

The Participation Paradox

Quotas Policy in Latin America

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Introduction

Within the last 20 years, the problem of women's participation in formal power positions has been mobilizing women, especially feminists, throughout Latin America. After over half a century since gaining the right to vote, Latin-American women have recognized that, in practice, this fought for right did not guarantee the right to be elected as well. Indeed, Latin American women have remained marginalized from power, kept from participating in greater numbers in deliberative power structures. In these circumstances, the implementation of quota systems for women in a context of affirmative action policies has figured as a major goal in the mobilization of women in their struggle for access to power structures. In some countries, thanks to the implementation of quota systems such as in Costa Rica and Argentina, women have been able to effect changes in the balance of power, reaching significant levels of participation in legislative bodies. However, in the great majority of Latin American countries that adopted quota systems, major changes have yet to come through. This is true even in the case of Brazil, despite the presence of a strong and well articulated women's movement. The objective of this paper is to analyze these different Latin American experiences with quota systems, identifying the factors that have contributed to their success or failure, the implications for women's actual access to formal power, as well as the role of women and feminist movements in articulating these demands.

The struggle for voting and the democratic deficit

Suffragist struggle started in Latin America on the second half of the 19th century through actions that happened in many countries, especially on feminine press. That is also what happened in Brazil, when women stoop up for voting rights and access to formal education by publishing texts on “O Jornal das Senhoras (The Lady’s Newspaper)”, in 1852 and later on “O Sexo Feminino (the Female Sex)”. The same happened in Mexico in 1870 on “Jornal Siempre Viva (Always Alive Newspaper)”. In 1890, Costa Rica and Cuba’s main newspaper brought the

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first actions pro equality and political rights for women contextualizing them on the election reforms that were just made in both countries. However, it was in Argentina, in 1862, that the results of this struggle were more concrete when some women from the San Juan province had temporary access to valid voting on municipal elections. It was not before the two first decades of the 20th century that feminist actions pro voting rights appeared more intensively in most Latin American countries.

From these decades, it is important to mention the articulation developed by NAWSA – National American Woman’s Suffrage Association, a North American association that under the presidency of Carrie Chapman held the First Women’s Inter-American Conference, in Baltimore, 1922, where there were many Latin American leaders. From this point on feminists organizations were created in many Latin American countries with the same characteristics as NAWSA and the goal of implementing and coordinating the suffragist struggle in their own countries. This fact allowed structuring the nets established among different organizations in different countries and also helped giving regional suffragism a jump start (MONTANHO. 2007:22). As an example there is the **Associação Pan-americana de Mulheres** (Women’s Pan American Association), created on the First Conference, as a result of an idea from the Latin American leaders that were there.

Ecuador was the first country to establish feminine vote, in 1929. Right after that Brazil and Uruguay did the same in 1932. However, it was in the 40’s that a bigger number of countries established an election law that allowed women to vote. Paraguay (1961) and Colombia (1964) were the countries who took longer to acknowledge women’s political rights.

Conquering voting rights was a process followed by an intense electoral enlisting by women. Nowadays, as it is possible to see in the chart below, feminine participation reaches significant percentages regarding the whole electorate in most Latin American countries, and in countries like Argentina, Brazil, Chile, Colombia, El Salvador, Mexico, Panama, Nicaragua, Uruguay and Paraguay, they are the electorate absolute majority.

Chart #1

Voting and feminine percentage in Latin America

Country	Year women conquered voting rights	% women in electorate
Argentina	1947	51

Bolivia	1952	49,9
Brazil	1932	51,8
Chile	1949	52,4
Colombia	1957	51,0
Costa Rica	1949	50,0
Cuba	1934	
El Salvador	1939	54,1
Ecuador	1929	50,5
Guatemala	1945	45,8
Haiti	1950	
Honduras	1955	50,6
Mexico	1953	51,9
Nicaragua	1955	54,0
Panamá	1945	58,3
Paraguay	1961	52,5
Peru	1955	49,7
Dominican Republic	1942	50,4
Uruguay	1932	52,4
Venezuela	1947	50,0

Source: Chart preproduced by the author with data collected from IDEA and CEPAL

Although women have voting right in most countries for over half a century and despite the fact that they are the majority in the electorate, it doesn't mean that access to power is available to women. By analyzing the percentage of feminine participation in power spheres of most regional representative democracies it is possible to see how far women are from access to power, and how much it has been denied to them. Up to the 90's the participation of women in formal representative power spheres was occasional, scarce and limited. Generally the women were elected because they were the wives, daughters or sisters of well known male politicians (VENEZIANI: 2006:11). This is still common practice in many Latin American countries, and it also applies to men as a way of keeping the power in a family or political group. In fact, women have play a main role in this game (COSTA. 1998).

Until now, only four women were elected president of their countries by popular voting in Latin America. Three out of this four women, were perfectly integrated to the model of political ascension as a family heritage. Violeta Chamorro (1990/1997), in Nicaragua, was Pedro Chamorro's widow and he was a journalist and leader of the non-Sandinista movement opposing dictator Anastacio Somoza. In Panama, Mireva Moscoso (1999/2004) was elected president when she became the director of the Arnaufilesta's Party right after her husband Arnulfo Arias, who was elected President of Panama three times, died. More recently, Cristina Fernandez was elected President of Argentina. Although she was a lawyer, local representative,

congresswoman, senator and had a political history of her own, she was a presidency candidate representing her husband's, Nestor Kirchner, continuity. The only woman that didn't follow these patterns was Michelle Bachelet (2006/2010), elected President of Chile. She is a doctor, ex- Minister of Health and Defense and paved her political history with autonomy and independence, based on her personal, professional and party activist history.¹

On the other hand, even when they avoid elective processes, the amount of women that are ministry chiefs is very little. According to Llanos e Sample (2008), there was a significant increase in feminine presence on ministries in Latin America because there have been a lot of affirmative actions in recent years. In 2007 feminine presence in ministries reached 24%. That is a great advance if these numbers are compared with the ones obtained in 1996, when feminine share was never over 8,4%.

Chart #2

FEMININE PARTICIPATION IN THE EXECUTIVE

COUNTRY	% of participation in ministry offices	Local Elective Power
Argentina	25,0	8,5
Bolivia	30,0	4,6
Brazil	14,3	7,5
Chile	36,4	12,1
Colombia	23,1	9,0
Costa Rica	37,5	9,9
El Salvador	15,4	8,0
Ecuador	32,0	6,0
Guatemala	25,0	2,4
Honduras	25,0	8,1
México	20%	3,0
Nicaragua	31,2	10,4
Panamá	21,4	9,3
Paraguay	10,0	5,7
Peru	26,7	2,8
Dominican Republic	17,6	11,3
Uruguay	30,0	n.a
Venezuela	18,5	7,2

Source: Idea International 2007 and Llanos e Sample .2008

¹ It is important to mention that other women were held responsible for central governing in Latin America through other ways that didn't include direct voting. This is what happened to Isabel Perón, elected Vice President of Argentina and who took her husband's, Juan Perón, place after his death in 1979. In the same year, Lidia Gueiler was chosen by the Congress to temporarily be President of Colombia after Walter Guevara Arce was overthrown. In 1997, Roselia Arteano was President of Ecuador for three days. (LLANOS, Beatriz e KRISTEN Sample, 2008).

This growth happened strongly in countries that developed a specific agenda to incorporate women in the executive spheres. These countries were Costa Rica (37,5%), Chile (36,4%), Ecuador (32%) and Nicaragua (31,2%). There are also Bolivia and Uruguay with a share that is almost 30%. The counterpoint is in countries like Venezuela (18,5%), Dominican Republic (17,6%), El Salvador (15,4%), Brazil (14,3%) and Paraguay (10%) where women participation in ministries leading is still very low (Llanos and Sample 2008:18). As the hierarchy in decision spheres decreases, the feminine participation tends to grow, which means that the more important is the position, the fewer women have access to it.

In situations where executive spheres are reached by elections and where there is no quotas system or affirmative action's policy, feminine participation is still minor. The data on chart #2 present this situation clearly, even in countries where the participation reaches a two digit number, as in Chile, Dominican Republic and Nicaragua it is still very little.

However, this low participation of women in formal power structures in Latin American countries doesn't mean that women have been excluded from political action, from political participation in a broader way. Many studies have shown the intensity and amplitude of women participation, especially in social movements.

Sonia Alvarez refers to the democratization process that happened in many Latin American countries (like Chile, Brazil, Argentina, Paraguay, Uruguay, Bolivia, Peru, etc...) in the 80's, bringing up issues like military regimes and later on the building of democracy itself. She mentions how important women's participation in this process was. According to the author (1994:227) it was women that led the protesting against human rights violation, and they were the ones who came with creative outcomes to communities necessities when the State neglected them. They were also the ones who made syndical movement stronger and the ones who struggled for land rights. It was Afro-Brazilian women who helped create a growing movement on afro conscience, antiracist, it was the lesbians that joined homosexuals against homophobia; it was college women who held guns against the military regime and that joined opposing parties. However, all this women participation didn't consist in real possibilities to access political power.

In many countries, the so desirable democracy left out most of the electorate, the feminine electorate. The promises of democratic equality didn't really come true to women. In all so called democratic societies, women had to struggle hard, and they keep on struggling, to have

access to the same common rights any male citizen does, just like equal salaries to equal jobs, promotion opportunities, the right to physical integrity, the right to work and vote. Conquering the right to vote and the right to be candidates to public representation offices didn't mean that they got the right of being elected (PETIT. 2007:107).

The impossibility of women getting elected along the years, questions the democratic commitment of these societies, as well as the normative equality speech that is present in most constitutional texts where formal women inclusion is explicit. Many democracy theoretical researches point women's inclusion as the base conditions that define a democratic face of a society. As an example there is Roberto Dall who points as base conditions to exercise democracy the existence of political parties and civil society organizations with equal participation of both, men and women, with agendas and ideologies different from the dominant one, the acceptance of a political opposition, the right given to any citizen or group to challenge or substitute through election whoever holds a power position, guarantee to expression and association freedom, independence to means of communication, respect to human right, especially to minorities (1993:29).

Norberto Bobbio has the same opinion and defines "... *democracy as a way, a method, a group of game rules that establish how collective decisions must be made and not which collective decisions should be made*" (2004:427). Amongst the rules Bobbio identifies as "special topics"² it is important to mention the following one:

" All citizens who have reached the age of majority, regardless their race, religion, economical condition, sex, must Access political rights, which means that each one of them must have the right to express their own opinion or choose someone who expresses it for them even if those rules lay strictly on the formal field." (2000:427)

In a critic perspective to these opinions, Anne Phillips says that liberal democracy usually considers that the promise of equality and participation is quite responded by standardizing universal suffragist goals and with equal possibilities to all people to be candidates in election

² To Bobbio, the other essential topics are: "2) every citizen's vote must worth the same; 3) All citizens who have political rights must be free to vote according to their opinion, formed as freely as possible, which means with a fair fight among political groups organized to compete against themselves; 4) The citizens must also be free to choose in a way that they must be exposed to different solutions, meaning that the parties must have alternate and different agendas; 5) Whether it is in elections or in collective decisions, the numeric majority rule must apply, meaning that the candidate elected or the valid decision will be considered as the one who had the biggest number of votes; 6) No decision taken by a majority can undermine the rights of a minority, specially their right to become a majority with equal conditions" (2000:427). Also see Bobbio (1986:19).

processes, as social and economical conditions weren't determinant in these processes. The author also emphasizes the fact that even in modern societies; women are the ones who generally take responsibility over unpaid domestic work, reproduction, and care to young, ill and elderly people. Those responsibilities, in a practical view, act like a powerful barrier that stop women from commit and participate in politics. On the other hand, the fact that political cultural construction is seen as a fundamentally masculine subject contributes to maintain the disadvantages, and sometimes to exclude those women, who despite all difficulties, try to get inserted in political processes (1996:81).

To Almudena Hernando, beside the issues mentioned by Anne Phillips, there is the fact that the gender identity that keeps on being transmitted to women makes them face and experience power in a subject way, very different from the masculine experience. To most women, “... *power means conflicts, stress and loneliness, things that men usually don't have to face because of that*” (2003:16). To the author, this difficulties happen because of “... *gender's identity subjective context which is identitarian, unconscious, determined by centuries and centuries, transmitted and reproduced in a way where women weren't correlated to power offices*” (2003:16).

Verônica Pérez expresses a similar opinion and refers to authors as Inglehart, Norris and Welzel (2002:3-4) to reinforce the cultural role in establishing limitation to women's access to power. To this author the traditional attitudes are one of the main barriers to access political representation offices just as predominant values in a society determine the kind of rights, rewards and powers to women and men in different social and political life spheres. Women not only face the limitations imposed by society through gender roles, but also face limitations imposed by women themselves, defined by their sub-gender condition. The permanence of these attitudes can interfere directly over candidacy direction and preparation, as well as in criteria that are used by political parties, means of communication and by the electorate when choosing their candidates (PERÉZ; 2006:57).

With the perspective of outcoming these setbacks in women's political participation, Anne Phillips proposes, in general lines, three possible solutions: 1) a different gender work division in production and reproduction with an equal share of all kinds of paid work and unpaid work there is in society, and that up to now are most exclusively women's responsibility; 2) modifications in politicians working situation so that it can open participation possibilities to people with active parenting responsibilities; 3) elimination of prejudice as in “the male club” that is current in the

electorate, or in spheres where candidates are chosen in parties. This demands affirmative action measures to stimulate the election of women (1996:83).

As the author herself points out, feminists nowadays have sent systematically more and more reinforces to implement the third kind of problem, which is, for Phillips, a demonstration that they don't believe very much in changing the first two (PHILLIPS:2996 83). I would say that what is really happening is that actions directed towards changes in the state field get more visibility, as it normally would. Feminist intervention in different levels of social life with the goal of implementing changes on feminine daily life and specially families has been current feminism practice in over two centuries of existence. Ideological struggle, perspective of changing in cultural patterns, the unending struggle for gender division of work and feminism affectiveness as social movement or political practice has tried basically to implement the two possible outcomes given by the author. However, it is exactly because they happen "essentially" in a private sphere that these facts are not so strongly identified and are not that seeable (COSTA. 2008:10).

On the other hand, one can not forget the importance of the state's role as a political force that is capable of influencing, implementing actions and transforming public policies, and even change discriminatory and excluding practices toward women through punishing measures. In This way, implementing affirmative actions, as the quota system, can be a way to construct a really democratic society that guarantees an equal participation of men and women.

Balance as democratic ideal,

Political balance has always been present in feminist speech and in its request for equality for men and women in all social life spheres. Equality thought from a Universalist reasoning. A reasoning that doesn't hierarchies human groups, that is like a human ability blind to cultures, races or gender. All individuals, just because they are human, have the same rights, this was the illuminist's basic thought. According to Rosa Cobo:

"Universality opens the way to equality by pointing that from a common point come all rights to all people. Modern Universalism is fundamented over an ideology that defends autonomy and freedom to every individual, emancipated from religious beliefs and collective dependences. Rationalism is based on an idea of one humanity only in which all individuals have the same rights and are worth the same (...) this conception of equality excludes the state's arbitrariness in relation to

the ones defined as equals. And it is exactly because of it that universality is the main Idea of modernity” (COBO. 2005:8)

This illuminist perspective directed all emancipationalist feminism way, fundamenting suffragist struggle and in a broader way the group of request for political, civil and working rights. It was present in the belief that equality recognition would suffice to level men and women in the construction of a fairer and more democratic society.

This same Universalist perspective is also the supporting base of democracy and citizenship concepts predominant in modern societies under the protection of the liberal model. The Democracy understood as way of social and political organization that defends the same rights to all individuals, based on their equality facing the Law, as well as making this law impartial when dealing with all citizens (COSTA. 2008A). Putting it this way, the request for political balance is inserted in the history of feminine struggle for equality as continuity to suffragist struggle that started in the context of the French Revolution. To Maria José Guerra the request for equality completes the old suffragist agenda, “... equality is the condition to effectively update and apply the Universalist dimension of citizenship” (2007:77).

The request for equality, when proposing a new power distribution to men and women, is a political proposal that aims to transform power's structure base core. Being so, the political proposals for equality consist in transforming constitution and the election laws, implying in questioning democracy itself and its representation mechanisms.

“It's goal is to deeply modify the power structure that is between genders in liberal democracies, the ones that put women in a situation where they are constantly discriminated (...) The concept of Balanced Democracy is Born from the contradiction between the increasing number of women in many social life spheres and their absence in spaces where people vote laws and take decision that affect society as a group and specially women's lives” (Cobo, 2005:3).

Balancing is a way of establishing an equality relation between genders in Power structures, in political representation. To request for balance is to question the concept of what is nowadays considered as equality, it brings in its core the questioning of Democracy itself as a representation system (GONZÁLES, 2007:9). It is to make explicit the fact that there are other issues that are beyond formal equality, apparent equality, or, as said by Geneviève Fríasse, “an instrument, a tool or way of producing equality where it is most difficult to do it, in governmental

spheres, a govern that implies an authority that is applied to us in a democratic space” (2003:125).

The request for balance in formal political spheres appears to construct and guarantee effective changes in women’s lives and in the effective use of their citizenship. It is this perspective that has conducted feminist struggle for equality in Europe over the last 20 years and more recently in Latin America. It is important to mention the recent Chilean experience where president Bachelet took equality as an scheduled agenda in her government an she is implementing it, not only by building a balanced chamber, a fact that was extended to balanced bureaus, city hall staff and other public services, but specially for searching genre balance in decision making., implementing policies aimed at Social Security, working practices, reproductive health and management. This tendency is slowly starting to appear in other Latin American countries, by implementing quota systems, alternating power or like it happened in Ecuador, where President Correa nominated seven women ministries or like it happened in Bolivia where President Evo Morales increased women’s presence in his Ministry office. (MONTAÑO 2007:19).

Quota systems are Just one of the ways to construct political balance between men and women, a strategy to establish equal opportunities. This strategy must come together with policies that transform sexual division at work, roles and gender relations (COSTA, 1999:104).

Quotas in Latin America

Argentina was the first Latin American countries to establish a quotas system through altering the Election Code, article 60, in 1961, known as “Ley de Cupos”. This law stated that all candidates’ lists presented by the parties in National levels should have at least 30% of women.

The Law was the result of Argentinean women’s struggle in a process that started during military dictatorship trough actions from “The Mothers and Grandmothers from Plaza de Mayo”. These women were to first ones to go public and expose military dictatorship’s atrocities and also to the first ones to ask for a Democratic State. At the same time, a great women movement was developed, connected to movements that resisted Military Dictatorship. In the late 80’s, actions to implement a quota policy were intense, led by feminism with the help of militant women from political parties. In the beginning, taking as example the European Countries, women tried to negotiate with major parties to introduce quotas on their agendas. As the parties responded negatively the women came with a new strategy: presenting reforming projects to the Election National Code aiming to make “*mandatory to parties to include more women in their candidate’s list*”. (MARX, BORNER and CAMINOTTI. 2006:8). In November, 1989,

senator Margarita Malharro presented an election reformulation Project that obligated parties to include women in their candidate's list to legislation offices. (MARX, BORNER and CAMINOTTI, 2006:9, and MONTANHO.2007:28).

In 1990, the Political Feminists Net is created, joining 15 parties' organizations. Their moto was "*With a few women in politics, women change; with a lot of women in politics, politics change*". This net became the entity that organized all analysis process and struggled for the quotas law to be approved. (MARX, BORNER and CAMINOTTI, 2006:9).

In November, 1991, the Law 24.012, based on Senator Malharro de Torres' proposal, passed. In march, 1993 they made official the Decree #379, that made the law official, defining more explicitly the female quota mechanism by establishing that "*... this law's proposal is to effectively integrate women in political activity, avoiding its delaying by not including female candidates among the other candidates with expectations to be elected*" (MARX, BORNER and CAMINOTTI, 2006: p.10).

In 1994, it was clear that even the parties that were bidding by the Law, were putting women in positions on the lists where they had no possibilities of being elected. Then there was a change in "Ley de Cupos" establishing that women must be positioned on the lists in offices where there were real possibilities of election (a woman to every three positions on the list) and if this law wasn't followed the party couldn't subscribe its list and would be out of the electoral process. However, some parties follow the law the worst way possible putting the women candidates only in third positions (TOBAR and VILLAR. 2006.42).

When trying to reverse this party practice women engaged in many lawsuits that intended to push the parties to fulfilling the Law in its integrity³. As a consequence of these conflicts, President De La Rúa made a new decree official in 2000, decree #1246 that established: 1) the electoral quota applies to all deputies, senators and national constituencies vacancies; 2) the 30% of women candidates is a minimal percentage; 3) the quota is only considered as fulfilled when applied to the number of offices that each party organization renews in the correspondent election (MARX, BORNER and CAMINOTTI. 2006:12).

Despite these difficulties in parties' relationships, the quota Law in Argentina guaranteed a significant boost in feminine presence in the representative system. It corresponded to a percentage of 5.9 in 1991 and nowadays it's 30%. Nowadays women are 39.6% of the whole

³ It is important to mention the lawsuit started by Maria Meriadri de Morini, enlisted in UCR. In 1994 she brought the problem to CIDH - Comissão Interamericana de Direitos Humanos (Human Rights International Commission) saying that the parties were violating political rights and equality in relation to the Law. CIDH took the case and intervened with President Fernando de La Rúa's government. In March, 2001 a pacific solution was given to this struggle.

parliament. The Argentinean experience has been and example to implementing quotas in other Latin American countries.

However, it was the **Action Platform** in the **IV Mundial Women's Conference: Actions Towards Equality, Development and Peace**, held in Beijing, China, in 1995, that affirmative action's mechanisms started to have national government's approval. They got together in meetings to create conditions to give women an effective Access to decision instances. **The Convention to Eliminate Discrimination Against Women - CEDAW**, from UN, in 1979, was crucial in the beginning of this process. From this moment on inequality experienced by most women in political fields becomes an issue that calls international organization's attention and concern.

After Beijing's Conference and the Action's Platform approval, in less than 5 years, ten countries in Latin America boosted the quota system and, despite the fact that most of them established a 30% quota, the diversity has been surprising.

Chart #3

Quotas and Electoral Systems in Latin America

COUNTRY	Year when quota was established	Women's percentage before the quota	Women's percentage nowadays	Minimal quota according to the law	Pre established office on the list	Kind of list
Argentina	1991	Parliament 06,0 Senate 03,0	38,3 38,9	30	Yes	closed
Paraguay	1996	Parliament 03,0 Senate 11,0	10,0 08,9	20	Yes	closed
Mexico	1996	Parliament 17,0 Senate 15,0	22,6 17,2	30	No	closed
Bolivia	1997	Parliament 11,0 Senate 04,0	16,9 03,7	30	Yes	closed
Brazil	1997	Parliament 6,4 Senate 6,3	08,8 12,3	30	No	open
Costa Rica	1997	Uniparliamental 14,0	36,8	40	Yes	closed
Dominican Republic	1997	Parliament 12,0	19,7 03,1	25	No	closed
Ecuador	1997	Uniparliamental 04,0	26,0		Yes	open
Panama	1997	Uniparliamental 08,0	15,3	30	No	open
Peru	1997	Uniparliamental 11,0	29,2	25	No	open
Honduras	2000	Unicameral	23,4			
Uruguay	2004	Parliament 11,1 Senate 09,7				
Venezuela	1997	Unicameral	18,6	30	No	closed

In the post Beijing context, one of the first countries to establish the quota system was Costa Rica. Nowadays it is one of the most successful experiences in the area. The struggle to implement the quotas system in Costa Rica started right after CEDAW, in 1984. By the pressure made by women's movements, some parties started to create internal mechanisms to promote and guarantee women's effective participation in offices and electoral lists distribution. However, despite all this great mobilization, it was only in November, 1996, that law 7653 passed. This law established a quota system in which the parties must assure a 40% of women's participation not only in the parties' structure, but also in candidacies to popular election. The law was explicit when pointed that women should be candidates to eligible offices and recommends balance and historical media respect. (MONTANHO.2007:29).

The Law from Costa Rica had to GO through some modifications, just like the quota Law in Argentina to incorporate sanctions mechanisms to parties that didn't abide by the law, by not fulfilling the 40% or not positioning women in offices with real election possibilities. In 1998, the first election after the law, it was possible to see that even the parties that fulfilled the quotas put women with scarce possibilities of election. As a result Just 2 more women were elected comparing to the elections in 1994. (PEREZ, 2008).

In 1999, as a response to Women's National Institute demands, the Supreme Court established the Resolution 1863⁴ that created control mechanisms and guaranteed that the Law would be respected. More recently, in 2007, Costa Rica's national policy oriented to equality and gender balance included, among its main issues, to make women's participation in politics stronger; family welfare as social responsibility; house work valorization; to make public institutionalizing towards gender equality and balance stronger. The goal to 2017 is to have equal political participation to all decision making spheres. (MONTANHO.2006:29).

At the same time as Costa Rica and Argentina, although with lower participation indexes, here were successful experiences with the female quota system in Ecuador and Peru. Their

⁴ Resolution 1863, from September 1999, established that: women must have a 40% participation in candidate's list and must occupy eligible spots; the 40% of feminine quote must be respected in every assembly and not as a global form; it imposes to each party the obligation to incorporate to its rules the adjustments to effectively guarantee women's participation in the ways and percentages mentioned above; Civil Registration won't subscribe candidate's lists when they don't fit these patterns. Nor Will be registered the state reforms or assemblies book when through reports it is shown that this Law is not being respected. The Court will control, through different legal mechanisms, the effective fulfillment of these agreement's items. (MONTANHO. 2006:29)

experience is important because of the mechanism that was used and that has brought important results. In 1997, Ecuador had established a 20% quota, but they didn't get many results. In 2000, because of a great women's mobilization, the "Election Law" or "Political Participation Law" was changed, establishing a 30% quota and a gradual increase of 5% in every election until the balance of 50%. According to article 58 from the Election Law *"the candidate's lists in interpersonal elections must have a minimum of thirty per cent (30%) of women among the main candidates and thirty per cent (30%) among surrogates, both alternate and sequentially, in a percentage that will increase in 5 per cent (5%) until it comes to the balance in representation. It will be taken into account the cultural and ethnical participation"*. (PICARI s/d.:3)

All this mobilization was based on article 102 from the New Constitution of Ecuador, established in June, 1998, and that says that *"the State Will promote and guarantee the equal participation of women and men as candidates in popular election processes, in public field's directional and decision spheres, in justice's management, control organisms and political parties"* (EQUADOR.1998)ⁱ

In Peru, The Congress of the Republic approved the quotas in 1997, by the Law 26.864, establishing a 25% share to municipal elections and to the National Congress. The article 10 of the Municipal Election Law establishes that the candidate's list must be presented in a single document in which the position of these candidates is explicated and that has a 25% minimum of men or of women. In December, 2000, through law 27.387 this minimum quota increased to 30% of men or of women in candidate's lists to the Congress of the Republic. (MASSOLO. 2008: p.34).

Alejandra Massolo (2008: p.34), in her study about women's political participation in local spheres in Latin America, points out as a fundamental element to Peru's success in the quotas system, despite the open list possibility and the weakness of sanctioning mechanisms, the action of four institutions: The Manuela Ramos Movement, Social Communicators Association (CALANDRIA), Social Studies and Publishing Center (CESIP) and the Center of Studies to Development and Participation (CEDEP). These institutions outlined a women's political promotion program, called PROMUJER, that was responsible for an intense conscientization program to aware women about politics and to politically prepare women candidates.

Other experiences that called attention in the analysis' group from the implementation of quotas systems in Latin America, not so much because of their success, but exactly because of the possibility of problems identification and non successful models, are the ones that happened in

México, Venezuela and Brazil, being the latter the example of the most unsuccessful experience in the area.

In México, the quotas Law in México was also established in 1996 after a mobilization process that started in 1993 with the modifications in the Federal Code of Electoral Institutions and Procedures (COFIPE). It established that the parties must promote a greater women participation in political life (article 175, paragraph III). Despite of its broad nature, this legislation produced an impact in 1994 s elections, when women's percentage went from 8.4 to 13.8 in the Parliament and from 4.6 to 13.3 in the Senate. (REYNOSO and D'ANGELO.2004:5). In 1996, COFIPE is altered again with the adding of Paragraph XXII which establishes that *"National Political Parties will take into account in their statute that candidacies to Parliament and Senate won't exceed a percentage of 70% to a same gender"*. (REYNOSO and D'ANGELO 2004:6). In 2002, there was another try to make the quota law more effective by producing another modification in COFIPE. Three items were added to article 175 and they established: balance in the list's core defining that in each one of the three first branches of every list there would be the a candidate of a different sex; the party that doesn't bide by this law will respond to the Electoral Federal Institute's Federal Council, and in case of recurrence, the party will be punished by annulling its candidacy register. (REYNOSO and D'ANGELO.2004:6)

Despite theses changes, electoral legislation leaves gaps because it doesn't define which kind of candidacies the quotas should be applied to. This way, the parties don't exactly follow the law, putting women as surrogates. This fact has stopped meaningful results to quotas policy from happening, puttin México among the countries where the quotas system didn't have the expected results, as one can see in Chart #3. The recent data presents a percentage of 22.6of women in Parliament and 17.2 In Senate.

In México, all this process was done because of important party alliances with militant women with the goal of stimulate and claim for mechanisms that would expand feminine participation in decision making spheres. An important party alliance was made by The Plural Group (Grupo Plural). (MONTANHO.2006:29)

Venezuela's experience also deserves to be mentioned. In 1997, through article 144 from the Suffragism and Political Participation's Organic Law, it was made mandatory that political parties and electorates included a minimum of 30% of women candidates in electoral lists. In 1998, time of the first election that happened after this law was implemented; the quotas system

was considered unconstitutional by the Electoral National Council because it was considered as contrary to the equality principles established in the Venezuelan constitution. Later on this decision was supported by Justice's Supreme Court. In 1999 the new constitution, The Bolivarian, establishes for the first time in the country's main text, clear and explicitly the equality of right's principle, making clear the difference between formal equality and effective, real equality⁵. The new constitution also gives Power to the executive, justice and legislative chambers to implement positive actions, whenever they are needed in order to guarantee real and effective equality. (PRINCE.2008:5).

Later on, in 2005, after a lot of struggle from the feminist movement that based its claims basically using the equality text that is in the Bolivarian Constitution, SNE passed a new resolution establishing equality and balance in parties' lists to popular election offices. Because this law is still very frail and there is no stronger controlling system, this law has been under effective because it didn't expand Venezuelan women's participation in politics

The Brazilian Situation

Despite the fact that they constitutionally conquered political citizenship in 1934 and that nowadays they are the absolute majority in Brazilian's electorate, Brazilian women haven't managed to be real citizens, and to exercise not only the prerogative of voting, but also the one of being elected. Women are 51% of National's electorate, but they run less than 10% of the electable offices in the country. According to the data from Inter Parliamentary Union, Brazil has one of the lowest registers, with only 8.8% of women. This ranks below world's expectance and ranks Brazil in one hundred and third, among 135 countries in world's rank. (BALLINGTON.2007:.3)

⁵ The Bolivarian Constitution of Venezuela, in its article 21, establishes that "All people are equal to the law and as a consequence of that: 1. There will not be allowed any kind of discrimination based on race, sex, beliefs, social status or the ones that, in any way, have the intention or outcome to annul or undermine the acknowledge and exercise with equality of the human rights or freedom rights that are entitled to every person; 2. the law will guarantee legal and administrative conditions so that the equality is real and effective front the law; it will implement positive actions in favor of people or groups that may be discriminated, marginalized or vulnerable an will protect especially the people that for any conditions mentioned before are in a circumstance of constant weakness and will punish eventual abuse or under treatment that happens against them. Bolivarian Constitution of Venezuela. American Political Database.
<http://pdba.georgetown.edu/Constitutions/Venezuela/ven1999.html> In 01/02/2009

Law 9.100, from 1995, known as the quota Law, established a minimum of 20% of parties' candidacies to women. It was applied in the 1996 elections, but it wasn't enough to alter the picture of Brazilian women's political exclusion. Later on, in 1997, law 9.504 passed. It made mandatory a minimum of 25% of women candidacies to 1998 elections and an increase to 30% in the following election. Being so, nowadays the law "assures" a 30% of feminine candidacies among the candidates presented by parties to the elections. (For city council, and state and federal parliament)

Before that, Brazil had already experienced some other kinds of political quotas. In 1991, The Worker's Party (PT) passed a quota of 30% minimum to any of the genders to their managing offices. In 1993, The Unified Worker's Central (CUT) did the same thing, establishing as the status quo a minimum of 30% and a maximum of 70% of candidacies to a same gender.

Despite the quotas, the increase in feminine's participation has been minimal, not even altering the "growth" rates in the last years, and that happens only when there isn't a decrease. In parliament feminine's participation increase from 5% in 1994 to 9% in 2006. Women senators were 8% of the total in 1994, 12.3% in 2002, and they kept the same percentage in 2006, which means it stagnated. In Legislative Chambers women were 10% in 1998, increased participation to 12.4% in 2002 and decreased the participation to 11.6% in 2006. In Municipal Chambers, where women's participation is traditionally larger, the percentage changed from a 7% share in 1996 to 11.6% in 2002 and 12.6% in 2006.

According from data brought by Clara Araújo, Brazilian's quota system defines a minimum of 30% of the list's total to any gender. However, it says that the list can have even 150% candidates in relation to the offices. This way, the quotas apply to the 150%, which means that the quota applies to the potential list and not to the effective list. Another issue is that there is no sanction, so there is no penalty to parties who don't follow the procedure. (2007:Pag. 3)

These data show how frail the quota Law in Brazil really is, as it doesn't have any mechanism that assures its mandatory aspect to political parties. This means that there is no penalty to the parties that don't assure a 30% of women. The law also doesn't provide financial resource nor access to free of charge political time on TVs and Radio station to women; it doesn't create party mechanism to stimulate women's political preparation; it doesn't assure the same percentage of elected women in every election.

During the political modification discussion process in the National Congress, that started right after President Lula's first election, the feminist movement brought up the possibility of upgrading the electoral legislation so it would have more effective mechanisms that assured a larger number of women in formal Power structures. At the end of this process, only a few changes were incorporated to the modification's final report. Women claimed that 30% of parties' fund was dedicated to political education for women, but after the negotiation, it was established that only 20% of the funds would go to this purpose. The issue that referred to timing in political ads on TV and radio stations to women was undefined, no percentage was assured. Other issues like gender balance in pre organized lists or public sponsoring to campaigns weren't even solved. Not even a stronger legislation that would really assure the applicability of the quota law was approved. (Costa. 2008)

The difficulties that women have to face in order to negotiate and approve part of their claims reflects exactly the meaning of women's political force in Brazil's National Congress, where they are less than 10% of the parliament that work in both chambers. Women's absence in negotiation tables, the difficulties to act, and once they live like a gender block, submerge in a sea of masculine and parties' interests, it is difficult to imagine them managing to conduct modification or reforming processes.

In fact, there is a paradox between the political mobilization's force from feminist movements in Brazil and their real representation in political implementation and deliberation spheres. Feminine's absence in power structures in this country also reflects in their intervention possibility, in their democratic transformation capacity, their difficulty in constituting themselves as political demanding (COSTA.2008B:5). This is also a picture that is recurrent in many countries in Latin America as it was shown in this text.

Quotas as a Way to Equality

A superficial analysis of the quotas policy results in Latin America can lead to an incorrect view that this experience hasn't been able to significantly alter feminine's participation in Power structures, once that except for Argentina and Costa Rica, the indexes on feminine's presence are still very low. In countries that previously implemented some kind of quota to the legislative, feminine's participation rate was about 8%, nowadays, after establishing the quotas, that rates are around 13%. As it is possible to see, the increase has been very little up to now.

However it is known that establishing a quota system is not enough. Laws by themselves don't assure a greater women's political participation. There are other variables that interfere on

women's possibility on being elected: issues that refer to the articulation of historical processes, cultural matrixes. According to Drud Dahlerup:

“However, research has shown that the quota system requires that women's organizations develop programs of capacity building for the nominated and elected women. If the quotas for women shall lead for empowerment of women, the elected of women must get for women capacity possibilities to perform their new task, in especially strong patriarchal societies. At the same time, quotas properly implement, might contribute to a more gender balanced society “(2003).

Many studies have also demonstrated that quotas systems' success or failure is directly related to the characteristics of the country's electoral system, to the explicit description of rules that support these measures and to active societies' participation, not only in the implementation and control, but also in monitoring these rules, their applicability and the group of sanctions available to its implementation. (VENEZIANI.2006; 25)

Argentina, Bolivia, Costa Rica, Dominican Republic, Paraguay and Venezuela use the candidate's close list system. It is a group of candidates listed on a priority order. The electorate votes for the list in its totality, with no possibility of altering its order. If the quota law defines the position women should be in this list, the possibility of success is guaranteed. If it isn't, Like in Costa Rica, Dominican Republic and Venezuela, where the legislation doesn't mention anything about the position women should be put in the list, the parties tend to put women in the end of the list, decreasing their possibility of being elected.

According to Mark (2000:8), to make a closed list system effective, the laws that refer to the quota system must include a positioning determination to be occupied by women on the list (positioning mandate). The legislation establishes mechanisms to make it mandatory as well as to control it. This is what happens in Argentina, Bolivia and Paraguay, where the Law determines that IF the party doesn't fulfill the quotas it can't register its candidates.

In Mexico, Ecuador, Peru, Brazil and Panama the legislation doesn't specify the position in which women should be on the list, as well as it doesn't establish control mechanisms. This kind of quota policy tends to fail its goal to increase feminine's presence. If there's no express determination to feminine positions on the lists, the whole point of the quota tends to be lost front the party's decisions that are generally in masculine hands.

Some Conclusions:

From the experience of the quota system in Latin America we can take some lessons that can contribute in an effective way towards equality to women:

- To make the quota system work with conditions to reach its goals it is mandatory that there are a clear and precise group of rules and procedures and it has to be accessible to all;
- That as a way of assuring its fulfillment it is mandatory that the policy assures a series of legal punishment mechanisms and restrictions to the ones Who don't bide by the law;
- The electoral system is a fundamental mechanism in the quota success, wide systems, well defined, makes increasing easier;
- That the proportional systems tend to promote in a clear way women's political ascension. The same way that systems with closed lists that have defined positions to women (balance);
- The quota system by itself doesn't create empowerment conditions to women. It must come together with public policies to promote equality that can create deeper transformations in the patriarchal structure in society, with the perspective of expanding democracy.

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