



Since 1991, fourteen Latin American countries have implemented gender quotas. These have enabled the region to establish one of the highest levels of women's representation in political decision-making structures around the world.

## PROMOTING GENDER EQUITY IN POLITICS THROUGH AFFIRMATIVE ACTION MEASURES: LATIN AMERICAN GENDER QUOTAS

### SUMMARY

Since the 1990s, the majority of Latin American countries have implemented gender quota legislation in order to raise the proportion of women participating in political decision making. This Brief analyses the impact these laws have had on the number of women in Latin American parliaments, as well as the conditions that have made certain quota laws more successful than others. Latin American experience of gender quotas in legislative elections has many lessons to offer since this region ranks amongst the most inclusive in the world.



### COMMON PROBLEM AND POLICY RELEVANCE

According to international conventions, it is a human right to be elected, to participate in politics and decision making processes and to be politically represented.<sup>1</sup> While the third Millennium Development Goal (MDG) states that by 2015 at least 30% of the legislative branch in all countries should be made up of women, the United Nations [2012 Millennium Development Goals Report](#) shows that in many regions of the world progress is way off target.

For instance, in Latin America women do not have equal access to political functions and are therefore unequally represented in politics. The percentage of women in Latin American congresses is indeed only a little more than 23% on average.<sup>2</sup> Nonetheless, countries in Latin America and the Caribbean (LAC) have made important progress since the 2000s. LAC is currently the region in

## KEY LESSONS LEARNED

Well-designed gender quota legislation enables governments to increase the representation of women in political decision making spaces, and represent a first step towards equal representation between men and women. To improve women's opportunities to get elected, quota norms need strong enforcement mechanisms and should contain a positioning mandate. Proportional representation systems with closed lists provide a more favourable context for quota norms to achieve success.

<sup>1</sup> The right to participate directly or through representation in a country's decision making processes and the right to access public service functions are mentioned in [Article 21](#) (21.1 and 21.2) of the [Universal Declaration of Human Rights](#), as well as in Articles 23.1 and 23.2 of the [American Convention on Human Rights](#). The [African Charter on Human and People's Rights](#) also makes mention of these political human rights in Article 13. Regarding women's rights, Article 4 of the [UN Declaration on the Elimination of Discrimination Against Women](#), and Article 7 of the [Convention on the Elimination of All Forms of Discrimination Against Women](#) mention women's rights to be elected, participate in their countries' decision making processes and access public service functions in all levels of government.

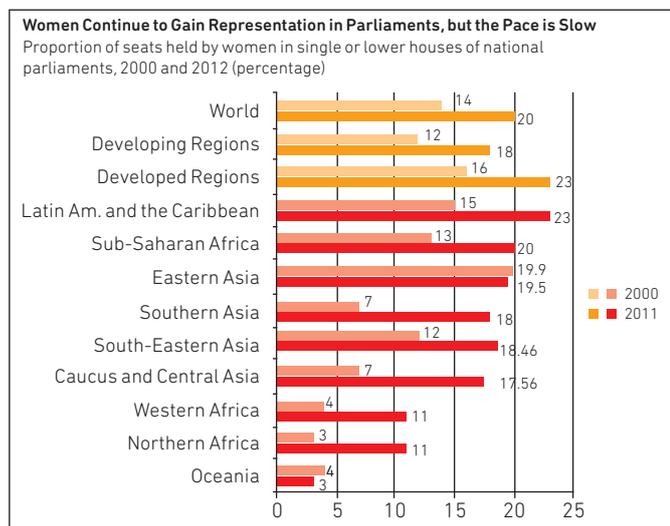
<sup>2</sup> United Nations. 2012. [The Millennium Development Goals Report](#). United Nations, New York.



the global South where women have better access to legislative seats<sup>3</sup> and is even moving ahead of the United States and many European countries.<sup>4</sup> This achievement can be explained by the implementation in 14 Latin American countries<sup>5</sup> of particularly innovative, well-designed and well-implemented affirmative action measures: gender quota norms.<sup>6</sup> Gender quotas are temporary measures that require political parties to include women in their electoral lists, thereby seeking to correct the inequalities that exist between representation of men and women in politics. In Latin America, gender quotas have been used particularly in legislative elections to increase the number of female members of parliaments.

Although many countries in Africa and Asia have also implemented affirmative action measures, such as reserved seats and constituencies, and have seen increases in the percentage of women in the legislative branch, Latin America stands out. This is not only because some of its quota norms possess characteristics that have enabled significant advances in the presence of women in the legislative branch, as Figure 1 below shows,<sup>7</sup> but also because the region is home to the first country in the world to pass a gender quota law applicable to all political parties: Argentina.<sup>8</sup>

**Figure 1: Women’s Representation in Parliaments**



Source: United Nations 2012, above n2

To provide a thorough overview of Latin American quota laws, this Brief is based on a review of different types of documents, including international and regional human rights declarations and reports, national constitutions and legislation, expert publications, dissertations, working documents and newspaper articles. Theoretical articles were also consulted on debates surrounding the impacts of gender quotas on the effective representation of women’s interests in political spheres.

## LATIN AMERICAN GENDER QUOTAS

There has been some improvement over recent decades regarding access to political positions by women worldwide, with more than 16 countries reaching over 30% representation by women in their parliaments. However, these accomplishments remain isolated and special measures need to be implemented by governments across the globe to ensure the right of women to be political candidates.<sup>9</sup> Since the 1990s, Latin American countries have passed affirmative action measures to tackle the discrimination that women face in accessing decision-making positions. As a sign that political culture is changing, there are currently four women at the head of Latin American and Caribbean governments. They are:

- Dilma Rousseff, President of Brazil since 2011
- Laura Chinchilla, President of Costa Rica since 2010
- Cristina Fernández de Kirchner, President of Argentina since 2007
- Portia Simpson-Miller, Prime Minister of Jamaica since January 2013<sup>10</sup>

Affirmative action measures seek to create opportunities for specific groups in society to access rights they have historically been denied due to racial, gender or social discrimination. Among these measures, also called positive discrimination, are several gender affirmative actions relating to the political sphere. These actions aim to make it easier for women to access

<sup>3</sup> Ibid.

<sup>4</sup> Inter-Parliamentary Union and UN Women. 2012. *Women in Politics: 2012*. Inter-Parliamentary Union and UN Women, Geneva.

<sup>5</sup> To find out more about Latin American gender quota legislations, see the [ECLAC Gender Equality Observatory](#) webpage.

<sup>6</sup> In many countries in Latin America, the legal texts that regulate gender quotas are not necessarily specific laws. Quotas are usually mentioned or added to existing and more general laws (such as electoral laws, or gender equity laws). Therefore quota ‘norms’ is the terminology used in this Brief.

<sup>7</sup> Krook, M. 2008. La Adopción e Impacto de las Leyes de Cuotas de Género: una Perspectiva Global (Adoption and Impact of Gender Quotas Laws: A Global Perspective). In: Ríos Tobar, M. (ed). 2008. *Mujer y Política: el Impacto de las Cuotas de Género en América Latina (Women and Politics: the Impact of Gender Quotas in Latin America)*. FLACSO Chile and IDEA International, Santiago.

<sup>8</sup> Schwindt-Bayer, L. 2011. *Gender Quotas and Women’s Political Participation in Latin America*. Vanderbilt University, Nashville.

<sup>9</sup> United Nations Research Institute for Social Development. 2005. *Gender Equality Striving for Justice in an Unequal World*. UNRISD, Geneva.

<sup>10</sup> Lopez Torregrosa, L. 2012. *Latin America Opens up to Equality*. New York Times. Online publication.



political seats and therefore enjoy their right to participate in their country's decision-making processes and to be elected. Although several gender affirmative actions exist, such as reserved seats and constituencies, or quotas in the internal administration of political parties, this Brief focuses on a specific action that has been acknowledged as the most effective for helping women access elected positions: gender quota norms.<sup>11</sup>

Gender quota norms are temporary measures that require political parties to include a certain percentage of women as candidates. They are usually applied to legislative elections, thereby seeking to raise the number of female members of parliaments. They provide women with an opportunity to be selected as candidates by political parties, to present and defend their political ideas and to campaign and prove themselves as worthy candidates. As will be discussed below, many experts agree that the presence of well-designed and well-implemented gender quotas in Latin American countries has been decisive for the rise in the number of women participating in the region's parliaments, as they indirectly allow for more women to be elected.<sup>12</sup> Although they seem to be discriminatory themselves, these measures have been acknowledged in some Latin American constitutions because they are temporary measures that seek to correct discrimination, ensure larger representation and improve democratisation processes,<sup>13</sup> and will be removed once these objectives are reached.

## THE IMPACTS OF GENDER QUOTAS IN LATIN AMERICA

### 1) Descriptive Representation

In the majority of Latin American countries, the main obstacles for women to access elected positions are political parties. Indeed, the nomination of women as candidates by their political party remains a bigger challenge than convincing the electorate that they are as strong candidates as men, since political parties are still reluctant to put women forward, believing that they will not get elected.<sup>14</sup> Although gender

quotas do not directly ensure the election of women to political positions – since it is the electorate that remains the decisive factor in the election process – they have been acknowledged as the most effective strategy to accelerate women's inclusion in political processes. This is because gender quotas facilitate the election of women by making it mandatory for political parties to include women in their electoral lists, especially in positions where they are more likely to be elected.<sup>15</sup> For this reason, quota norms are said to increase women's descriptive representation.<sup>16</sup> For instance, in Mexico, the number of women in parliament has significantly increased since the 1950's, however, the largest rises came about in 1994, after the promulgation of the Federal Rules for Institutions and Electoral Processes (*Código Federal de Instituciones y Procedimientos Electorales*) and in 2003 and 2009, after reforms making the norm more effective.<sup>17</sup>

Gender quotas also promote changes in electoral behaviour and political culture among voters and political parties by providing women candidates with legitimacy.<sup>18</sup> In Peru and Mexico, it has been shown that women and men are voting increasingly for female candidates. Furthermore, women have been appointed heads of government in several Latin American countries, including Argentina and Costa Rica.<sup>19</sup>

### 2) Substantive Representation

While the number of women in parliaments is rising, their effective political participation is limited by the fact that they still have little access to positions of power and decision making within parliaments and this can weaken women's influence on legislative debates. For this reason, it is still debated whether there is a clear link between gender quotas and women's substantive representation in parliament, defined as the fact that their interests and voices are being taken into account by their representatives in legislative debates and decisions. Indeed, experts disagree on whether quota norms directly increase women's political participation in the sense that women really influence political debate.<sup>20</sup>

<sup>11</sup> Archenti, N., Tula, M. 2007. *Los Límites Institucionales de las Cuotas de Género en América Latina (Institutional Limits of Gender Quotas in Latin America)*. In: *Iberoamericana* 7 (27) 184 - 190

<sup>12</sup> Ibid; Estrada, D. 2009. *Quota Laws Have Been Very Successful in Latin America*. InterPress Service, Online publication; Hevia Rocha T. 2012. *Mujeres: Participación Política en México 2012 (Women's Political Participation in Mexico 2012)*. UNDP, UN Women and Electoral Tribunal of the Federal Executive Power, Mexico; Piscopo, J. 2006. *Engineering Quotas in Latin America*. Center for Iberian and Latin American Studies, San Diego.

<sup>13</sup> Archenti and Tula 2007, above n11.

<sup>14</sup> UNRISD 2005, above n9.

<sup>15</sup> Estrada 2009, above n12; Archenti and Tula 2007, above n11; UNRISD 2005, above n9.

<sup>16</sup> Schwindt-Bayer, L. 2009. *Making Quotas Work: The Effect of Gender Quota Laws on the Election of Women*. In: *Legislative Studies Quarterly* 34 (1) 5-28.

<sup>17</sup> Hevia Rocha 2012, above n12.

<sup>18</sup> UNRISD 2005, above n9.

<sup>19</sup> Fernández Poncela, A. 2011. *Las Cuotas de Género y la Representación Política Femenina en México y América Latina* (Gender Quotas and Women's Political Representation in Mexico and Latin America). In: *Argumentos* 24 (66) 247 274.

<sup>20</sup> UNRISD 2005, above n9.



Some experts, for instance, argue that the impact of quotas on substantive representation can be limited by predominant party attitudes and the fact that some women choose to stick to their political party's guidelines and political programmes rather than pushing for collaboration on the promotion of women's participation.<sup>21</sup> Other experts stress the fact that higher presence, or "critical mass", of women in the chambers and among senior policymakers makes gender issues more visible, generates greater discussion around gender issues and improves the responsiveness of policies to women's needs.<sup>22</sup>

Although increasing numbers of women in parliaments does not directly guarantee better representation of women, it is a first and necessary step. In several Latin American countries, higher numbers of women in parliaments have enabled women to come together within gender caucuses and commissions, working across party lines and raising awareness of gender issues. In Ecuador, for instance, the Assembling Group for Women's Rights has become a strong gender caucus, bringing together 40% or more of parliamentarians, women and men, and promoting progressive gender policies on the political agenda.<sup>23</sup> In Costa Rica and Argentina, where quota laws have had better impacts than in any other Latin American country (Box 1),<sup>24</sup> women have reached positions of power in legislative commissions, thereby increasing opportunities for all women to defend their interests. In Costa Rica, for instance, several women participate in and have been nominated as the head of commissions for economic affairs, foreign affairs and trade, public income and expenses monitoring, among others.<sup>25</sup>

### Implementation of Legal Provisions by 14 Latin America Countries

Most quota norms in Latin America were passed between 1990 and 2000 and since then the effects of these measures have been significant (Figure 2). Indeed, in the majority of

Latin American countries that have not implemented gender quotas, such as Chile, Colombia, El Salvador and Guatemala, the bar of 19% of legislative seats held by women has barely been reached.<sup>26</sup> Apart from Nicaragua and Cuba, which have very high levels of women's representation in parliament due to specific historical and political contexts,<sup>27</sup> in countries like Chile, Colombia, El Salvador and Guatemala the number of women in parliament has risen at a lower rate (by 114% between 1997 and 2013) than the countries that implemented gender quotas (245% from the passing of the quota norms to 2013).<sup>28</sup>

**Figure 2: Evolution of the Number of Women in Latin American Parliaments Since the 1990s**

|   | Country            | Proportion of women in lower houses before the passage of quota norm, or in 1997 (%) | Proportion of women in lower houses in 2013 (%) | Growth rate (%) |
|---|--------------------|--|---|-----------------|
| <b>Countries with gender quota norms</b>    | Argentina          | 6  | 37.4  | 523             |
|   | Ecuador            | 4  | 38.7  | 868             |
|   | Peru               | 11   | 21.5  | 95              |
|   | Costa Rica         | 14   | 38.6  | 176             |
|   | Honduras           | 9.4  | 19.5  | 107             |
|   | Dominican Republic | 12   | 20.8  | 73              |
|   | Bolivia            | 11   | 25.4  | 131             |
|   | Mexico             | 17   | 36.8  | 116             |
|   | Brazil             | 7  | 8.6   | 23              |
|   | Panama             | 9.7  | 8.5   | -14             |
|   | Paraguay           | 2.5  | 17.5  | 600             |
|   | Uruguay*           | N/A  | 12.1  | N/A             |
| <b>Average</b>                              |                    |  |   | <b>245</b>      |
| <b>Countries without gender quota norms</b> | Venezuela**        | 5.9  | 17  | 188             |
|   | Colombia**         | 11.7   | 12.1  | 3               |
|   | El Salvador        | 15.5   | 26.2  | 69              |
|   | Chile              | 5.8  | 14.2  | 145             |
|   | Guatemala          | 12.5   | 13.3  | 6               |
|   | Nicaragua          | 10.8   | 40.2***   | 272             |
|   | <b>Average</b>     |  |   |                 |

\*Uruguay implemented gender quotas in 2009, but they will not be effective until 2014.

\*\*Venezuela and Colombia did pass gender quota norms, but they have been declared unconstitutional.

\*\*\*In Nicaragua, several political parties have implemented voluntary gender quotas. Source: Author's own elaboration based on Ríos Tobar *et al.*, see footnote n24; Inter-Parliamentary Union. 2013. [Women in National Parliaments](#). Online Publication.

<sup>21</sup> Franceschet, S. 2008. ¿Promueven las Cuotas de Género los Intereses de las Mujeres? El Impacto de las Cuotas en la Representación Sustantiva de las Mujeres (Do Gender Quotas Promote Women's Interests? The Impact of Quotas on Women's Substantive Representation). In: Ríos Tobar, M. (ed). 2008. [Mujer y Política, el Impacto de las Cuotas de Género en América Latina \(Woman and Politics, the Impact of Gender Quotas In Latin America\)](#). IDEA International, FLACSO Chile and Catalonia, Santiago.

<sup>22</sup> Ibid.

<sup>23</sup> To learn more about gender caucuses in Latin America, watch the video [Gender Caucuses and Commissions in Latin America: Lessons Learned](#) in which Kristen Sample, IDEA International Head of Mission for the Andean Region, describes the characteristics of some successful Latin American gender caucuses.

<sup>24</sup> Estrada 2009, above n12; UNSRID 2005, above n9; Ríos Tobar, M. Hormazábal, D. Cook, M. 2008. El Efecto de las Leyes de Cuota en la Representación de las Mujeres en América Latina (Quota Laws' Effects on Women's Representation in Latin America). In: Ríos Tobar, M. (ed). 2008. [Mujer y Política, el Impacto de las Cuotas de Género en América Latina \(Woman and Politics, the Impact of Gender Quotas In Latin America\)](#). IDEA International, FLACSO Chile and Catalonia, Santiago.

<sup>25</sup> To learn more about the composition of Costa Rican Legislative Commissions, see the [Costa Rican Congress](#) webpage.

<sup>26</sup> Ríos Tobar *et al.*, above n24.

<sup>27</sup> In 2012, Cuba reached 45.2% of legislative seats held by women, the third best score in the world according to the [2012 Women In Politics Survey](#) by UN Women and the Inter-Parliamentary Union. As shown in [Luisita Lopez Torregrosa's article](#), some experts believe that this achievement might be due to Cuba's post-conflict context, as well as the acknowledgment of women's rights by the revolution and their enforcement through investments made in literacy and public health. The [2012 Women In Politics Survey](#) also points out Nicaragua's achievements (40.2% representation in 2012). According to the UN 2012 [Millennium Development Goals Report](#), what seems to have played a significant role in Nicaragua's outcomes in terms of the number of women in its parliament is the voluntary adoption of gender quotas by political parties.

<sup>28</sup> Ríos Tobar *et al.* 2008, above n24.



The 14 Latin American countries that have implemented gender quotas have done so through different kinds of norms. Some of them, such as Argentina, Bolivia and Ecuador have acknowledged in their constitutions the need to guarantee effective equality between men and women in politics. Article 37 of the constitution of Argentina, for instance, mandates the implementation of affirmative action in political parties and the electoral system.<sup>29</sup> Once gender quotas have been acknowledged in the constitution, quota legislation is usually passed as a complementary measure. Similarly, in some countries where gender quotas are not recognised in the national constitution, complementary regulation processes have nevertheless been implemented. In both cases, three kinds of supplementary quota legislation can be identified:

- The adoption of a specific law regulating gender quotas, as it is the case in Argentina. The 1991 National Gender Quota Law ([Ley Nacional de Cupo Feminino](#)) and its decrees set out a comprehensive set of rules and sanctions regarding quotas (Box 1).
- The inclusion of gender quotas in general electoral laws. Bolivia and Mexico fall into this category. The 2001 Bolivian New Electoral Law (*Nueva Ley Electoral*) and the 1993 Mexican Federal Rules for Institutions and Electoral Processes ([Código Federal de Instituciones y Procedimientos Electorales](#)) and its three reforms (1996, 2002, 2008) regulate gender quotas.
- The inclusion of gender quotas in regulations regarding gender equality, such as the 1990 Real Equality Law (*Ley de Igualdad Real*) in Costa Rica and the Law of Equal Opportunities for Women ([Ley de Igualdad de Oportunidades para la Mujer](#)) passed in Honduras in 2000.<sup>30</sup>

## CRITICAL SUCCESS FACTORS

Latin American quota norms have diverse designs and characteristics and, depending on the way they were drafted and implemented, have generated diverse outcomes. It also seems that some external factors are responsible for the success of these measures.

### 1) Design of the Law

In order to achieve better outcomes, and really bring about a higher presence of women in parliaments, it seems that gender quota norms must comply with a series of requirements.

First, it seems that gender quota norms should be mandatory. Several gender quotas in Latin America appear to be mere recommendations to political parties and do not contain adequate incentives for them to respect the minimum proposed. Many experts agree that it is necessary to make gender quotas mandatory and to strengthen constitutional or legal provisions with sanctions.<sup>31</sup> Indeed, sanctions provide the norm with a real legal dimension, making it possible for citizens to demand that it be respected. A possible sanction could be the cancellation of any electoral list that does not comply with the minimum stated in the law; 30% in the case of Argentina, Bolivia, Honduras, Panama, and Peru and 40% in Costa Rica and Mexico. Ecuador raised its gender quota to 30% in a reform to the Electoral Code in 2000, which also specified that the quota should be increased by 5% in each important election until it reaches 50%. As a result, the quota increased from 35% in 2006 and to 50% in 2009.<sup>32</sup> The 20% electoral list minimum in Paraguay does not appear to be sufficient to reach an overall 30% of legislative seats held in parliament by women. It is also clear from Latin American experience that the higher the quota, the higher the probability that more women will be elected into parliament.<sup>33</sup>

Second, gender quota norms should contain a provision requiring a specific mandate/positioning on electoral lists. As the main objective of gender quotas is to enable more women to access political positions, and therefore more women to be elected, the quotas should require that political parties design their list in such a way that women indeed have real chances of being elected. In countries where there are no such provisions, such as Brazil, Panama and Venezuela, political parties tend to relegate women to positions where they have fewer probabilities of being elected, or to substitute lists. As a consequence, these countries not only have lower numbers of women in parliament compared with other Latin American

<sup>29</sup> [Article 37](#) of the [constitution of Argentina](#).

<sup>30</sup> Archenti and Tula 2007, above n11.

<sup>31</sup> Many experts on gender in politics arrive at the same conclusions regarding the elements that gender quotas norms should consider. The following publications are a sample of those which agree on the criteria that are being developed here: Hevia Rocha 2012, above n12; UNRISD 2005, above n9; Fernández Poncela 2011, above n19; Schwindt-Bayer 2009, above n16; Archenti and Tula 2007, above n11; Ríos Tobar *et al.* 2008, above n24; Archenti, N., Tula, M. 2007. [Cuotas de Género y Tipo de Lista en América Latina \(Gender Quotas and Type of Lists in Latin America\)](#). In: *Opinião Publica* 13 (1) p. 185-218.

<sup>32</sup> Schwindt-Bayer 2009, above n16.

<sup>33</sup> *Ibid.*



countries implementing gender quotas, but they have also demonstrated slower increases in women's representation from 1990 up until today. Many experts agree that a provision should also require specific positioning on the lists alternating men and women, in a "zipped list", or that each third candidate on the list should be a woman. These provisions help prevent political parties from nominating women to symbolic positions.

Finally, some norms go even further by requiring that the gender quota be applied to substitutes lists. When a woman is the titular candidate, her substitute should also be a woman. This avoids scenarios that have appeared in several Latin American countries during the implementation of gender quotas, whereby elected women have been pressured to resign to let their male substitute take the seat. To put an end to this practice in Mexico, the Electoral Tribunal of the Federal Judicial Power passed a resolution in November 2011 which stated that when a titular candidate is a woman, her substitute must also be a woman.

## **2) Electoral System (External Factors)**

Gender quotas alone are unfortunately not enough to boost the number of women elected to parliament. Several external factors can either complement or limit the quotas. For instance, the combination of well-designed, well-implemented quota laws and favourable electoral systems are significant factors that determine whether women actually access legislative seats.

Several elements seem to improve the impacts of gender quotas. First, it has been shown that proportional representation systems, as opposed to majority systems, favour the election of women in general and can therefore reinforce the effects of quota norms. The fact that several candidates can be elected usually improves confidence among political parties in the capacity of women candidates to be elected. This can also be explained by the fact that, in order to win, women do not need to win the highest number of votes, nor do they need to belong to the winning party.<sup>34</sup> In Mexico, for instance, both systems coexist and it has been noted that gender quotas have higher impacts in the districts where proportional representation systems are used than in majority districts, where political parties tend to place women

candidates in those districts where the party has less chances of winning. This way, the party can respect the quota while also lowering the "risk" of women not getting elected and losing a possible seat for the party.<sup>35</sup>

A second critical factor is the type of list or the structure of the ballot. The majority of experts agree that "closed and blocked" lists are more favourable to women. In this type of ballot, electors vote for a party rather than for an individual and have no influence on the order of the candidates on the lists. The impact of a positioning mandate therefore remains intact, whereas in unblocked or open lists, it can be altered by voters changing the order of the candidates on the list. Indeed, voters might need time to assimilate the sudden increase of women candidates and might wait that they gain more experience before voting for them.<sup>36</sup>

## **3) The Role of Political Parties**

In cases when gender quota norms are not mandatory, political parties are one of the main obstacles to gender quotas since they create the electoral lists. However, as much as they can be a reason why gender quotas fail, political parties can also be one of the main elements that ensure their success, especially when the time comes to go beyond gender quotas and reach higher percentages and parity.<sup>37</sup> Nicaragua is a very good example of the decisive role of political parties in the advancement of women to elected positions. Nicaragua did not implement gender quotas norms but its political parties have voluntarily adopted gender quotas. Consequently, Nicaragua has one of the highest percentages of women parliamentarians in the world. This demonstrates that the voluntary adoption of quotas by political parties can, in some cases, be more effective than making them mandatory by law. Indeed, the struggles that parties might go through in implementing internal gender quotas on their own initiative, makes it more probable that the party will become more sensitive to gender issues and include them in its political programme.<sup>38</sup> Indeed, the impact of quotas on the approach of political parties to gender issues is far less significant when the quotas are required by a law and therefore forced on to political parties. It is necessary for political parties to understand that they could benefit from including women in their lists, since this can improve legitimacy and make

<sup>34</sup>Schwindt-Bayer 2009, above n16.

<sup>35</sup>To learn more about this issue in Mexico, see *Equidad de Género en la Cámara de Diputados* (Gender Equity in the Chamber of Deputies) available on the [Curul 501](#) blog.

<sup>36</sup>The reflections in these three paragraphs have been drawn from several publications including: Fernandez Poncela 2011, above n19; Archenti and Tula 2007, above n11; Archenti and Tula 2007, above n31; Schwindt-Bayer 2009, above n16; UNRISD 2005, above n9.

<sup>37</sup>Parity is reached when there are as many women as men in parliaments, or 50% of seats are held by women.

<sup>38</sup>UNRISD 2005, above n9.



them more inclusive and representative, which can appeal to electorate.<sup>39</sup> Several countries in Latin America acknowledge the leading role of political parties in gender quotas because they include in their legislations provisions that require political parties to implement quotas in their internal structures. Bolivia and Costa Rica, for instance, require parity within the administration and management of political parties, and Honduras and Peru require a 30% internal quota.<sup>40</sup>

#### 4) Complementary Tools

It is important to remember that to be effective, gender quotas need to be complemented with other tools and included in a more integral approach that seeks to strengthen women’s empowerment.<sup>41</sup> For instance, measures are required to strengthen women’s capacity building and leadership, such as in Mexico where political parties must designate 2% of their annual budget to these activities.<sup>42</sup> As the media is the main channel of political information, it is also indispensable to promote equal and fair media coverage for women candidates.<sup>43</sup>

## LIMITATIONS

In some Latin American countries, gender quotas have not achieved the expected outcomes. In Brazil, the Dominican Republic, Honduras, Panama and Paraguay, women still hold fewer than 20% of legislative seats. This can be explained by a number of challenges facing gender quotas in the region. Flaws may exist in the design of the norms, and they may not include mandatory provisions for quotas regarding positioning on the lists or the existence of sanctions. Norms may also not require a high enough percentage of women to feature on the lists, setting the minimum to 20% instead of 30% or 40%. An important element to take into account in order to avoid the failure of gender quotas is that it is vital to consider gender quotas as minimums and to understand that these measures are temporary and are only a first step towards gender equity in politics. Although several Latin American countries have reached the minimum set out in the MDGs, only a few have reached proportional representation (50%) which should be the goal to ensure real gender equity in politics. Unfortunately, many political parties in the region still consider gender quotas as the objective, when in fact they should be seeking to reach gender parity and promote a more inclusive democracy.<sup>44</sup>

### Box 1: Gender Quota Success Stories

Argentina and Costa Rica are recognised as two countries where gender quotas have had the greatest impacts on women’s access to legislative seats. They are considered by many experts as successful models to follow.

#### Argentina: a Pioneer in Gender Quota Legislation

Argentina was the first country in the world to pass a gender quota law. It is also the only Latin American country that has implemented a specific law to regulate gender quotas - the 1991 National Gender Quota Law ([Ley Nacional de Cupo Feminino](#)). This law has made Argentina one of the most promising countries in the world regarding women’s access to decision making positions, due to its comprehensive design and clear provisions. The law requires a 30% quota and that one woman be nominated out of every three candidates. Lists that do not comply are rejected. After the implementation of the law, the number of women in parliament increased almost immediately. Since then, a series of jurisprudence and decrees clarifying the legal provisions have meant that the numbers of women in parliament have never ceased to increase.

#### Costa Rica: Towards Parity

Costa Rica also implemented very comprehensive and clear quota provisions in its [Electoral Code](#). However, its success comes not only from the fact that it issues severe sanctions in cases of non-compliance, or that women are required to be placed on lists in positions where they could actually be elected, but also because it was the first country in Latin America to consider parity. In fact, Costa Rica first started with a very high quota (40%) and then focused on achieving parity and reaching 50%. Another success factor is that the quota also applies to the other popular elections, including municipal elections, and to the internal structure of political parties. This effort has been rewarded by a strong presence of women in parliament, and in particular at the head of several commissions dealing with economic affairs, foreign affairs and trade and public income and expenses monitoring.

Although they remain the region’s pioneers, these two countries have recently been joined by Ecuador, which implemented an interesting gender quota law that aims to accelerate the path towards parity.

<sup>39</sup> Schwindt-Bayer 2009, above n16.

<sup>40</sup> To learn more about Latin American quota legislations, see the [ECLAC Gender Equality Observatory](#) webpage.

<sup>41</sup> Medina Espino, A. 2010. [La Participación Política de las Mujeres: De las Cuotas de Género a la Paridad \(Women’s Political Participation: From Gender Quotas to Parity\)](#). Centro de Estudios para el Adelanto de las Mujeres y la Equidad de Género, Congreso de la Unión, Mexico.

<sup>42</sup> Hevia Rocha 2012, above n12.

<sup>43</sup> Lopez Torregrosa 2012, above n10; Llanos, B. 2011. [Unseeing Eyes: Media Coverage and Gender In Latin American Election](#). UN Women and IDEA, New York; Llanos, B., Nina, J. 2011. [Election Coverage from a Gender Perspective: A Media Monitoring Manual](#). IDEA and UN Women, Stockholm.

<sup>44</sup> Medina Espino 2010, above n41.



**Figure 3: Latin American Quota Legislations and the Proportion of Women in Lower Houses**

| Country                   | Quota law   | Quota        | Mandate/ Positioning        | Sanction                            | Electoral system  | Proportion of women in lower houses in 2013 (%) |
|---------------------------|---|--------------|-----------------------------|-------------------------------------|---|---|
| <b>Ecuador</b>            | 1998 and 2008 – Constitution<br>2000 and 2009 – Electoral law               | 50%          | Yes: every other candidate  | Weak                                | Open lists  | 38.7  |
| <b>Costa Rica</b>         | 1996 and 2009 – Electoral law<br>2000-2005 – Electoral tribunal resolutions | 50%          | Yes                         | Strong                              | Closed and blocked lists  | 38.6  |
| <b>Argentina</b>          | 1991 – Specific quota law and constitution                                  | 30%          | Yes: every three candidates | Strong                              | Closed and blocked  | 37.4  |
| <b>Mexico</b>             | 1993-2008 – Electoral law   | 40%          | Yes: every other candidate  | Strong – the list is not registered | Majority and proportional representation systems – closed and blocked lists | 36.8  |
| <b>Bolivia</b>            | 1997-2010 - Electoral law<br>2009 - Constitution                            | 50%          | Yes: every other candidate  | Strong                              | Majority and proportional representation systems – closed and blocked lists | 25.4  |
| <b>Peru</b>               | 1997 – Electoral law  | 30%          | No                          | Strong                              | Closed and unblocked lists  | 21.5  |
| <b>Dominican Republic</b> | 1997-2002 – Electoral law   | 33%          | Yes                         | Strong                              | Closed and blocked lists  | 20.8  |
| <b>Honduras</b>           | 2000 – Law for equality of opportunities for women<br>2004 – Electoral law  | 30%          | No                          | Weak - fine                         | Closed and blocked lists  | 19.5  |
| <b>Paraguay</b>           | 1996 – Electoral law  | 20%          | Yes – Every five candidates | Strong - the list is not registered | Closed and blocked lists  | 17.5  |
| <b>Uruguay*</b>           | 2009 – Electoral law  | Not explicit | No                          | Weak                                | Closed and blocked lists  | 12.1  |
| <b>Brazil</b>             | 1997 – Electoral law  | 30%          | No                          | Weak                                | Closed and unblocked lists  | 8.6   |
| <b>Panama</b>             | 2007 – Electoral law  | 30%          | No                          | Weak                                | Closed and unblocked  | 8.5   |
| <b>Nicaragua**</b>        | N/A   | N/A          | N/A                         | N/A                                 | N/A   | 40.2  |
| <b>El Salvador</b>        | N/A   | N/A          | N/A                         | N/A                                 | N/A   | 26.2  |
| <b>Venezuela</b>          | 1997<br>Declared unconstitutional in 2000                                   | N/A          | N/A                         | N/A                                 | N/A   | 17  |
| <b>Chile</b>              | N/A   | N/A          | N/A                         | N/A                                 | N/A   | 14.2  |
| <b>Guatemala</b>          | N/A   | N/A          | N/A                         | N/A                                 | N/A   | 13.3  |
| <b>Colombia</b>           | 1999<br>Declared unconstitutional in 2001                                   | N/A          | N/A                         | N/A                                 | N/A   | 12.1  |

\*Uruguay implemented gender quotas in 2009, but they will not be effective until 2014.

\*\*In Nicaragua, several political parties have implemented voluntary gender quotas.

Author's own elaboration based on Hevia Rocha 2012, see footnote n12; Archenti and Tula 2007, see footnote n11; Archenti and Tula 2007, see footnote n31; Schwindt-Bayer 2009 see footnote n16; OAS [Inter-American Commission of Women](#) and [ECLAC Gender Equality Observatory](#).



- International and regional organisations and conventions, such as the [UN Declaration on the Elimination of Discrimination Against Women](#), the [Convention on the Elimination of All Forms of Discrimination Against Women](#), and the [Beijing Declaration and Platform for Action](#) (1995), have provided the motivation and commitment for Latin American countries to implement special measures to ensure women’s political rights.
- Strong women’s movements and advocacy for women’s political rights have provided significant internal pressure on Latin American governments.<sup>45</sup>
- Latin American governments have admitted that socioeconomic and cultural factors are not sufficient for correcting discriminatory practices or boost the number of women in politics and that gender quotas are the most efficient tools to accelerate women’s inclusion in politics.<sup>46</sup>
- In several Latin American countries, political parties have understood they can gain legitimacy by including more women in their lists of candidates, and that this is appealing to a significant part of the electorate.<sup>47</sup>
- The electoral system plays a significant role in the success of gender quota legislation. As it has been shown, quotas are more likely to lead to the election of more women in proportional representation systems that combine large districts and closed and blocked lists.
- Socioeconomic and cultural contexts in which women have gained better access to higher education and professional careers favour the implementation of measures seeking to correct gender discrimination. In these contexts, citizens also tend to elect more women.<sup>48</sup>

<sup>45</sup> UNRISD 2005, above n9.

<sup>46</sup> Ríos Tobar *et al.* 2008, above n24.

<sup>47</sup> Schwindt-Bayer 2009, above n16.

<sup>48</sup> Schwindt-Bayer 2009, above n16.

## LESSONS LEARNED

- 1 Gender quotas help raise the number of women representatives in parliaments and are a first and necessary step towards equal representation between men and women.
- 2 Quota legislation must be mandatory and include enforcement mechanisms to ensure it is respected by political parties. Strong sanctions, such as the rejection of the electoral list, are more effective than mere recommendations or sanctions that parties may consider acceptable, such as fines.
- 3 Gender quotas must include positioning mandates to ensure that political parties actually nominate women in positions where they have better opportunities of being elected.
- 4 Gender quotas must be considered as a temporary measure, a minimum to be overcome on the way to achieving full parity, the supreme goal, rather than a requirement to be met in order to be able to present an electoral list.

### CONTACT [FUNDAR](#)

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