Gender Quotas in the Big Three South American Countries: Findings, Trends, and Prospects

A review of the book edited by Lexington Publishers 2017 (Adriana Piatti-Crocker,

Gregory Schmidt and Clara Araujo)

Since the return of democracy to Latin America, policies intended to promote the inclusion of women and other underrepresented groups have been increasingly adopted in the region. In particular, gender quotas have been one of the most popular and effective mechanisms employed in elections and other contexts in Latin America. Gender quotas provide women with a means to secure their participation in legislatures and have been employed worldwide. Their adoption in Latin America was influenced by both domestic and international phenomena (Piatti-Crocker 2011). Based on the book with the same title, this paper examines gender quotas in Argentina, Brazil, and Peru at both national and subnational levels, and compares and contrasts the experiences of gender quotas in these Big Three countries of South America (by area) with respect to their adoption and their impacts in terms of both descriptive and substantive representation. This paper also summarizes current trends in quotas, including parity systems in Latin America, and explores the prospects for parity adoption in Argentina. Overall, this paper presents three South American case studies of quota systems, expands on the literature regarding the impacts of gender quotas, and examines the prospects for the political representation of women in the national and subnational legislatures of Argentina, Brazil, and Peru.

The Adoption of Gender Quotas

Argentina was the first country in the world to adopt a national legislative quota for women in 1991. This innovation produced very positive results after the law was implemented in 1993 and subsequently reinforced. Following Argentina, gender quotas were diffused to twelve other Latin

American countries in less than a decade.¹ Five more countries—Chile, El Salvador, Nicaragua, Haiti, and Uruguay—have adopted quotas, parity, or reserved seats within the last decade. International and regional organizations, as well as the conferences that they sponsored—especially the 1995 United Nations Conference in Beijing—facilitated the diffusion of quotas in Latin America. Moreover, women's nongovernmental organizations (NGOs), or the "quota movement" as it is often called, played key roles in processes of policy adoption and diffusion in a newly democratized region. Other agents of change—including female legislators, national bureaucracies, and even presidents in a few cases—also played significant roles in enacting and implementing legislative quotas throughout the region.

The key roles of women's movements and processes of policy diffusion are evident in the case studies of the Big Three. The Spanish and German experiences with voluntary party based quotas were important precedents for the pioneering adoption of mandatory legislative gender quotas in Argentina (Piatti-Crocker 2011). The National Council of Women and other national women's organizations helped secure the initial passage of quota legislation in Argentina, which was proposed by a female senator from a center-right party (Piatti-Crocker 2011). These organizations and women politicians subsequently played critical roles in clarifying and strengthening placement mandates, protecting quota legislation from legal challenges, ensuring compliance, and extending the scope of quotas (Lubertino 1998, Durrieu 1998).

Argentina has also undergone a remarkable process of internal policy diffusion.

Beginning in 1992, only a few months after passage of the national law, Santa Fé approved its own 30% quota law for candidates to the provincial legislature. By 2011 all 24 subnational units (23 provinces and the federal district) had adopted gender quota laws. The processes leading to quota adoption varied in the provinces: grassroots organizations were influential in some cases, a

small group of political women led the quota movement in others, and the process was top-down and institutionally driven in still others. In addition, policy adopters in the Argentine provinces learned from the national experience and crafted measures that improved upon the national legislation. Indeed, parity systems have been adopted or are being debated in several provinces, even before the national legislature addresses this issue (Piatti Crocker 2011, Piatti-Crocker et al. 2017).

The Argentine experience provided a model for the adoption of gender quotas in Brazil, Peru, and other Latin American countries. Although women's groups have also been important in Brazil, in this South American giant other contextual factors were significant. Whereas quotas were firmly established in Argentina well before the election of Cristina Fernández de Kirchner as the country's first female president in 2007, the initial quota legislation in Brazil was weakened by major loopholes that women in the political parties struggled in vain to close for many years. The election of Dilma Rousseff in 2010 and a more assertive judiciary helped to set the stage for compliance with quotas, which was finally achieved in the 2012 local and the 2014 federal and state elections (Araujo 2011, 2012, Piatti-Crocker et al 2017). Although Brazil is a federal system like Argentina, the South American giant has adopted uniform legislation on elections and political parties at the national, state, and local levels that precludes the sort of policy diffusion found in its neighbor.

Male public officials have sometimes facilitated the creation or strengthening of quotas. In Argentina, Governor Eduardo Duhalde supported quota legislation and later established placement mandates in Buenos Aires Province, and President Fernando De La Rúa extended the quota to the Senate by decree in 2001 (Piatti Crocker 2011, Piatti-Crocker et al. 2017). In Brazil, the predominantly male Superior Electoral Court (TSE) issued the critical ruling that

finally led to the enforcement of the 30% quota in practice (Araujo 2011, Piatti-Crocker et al. 2017). Predominantly male legislators have approved mandatory legislative quotas throughout Latin America, including the Big Three countries examined in this paper. Although it is impossible to always know their motives, broad public support for quotas throughout the region has certainly played an important role.

Among male politicians in Latin America, Peruvian President Alberto Fujimori was most prominently identified with gender quotas and other policies benefitting women during the 1990s. Although Fujimori played a decisive role in the passage of 25% quotas for national and municipal elections in 1997, he nevertheless is best viewed as an accelerator of gender quotas, rather than their fundamental cause. Peruvian feminists had publicly advocated gender quotas as early as 1990, and they later secured favorable interpretations of quota legislation and helped women to take advantage of this new opportunity. Moreover, female candidates in Peru had clearly become politically competitive before the implementation of quotas, and women members of the country's unicameral Congress participated in the Beijing and New Delhi conferences of the mid-1990s. Thus, even if Fujimori had not been an early champion of quotas, trends in gender relations and feminist political activism would have very likely produced this reform sooner or later, as in other Latin American countries. Indeed, Peru's quota was increased to 30% shortly after Fujimori fled Peru, and this higher quota was subsequently adopted for municipal and regional elections, as well as lists for party offices. Although regional governments have been established in the post-Fujimori era, Peru is not a federal system; consequently, all quota legislation has been passed through laws and decrees enacted by the national government (Schmidt 2006, 2011, Piatti-Crocker et al. 2017).

Electoral Systems in Latin and America and the Big Three

The national legislatures of Latin American countries have the highest proportion of women members of any major region in the world.² In the 19 Spanish- and Portuguese-speaking countries of the New World, women fill an average 27.5% of the seats in lower houses or unicameral congresses and an average 25.8% in upper houses.³ These rates of female legislative participation are slightly higher than those for Europe (25.8% of seats in the lower houses or unicameral legislatures and 24.3% of seats in the upper houses) and considerably higher than in Sub-Saharan Africa (23.4% and 20.1% respectively), Asia (19.0% and 13.2%), and the Arab States (19% and 8.9%), In the predominantly English- and Dutch- speaking countries of the Western Hemisphere, an average of 19% of lower house and unicameral seats are held by women, while among the upper chambers only the U.S. Senate (20% female) is elected. Only the five Nordic countries of Europe—Denmark, Finland, Iceland, Norway, and Sweden—surpass Latin America, with women filling 41.1% of the seats in their unicameral legislatures (Schmidt 2017).

The relative success of Latin American women in winning electoral office—including the presidencies of Argentina, Brazil, Chile, and Costa Rica in the new millennium—reflects global changes in gender roles and a major cultural shift in the region. In addition, two key institutional factors explain the relative success of women in elections for national legislatures in the region. First, list PR—the electoral system that is most favorable for women—is dominant in Latin America. List PR is used to elect the lower or single chambers of 14 countries in Latin America and plays important roles in the mixed electoral systems of Bolivia, Mexico, Panama, and Venezuela. Five of the nine Latin American countries that elect a Senate use list PR—Bolivia, Chile, Colombia, Paraguay, and Uruguay—while Mexico employs this system to choose one

fourth of its upper chamber. Only two countries in the region do not use list PR in national legislative elections: Cuba—which is still a one-party communist state—and Haiti, which uses TRS, the most popular system in Francophone countries (IPU 2015, Schmidt 2017).

Second, mandatory gender quotas are used more extensively in Latin America than in any other world region. Mandatory legislative quotas are currently used in 16 countries in the region. In addition, Haiti has a system of reserved seats, as previously mentioned. Thus, 17 of the 20 Latin American countries (85%) have some sort of mandatory quota. Moreover, a Venezuelan quota law was declared unconstitutional in 2000. Only Cuba and Guatemala have never adopted quotas. In contrast, legislative quotas or seats reserved for women are used in 24 of 54 African countries (44%), 14 of 47 European countries (30%), 14 of 48 Asian countries (29%), and 2 of 14 countries in the Pacific (14%). Among the 15 predominantly English- and Dutch- speaking countries in the Western Hemisphere, only Guyana has legislative quotas (International IDEA 2015, Schmidt 2017).

Systems of list PR differ with regards to ballot structure, that is, how candidates are selected to fill the seats won by a list. Most list PR systems are closed: voters choose only among alternative lists, not among individual candidates. In closed formats, the seats won by each list are filled by candidates in the order that they appear on it. The use of closed lists reinforces party discipline because the leaders of each party (or the members by means of a convention or primary) determine the positions of the candidates on their list. Moreover, candidates running in a closed format have little incentive to wage independent campaigns because voters cast ballots for the list, rather than for individuals (Schmidt 2017).

In Latin America closed lists are used to elect the lower or single chambers in Argentina, Costa Rica, Guatemala, Nicaragua, Paraguay, and Uruguay, as well as for the list PR tiers of mixed systems in Bolivia, Mexico, and Venezuela. In contrast, open lists allow or require voters to cast ballots for specific candidates. In open list PR, seats are allocated among lists according to their respective shares of the vote but ballots for individual candidates determine who fills these seats. Open-list systems differ in significant ways: the number of votes that may be cast for candidates varies, voting for (a) candidate(s) may be obligatory or optional, and some formats even allow a voter to support candidates from different parties (panachage). But all variants of open-list systems encourage candidates to appeal directly to voters and to establish their own campaign organizations. (Katz 1986, 101; also see Ames 1995). Brazil, and Peru, employ open-list PR, though there are some important differences between the open formats used in these two countries. Other Latin American countries that elect their lower or single houses by open-list PR include Chile, the Dominican Republic, Ecuador, El Salvador, and Honduras, with the latter three countries allowing *panachage*. Panama uses open-list for the PR elections in its mixed system. Colombia allows each party to choose between open and closed lists (Schmidt 2017).

Whereas gender quotas can be adopted regardless of ballot structure, placement mandates—rules that ensure that at least some women will appear in electable positions—make little sense in open list systems that allocate seats by votes for individual candidates. Argentina was an early pioneer in combining closed list PR with placement mandates. In more recent years, the mandatory use of zebra or zipper systems that alternate female and male candidates throughout the lists has led to impressive numbers of women elected in Bolivia, Ecuador, Nicaragua, and Costa Rica, among other countries (Piatti-Crocker et al. 2017). However, it is

not at all clear in the literature whether closed lists facilitate the election of women *independently* of placement mandates.

Despite the prevalence of list PR, several electoral systems from the plurality/majority family are also found in the Big Three. SMP is used in some Argentine provincial and local elections and when one-third of the Brazilian Senate is elected. Several Argentine provinces and recent Peruvian regional elections since 2010 have employed combinations of plurality and closed list PR. A couple of multimember plurality systems also play important roles in the Big Three. Brazil turns to the block vote when two-thirds of its Senate is up for election: parties may nominate two candidates in each state, each voter may cast two votes for any candidate, and the top two candidates win seats. Closed majority list systems are used in multimember constituencies for elections to the Argentine Senate and Peruvian municipalities, and were previously employed in Peruvian regional elections in 2002 and 2006. Voters choose among closed lists, as in closed list PR, but the party that wins a plurality of the vote is awarded a majority of the seats in the electoral district. Gender quotas apply to majority list elections in Argentina and Peru, but not to block vote elections for the Brazilian Senate (Piatti-Crocker et al 2017).

District magnitude, which varies considerably in Latin America, has been a key variable in electoral studies since at least the seminal book by Rae (1967) a half century ago, and has frequently been linked to the election of women in list PR systems. Matland (1993), however, argues quite persuasively that party magnitude —the number of members in a party's delegation from an electoral district who win office in the same election—is even more directly associated with the success of female candidates. These two variables are related: higher district magnitudes

usually contribute to larger party delegations. Party magnitude, however, also depends on other factors, especially the distribution of the vote and the rules for allocating seats among parties.

High district and party magnitudes are thought to facilitate the election of women, who are assumed to occupy lower positions in closed list systems or to be less competitive candidates in open list systems. However, the empirical evidence that supports this view comes overwhelmingly, if not exclusively, from countries that use closed list PR, such as Argentina. It is not clear that high district magnitudes are advantageous for women in open list systems, such as those used in elections for Brazil's lower house or Peru's unicameral congress, or in the majority list systems used in the Argentine Senate and Peruvian municipal elections (Piatti-Crocker et al. 2017).

Quotas and the Election of Women in the Big Three

The Big Three countries of South America—Argentina, Brazil, and Peru—share the key characteristics that have facilitated the election of women in Latin America. As stated above, Argentina and Brazil use list PR to elect the lower houses of their national legislatures, and Peru employs list PR in elections for its unicameral congress. In addition, Brazil uses list PR for all legislative elections at the state and local levels, while Argentina uses this system in most subnational elections. Argentina pioneered the use of legislative quotas in 1991. Both Brazil and Peru adopted quota laws in 1995 and 1997 respectively.

Despite these broad similarities, the success of women candidates has differed significantly among the Big Three countries. Argentina has consistently ranked at or near the top of Latin American countries for the electoral success of women, Brazil near the bottom, and Peru somewhere in the middle. At least some of this variation is linked to differences in the

electoral systems used in the Big Three countries. The remainder of this section highlights several key differences.

In Argentina, a combination of closed list PR, placement mandates, effective enforcement, and high compliance guarantees that a relatively high share of seats in the Chamber of Deputies and most state legislatures will be filled by women. Moreover, in most cases relatively high district and party magnitudes have helped women fill more seats than might be expected from the 30% quota. Indeed, after the 2015 election women filled 35.8% of the seats in the Chamber of Deputies, placing Argentina within the top 20 countries of the world (Inter-Parliamentary Union 2016, Piatti-Crocker et al. 2017).

Following the 2015 election, women also comprised more than 30% of the members in the lower or single chambers of 14 of the country's 24 subnational governments, and 40% or more in six of them (see table 1 below). However, quotas have had a more uneven impact in the provinces, where there is considerable variation in electoral systems and quota legislation has not been as consistently enforced. Some provinces using closed list PR systems have allowed competition among internal party lists (*sublemas*) that reduce party magnitude and thus are prejudicial for the election of women, particularly if these internal lists lack placement mandates. But only three provinces (Formosa, Misiones y Santa Cruz) employed this electoral system in 2015 (Piatti-Crocker et al 2017).

Table 1: Women Legislators in Argentine Provinces, 2016 Percentage Female

Province	Lower or Single Chamber	Upper Chamber	Average
CABA	35	N/A	35

Buenos Aires	26.1	26.1	26.1
Catamarca	35	16.6	25.8
Córdoba	40	NA	40
Corrientes	26.6	46.6	36.6
Chaco	40.6	N/A	40.6
Chubut	37.0	N/A	37.0
Entre Ríos	25.7	0.05	12.9
Formosa	37.9	N/A	37.9
Jujuy	27.1	NA	27.1
La Pampa	40	NA	40
La Rioja	27.7	N/A	27.7
Mendoza	35.4	34.2	34.8
Misiones	27.5	NA	27.5
Neuquén	31.4	NA	31.4
Río Negro	45.6	NA	45.6
Salta	26.6	0.2	13.4
San Juan	22.2	NA	22.2
San Luis	30.7	33.3	44.4
Santa Cruz	20.8	N/A	20.8
Santa Fe	36.7	5.2	21.0
Santiago del Estero	45	NA	45
Tucumán	25	NA	25
Tierra del Fuego	46.6	NA	46.6
Average Provinces	33	20.3	31.8
(National Congress)	35.8	41.7	38.8

Source: Provincial Legislatures 2016 and Piatti-Crocker et al 2017.

In contrast to Argentina, Brazil has used open list PR to elect its Chamber of Deputies, state assemblies, and city councils since 1945, while a different variant of open list PR— the double optional preferential vote (DOPV)—has been employed in Peruvian congressional elections since 1985. Neither system of open list voting mechanically guarantees the election of women like Argentina's combination of closed list PR and placement mandates. Moreover,

Brazil and Peru have highly fragmented party systems, and elections have been highly volatile in the latter country in recent years. Nevertheless, the different versions of open list PR used in the two countries, interacting with other variables, have had dramatically different impacts for the election of women. Whereas quotas have been relatively successful in Peruvian congressional elections—both in terms of increasing the election of women and in comparison to other countries in Latin America and the world—they have had small or marginal impacts at the national, state, and local levels in Brazil, which has been a regional and global laggard with respect to the descriptive representation of women (Schmidt 2016, 2017).

In Peru's 2016 election, women won 27.7% of the seats in the country's unicameral Congress, higher than the global and Latin American averages (22.9% and 25.4% respectively), even though various countries around the world had adopted quotas in recent years and parity systems had begun to take hold in the region. Although Brazil's 30% quota had finally been implemented prior to its last federal and state elections in 2014, women won only 9.9% of the seats in its Chamber of Deputies and 13.3% of the seats in the country's state assemblies. After the last round of local elections in 2016, women held only 13.5% of the seats on Brazilian city councils. Thus, in recent years less than half as many women, at best, have been elected under the Brazilian variant of list PR than in elections conducted under Peru's DOPV (Schmidt 2016, 2017).

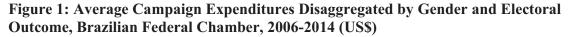
Differences in the mechanics of open list voting in Brazil and Peru may help explain the big disparity between the two countries in the election of women. Whereas most Brazilians vote for a candidate even though they may choose a party, voting for one or two candidates is purely optional in Peru. Thus, Peru's DOPV is less candidate-centric and affords the option of supporting both a male and a female candidate. Moreover, poorer and less educated Peruvians

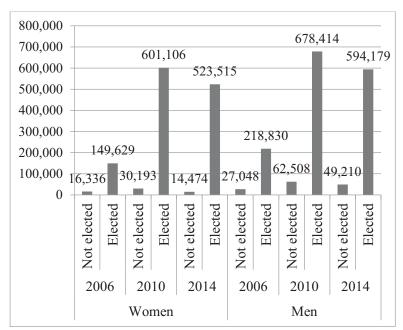
are less likely to vote for individual candidates; those who do so are more likely to make errors in casting or counting these "preferential votes" that often lead to the disqualification of individual ballots or entire precincts. Thus, in Peru a relatively affluent and better educated *subelectorate* chooses which candidates fill the congressional seats won by the various party lists. This subelectorate has more progressive attitudes towards the political participation of women than the overall Peruvian electorate (Schmidt 2016, 2017 and table 3).

Two additional factors are also likely explanations for the greater electoral success of women under open list PR in Peru. First, whereas Peruvian parties and alliances present a list of candidates equal to the number of seats to be filled in an electoral district, in Brazil the number of candidates on each party list may equal 150% of the seats to be elected and coalitions may present lists with 200%. Thus, enforcing gender quotas in Brazil may mean little more than the addition of more women candidates or that more very marginal candidates are female, rather than male (Araujo 2011, Piatti-Crocker et al 2017).

Second, whereas Peruvian parties have placed constraints on competition among candidates on the same list, in Brazil compelling evidence shows that financial resources have become the most important determinant of success for legislative candidates in Brazil's very expensive electoral campaigns at the national, state, and local levels. Campaign financing—especially from the most important source, donations from corporations—has been clearly skewed toward male candidates in Brazil. Although corporate donations to individual candidates were banned before the 2016 local elections, there was only a marginal increase of 0.1% in the female share of city councilors throughout the country. It remains to be seen if these new restrictions will improve the chances of women candidates in elections for the Brazilian National

Congress and state assemblies, which take place in state-wide electoral districts and are generally more expensive than local contests (Piatti-Crocker et al 2017).





Although party list PR is used to elect the lower houses of the Argentine and Brazilian Congresses and Peru's unicameral national legislature, other electoral systems are also found in the Big Three countries. Closed majority list systems in multimember constituencies have long been used to elect members of municipal councils at the provincial and district levels in Peru. This system was adopted for the Argentine Senate by the 1994 constitutional reform and was also employed in Peruvian regional elections in 2002 and 2006. The interaction of quotas with closed majority lists follows a very different logic than the application of quotas to systems of closed or open list PR. In majority list systems, women can be guaranteed to win some seats, even without placement mandates, if the effective quota and the relative share of seats won by the first place party are both high.⁴

Placement mandates are not used in Peru, but women are nevertheless guaranteed to win some seats without placement mandates in elections for municipal councils with five and seven members. For example, in five member councils—which account for 95% of all councils elected in district-level municipalities and over four-fifths of all municipal councils in Peru—all parties are required to nominate at least two women in order to cover the 30% quota, and the winning list is awarded four seats; thus, at least one women will be elected on the winning list, even if both female candidates are placed in the last two positions. On seven member councils—which were used in over half of the Peruvian regions in 2002 and 2006 and are still found among municipalities at the provincial and district levels—all parties are required to nominate at least three women in order to cover the quota, and the winning list is awarded five seats; thus, at least one woman will be elected, even if all three female candidates are placed at the bottom of the list. Largely because of this mechanism, the shares of seats won by Peruvian women in closed majority list elections for municipal and regional councils have been comparable to their shares of congressional seats elected under open-list PR. Whereas women won 27.7% of the seats in Peru's unicameral Congress in 2016, they claimed 28.7% of the seats on district level councils outside of Lima and 25.5% of the seats on provincial level councils in the last local elections held in 2014. When regional elections last used the majority list system in 2006, women won 27.6% of the seats on regional councils (Schmidt 2017).

Table 3: Women Elected to the Unicameral Congress and District Councils in Lima and the Provinces

Percentage Female

	<u>1998</u>	<u>2001</u>	2002	<u>2006</u>	<u>2010</u>	<u>2011</u>	<u>2014</u>	<u>2016</u>	Post
	25%			3	0% Quota	a			<u>Quota</u>
	Quota								<u>Ave.</u>
Unicameral Congress (Open List PR)									
Lima*		31.4		31.4		33.3		33.3	32.4

Rest of Peru		12.9		28.2		17.0		25.5	20.9
Rest of		41.1		89.8		51.1		76.6	64.5
Peru/Lima									
(%)									
District Counc	cils (Major	itarian Cl	osed List)						
Metropolitan	29.7		25.8	31.8	30.9		36.7		31.0
Lima									
Rest of Peru	23.5		26.9	28.2	27.9		28.7		27.0
Rest of	79.1		104.3	88.7	90.3		78.2		87.1
Peru/Lima									
(%)									

^{*}Department of Lima and Peruvians abroad in 2001 and 2006; Metropolitan Lima and Peruvians abroad in 2011 and 2016.

Calculated by author from data in JNE (2001, 39-48; 2006a, 30, 36-38; 2006f, 21-27; 2011a; 2016d) and the sources listed in Table 7.2.

Table elaborated by Gregory Schmidt (2017).

In the case of majority list elections for the Argentine Senate, the first place party is awarded two of three seats in each province, while the first runner-up fills the other seat. Party lists are limited to two candidates, one of which must be a woman in order to meet the legal quota of 30%. Although placement mandates technically apply, they are superfluous because both positions on the list are electable. Women are guaranteed to win at least one third of the seats because one of the two candidates elected by the first place party in each province must be a woman. Indeed, since the majority list system was first implemented in 2001, women have generally comprised a higher percentage of the Senate than the Chamber of Deputies, which is elected under Argentina's justly celebrated system of closed list PR with placement mandates. For example, following the 2015 elections, women accounted for 41.7% of the seats in the Senate, but only 35.8% in the lower house. Thus, both the Peruvian and Argentine examples

show that quotas can work under majority list systems, even though they follow a different logic than under list PR, a finding that defies the conventional wisdom (Piatti-Crocker et al. 2017).

Table 4: Women Legislators in Argentina's National Congress (1990-2015)

Percentage Female

Women Legislators	1990	1995	2005	2010	2013	2015
Deputies	6	27	36.2	38.5	36.6	35.8
Senators	3	33	41.7	35.5	38.9	41.7

Sources: Piatti-Crocker 2011, Inter-Parliamentary Union 2016, and Adriana Piatti-Crocker 2017.

Brazilian senators are elected by single member plurality (SMP) when one seat is at stake and by the plurality Block Vote (BV) when two seats are elected. Although the conventional wisdom holds that women are supposed to fare worse under plurality than in proportional elections and no gender quotas are used in elections for the Brazilian Senate, women have actually done better in elections for the upper house than in elections for the Chamber of Deputies, which are held under open list PR. In the last federal elections held in 2014, women won 18.5% of the Senate seats up for grabs, almost twice the share that they took in elections for the lower house in the same year. After the 2014 election, women accounted for 16% of the 81 seats in the Senate (Piatti-Crocker et al 2017).

18:99 20.00 18.00 15.90 14.80 14.80 14.80 16.00 14.00 13.30 14.00 11.90 12.00 10:00 8.00 6.00 4.00 2.00 0.00 1994 1998 2002 2006 2010 2014 Candidates - Elected

Figure 2: Women Candidates and Women Elected, Brazilian Senate, 1994-2014 Percentage Female

Elaborated by Clara Araujo 2017

In contrast, SMP has generally led to a low level of female representation in the provincial senates that use this electoral system in Argentina. Moreover, women hold very few executive positions at subnational levels, which are elected without quotas and often by SMP.⁵ After the 2014 general election only one of Brazil's 27 governors was a woman. In the 2014 Peruvian regional and municipal elections, men won 96% of the regional governorships, 97% of provincial mayorships, and 97% of district mayorships. Only three of Argentina's 24 governors were women before the 2015 election, when an unprecedented five were elected. Women accounted for only 11.6% of the Brazilian mayors elected in 2016 (Piatti-Crocker et al 2017).

Several Argentine provinces, such as Córdoba and Río Negro, and recent Peruvian regional elections since 2010 have employed mixed electoral systems that combine SMP and closed list PR. In recent years, women have filled a relatively high percentage of the seats in Córdoba's unicameral legislature, though most were elected in the list PR tier. Women also did well in the latest election in Río Negro, which like Córdoba has adopted a parity system. In the

first election held under Peru's mixed system in 2010, women won a record 28.1% of the seats on regional councils, but this share declined to just under 23% in 2014 after the mixed system was tweaked. These figures are broadly consistent with those of Peruvian elections held under open-list PR and majority list. As in the case of Córdoba, a higher share of women has been elected in the list tier than by SMP in recent Peruvian regional elections (Piatti-Crocker et al. 2017).

District and party magnitude vary considerably in the different electoral systems found in the Big Three. High district and party magnitudes are thought to facilitate the election of women, who are assumed to occupy lower positions in closed list systems or to be less competitive candidates in open list systems. However, the empirical evidence that supports this view comes overwhelmingly, if not exclusively, from closed list PR systems. Indeed, the experiences of closed list PR elections used to elect the Argentine Chamber of Deputies, some chambers of provincial legislatures in Argentina, and some seats on regional councils in Peru in 2010 and 2014 are generally consistent with this conventional wisdom. On the other hand, district and party magnitude do not seem to matter much in the open list systems used in Brazil and especially Peru. Moreover, *low* district magnitudes have actually facilitated the election of women in the closed majority list systems used in Peruvian subnational elections and to elect the Argentine Senate, contrary to the expectations in the literature (Schmidt 2017).

Beyond electoral systems, political culture might be expected to affect the election of women. Latin America has a reputation for *machismo*, which along with other traditional values is most prevalent in areas with lower levels of socioeconomic development and urbanization. In Argentina, for example, this male-dominated political culture has been significant in the practice of placing women in the lowest legally permissible positions on candidate lists and the uneven

implementation of quotas in the provinces. In addition, the combination of closed list PR and placement mandates that has been used so successfully in Argentina is appropriate, given the country's patriarchal culture.

In Peru, the political culture and socioeconomic context of Lima—Peru's largest and most developed city—are more supportive of women candidates than those of the Peruvian provinces. *Limeñas* have been more successful than *provincianas* in winning office in both closed majority list elections for municipal councils at the district level and open list PR elections for Congress. The type of electoral system appears to make little difference in Lima, but outside of the capital women have had notably greater success in elections held with closed majority lists than those conducted under open list PR. Gender quotas mandate the inclusion of a minimum number of female candidates—even in areas where the political culture is not supportive of women—and the mechanics of the closed majority list system, interacting with other variables, guarantee the election of women in the provinces. A counterfactual analysis provided by Greg Schmidt suggests that female congressional candidates in the provinces would fare better under closed list PR than in open list PR elections. Thus, ballot structure may have little or no impact where political attitudes are supportive of women in politics, but matter a great deal where there is a strong bias against female leaders (Schmidt 2017).

On the other hand, women candidates in Brazil have done best in areas with lower levels of socioeconomic development and presumably more traditional attitudes. Women running for both houses of the Brazilian National Congress have fared best in the Center-West and Northern Regions, which include more agrarian and less urbanized states with smaller populations.

Although female candidates are more diverse than their male counterparts, the women who win election tend to be from the elite. Indeed, female senators are often from traditional families, the

wives or daughters of career politicians, and wealthy. In 2014, women filled the highest percentage of seats in state assemblies in the relatively poor North and Northeast. Women running for municipal councils do best in smaller cities, which also tend to be located in the North and Northeast. In contrast, female candidates in the more developed and affluent Southeast and South win relatively few seats in Congress and state assemblies. It should also be mentioned that incumbency is an important determinant of electoral success in Brazil at all levels of government (Piatti-Crocker et al 2017).

Table 5: Seats Filled by Region and Gender, Brazilian Chamber of Deputies, 2014

Region	Seats	Females Elected	Males Elected	% Females Elected
North	65	15	50	23.1
Northeast	151	10	141	6.6
Southeast	179	17	162	9.5
South	77	5	72	6.5
Center-West	41	4	37	9.8
Total	513	51	462	9.9

Source: TSE / Elections 2014. Repository of Electoral Data. Retrieved: July, 27, 2015. Accessed on July 28, 2015. Prepared by Clara Araujo 2017.

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Summing up, a much more nuanced picture of how different types of electoral systems may affect the election of women and the effectiveness of quotas emerges from the comparative analysis of the Big Three in the volume than is typically found in the literature. Argentina was an early pioneer in combining closed list PR with placement mandates, a formula that has greatly facilitated the election of women to its Chamber of Deputies and many provincial legislatures. However, women candidates have actually done better in recent elections for the Argentine Senate under a closed majority list system that has also benefitted women in Peruvian

subnational elections, but is little studied in the literature. Limited evidence from subnational elections in Argentina and Peru suggests that quotas also can work well in mixed electoral systems. Women have fared poorly in open list PR elections held at various levels in Brazil, but the Peruvian variant of open list, the DOPV, has produced much better results for female candidates in that country's congressional elections. Thus, the devil appears to be in the details of which open list system is used and how it interacts with other features of the electoral system, such as the number of candidates and campaign finance. Although women generally have not done well under plurality systems, as the literature would predict, the "quota-less" Brazilian Senate is an ironic exception. High district and party magnitudes benefit women under closed list PR in accordance with the conventional wisdom, but not under open list PR. Moreover, majority list works best with quotas in low magnitude districts [CAM1].

Substantive Representation

Substantive representation is a major focus on Argentina since this country has effectively implemented quotas for more than three decades. Once elected, women legislators tend to feel a mandate to legislate for women's interests. This commitment has led to national laws that relate directly or indirectly to women, such as those concerned with domestic and gendered violence, reproductive and health reforms, and changes in both the criminal and civil law codes. These substantive achievements are due to the increasing collaboration of women lawmakers across party lines, what Argentine legislators call "*transversalidad*" ("*transversality*"), in contrast to partisanship.⁶ Beyond the legislature, grassroots organizations have played significant roles in framing the legislative debate on issues of concern to women.

There are, however, still persistent obstacles for women lawmakers, particularly regarding their positions within legislative committees and the extent and significance of their

legislative networks. Women tend to be overly represented on committees traditionally associated with women, but are kept out of leadership roles in some of the more powerful committees (e.g. defense, foreign affairs), with only a few exceptions. This is not necessarily a disadvantage since a stronger presence of women legislators on committees traditionally associated with women will lead to more legislation and policies that benefit women at large. But it is important to ascertain whether women are excluded from specific committees despite their preferences, as stated by a legislator interviewed for this project.

It is also noteworthy that committees dealing specifically with women's issues have been created at both the national and subnational levels. This type of committee furthers women's substantive representation by facilitating networks linking female legislators with one another and with other women in grassroots organizations. Yet, these bodies face some institutional difficulties. In the lower chamber of Congress, the Family, Women, Childhood, and Adolescence Committee has a very broad mission, as its name indicates. In the Senate, the Women's Caucus (*Banca de la Mujer*) lacks a parallel committee in the lower house and the active support of some of its members.

Women legislators in the three largest Argentine subnational units (Buenos Aires, CABA, and Córdoba) also have felt a responsibility to legislate on behalf of women's interests. Despite making remarkable progress in being elected to positions of power (committee presidents and party leaders), women still face persistent obstacles in the country's provincial legislatures. As has been the case at the national level, women do not participate in a diverse range of committees, so they do not have much influence over policy issues or over the legislative process in the more powerful committees, where male legislators still hold sway in most cases. Indeed, in the three subnational units of CABA, Buenos Aires and Cordoba

Provinces, women have seldom been selected for top committee posts. However, this trend has changed significantly in two of the three subnational governments studied in the volume since the 2015 elections. Indeed, in both Córdoba and in the Buenos Aires (BA) Provinces, the female proportion of leadership positions in legislative committees has increased by 10%, more than doubling in the BA Senate. Moreover, women's representation may improve dramatically after the next legislative elections in 2017, when BA enforces its parity law. In contrast, women held 14.2% fewer presidencies in CABA after the 2015 elections.

Table 6: Women in Legislative Committees, Selected Provincial Chamber, 2016.

Percentage Female

	BA/Deputies	BA/Senate	CABA	Córdoba
	Br v Bepaties	Di i/ Schate	CHEH	Cordoba
Chamber Average	26.1	26.1	35	40
Committee Posts				
Presidencies	28.9	32	29.1	36.3
Vice-Presidencies	34.2	20	58.3	N/A ⁷
Secretariats	N/A	N/A	N/A	N/A
Women's Committees				
Seats	66.6	N/A ⁸	33.3	100
Presidencies	Yes	N/A	Yes	Yes
Vice-Presidency/sec.	Yes	N/A	No	N/A
Social Committees				
Seats	52.5	39.4	55.2	72.2
Presidencies	Yes (4/9)	Yes (2/6)	Yes(2/6)	Yes(3/6)
Vice-Presidency/sec.	Yes(4/9)	Yes(2/6)	Yes (4/6)	N/A
Economic Committees				
Seats	19.1	15.8	32.2	25.2
Presidencies	Yes (3/6)	Yes (1/6)	No (0/5)	Yes(2/5)
Vice-Presidency/sec.	Yes (4/6)	Yes (1/6)	Yes (1/5)	N/A
Budget				
Seats	13.3	15.3	34.7	55.5
Presidencies	No	Yes	No	No
Vice-Presidency/sec.	Yes	No	Yes	N/A
Agriculture & Ranching				
Seats	22.2	22.2	N/A	11.1
Presidencies	Yes	No	N/A	No
Vice-Presidency/sec.	No	Yes	N/A	N/A

Constitutional/Legislative				
Seats	37.7	27.4	34.6	31.4
Presidencies	Yes (3/8)	Yes (3/5)	Yes (1/5)	No (0/3)
Vice-Presidency/sec.	Yes (2/8)	No (0/5)	Yes (4/5)	Yes (1/3)
Security & Defense				
Seats	14.2	27.2	46.2	55.5 ⁹
Presidencies	Yes	No	No	No

Sources: National Congress of Argentina and Provincial Legislatures 2016 and Piatti-Crocker 2017.

Women-friendly mechanisms have also been implemented in other bodies of Argentine government, but with fewer significant results. For example, the representation of women in executive branches at the national and subnational levels is still substandard, despite constitutional provisions that promote the inclusion of women. In the judicial branch, and within the Supreme Court, the "Office for Women" was created by law to incorporate women in high-ranking judicial positions and to promote gender-sensitive court decisions. Yet, most women are found in lower courts, rather than in the more powerful appellate or supreme courts, at subnational levels (ELA 2012).

Women in Peru have also made strides towards substantive representation, despite weak and personalistic political parties and a high degree of legislative turnover. Peruvian congresswomen no longer play merely nominal or symbolic roles. Since 1995, six women have served as the president of Congress, the second most powerful elective office in the country. Congresswomen have worked across party lines during and after the Fujimori era to pass legislation on issues of special concern to women, including family violence, rape, DNA testing, affirmative action, sexual harassment, femicide, maternity leaves, and job protection for pregnant women and new mothers. In contrast, ineffective quotas in Brazil have prevented women from achieving the critical mass in the National Congress and state assemblies that is a prerequisite for significant substantive representation (Piatti-Crocker et al. 2017).

Parity: The New Game in Town, But Not Yet in the Big Three

Within the first decade of the millennium, a new wave of quota activism emerged with force in Latin America. This time proposals for parity systems that require alternation between male and female candidates in legislative elections and gender balance in public posts and even the private sphere were diffused throughout the region. Seemingly rooted in the "Athens Declaration," the concept of parity was invoked at the first "European Summit of Women in Power," held in Athens in November 1992 (Eurogender Network 2013), and later diffused to Latin America (Espino 2011). The discourse was shaped by regional conferences, particularly by women's conferences sponsored by the Economic Commission of Latin America and the Caribbean (ECLAC). Distinct from quotas, parity is based on the principle of equal representation: given that women comprise half of the population, it follows that they should hold half of the decision-making positions (Espino 2011). Parity is also rooted in the idea that women's greater political presence will, in turn, help transform the political culture that has "traditionally benefitted men, as well as help change the content and priorities of the political agenda" (Huerta and Magar 2006).

The Big Three countries have not embraced parity systems thus far. Indeed, despite the fact that Argentina was the initiator of the first quota movement, it has not adopted parity at the national level. There have been more than eight parity bills introduced in Congress over the years, but those proposals were not debated (Piatti-Crocker 2014, Gusta and Caminotti 2010, UNDP 2015), despite the adoption of parity in the provinces of Córdoba, Rio Negro, Santiago del Estero, Buenos Aires, and likely Santa Fé (Piatti-Crocker et al 2017).

Yet, the debate on gender parity has resurfaced on the national legislative agenda. With the support of several deputies and senators across-party lines (*transversalidad*), Margarita

Stolbitzer from the Broad Progressive Front (FAP) introduced a parity proposal for the "for equal representation in politics," to be included in a proposed reform of the electoral law. Cristina Alvarez Rodriguez (FPV) asserted that "since we are half of the population, it is important to have equity in representation," paraphrasing the discourse employed in other political contexts, and claimed that parity is rooted "in a *disconnection* between politics and society" (La Nación, 2016). In addition, in October 2016 the *Banca* pressed the Committee of Constitutional Affairs to rule (*dictaminar*) on a parity bill that would include 50% of women in party lists. (La Nación 2016). In contrast to previous attempts, there seems to be a congressional consensus to incorporate the principle of parity into party lists this time around (Clarín 2016). Furthermore, a proposed rule would ensure parity in the presidencies of legislative committees, and several bills would extend this principle to the executive branch, the judiciary, and union guilds (Congreso de Nación, 2016). It will be interesting to see if the Argentine national legislature will finally adopt one of the many parity bills that have been filed and whether Brazil and Peru will follow the new wave of parity in Latin America.

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Endnotes

¹ Colombia and Venezuela soon revoked their quota legislation, but Colombia's high court reinstated that country's quota law in 2011.

² Data presented in this paragraph were computed or compiled from IPU (Various Years) and are based on the situation as of 1 September 2015. The figures for Spanish/Portuguese- and English/Dutch-speaking countries in the Western Hemisphere are averages of the chambers in the respective categories. The other data are overall percentages of seats reported by the IPU. Although Haiti is sometimes considered to be part of Latin America, it is not included in the regional averages, due to its distinct history, culture, languages (Creole and French), and electoral system (TRS).

³ The average for the lower houses or unicameral congress is slightly lower (26%) if we exclude the three countries in the region that are not classified as electoral democracies in 2015 by Freedom House (2015): Cuba, Nicaragua, and Venezuela. None of these three countries has an upper house.

⁴ Greg Schmidt (2017) developed a formula to specify the relationship among the effective quota, the relative magnitude of the largest party, district magnitude, and guaranteed seats. Several illustrations drawn from Peru and Argentina are provided in the next two paragraphs of this chapter.

⁵ Brazilian governors are elected by majority runoff. Runoff elections for mayor are also held in Brazilian cities with over 200,000 people if no candidate wins a majority in the first round, and for governor of Peruvian regions if no candidate receives at least 30% of the vote.

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⁶ This term is broadly employed by Argentine legislators to discuss the scope and extent of collaboration among women lawmakers in the drafting of bills, passage of laws, and other legislative behavior characterized by cooperation, rather than by partisanship. This terminology was also used in Piscopo (2014).

⁷ Only four committees have a vice-president, so these data are not averaged.

⁸ The *Banca de la Mujer* (Women's Caucus) has become inoperative in the BA Senate.

⁹ There is no "security and defense committee" in the Province of Córdoba; the percentage here is for institutional affairs.

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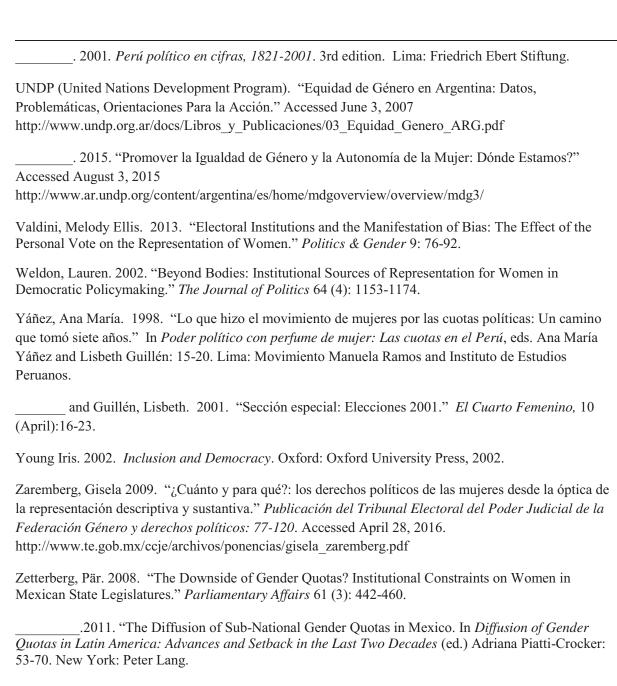
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