual ruler.

The question should be, then, whether the measure is invalidated by the fact that it results from a political calculation more than from a desire to expand democracy. It seems not. All of these men have moved on, yet the measures have stayed, and with each of these measures, citizenship has been expanded, and all Peruvians have benefited.

### ***What does Democracy Contribute to Women's Rights?***

#### ***What do Women Stand to Gain?***

After the fall of the Fujimori regime, a democratic government came to power, put there by the social and political forces that fought the dictatorship, as the regime underwent international attrition, beset by accusations of drug trafficking and widespread corruption.

Of the broad array of candidates for president, the one who appeared most open to democracy succeeded in bringing these forces together behind him. Accordingly, Peru now has a democratic government that makes it possible to breathe the air of freedom,

and to enjoy openness to criticism and, in general, a willingness to engage in dialogue with the majority of social and political actors. Human rights are a key issue, and a matter of concern for the political authorities. Peru is undertaking to respect the recommendations of the international agencies on these points, and all branches of government are undertaking to ensure that any organ-domestic or foreign does not question their decisions due to a potential violation of human rights. We can basically affirm that the current government respects human rights.

One must then inquire, whether in this situation, women are better off, in the same position, or worse off than before. Following the logic according to which greater democracy begets further development of democratic rights and, therefore, greater openness for groups traditionally excluded or marginalized, we should now expect to have more and better women in power. Reality has shown, though, that, in the case of women's rights and the rights of the marginalized generally, nothing will be given away for free. The present government is characterized by an 'anti-gender' policy. Those who have been or are close to the centres of political decision-making have been and are witnesses to the fact that the terms 'gender', 'sexual rights', 'reproductive rights', and others, such as 'civil society', are not looked upon favourably or accepted by those in power today. Sexual freedom is perceived as a threat. We have no more women in the executive branch that we did in the past regime; the family planning policy has halted implementation of new services previously approved; the confrontation between the public health authorities and organized women is taking on an increasingly shrill tone; and, finally, the woman elected to Congress with the highest vote, and who should preside over parliament, has been on the verge of being expelled from the government party, and the likelihood that her right to preside over the leading branch of government-the legislature-will be respected is very remote, if not null.

One sees, therefore, that a democratic regime does not necessarily ensure greater rights for women. In other words, Peru has had experiences that have allowed us to analyse and facilitate the gains of democracy, the role of civil society, of the parties, of the state and its relationship with the political regime, and with progress in terms of rights and living conditions for citizens. In the course of 12 years, Peru

has experienced the paradox of moving from a regime with more rights for women/less democracy/less human rights to one with more democracy/fewer rights for women/fewer spaces of power.

This experience has shown how in formally democratic regimes but with a weak civil society, the openness of the state is decisive for securing rights. And that openness largely depends on the characteristics of who is in control of the executive. In a presidential regime, as one finds in most Latin American countries, the executive and the president, in particular, signify and practically embody the character and quality of democracy. Civil society reflects, experiences and proposes, but putting its proposals into practice will largely depend on who holds power, mainly in the executive, from where the resources of the state are administered. It is clear that the development of one democratic factor or component does not guarantee progress; only the collective and general growth of the political parties and citizens will guarantee men and women respect for their rights and the rule of equity.

The ideal is that any measure aimed at improving the situation of the population or relationships among individuals, and between them and the state, be adopted through dialogue and open debate. A democracy should not only allow this but encourage it, because it contributes not only to the improvement of things, but also, and most importantly, to the establishment of values and priorities, what Amartya Sen has described as the 'creative force of democracy'. In other words, an ongoing process-that never ends-is needed, of collective growth and consolidation of democracy based on dialogue, debate and negotiation between the various social actors, the political class and the state-a process that guarantees individual freedom.

### ***Once Again the Women 'are late to the table'***

One final thought: women have come late to the state's public spaces where decision-making takes place. Greater participation in power is being advocated in a context in which the sovereignty of nation-states is considerably diminished, since it is not exactly within these that the policies are decided upon that will affect the lives of nationals; rather, inter-governmental organizations, transnational interest groups, and non-governmental organizations are important

actors. Women have come late to the circulation of political power, that is, political representation.

Finally, in the debate, it should be borne in mind that the same ethical and democratic standards are not always applied to men and women. There is more protest of women in power who are authoritarian, unprofessional or dishonest than there is of men with the same qualities.

### **Notes**

- 1 Definition used by Giovanni Sartori in *Parties and Party Systems*. Cambridge: Cambridge University Press, 1976.
- 2 By the end of the Fujimori government, some ten million Peruvians were receiving some kind of food assistance from the state.

# Unanticipated Successes:

Lessons from Peru's

Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems

Gregory D. Schmidt

As demonstrated in my paper entitled 'The Implementation of Gender Quotas in Peru: Legal Reform, Discourses and Impacts', gender quotas have been relatively successful in Peruvian municipal and congressional elections. These successes were unanticipated for two reasons. First, during the congressional debates virtually no attention was paid to how quotas would work in conjunction with the very different rules that are used in the two types of elections. Second, the positive impact of gender quotas in Peru was also unanticipated in the academic literature on electoral systems. Indeed, the success of gender quotas in Peruvian municipal and congressional elections actually contradicts much of the conventional wisdom in electoral studies.

In this paper, I first review the current thinking in the academic literature on the implications of open versus closed list systems and other key variables for the election of women. I then explain why gender quotas worked better than anticipated in Peruvian municipal and congressional elections. In the conclusion, I try to extrapolate some broader implications from the Peruvian case.

## ***Closed versus Open List Systems***

Party list systems have rules that determine which candidates fill the seats won by each party. Most list systems are closed: voters choose only among alternative lists, not among individual candidates. In closed systems, the seats won by each party are filled by

candidates in the order that they appear on the respective list.

In contrast, open list systems allow or require voters to cast ballots for specific candidates. Seats are allocated among the parties based on their respective shares of the vote, but distributed among the candidates of each party on the basis of the ballots that each one receives. Open list systems have been used in national elections in Brazil, Chile, Finland, pre-1992 Italy, Panama, Peru, and Sri Lanka, among other countries.<sup>1</sup>

Open list systems vary significantly. Whereas Panamanians and Peruvians have the option of voting for individual candidates on the party list that they have chosen, Chileans and Finns must select individual candidates. In the latter cases, the votes for candidates of the same party are aggregated to determine its share of the seats.<sup>2</sup> Although Brazilians may cast ballots for party lists, over 90 percent choose to vote for individual candidates.<sup>3</sup>

The use of closed lists reinforces party discipline, since the leaders of each party (or possibly its members by means of a primary) determine the positions of the candidates on its list, which, in turn, strongly affect their chances of being elected. Moreover, candidates running on closed lists have little incentive to wage independent campaigns because voters cast ballots for the party, rather than for individuals. In contrast, open list systems encourage candidates to appeal directly to the voters and to establish their own



campaign organizations. In building individual bases of support, candidates running under the open list format will 'incur debts, make compromises, and develop loyalties different from those of other candidates of the same party'.<sup>4</sup>

There is no consensus in the literature about which type of list is best for the election of women, but the predominant view is that open lists place female candidates at a disadvantage. Richard E. Matland reports that open list voting has consistently hurt women in local elections in Norway, a country noted for high levels of gender equality and female representation. He suggests that this negative impact is likely to be much greater in countries with more traditional views of gender roles.<sup>5</sup> Mala N. Htun and Mark P. Jones argue that women are less likely to have the resources to wage individual campaigns because they are relative newcomers to politics.<sup>6</sup> However, recent elections in the USA—where women must run as individual candidates—show that female candidates are at least as capable as men in terms of raising funds<sup>7</sup> and that they are just as likely to win office.<sup>8</sup> Indeed, the relatively low rate of female representation in the USA primarily reflects the inertia of incumbency and the reluctance of women to become candidates.

Some noted scholars have come down on the side of open list systems. Citing cross-national data from Western democracies in 1982,<sup>9</sup> Matthew S. Shugart suggests that women are likely to benefit from systems that allow voting for individual candidates. He notes that the four countries with the highest rates of female representation all employ some sort of intra-party preference vote, and that women fare poorly as candidates in various closed list systems. However, it should be noted that all four of Shugart's positive cases are Scandinavian countries—which have a strong tradition of gender equity—and that only one of these (Finland) is truly an open list system. Wilma Rule,<sup>10</sup> a pioneer in the study of female representation, also views open list systems favourably.

Matland<sup>11</sup> points out that the 'crucial question is whether it is easier to convince voters to actively vote for women candidates, or easier to convince party gatekeepers that including more women on the party lists in prominent positions is both fair, and more importantly, strategically wise'. He goes on to suggest that the answer may well vary from country to country. Unfortunately, little, if any, empirical work

has been done on this topic, perhaps because there are relatively few truly open list systems.

Table 1 presents data on the election of women to Latin American national legislatures before and after the adoption of gender quotas, distinguishing between closed and open list systems. Women fared slightly better under closed list systems in pre-quota elections and under open list systems in post-quota elections, but the differences are very small in both cases.<sup>12</sup> Moreover, the range within each category is much larger than the very small differences between the categories. The percentage of women winning office in the first post-quota elections in closed list systems ranges from three percent (Paraguayan Chamber of Deputies) to 33 percent (Argentine Senate) and in open list systems from six percent (Brazilian Chamber of Deputies) to 22 percent (Peru's unicameral Congress in 2000). Thus, it would appear that the distinction between closed and open list systems is less important than other variables that may work in conjunction with both.

### ***Other Institutional Variables***

Political scientists have identified other institutional variables that are thought to affect the election of female candidates and the impact of quotas in party list systems. These are discussed briefly in this section.

*District magnitude*, or 'the number of seats filled at an election in a district'<sup>13</sup> has been identified as a critical institutional variable affecting the election of women in cross-national studies and analyses of individual countries.<sup>14</sup> Matland,<sup>15</sup> however, argues that *party magnitude*, the number of members in a party's delegation from an electoral district, is an even more powerful factor behind the success of female candidates. These two variables are related: higher district magnitudes usually contribute to larger party delegations. Party magnitude, though, also depends on other factors, especially the distribution of the vote and the rules for allocating seats among parties.

Under both open and closed list systems, at least the more important parties can be expected to nominate a more diverse array of candidates, including women, as district magnitude and anticipated party magnitude increase. Diversity allows a list to appeal to a broader spectrum of the electorate and thus increases its chances of success. Moreover, the expect-

**Table 1: Closed and Open List Systems in Latin America, Last Pre-Quota and First Post-Quota Elections**

<i>Averages for Category</i>					
	<i>Quota</i>	<i>District Magnitude</i>	<i>% Women Elected Before Quota</i>	<i>% Women Elected After Quota</i>	<i>% Change</i>
1. All Cases (N=15)a	27.3	18.4	8.8	13.7	4.9
A. Open List Systems (N=4)b	25.0	37.5	7.5	14.0	6.5
B. Closed List Systems (N=11)c	28.2	11.5	9.3	13.5	4.3

Note:

LH=Lower House; UH=Upper House; UC=Unicameral Chamber

a Argentina LH, Bolivia LH & UH, Brazil LH, Costa Rica UC, Dominican Republic LH, Ecuador UC, Mexico LH & UH, Panama UC, Paraguay LH & UH, Peru UC, Venezuela LH & UH (pre-2000).

b Brazil LH, Ecuador UC, Panama UC, Peru UC.

c Argentina LH, Bolivia LH & UH, Costa Rica UC, Dominican Republic LH, Mexico LH & UH, Paraguay LH & UH, Venezuela LH & UH (pre-2000).

Source: Elaborated by author from data in Tables 2.1 and 2.2 of Htun and Jones (2002:38, 41) with adjustments to reflect the first post-quota elections in Argentina (1993) and Peru (2000).

tation of large party delegations in high magnitude districts lessens competition for scarce list positions among candidates and factions within the party.<sup>16</sup> Indeed, affirmative action programmes that benefit disadvantaged groups, such as quotas, are much easier to implement with longer lists. Finally, greater proportionality may increase turnover, which may in turn improve the chances of underrepresented groups.<sup>17</sup>

In addition, district magnitude is likely to affect specific patterns of recruitment within political parties under both closed and open list systems. If small magnitude districts are used, local or regional party organizations tend to select candidates. Central party organizations have greater influence over, if not a monopoly on, candidate selection when large magnitude districts are employed. Their influence is greatest in countries that use a single national district.<sup>18</sup>

It should be noted, however, that the empirical evidence linking high district or party magnitude to the electoral success of women comes overwhelmingly, if not exclusively, from closed list systems. While it is very likely that the nomination of women increases with district or party magnitude in open list systems, this author is unaware of any within-

type study showing a positive association between these two variables. Moreover, it is easy to formulate contradictory theoretical predictions regarding the impact of district magnitude on the actual election of women in open list competition. On the one hand, if women do indeed have fewer resources than their male competitors, as Htun and Jones maintain, they would appear to be particularly disadvantaged in high magnitude districts that require extensive spending. On the other hand, high magnitude districts in open list systems allow candidates to win office with the votes of constituency groups.<sup>19</sup>

In contrast, one might expect party magnitude to increase the electoral chances of women under both open and closed list systems. If women tend to appear in lower positions than men on a closed list, they are more likely to benefit disproportionately as the party picks up more seats. Similarly, if women tend to win fewer votes on average than men in an open list system, they are more likely to fill the last seats won by the party. Thus, to the extent that these assumptions are true, women are likely to have a greater share of seats in parties with large delegations than in those with small delegations.

There may also be *varying orientations* towards

the political participation of women among different *political parties*, independent of their recruitment structures. Some political parties—primarily those on the left and the greens—tend to be more supportive of female candidates and are more likely to adopt internal gender quotas.<sup>20</sup> Although most Peruvian parties are notoriously ad hoc and personalistic, they may nevertheless offer varying degrees of support to women running for office. Indeed, the conventional wisdom among feminist political activists in Peru is that the national parties based in Lima are more receptive to female candidates than independent lists constructed at the local level, especially those outside of the capital.<sup>21</sup> Among the national parties, the most visible champions of gender equity in the 1995 and 1998 municipal elections were several movements loyal to President Alberto Fujimori, who had provided decisive support for quotas, aggressively recruited female talent, and sponsored legislation on issues of special concern to women.<sup>22</sup> Thus, it might be hypothesized that women are likely to fare best in the ranks of the pro-Fujimori parties, somewhat less well in other national parties, and worst on local independent lists.

Finally, Htun and Jones<sup>23</sup> maintain that the election of women in closed list systems is greatly enhanced by placement mandates, provisions that stipulate that women must be dispersed evenly throughout the list or placed in electable positions. Indeed, these authors argue convincingly that a combination of closed lists, high district magnitude, and placement mandates guarantee the election of a minimum number of female candidates. Placement mandates, however, are the most contentious aspect of quota legislation. Argentine political parties, for example, tend to place women in the lowest positions allowed by the law.<sup>24</sup>

Htun and Jones are clearly writing with primary reference to party list systems that use proportional representation (PR), the most common type of electoral format in Latin America. Nevertheless, they do not explicitly limit their prescription to party list PR. Indeed, their data set includes mixed systems in which the quota law does not apply to single member districts, senatorial elections in Argentina, which are held under a majority list system, and the 1998 election for Ecuador's unicameral Congress, which used a combination of 'unlimited votes' and 'party block voting'.<sup>25</sup> In his analysis of the impact of quo-

tas in Argentine provincial elections, Jones<sup>26</sup> also treats majority list and plurality systems.

### ***Unanticipated Success in Municipal Elections***

As noted in 'The Implementation of Gender Quotas in Peru: Legal Reform, Discourses and Impacts', especially in Table 3, the 1998 introduction of quotas in the closed list system used to elect Peruvian municipal councils produced dramatic increases in the number of councilwomen. Quotas made a big difference, even though no placement mandates were used and district magnitude had no impact.<sup>27</sup> Why were quotas successful in Peruvian municipal elections? Fortunately, the vast number of municipalities in Peru facilitates the sort of multivariate statistical analysis that helps us to answer this question. During the course of undertaking this analysis, the author 'discovered' two variables that explain most of the success of quotas in Peruvian municipal elections. These two variables also have significance beyond Peru.

The first variable is the effective quota. Quota laws in Latin America typically mandate that women comprise a minimum percentage of candidates, even though representatives of legislatures and municipal councils are usually elected from districts of varying magnitude.<sup>28</sup> An unanticipated consequence of this across-the-board application of quotas is the creation of different 'effective quotas' for the same type of office, because the number of candidates on each list is usually equal to district magnitude, as in the case of Peruvian municipal elections, or related to the latter variable, as in the case of the Brazilian Chamber of Deputies.

More generally, the effective quota can be defined as the minimum number of female candidates (excluding back-ups) required to satisfy the legal quota, divided by the total number of candidates on the list. Columns 1-3 in Table 2 illustrate this principle with data from the 1998 Peruvian municipal election, in which the legal quota was 25 percent. The effective quota, however, ranged from slightly over 25 percent to 40 percent. Table 2 also shows that effective quotas tended to be greatest in low magnitude electoral districts, which are most frequently found in district-level municipalities outside of Lima (see columns 2-5). Indeed, there were strong negative correlations between the average effective

**Table 2: Effective Quotas in 1998 Elections for Peruvian Municipal Councils**

	1	2	3 <sup>a</sup>	4	5 <sup>b</sup>	6 <sup>c</sup>
	Minimum Number of Female Candidates	Total Number of Candidates (District Magnitude)	Effective Quota (%)	Number of Electoral Districts	Average Effective Quota (%)	Correlation with District Magnitude (Pearson's r)
Provincial Level	10	39	25.64	1		
	4	15	26.67	4		
	4	13	30.77	5		
	3	11	27.27	43	31.69	-.539**
	3	9	33.33	56		
	2	7	28.57	50		
	2	6	33.33	1		
	2	5	40.00	34		
Districts in Lima	4	15	26.67	1		
	4	13	30.77	7		
	3	11	27.27	13	31.46	-.704**
	3	9	33.33	7		
	2	7	28.57	6		
	2	5	40.00	8		
Districts in Rest of Peru	3	11	27.27	6		
	3	9	33.33	22	39.51	-.771**
	2	7	28.57	48		
	2	5	40.00	1507		

Note: a Column 3 is equal to Column 1 divided by Column 2.

b Column 5 is equal to the product of Columns 3 and 4, divided by the total number of electoral districts for each type of municipal council.

c Column 6 lists the correlation between the effective quota and district magnitude for each type of council.

\*\* Significant at the .01 level (two-tailed).

Source: Elaborated by author from data in Jurado Nacional de Elecciones (JNE) (1999).

quota and district magnitude—a factor long thought to enhance the election of women—for each type of council (Table 2, column 6).

The second newly discovered variable is the relative magnitude of the largest party, which is equivalent to its share of seats. Since 1983, Peruvian municipal elections have been held under a majoritarian list form. A new statute on municipal elections (Law 26,864) contained changes that reduced party magnitude on provincial councils and in the districts of Lima, but increased the share of seats won by first place plurality and run-off winners throughout the country (see Table 3).<sup>29</sup>

Given the well-known fact that disproportionality increases as district magnitude decreases, it follows

that the relative magnitude of the largest party is negatively correlated with district magnitude. Thus, there is a very strong positive association between district magnitude and party magnitude, but also a strong negative correlation between the former variable and the relative magnitude of the largest party (compare lines 2 and 4 in Table 3).

The combination of high effective quotas and high relative party magnitudes often produced guaranteed seats for women without placement mandates. Under the rules employed in the 1998 election, plurality or run-off winners were awarded four seats in five-member districts, which are used in 85 percent of all local elections. Moreover, the effective quota in five-member districts was 40 percent, mea-

**Table 3: Party Magnitude in Peruvian Municipal Elections, 1995 and 1998**

	Provincial Level		Districts in Lima		Districts in Rest of Peru <sup>a</sup>	
	1995	1998	1995	1998	1995	1998
1. Average Party Magnitude	5.10	4.48	6.28	4.98	2.67	3.81
2. Correlation of 1 and District Magnitude (Pearson's r)	.887**	.936**	.907**	.930**	.798**	.800**
3. Average Relative Magnitude of Largest Party	.56	.69	.60	.68	.60	.74
4. Correlation of 3 and District Magnitude (Pearson's r)	-.182*	-.595**	-.384*	-.841**	.274**	-.560**

Note:

a Based on sample of 99 councils.

\* Significant at the .05 level (two-tailed).

\*\*Significant at the .01 level (two-tailed).

Source: Elaborated by author from data in the JNE (1997 and 1999).

ning that all parties—including the winner—had to have at least two female candidates. Hence, even if a plurality or run-off winner only complied minimally with the quota and placed both women at the very bottom of its list, at least one would still be elected. She alone accounted for 25 percent of the party's delegation and for 20 percent of the council's total membership.

This relationship between the effective quota and relative party magnitude is not just a quirk of Peruvian elections. In general, the proportion of seats that are guaranteed to quota candidates ( $G_q$ ) can be specified by the following formula:

$$G_q = S_L/M - (1 - Q_E) * K, \text{ if } \geq 0,$$

Where  $S_L$  is the number of seats won by the largest party,  $M$  is district magnitude,  $Q_E$  is the effective quota, and  $K$  is the ratio of the number of candidates on each list to district magnitude. (Although  $G_q$  may have a negative value, this result is the same as zero, or no guaranteed seats.) The above equation shows that the chances of guaranteeing seats for women can be enhanced not only by raising the effective quota—a rather obvious strategy—but also by increasing the relative magnitude of the largest party. Given that these two variables are both negatively correlated with district magnitude (see tables 2 and 3), it follows that  $G_q$  is too.<sup>30</sup>

We can illustrate this general principle with the

most common case in Peruvian municipal elections. If the largest party does indeed pick up four of five seats, as was usual in 1998, then  $S_L/M = 4/5$ , or .8. In a five-member district, the effective quota is .4, and  $1 - Q_E = .6$ . Moreover, in Peru, the number of candidates on each list is equal to district magnitude, so  $k = 1$  and does not change the value of  $1 - Q_E$ . Thus,  $G_q = .8 - .6 = .2$ , or one out of five seats.

Schmidt<sup>31</sup> presents pooled OLS regression models with data from the 1995 and 1998 municipal elections, before and after the adoption of quotas. This analysis shows that the effective quota and seats guaranteed by the effective quota and the relative magnitude of the largest party were the most important variables in explaining the greatly increased electoral success of women at the provincial level and in districts outside of Lima. Party magnitude was consistently positive, although not always significant. In contrast, district magnitude—the most prominent variable in the literature with regard to the election of women in party list systems—was negatively associated with the success of female candidates, although not significantly so. Any partisan differences in the nomination and election of women appear to be significant only in the districts outside of Lima, where—contrary to the expectations of Peruvian feminists—non-Fujimori national parties actually had a negative impact.

The effective quota is likely to have an impact

beyond Peru because quota laws in Latin America are typically applied 'across the board', without regard to district magnitude. The analysis in Schmidt<sup>32</sup> suggests that this variable is most likely to be important in party list systems with a significant proportion of low magnitude districts and minimal compliance with the quota. Particular attention must be paid to the interpretation and implementation of quota legislation.

Guaranteed seats produced by the effective quota and the relative magnitude of the largest party may occur under closed party list PR when a party wins a landslide victory.<sup>33</sup> However, guaranteed seats are much more likely to be an important factor when majoritarian formulae—such as the rules used in Peruvian municipal elections—increase the relative magnitude of the largest party. Majoritarian closed list systems are used in local elections in El Salvador, Nicaragua, and some provinces of Argentina;<sup>34</sup> Peru's new system of regional elections; legislative elections in several Argentine provinces;<sup>35</sup> and in senatorial elections in Argentina, Bolivia and Mexico.

For example, in senatorial elections in Argentina, the plurality party is awarded two of three seats in each province, while the first runner-up fills the other. Thus,  $S_L/M = 2/3$ . Party lists are limited to two candidates, so a legal quota of 30 percent adopted before the 2001 election became an effective quota ( $Q_E$ ) of 50 percent. Although placement mandates technically apply, they are superfluous because both positions on the list are electable. Only two candidates run in each province, so  $K = 2/3$ . Thus,  $Gq = 2/3 - (1 - .50)*2/3$ , or .33. In other words, in 2001, Argentine women were guaranteed to win at least one-third of the seats in the Senate, and, in fact, they did so.<sup>36</sup>

Bolivia and Mexico also elect all or some of their respective senates in three member districts in which each party runs two candidates and the first-place party receives two seats. Legal quotas of 25 percent and 50 percent would at first sight appear to be sufficient to guarantee an effective quota of 50 percent, but Bolivian parties can use back-up candidates to fill their quotas.<sup>37</sup> Mexican parties could do the same in 2000. Recent reforms have closed this loophole, but Mexican quotas are still not district-specific.<sup>38</sup> In both Bolivia and Mexico, rigorous enforcement of a 30 percent legal quota for candidates in each three member senate district would produce an upper

chamber that is at least one-third female, as in Argentina.

### ***Unanticipated Success in Congressional Elections***

As noted in 'The Implementation of Gender Quotas in Peru: Legal Reform, Discourses and Impacts', women have enjoyed a high degree of success in the open list PR system that is used to elect the Peruvian Congress, before and especially after the adoption of gender quotas. Why? The short answer is that female candidates are popular and can compete with men in obtaining preferential votes.

Indeed, the biggest constraint on the election of women in Peru, as in many other countries, has been a paucity of female candidates. Nevertheless, the election of women to the Peruvian Congress has been aided by several facilitating factors—optional and multiple preference votes and constraints on intra-list competition—that have not been anticipated in the literature. Another facilitating factor—the single national district—has generally been treated only as an extreme in the continuum of district magnitude. This section shows how these unanticipated factors facilitated the election of women and also assesses the impact of other variables featured in the literature: district and party magnitude and party orientation. Unfortunately, given the character of Peruvian national elections, much of the ensuing analysis must be qualitative, rather than quantitative.

### ***Optional Preferential Voting***

Since 1985, Peruvian legislative elections have employed an open list system called the 'double optional preferential vote' (DOPV).<sup>39</sup> This system allows citizens to cast one or two non-ordinal 'preferential votes' for individual candidates on the party list that they have chosen. Seats are distributed among the parties in accordance with their respective shares of the valid vote, but preferential votes determine which candidates fill the seats won by each list.

Many Peruvians do not cast one or both preferential votes. For example, in the 2000 election, the number of preferential votes (9,929,963) was slightly less than the number of party list votes (9,935,125), even though two preferential votes may be cast for each party list vote.<sup>40</sup> Although it is impossible to know how many voters chose to cast

only one preferential vote, it is clear that less than half of the electorate exercised the option to cast both. Thus, Peru's DOPV differs from the open list systems used in Brazil and Chile, in which most or all of the voters cast ballots for individual candidates.

Survey data shows that poor voters are less likely to cast preferential votes and that those who do are more likely to choose only one candidate.<sup>41</sup> In addition, voters from lower socio-economic strata are more likely to make errors in casting or counting preferential votes that often lead to the disqualification of individual ballots or entire precincts. In sum, a more affluent and better-educated sub-electorate chooses the Peruvian Congress. This sub-electorate has more a progressive attitude towards the political participation of women than the overall Peruvian electorate. Moreover, it disproportionately resides in Lima and the adjacent port of Callao. For instance, in 2000, voters in Lima-Callao accounted for 34.2 percent of the overall electorate, 36.7 percent of the valid presidential vote in the first round, and 37.2 per cent of the valid party list vote for Congress, but 40.9 percent of the overall preferential vote, and 44.9 percent of the preferential votes received by the winning congressional candidates.<sup>42</sup>

### ***The Single National District and Magnitude***

A single national district was used to elect the Senate from 1980-90 and unicameral legislative bodies in 1992, 1995 and 2000. Moreover, women had become increasingly competitive in the single national district well before the adoption of the quota, especially in Lima.

Although the single district reinforced centralism and had other pernicious repercussions, it facilitated the election of women in several ways. The great majority of professional women—who have the best chance of being elected—are either from Lima-Callao or reside there. The single national district allowed these capital-based professional women to run for the entire universe of congressional seats. It also centralized nominations in the hands of national party leaders, who are generally more receptive to female political participation than regional bosses.<sup>43</sup> Whereas 57 percent of legislators in the 1995-2000 Congress were from the provinces,<sup>44</sup> at least nine of its 13 female members (69 percent) were based in Lima.<sup>45</sup> Limeñas accounted for the same proportion of women in the short-lived 2000-01 Congress, in

which a slim majority of legislators came from the capital.<sup>46</sup>

In addition, the single national district magnified the power of the more affluent and better-educated electorate of Lima-Callao, which was far more prone to vote for women. Table 4 shows that, in 1995 and 2000, congresswomen drew a majority of their preferential votes from the capital and its port, while congressmen relied on the provinces for most of their support. The elimination of the single national district in 2001 removed one of the key factors that had facilitated the election of women, and the consequences were predictable, despite a higher quota and an even greater increase in female candidates in 2001 (see Table 4 in 'The Implementation of Gender Quotas in Peru: Legal Reform, Discourses and Impacts'). In Lima and Callao, women won 12 of 39 seats (31 percent), exceeding the goal suggested by the new quota. In the rest of Peru, however, female candidates were elected to only ten of 81 seats, just 12 percent of the total at stake.

It could be argued that the single national district is not really a variable, but simply a manifestation of high district magnitude. It is impossible to test this hypothesis with only Peruvian data, given that there are only five cases and because district magnitude and socio-economic and political trends favouring the election of women both increased over time. There is, however, no significant association between district magnitude and the female percentage of the lower house delegations from the 26 districts in 1985 and 1990. Indeed, the partial correlation in the former year is negative, although not significant ( $-.1865$ ,  $\text{sig}=.372$ ), if we control for socio-economic development with an index of unmet needs, the best measure available.<sup>47</sup> In the 2001 election—conducted in 25 districts with a quota—the association between district magnitude and the election of women is positive (.342) but with a significance level that falls short of the traditional benchmark (.095). Although this data hardly constitutes a compelling reason to reject district magnitude as a positive factor in open list systems, it does suggest that its importance might have been exaggerated, due to conflation with other variables, such as patterns of political recruitment.

By pooling data from different elections, it is possible to conduct better tests of the relationship between party magnitude and the election of women in the single national district. Pearson correlations can

**Table 4: Preferential Votes by Gender of Candidate and Residence of Voter, 1995 and 2000**

	1995			2000		
	Lima-Callao	Rest of Peru	Total	Lima-Callao	Rest of Peru	Total
Average for All Winning Candidates						
Women	30,908 (50.5%)	30,336 (49.5%)	61,244**	29,445 (58.7%)	20,710 (41.3%)	50,155**
Men	6,535 (36.6%)	11,327 (63.4%)	17,862**	22,840 (41.4%)	32,305 (58.6%)	55,145**
Average for Winning Candidates Who Do Not Head List						
Women	10,043 (46.0%)	11,799 (54.0%)	21,842*	29,445 (58.7%)	20,710 (41.3%)	50,155**
Men	4,774 (32.6%)	9,872 (67.4%)	14,646*	18,188 (40.8%)	26,406 (59.2%)	44,594**

Notes:

\* Significant differences at the .019 level (two-tailed) between the percentages of the vote derived from Lima-Callao and the provinces by female and male winners.

\*\* Significant differences at the .01 level or better (two-tailed) between the percentages of the vote derived from Lima-Callao and the provinces by female and male winners.

Source: Calculated from JNE (1995) and the Oficina Nacional de Procesos Electorales (ONPE) (2002).

be calculated for all elections in the single national district from 1980 to 2000 (n=53), those only with open list voting (1985-2000; n=44), and those conducted for unicameral legislatures under Fujimori (1992-2000; n=33). The first correlation shows only a weak, insignificant relationship (.10, sig=.467); the second, for all open list systems, comes close to the conventional benchmark (.286, sig=.06); but the third, for the most recent elections, is the weakest (.076, sig=.676).

Why is there such a discrepancy between the second and third correlations? Most of the few women who were elected to the Senate in 1985 and 1990 belonged to large parties, but, since 1992, women have been sufficiently competitive to win on the lists of medium and small parties. As previously discussed, party magnitude facilitates the election of women in an open list system only to the extent that they tend to receive fewer votes than men. As shown in Table 4, female candidates have actually outperformed men in recent Peruvian elections held in a single national district.

### **Multiple Preference Votes**

Another characteristic of Peruvian open list voting—its duality—also appears to have facilitated the success of women. Rather than campaigning for women and against men, proponents of female representation could ask Peruvians to split their two preferential votes equitably between the sexes. Many voters have adhered to the slogan of feminist non-governmental organizations, ‘De tus dos votos preferenciales, dale uno a la mujer’ (‘Of your two preferential votes, cast one for a woman’).

More broadly, multiple preferential votes may increase gender equity for reasons similar to the arguments for high district or party magnitude. Whereas the latter help parties to balance their ticket, the former might allow some voters to make a more ‘balanced choice’. For example, a man with traditional values might be reluctant to cast his only preferential ballot for a woman, but willing to ‘risk’ voting for a female candidate as one of his choices. According to this logic—which is admittedly speculative at this point—open list systems with multiple pre-



ferential votes-like in Italy and Peru-should be, *ceteris paribus*, more open to electing women than those with only one preferential vote, such as in Brazil and Chile.

### ***Constraints on Intra-List Competition***

As previously noted, open list voting stimulates intra-list competition that may place candidates with fewer financial resources, such as women, at a disadvantage. Indeed, three prominent congresswomen interviewed by the author—one from Fujimori's alliance and two from opposition parties—agreed that women generally have less money and other campaign resources than men. Moreover, the Peruvian system, in which many lists are nominated by alliances of parties, is especially vulnerable to intra-list competition. Preferential voting has the paradoxical effect of facilitating the formation of electoral alliances because candidates can be elected from any position on the list, but those from different parties running on the same list are more likely to compete with one another.

Other features of the Peruvian system have also stimulated intra-list competition. Given that party magnitudes were relatively large in the single national district and most of the preferential votes were cast for only a few candidates—particularly the head of the list—other candidates could be elected with very small numbers of votes. In 1995, for example, only 12 of the 67 winning candidates on Fujimori's list won more than 20,000 votes nationwide.<sup>48</sup> Razor-thin margins often separate winners and losers.

Almost all of the winning congressional candidates wage individual campaigns. This phenomenon began in 1985, even though the DOPV was new and the APRA-Peru's most hierarchical party—had a commanding lead throughout the campaign. In 1990, congressional candidates from four different parties running on the list of Mario Vargas Llosa's Democratic Front (FREDEMO) outspent the novelist's presidential campaign by almost two-and-a-half fold. A deluge of tasteless television commercials by FREDEMO congressional candidates, which drowned out and sometimes contradicted Llosa's message, was a major factor in his defeat.<sup>49</sup>

Since the FREDEMO debacle, the leaders of Peruvian parties have usually placed limits on individual campaigns. Typically, the supporters of indi-

vidual candidates distribute pamphlets, post flyers, and paint names and ballot numbers on walls. More affluent candidates may also erect billboards and buy print advertising. Individual candidates, though, usually do not engage in media advertising, which is the most effective way of reaching the electorate. These restrictions were especially severe in the various parties that supported Fujimori.

### ***Party Orientation***

A final variable that has been associated with greater female representation is the more supportive orientations of some political parties. This variable, however, presumes a stable party system, and Peruvian elections are among the most volatile in the world. Moreover, Peruvian parties are notoriously fluid and personalistic. Indeed, from the 1992 CCD election through 2000, the leading 'parties' were little more than personal vehicles for Fujimori and various opposition leaders.

During the 1980s, the left tended to be more inclusive, but it collapsed in the early 1990s. Fujimori was the most visible champion of gender equity in the past decade, but this orientation emerged only gradually and did not affect the composition of his lists before the 2000 election.<sup>50</sup> In 2000, Fujimori's lists did feature women in more prominent positions, and in 2001 all three candidates elected on the disgraced former president's slate were women. Moreover, women are a critical part of Fujimori's plans for a political comeback in 2006.<sup>51</sup>

Nevertheless, 'contagion' has been rapid, as the other parties quickly matched or surpassed Fujimori's initiatives on gender issues. Over time there have not been consistent differences among the parties in regard to the number of women nominated, their lists positions, or their relative success rates. Indeed, Peru's most prominent female politician, Lourdes Flores Nano—who was placed a strong third in the 2001 presidential election—is the leader of the country's major conservative party.

### ***Lessons from Peru***

A couple of specific lessons may be extrapolated from the experience of Peru's closed list municipal elections. First, the application of quota legislation in districts of varying magnitude is likely to create different 'effective quotas' for the same sort of office. The Peruvian experience strongly suggests that vari-

ation in the effective quota can be a significant factor affecting the electoral success of women. Second, even in the absence of controversial placement mandates, women may be guaranteed seats in closed party list systems—especially those that are majoritarian—by the effective quota and the relative magnitude of the largest party.

The insights provided by open list congressional elections are more tentative and may involve trade-offs with other values. For example, one might not want to increase the percentage of women elected by maintaining centralism or discriminating against less educated voters. But more progressive patterns of political recruitment, multiple preferential votes, and constraints on intra-list competition may all be legitimate ways of facilitating the election of women in open list systems.

It is also possible to extrapolate much broader lessons. Women may fare well in both closed and open party list systems, and any difference between these two categories is likely to be far less important than variation within them. Moreover, the preceding cases suggest that quotas and other institutional variables that affect the election of women may have a different ‘logic’ within different systems. District magnitude—a variable that often has been linked with the electoral success of women, particularly in PR systems—was not associated with the election of female candidates in the majoritarian party list system used in Peruvian municipal elections. Similarly, women comprise one-third of the Argentine Senate, which is elected in low magnitude, majoritarian districts. Nor did district or party magnitude per se appear to make much difference in open-list congressional elections, although here the evidence is admittedly weaker.

Future research should focus on the interaction of quotas and related factors in different kinds of electoral systems, rather than on the impact of discrete variables—such as district magnitude—across various systems. If there were a magic bullet for increasing the election of women through institutional engineering, it almost certainly would have been discovered by now. A messier but more likely possibility is that different sorts of institutional configurations favour (or hinder) the election of women. Moreover, their comparative advantages may even vary under different conditions.<sup>52</sup> The analysis here strongly suggests that we are most likely to advance our knowledge of quotas and related variables by undertaking

theoretically informed, context-sensitive studies of distinct institutional configurations, using district-level data and paying utmost attention to institutional details.

**Notes**

- 1 Some other countries, such as Greece, use flexible list systems that 'give both party leaders and voters some say in the allocation of a list's seats among its candidates' (Cox 1997, p. 61). Although the mechanics of flexible list systems vary widely, in most cases, list order is the predominant factor in determining which candidates are elected. This paper focuses on the more basic distinction between open and closed list systems.
- 2 Taagepera and Shugart 1989, p. 25, refer to the Chilean and Finnish systems as 'quasi-list'.
- 3 Personal communication with Timothy Power, an expert on Brazil.
- 4 Katz 1986, p. 101, also see Ames 1995.
- 5 Matland 1998, p. 82.
- 6 Htun and Jones 2002, p. 39.
- 7 Burrell 1998.
- 8 Duerst-Lahti 1998 .
- 9 Shugart 1994, pp. 37-38.
- 10 Rule 1994, p. 18.
- 11 Matland 1998, p. 81.
- 12 Some of the systems in Table 1 use a mixture of party list PR and plurality, but the generalizations in this paragraph are also true if we just compare those that use party lists exclusively.
- 13 Taagepera and Shugart 1989, p. 19.
- 14 For example, see: Rule 1987; Norris 1996; Matland and Brown 1992; Jones 1998, p. 16.
- 15 Matland 1993.
- 16 This would appear to be especially true in open list systems, in which candidates can be elected from any position on the list.
- 17 See Matland 1993, p. 738; Norris 1996, p. 201.
- 18 Norris 1996, pp. 199-200.
- 19 Ames 1995.
- 20 See Jones 2000 and Rule 2000.
- 21 Yáñez 1999.
- 22 See Schmidt 2003b.
- 23 Htun and Jones 2002.
- 24 Jones 1996, pp. 78-80, 87-89.
- 25 Personal communication with Andrés Mejía Acosta, an authority on Ecuadorian elections.
- 26 Jones 1998.
- 27 Indeed, the Pearson's *r* for district magnitude and the election of women are all negative: -.035 for provincial councils, -.075 for district councils in Lima, and -.065 for a sample of district councils outside of the capital.
- 28 Jones 1995, pp. 12-15; Nickson 1995, p. 62.
- 29 The rules used in Peruvian municipal elections are complex. For discussion, see Schmidt, 2003a.
- 30 The Pearson's *r* for district magnitude and *G*<sub>q</sub> in 1998 are -.477\*\* for provincial councils, -.740\*\* for district councils in Lima, and -.679\*\* for the sample of 99 district councils outside of the capital.
- 31 Schmidt 2003a.
- 32 Schmidt 2003a.
- 33 Indeed, this sometimes occurred in higher magnitude districts under the arcane rules used in Peruvian municipal elections, see Schmidt 2003a.
- 34 Nickson 1995, pp. 63-64.
- 35 Jones 1998, pp. 8-9.
- 36 IPU 2002.
- 37 Bermúdez Valdivia 1998, pp. 47-50.
- 38 Diario Oficial 2003.
- 39 Open list voting with a single preferential vote had been used in the 1978 Constitutional Assembly election, which had been conducted in a single national district.
- 40 ONPE 2002.
- 41 IMASEN 1995, pp. 19-20. It is also very likely that illiterate citizens cast fewer preferential votes.
- 42 ONPE 2002.
- 43 Yáñez 2000.
- 44 Tuesta Soldevilla 2001, p. 70.
- 45 El Comercio and Movimiento Manuela Ramos 1999.
- 46 Yáñez (2000) counted 18 limeñas among 26 congresswomen (69 percent). The JNE listed 64 members of Congress from the capital (53 percent) in unpublished data.
- 47 The author developed an index of unmet basic need from data in (INEI 1993).
- 48 Tuesta Soldevilla 2001, pp. 76-77.
- 49 Schmidt 1996.
- 50 See Schmidt 2003b.
- 51 See Fujimori 2002.
- 52 See Moser 2001, pp. 367-368.

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Conclusion:

# Lessons Learned from the Latin American Experience with Quotas

At the February 2002 workshop in Lima, various types of quota provisions were discussed, including constitutional, legislative and political party quotas, with legislated quotas dominating in the region. The comparative analysis that emerged from the workshop is extremely valuable for identifying strategies for quota implementation and for assessing both positive and negative lessons learned. The workshop began with key questions. What is the likelihood that quotas will be introduced? What is the likelihood that they will be implemented? It is apparent that Latin America offers some of the best and worst examples of quota implementation in the world, but it must be remembered that what is best practice in one country is not necessarily best practice in another. Country contexts are important. It emerged that the implementation of quotas seems to depend somewhat on strong mobilization of women with many organizations involved, and that windows of opportunity exist for reform, especially when electoral codes and laws are revised. It is also important to note how the argument for quotas is being articulated—what kinds of arguments are being forwarded for the inclusion of women in democracy building, in regard to citizenship and to the perspectives that women bring to politics. In relation to successful implementation, it emerged that preciseness in terms of sanctions for non-compliance with the laws is key, and that these sanctions are closely tied to the type of electoral system in existence.

The following is a summary of the main points of

discussion and the lessons learned from Latin America.

## ***1. The Context in which Quotas are Promoted is Important***

A common theme throughout the workshop was that the introduction of gender quotas is highly influenced by the recommendations of international organizations and by cross-country inspiration. This is especially obvious in Latin America, where there is little doubt that the recommendations of international organizations and international agreements like the CEDAW and the Beijing Platform for Action have all provided impetus for groups lobbying for quotas. During the process of democratization in Latin America in the 1980s, the women's movement worked hard to get its issues on the political agenda, building alliances across countries and internationally. This phenomenon is global, but no other region has witnessed implementation of electoral quotas on a par with Latin America.

It was agreed that the implementation of quotas is country-specific: what works in one country will not necessarily work in another. The introduction of quotas should be based on a number of considerations, including the political culture and context of each country, the type of electoral system, the political system and the socioeconomic context, with particular attention being paid to how they affect women. Additionally, consideration should be given to the culture of the organization and the operation

of the political parties, and to how the latter view quotas. The case of Peru illustrates that, while women's groups, women in political parties and the Committee on Women continually flagged the issue of quotas, it took the public support of former President Alberto Fujimori to get quota legislation through Congress. Having support from below, as well as from high-ranking officials in government has been especially important in some countries. Finally, it was noted that quotas should be promoted as part of a set of policies, rather than being treated as a policy intervention. These are some of the context-specific factors to be mindful of when considering quotas or lobbying for them.

## **2. Quotas and Electoral Systems**

The legislative quota system is widely used in Latin America, with Argentina pioneering the introduction of legislative quotas in the region in 1991, and ten other countries in the region following suit between 1996 and 1997. It is important to bear in mind the factors that influence the efficiency of quotas, including the type of electoral system—the proportional representation system easily lends itself to the implementation of quotas because of placement mandates that can be applied to political party lists. However, it is important to consider whether lists are open or closed, as voters may be able to influence the number of women elected by voting for women in open list systems. This is not possible in a closed list system where the political party determines the rank ordering of candidates. While most researchers have highlighted the merits of the closed list system as a means of increasing the representation of women, Schmidt shows that, in the case of Peru, open list systems can be beneficial to women candidates.

In open list systems, though, candidates are expected to campaign to gain the support of voters. It was noted consistently that women face obstacles in the area of campaign funding, often not having access to 'moneyed' networks from which large quantities of funds for campaigning are raised. This often puts women at a disadvantage compared to men. This is also a particular problem in uninominal elections (or constituency elections) in which candidates actively campaign for votes. A further problem was highlighted in regard to mixed electoral systems, under which some candidates are elected by a majority vote in single-member districts, while others are elected

via party lists in multi-member districts. Although quotas may be applicable to party lists, the quota does not apply to elections in single-member districts, as is the case in Bolivia. Therefore, different strategies need to be considered for implementing quotas in single-member districts. In this respect, further analysis of the relationship between the success or failure of quotas and the electoral system of each country is needed.

## **3. Implementation and Enforcement of Quotas**

When considering the legal framework of quotas, a distinction needs to be made between indicative quotas, where the quota percentage is established without specifying how it is to be met, and compulsory quotas, which stipulate how the percentage is to be achieved by specifying the alternation or sequencing of candidates—for example, that at least one of every three candidates must be a woman. Indicative quotas exist in Brazil and Paraguay, whereas Argentina, Bolivia, Costa Rica, and Uruguay have compulsory quotas. In Argentina, Costa Rica and Mexico, the initial quota laws that were implemented did not contain placement mandates and as a result political parties complied minimally with the quota, or sometimes not at all. The process of quota implementation has now progressed to a second level in these countries where there has been a shift from legislative recommendations to a quota system based on laws and regulations that specify the alternation of candidates on lists and provide strict enforcement sanctions if the quota is not met. The examples at the workshop demonstrate the importance of developing clear and detailed laws regarding implementation and enforcement of quotas, and to examine further the concept of the 'effective quota', which can provide a common yardstick for comparing the extent to which quotas have been implemented (or not) across districts of varying magnitude and with different electoral systems.

In regard to implementation, many political actors are involved, from political parties to the electoral management body. It is important to investigate which entities are involved and what their responsibilities are in the implementation process: the criteria adopted and the obstacles that they may encounter. The 'second wave' of quota reform has led to a key role for EMBs in enforcing the implemen-

tation of the quota in a handful of countries. Additionally, support from civil society organizations and the women's movement has been critical in many countries, in terms of monitoring quota implementation, and pressing for changes to existing laws that were inadequate in practice.

The examples from the region highlight the importance of how laws are drafted, and an important consideration in this respect is the language that is employed. Quotas can be drafted to apply to women, or they can be drafted in a gender-neutral way, whereby, for example, a list of candidates must contain 30 percent of each sex. Framing a quota law in this manner circumvents the argument that is often used by opposing groups: that quotas are discriminatory.

#### **4. Political Parties**

Another key aspect to consider in further research on electoral quotas is that of political parties. In the nomination and recruitment of electoral candidates, political parties are the real gatekeepers, and hence are able to promote women candidates. It is important, therefore, to analyse how women participate in the party, what guidelines political parties have for selecting candidates and whether these include women, and how parties seek to ensure that they abide by quota laws. Transparency in nomination and selection processes is important to foster a culture of inclusiveness and democracy within political parties. It is apparent that women are confronting both explicit and implicit barriers when trying to reach higher positions within parties. A related issue that has already been mentioned is that of financing election campaigns, both those within the party if primary elections are held, or for seats at the national level. Further research is needed to document the real challenge that financing poses to women.

Another area for comparative research is whether party ideology or the size of the party matter for the election of candidates. Araújo writes that it has been easier for Brazilian women to be nominated in small parties and in left-wing parties. Other studies also include the green parties in this group.

#### **5. Women's Participation, Democracy and Political Power**

Participants also discussed the relationship between the political participation of women and democracy.

A particular issue raised was why the political participation of women is not considered a key element of a democracy. It was agreed that women's movements have been somewhat successful at putting this on the political agenda and that it is important to initiate some discussion of it. Strengthening democracies requires the participation of all actors in a society, including women.

A related issue that was raised in the Latin American context, where quota laws have been in existence for nearly a decade, is how to translate numbers into real changes in politics. That is, in areas where quotas have been applied, what has been the impact of women's participation on national decision-making? This issue is tied to the arguments that are advanced to push for quotas—that women bring different experiences and perspectives to politics or that a greater presence of women will ensure that gender-related issues are put on the legislative agenda. However, there is no comparative research that assesses the impact that women have had on politics in Latin America, or the obstacles that women continue to face once elected to decision-making bodies. Women's political participation should be evaluated in the context of the political regimes.

Opinion surveys conducted in the region reveal that electoral quotas are accepted in Latin American societies. Jacqueline Peschard shows that two-thirds of the population consider quotas to be beneficial to the continent and that a majority of the populations supports the idea of having more women in political positions. What is particularly interesting is that they consider women to be more honest than men, and they believe that women are better at taking decisions. This is a key issue for further investigation, since more female politicians might engender qualitative changes in politics and policy. Research carried out in the Nordic countries clearly demonstrates that more women in politics have dramatically changed politics and policymaking, and that women do have an effect on political decision-making.

A further area that was mentioned was how the mechanisms of access for women can be extended to new areas of decision-making, such as multilateral agencies, financial institutions, international organizations, and, generally, the national, regional and international fora in which the economic agendas are decided upon.



## **6. The Role of Civil Society, Networks and the Media**

It was agreed that there is a need for a network within Latin America, and across regions, of civil society organizations and other stakeholders involved in the issue of quotas to allow for cross-country information sharing on strategies and lessons learned. Successes in one country can serve as a model for other countries, and can be a source of inspiration. Networks may work as a forum for cross-national exchanges of experiences. Additionally, the contribution made by civil society organizations to the processes of lobbying and enforcing quota laws is an important lesson from the region. The examples of Argentina and Costa Rica demonstrate the important contribution of civil society to the implementation and also the reform of the quota laws.

On acquiring political positions, furthermore, it is important for the elected women to get support as women and as leaders. Women's organizations are essential in this respect, and may constitute a base for further education (*capacitación*) and empowerment. The media was also highlighted as a potential resource in the fight for, and the implementation of, quotas. While there is awareness that the media tends to stereotype both sexes, it is apparent that having it on side will be advantageous. By building relationships with journalists and developing communication skills, women will find that the media can be an effective channel for garnering public support. Yet further investigation on how best to utilize this resource is needed.

The successful implementation of quotas seems to depend on well-developed strategies and strong civil society mobilization, as well as political will. The women's movement has played a central role in the implementation of gender quotas, and the interaction between political institutions and women's organizations is crucial. However, electoral quotas are a new global phenomenon, and comparative research on a worldwide scale is needed. Several areas of potential research were suggested in the workshop, including investigating whether quotas are really a temporary or transitory measure, in how many countries there have been legislative attempts at quotas and why they have succeeded or failed, and where and how quotas apply in regional parliamentary assemblies. Additionally, the implementation of electoral quotas has to be analysed in the very specific

national context, where different actors are a part of the development, successfully or unsuccessfully.

The workshop showed that there are many similarities between the countries of Latin America, but also that there are numerous differences. This implies that we cannot generalize about the region, since every country is a unique case with its own history and its own social, economic, and political context. It is important, therefore, to carry out further comparative analyses and to establish cross-country networks in Latin America and elsewhere. The implementation of electoral gender quotas is one of the challenges facing women in gaining full rights of citizenship, and they are also an expression of the state of the democratization process in Latin America.

The examples and experiences in this report are not only relevant to the Latin American context but they should also be seen to contribute to a growing awareness of the need to generate global and comparative knowledge about quota implementation and enforcement. While there is agreement that quotas have contributed significantly to increasing female representation in the region, there is also some agreement that quotas in themselves are not sufficient to alter fundamentally power relations in society. Yet quotas are a key step towards ensuring inclusive decision-making processes and policy development, thereby involving women in the decisions that have a direct bearing on their lives and those of their families. Underpinning all efforts is the need to foster the political will that nurtures and promotes true gender equality.

## About the Authors

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