

# THE ROAD TO SUBSTANTIVE DEMOCRACY: WOMEN'S POLITICAL PARTICIPATION IN THE AMERICAS

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS



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**THE ROAD TO SUBSTANTIVE DEMOCRACY: WOMEN'S POLITICAL PARTICIPATION  
IN THE AMERICAS**

**TABLE OF CONTENTS**

	<b>Page</b>
EXECUTIVE SUMMARY .....	vii
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. LEGAL FRAMEWORK: GUIDELINES AND STANDARDS APPLICABLE TO THE RIGHT OF WOMEN TO PARTICIPATE IN POLITICS .....</b>	<b>5</b>
A. Right to equality and nondiscrimination.....	5
B. Right to participate in public and political life .....	8
C. Right of women to access public service .....	11
D. Adoption of special temporary measures.....	14
<b>III. WOMEN'S PARTICIPATION IN THE CONDUCT OF PUBLIC AFFAIRS AND POLITICAL LIFE: TOWARDS GENUINE DEMOCRACY .....</b>	<b>17</b>
A. Women's political representation in the three branches of government: progress and challenges.....	19
1. Women in the legislative branch .....	19
2. Women in the executive branch.....	24
3. Women in the judicial branch.....	28
4. Local government and the paradoxes of political power .....	31
B. Political exclusion of indigenous and Afro-descendant women .....	34
C. Domestic v. the public sphere: obstacles hindering women's participation in political life .....	32
<b>IV. ELECTORAL PARTICIPATION: DISCRIMINATION AGAINST WOMEN IN VOTING ACCESSIBILITY AND VOTING.....</b>	<b>43</b>
A. Democratic trend and progress in women's electoral participation .....	43
B. Obligations of States to guarantee women's electoral participation .....	47

<b>V.</b>	<b>THE ROAD TO SUBSTANTIVE EQUALITY: ADOPTION OF SPECIAL TEMPORARY MEASURES TO GUARANTEE WOMEN’S FULL POLITICAL PARTICIPATION .....</b>	<b>50</b>
A.	Adoption and implementation of special temporary measures: progress and challenges .....	51
B.	Quota laws: platforms for parity or glass ceilings? .....	55
<b>VI.</b>	<b>POLITICAL PARTIES AND DISCRIMINATION AGAINST WOMEN.....</b>	<b>59</b>
A.	Political party best practices to facilitate women’s political participation.....	60
B.	Political party obstacles to the inclusion of women .....	62
<b>VII.</b>	<b>CONCLUSIONS.....</b>	<b>69</b>
<b>VIII.</b>	<b>RECOMMENDATIONS .....</b>	<b>71</b>

# THE ROAD TO SUBSTANTIVE DEMOCRACY: WOMEN'S POLITICAL PARTICIPATION IN THE AMERICAS

## EXECUTIVE SUMMARY

1. The Inter-American Commission on Human Rights (hereinafter the "Inter-American Commission," "IACHR," or "Commission") has consistently advocated for the appropriate participation and representation of women at all levels of government as a necessary condition for strengthening democracy in the Americas.<sup>1</sup> Within that framework, the IACHR has concluded that in order to achieve this goal, States will need to implement a series of measures to promote respect for, and safeguard the exercise of, women's political rights. The work of the IACHR and the Rapporteurship on the Rights of Women (hereinafter the "Rapporteurship" or "Rapporteurship on the Rights of Women"), underscores the fact that women in the Americas continue to face a number of obstacles in accessing positions of power, owing to their under-representation at the different levels of government and public life in the countries of the Americas. Consequently, women are still prevented from the full enjoyment of their political rights on the same basis as men.

2. Accordingly, the IACHR examines in this report the progress made as well as the challenges confronting States in terms of complying with their obligations to respect and guarantee the equitable political participation and representation of women from a human rights perspective. Among the most important topics the IACHR analyses are the main obstacles facing women with respect to the full enjoyment of their political rights and access to positions of power on the same basis as men; degree of success achieved by special temporary measures designed to increase the participation of women; the work that remains to be done in this regard; and the best practices of the countries of the Americas that address these challenges.

3. Through this report, the IACHR offers a series of conclusions and recommendations to aid countries in formulating strategies to guarantee the inclusion of women in public office, to eliminate obstacles preventing women from the full enjoyment of their political rights, and to continue implementing measures that promote the participation of women in government and public life on an equitable basis. Moreover, the recommendations provided herein are designed to facilitate the participation of political parties and different civil society groups, including organizations that advocate for the interests of women in the development and implementation of policies and programs to promote gender equality.

4. This report is based on data compiled and analyzed by the Rapporteurship over the last four years, and was made possible by financial support from

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<sup>1</sup> For example, see IACHR *Annual Report 1999*, Chapter VI, "Considerations regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination"; IACHR, Report of the Inter-American Commission on the Condition of Women in the Americas, OEA/SER.L/V/II.98, doc. 17, October 13, 1998; IACHR, "Violence and Discrimination against Women in the Armed Conflict in Colombia," OEA/Ser.L/V/II. Doc.67, October 18, 2006.

the Government of Finland. The report draws on information obtained from a number of different sectors, including subject matter experts, government, civil society, and academia. For this purpose, a questionnaire<sup>2</sup> was circulated to the States requesting information on areas of progress and challenges concerning women's political participation. Moreover, a thematic hearing entitled "Women's Participation and Access to Political Power in the Americas," was held March 1, 2007, within the framework of the 127th session of the IACHR, in addition to three meetings of experts on women's political participation and human rights in Argentina, Chile, and Venezuela.<sup>3</sup> The information compiled was further supplemented by the work of the IACHR, which includes judicial decisions of both the Commission and the Inter-American Court of Human Rights (hereinafter the "Inter-American Court"), thematic reports, country-specific chapters on the human rights of women, and on-site visits organized by the IACHR and the Rapporteurship; as well as public information in this regard available from regional and international agencies, and international human rights organizations.

5. This report is based on the premise that representative and participatory democracy can be the only means of guaranteeing that both men and women enjoy the full exercise of their human rights. The American States have repeatedly affirmed the linkage between representative democracy and the exercise of human rights, emphasizing the need to exercise political rights in order to elect authorities.<sup>4</sup>

6. The IACHR supports the inclusion of women in all political spheres as a means of strengthening democracy and promoting political pluralism by incorporating the voices and demands of women, who account for approximately half of the population of the Americas. The IACHR also notes that women's participation in positions of power and political decision-making can have a multiplier effect, which is capable of achieving equal rights in all pertinent areas of gender equality, and not only in the political arena.

7. Both the inter-American and international human rights protection systems recognize women's participation in government and equal access to public office as fundamental rights. The international community has established the importance of ensuring equal opportunities for both men and women to enjoy the exercise of political rights. Some examples in this regard include the provisions of the Inter-American

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<sup>2</sup> The OAS member states that responded to the questionnaire were: Argentina, Brazil, Colombia, Ecuador, El Salvador, Guyana, Honduras, Mexico, Panama, Peru, Saint Vincent and the Grenadines, Suriname, the United States, and Venezuela.

<sup>3</sup> The meetings of experts convened by the IACHR at the regional level were: "Discrimination against Women in the Sphere of Political Participation from a Human Rights Perspective," held at the Human Rights Center of the School of Law, *Universidad de Chile*, Santiago, Chile, on September 14, 2007; and the meeting of experts by the same name held in Caracas, Venezuela, on September 25, 2008. The Rapporteurship also organized a working meeting with 15 national experts representing different sectors in Buenos Aires, Argentina, on July 2, 2008. The purpose of the meeting was to compile data on the situation of women with respect to their political participation in Argentina, within the general context of protecting women's human rights in that country.

<sup>4</sup> See for example, the Inter-American Democratic Charter, adopted at the first plenary session of the OAS General Assembly, held September 11, 2001, Article 7; preamble of OAS General Assembly resolution 618 (XII-082); IACHR *Annual Report 1990-1991*, Chapter V, Section III, "*Human rights, political rights, and representative democracy in the inter-American system.*"



Democratic Charter, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of *Belém do Pará*), the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW Convention), the Convention on the Political Rights of Women, as well as international consensus documents, such as the Millennium Development Goals, the World Conference on Women (“Beijing Conference”), and the International Conference on Population and Development (“Cairo Conference”).

8. According to these instruments, the political participation of women has two primary objectives: the full insertion of women in public office, and the need for the public agenda to reflect the priorities of women; both requiring the involvement of men as well as women as an essential condition for achieving these objectives. Within this framework, the IACHR emphasizes the obligation of States to take all the necessary steps to eliminate discrimination against women in public life, and to guarantee the full exercise of their political rights in a participatory and representative democracy, including special temporary measures.

9. In this report, the IACHR examines and points out significant examples of progress with regard to the political participation and representation of women in the Americas, which include a series of regulatory and public policy reforms recognizing the right of women to participate in public life on equal footing with men, and the implementation of special temporary measures to promote women’s political rights. The IACHR is encouraged over women’s gains in recent decades with regard to their increased participation in public life and political decision-making, especially in the legislative and executive branches. The election of women presidents and prime ministers in the region over the past 25 years—i.e., Violeta Chamorro (Nicaragua), Mireya Elisa Moscoso (Panama), Michelle Bachelet (Chile), Cristina Kirchner (Argentina), Laura Chinchilla (Costa Rica), Kim Campbell (Canada), Janet Jagan (Guyana), Portia Simpson Miller (Jamaica), Kamla Persad-Bissessar (Trinidad and Tobago), and Dilma Rousseff (Brazil)—is proof that women’s political leadership is increasing in the Americas.

10. The IACHR has observed significant progress in women’s political representation within the parliaments of the Hemisphere, which has been accelerated thanks to the implementation of special temporary measures, such as the so-called gender quota laws. The Commission has also observed that women have formed a significant voting block in the region, and that several countries have established specific institutions and ministries to promote women’s human rights and political leadership. These advances help to lay the foundations for a more representative and inclusive democracy; one in which women’s voices are increasingly heard and taken into account in the formulation of laws and public policies.

11. Despite this progress, the Commission continues to observe a significant gap between the formal recognition of women’s political rights and the degree of women’s political participation and representation in the region. While women account for approximately half of the Hemisphere’s population, this fact is not reflected in decision-making in the realms of civil society, politics, economics, social life, and culture. The IACHR also notes that the progress made in women’s political representation within the different

levels of government has been inequitable and sluggish in many countries of the Americas, thus making it difficult to maintain the gains in women's political representation over time. Based on its core work and information provided by different sectors used in preparing this report, the Commission has confirmed low percentages of women serving in most upper houses of parliament, ministerial cabinets, municipal governments, and local public office in the Americas.

12. In part, the IACHR views the limited access of women to positions of power and decision-making as the result of long-standing practices of discrimination against women in which unequal power relationships have been established between men and women, thereby perpetuating gender stereotypes that largely confine the role of women to the home. In this regard, the Commission notes that the exercise of women's political rights has been notoriously affected owing to the lack of an equitable division of labor between the sexes and the hierarchy of gender roles within the family. Consequently, the Commission is concerned that discrimination against women has seriously limited their opportunities to participate in government and public life.

13. Moreover, the IACHR has observed, in many countries, a series of structural obstacles that contribute to the absence and low representation of women in the different spheres of public life. These include: a) socioeconomic disadvantages, such as women's limited access to political party financing to run for public office; b) a greater lack of understanding among women of their political rights, especially among women in rural and marginal areas; and c) different types of violence that undermine or nullify the exercise of all the rights of women, including the rights to participate in politics and to vote. This set of obstacles hinders the opportunities of women to take part in and influence the political sphere, thereby limiting their access to public office on equal footing with men, as well as their exercise of the rights to vote and to remain in positions of power. These obstacles are especially problematic for indigenous women and those of African descent, given the traditional social exclusion these women have suffered owing to their gender, ethnic backgrounds, and race.

14. The IACHR considers that another significant challenge facing the countries of the Hemisphere is how to achieve a greater numerical representation in positions of power, making necessary the implementation of temporary special measures to achieve this goal. Therefore, the report conducts a detailed analysis of these measures involving the implementation of a wide range of mechanisms to accelerate equality between men and women in the political sphere, including gender quota laws, public financing for female political candidates, and the promotion of the political rights of women, among others.

15. While some countries have put these measures into practice, their effective implementation has been a sticking point in the Americas. Specifically with regard to gender quota laws, the Commission has determined there are two levels of obstacles hindering the effective implementation of these laws. On the one hand, the design of such laws has been problematic and in some instances there are no sanctions in place to ensure their compliance. On the other, there has been resistance on the part of government and political parties to implement these measures. The Commission also notes that the

reluctance of government and political parties to appropriately implement these measures may be rooted in the perception of the political sphere as a “masculine realm” and entrenched socio-cultural patterns of discrimination against women in public life.

16. Accordingly, the IACHR underscores the consensus forged by the American States<sup>5</sup> to promote gender parity in both public and private life. Parity implies equal participation and representation between men and women in decision-making and is one of the democratic principles that have been embraced in the region. Parity is a qualitative concept that implies a redistribution of power in the labor market, in decision-making, and in family life. Based on the data analyzed by the IACHR, the objective of parity in government is to achieve equal gender representation in decision-making processes. Parity is also rooted in the idea that women have the right to participate in decisions that affect the well-being of society, not only as equals but also as a different half of the population with its own specific interests and needs.<sup>6</sup> Thus, in accordance with the rules of the inter-American system, the IACHR reminds the States of their obligations to adopt all necessary measures, including any required legislative reforms and/or budgetary allocations, to guarantee the full participation and representation of women in public life, with a view to achieving parity in all spheres and levels of government. In addition, the IACHR emphasizes the need of the States to adopt special temporary measures as a means of achieving gender parity in the political sphere.

17. In line with the principles of equality and nondiscrimination of the inter-American human rights system, the IACHR considers that another significant challenge facing the countries of the Hemisphere is how to achieve not only a greater numerical representation, but also a qualitative representation of the interests of women and those which benefit gender equality. The Commission believes that to achieve a substantial representation of women’s interests— in other words, to ensure continued progress on women’s rights and the incorporation of the interests of women within the existing legislation, public policies, and judicial decisions—countries will need to adopt measures designed to guarantee real gender equality in the political sphere, and to go beyond the incorporation of women in public positions.

18. In this regard, the Commission notes that the obligations of States to ensure the *de jure* and *de facto* equality of women in public life include the duty to institutionalize channels of participation in which women can contribute substantively in the design, development and the implementation of public policies and programs to advance gender equality in different spheres of government and levels of public office.

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<sup>5</sup> The OAS member states have recognized that parity “is one of the key driving forces of democracy, that its aim is to achieve equality in the exercise of power, in decision-making, in mechanisms of social participation and political participation, and in diverse types of family relations.” See ECLAC, Tenth Regional Conference on Women in Latin America and the Caribbean, *Quito Consensus*, Quito, Ecuador, August 6-9, 2007, para. 17.

<sup>6</sup> Line Bareiro and Isabel Torres (eds.), *Equality for an Inclusive Democracy*, Inter-American Development Institute, 2009; Elba Luna, Vivian Roza, and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007* [“The Road to Power: Women Ministers of Latin America 1950-2007”], Inter-American Development Bank, Program for the Support of Women’s Leadership and Representation (PROLEAD); ECLAC, *Women’s Contribution to Equality in Latin American and the Caribbean*, Quito, August 6, 2007.

19. In this report, the IACHR also expresses concern over barriers that continue to prevent both men and women from exercising their right to vote. One notable example is the lack of identification documents in some countries of the region, such as Guatemala and Bolivia. This situation has an especially serious impact on indigenous women who make up a significant percentage of the population. Moreover, different types of violence—including coercion, sexual harassment, and domestic violence—hinder the exercise of all women’s human rights, including the right to show up at polling places and vote.

20. Likewise, the Commission notes that discrimination and violence continue to hamper women’s political participation within political parties. The Commission believes that political parties are a critical link for promoting the inclusion of women in positions of publicly appointed or elected office. However, based on the information examined in this report, the Commission views with concern the situation of political party resistance to women’s participation, largely due to the discriminatory stereotypes and prejudices against women that are part and parcel of the prevailing political culture of these organizations, thus excluding women from participating within the party structure and from standing for public office in conditions of equality with their male counterparts. Consequently, one of the pressing challenges in the region is the need to change the political culture of these parties with a view to achieving a more equitable distribution of power. This will require efforts aimed at raising awareness among political party leadership, investing in the development of women political leaders, as well as eliminating discriminatory practices against women in the party structure.

21. The recommendations contained in this report are meant to guide the design of legislation and public policies for guaranteeing real and substantive equality for women in terms of their political participation and representation. First, the recommendations focus on the need for the States to adopt the necessary measures to guarantee that women participate and are represented in all political spheres under equitable conditions. Consequently, the recommendations urge States: a) to establish the conditions necessary to remove formal and structural obstacles that prevent women’s access to decision-making positions and their full participation in the public life of their countries; b) to compile statistics and other data necessary to report on the adoption of legislation and public policies in this regard; and c) to develop strategies to adequately implement the measures already adopted to promote the substantive equality of women in the different spheres of government; efforts that should include the adoption of temporary special measures, such as quota laws, when appropriate. The recommendations also focus on identifying alternatives for overcoming the economic obstacles confronting women and for enhancing and increasing public financing to promote women’s political participation in the region.

22. Secondly, the recommendations encourage the States to adopt public measures aimed at reshaping traditional beliefs regarding the role of women in society, and to promote the eradication of discriminatory socio-cultural practices that prevent women’s access to public life and decision-making positions. Thirdly, the recommendations urge the States to adopt the measures necessary to guarantee that violence against

women is prevented, punished, and eradicated, with a view to facilitating women's political participation and representation.

23. Finally, the recommendations point to the need to design legislation and public policies that address the specific needs of indigenous and Afro-descendant women, and that take into account the material barriers limiting the exercise of their political rights.

24. The Inter-American Commission stands by its commitment to collaborate with the States in the search for solutions to the problems identified. Some measures adopted to address this situation point to an understanding and recognition of the serious nature of existing problems and the commitment of government and non-government sectors alike to effectively address the many barriers women face with regard to the full exercise of their political rights.

## THE ROAD TO SUBSTANTIVE DEMOCRACY: WOMEN'S POLITICAL PARTICIPATION IN THE AMERICAS

*"I am convinced that fostering gender equality is essential for democracies.  
Democracy without women is only half democracy."  
José Miguel Insulza, Secretary General of the Organization of American States<sup>7</sup>*

### I. INTRODUCTION

1. The democratic current witnessed in some countries of the Americas during the latter half of the 20th century, which led to the overthrow of repressive regimes, has brought about significant changes to the political and electoral systems of the region.<sup>8</sup> While there have been setbacks and resistance in some countries, the reforms of electoral, government, and political party systems all point to a strengthening of democracy.<sup>9</sup>

2. Nevertheless, there is broad consensus among the governments of the Hemisphere that women's participation in the public and political life of their countries is still limited, and that the traditional discrimination and exclusion practiced against women in society continues to be a relevant factor.<sup>10</sup> The Inter-American Democratic Charter specifically emphasizes that discrimination against women is an obstacle to achieving genuine, inclusive, and participatory democracy.<sup>11</sup> The Charter establishes the importance of eliminating all forms of discrimination, including gender discrimination, as a means of strengthening democracy and citizen participation.<sup>12</sup> Within the Organization of American States (hereinafter "OAS"), the role of the Inter-American Commission of Women (hereinafter "CIM") has been essential in promoting women's political participation as a

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<sup>7</sup> Address of the Secretary General of the Organization of American States, José Miguel Insulza, at the inaugural session of the Thirty-third Assembly of Delegates of the Inter-American Commission of Women, November 13-15, 2006, San Salvador, El Salvador, OEA/Ser.L/II.2.33/CIM/INF.3/06.

<sup>8</sup> According to academic sources, the "third wave of democratization" began in 1978. See Frances Hagopian and Scott P. Mainwaring (eds.), *The Third Wave of Democratization in Latin America, Advances and Setbacks*, Cambridge University Press (2005); Daniel Zovatto, José de Jesús Orozco Henríquez (coord.), *Political and Electoral Reform in 1978-2007: Lectura Regional Comparada* ["Political and Electoral Reform in Latin America 1978-2007: A Regional Comparative Study"], Mexico, National Autonomous University of Mexico, Institute of Juridical Investigation (2008).

<sup>9</sup> See Daniel Zovatto, José de Jesús Orozco Henríquez (coord.), *Reforma Política y Electoral en América Latina 1978-2007: Lectura Regional Comparada* ["Political and Electoral Reform in Latin America 1978-2007: A Regional Comparative Study"], Mexico, National Autonomous University of Mexico, Institute of Juridical Investigation (2008), p. 4.

<sup>10</sup> See the Consensus of Brasília (2010) and the Consensus of Quito (2007), resulting from the Tenth and Eleventh Regional Conferences on Women in Latin America and the Caribbean, respectively.

<sup>11</sup> Inter-American Democratic Charter, adopted at the first plenary session of the OAS General Assembly, held September 11, 2001, Article 9.

<sup>12</sup> Inter-American Democratic Charter, adopted at the first plenary session of the OAS General Assembly, held September 11, 2001, Article 9.

priority focus of its strategic plan of action, and as a goal for achieving the full enjoyment of women's human rights in the Hemisphere.<sup>13</sup>

3. In this same vein, the rules of the inter-American system, as well as the American Convention on Human Rights,<sup>14</sup> the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of *Belém do Pará*"),<sup>15</sup> and the Inter-American Democratic Charter establish the commitment of the States to guaranteeing the full and equal participation of women in public life as an essential element for the promotion and exercise of democratic culture.

4. The IACHR highlights the long tradition of concern for the political rights of women in the Americas, and the contribution of American States to the development of international law on this field. For example, the Commission notes that in 1923, during the Fifth International Conference of the American States in Chile, the States agreed that future conferences would study ways to eliminate the constitutional and legal discrimination of women in the Americas with the goal of ensuring that they enjoy the same civil and political rights as men. In 1928, the Inter-American Commission of Women was established, which had as its first goal to extend women the right to vote. Additionally, in 1948, the OAS adopted the Inter-American Convention on the Granting of Political Rights to Women and the American Convention on the Granting of Civil Rights to Women<sup>16</sup>.

5. The IACHR has examined the historical development of women's political participation throughout the Americas from a human rights perspective, and has identified as a priority action the need to eliminate obstacles and barriers that undermine or nullify women's exercise of this right.<sup>17</sup> Despite the fact that women make up approximately half of the Hemisphere's population and its electoral rolls, they are under-represented at all government and decision-making levels. Women's limited access to elected office and positions of power in all spheres of public life is attributable to the discrimination and

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<sup>13</sup> See for example, the Plan of Action of the CIM on Women's Participation in Power and Decision-making Structures, CIM/RES. 198 (XXIX-O/98).

<sup>14</sup> The American Convention on Human Rights was signed by all the American States and ratified by the following: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago (between May 1991 and May 1999), Uruguay, and (the Bolivarian Republic of) Venezuela.

<sup>15</sup> The Convention of Belém do Pará was ratified by the following: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Uruguay, and (the Bolivarian Republic of) Venezuela.

<sup>16</sup> Inter-American Commission of Women, *Brief history of the Inter-American Commission of Women*. available at <http://www.oas.org/es/cim/historia.asp>

<sup>17</sup> For example, see IACHR Annual Report 1999, Chapter VI, "*Considerations regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination*"; IACHR, Report of the Inter-American Commission on the Condition of Women in the Americas, OEA/SER.L/V/II.98, doc. 17, October 13, 1998.

inferior treatment women have experienced in the historical context.<sup>18</sup> The IACHR has addressed a variety of problems associated with women's political participation arising from individual petitions<sup>19</sup> as well as thematic and country reports,<sup>20</sup> and has received information on the existing lines of action presented at IACHR thematic hearings.<sup>21</sup>

6. The IACHR initiated this regional initiative with support from the Government of Finland to study the main advances and challenges experienced by the States in complying with their obligations to respect and guarantee the equal participation of women in the political sphere from a human rights perspective. As will be discussed in the next section, women's participation in public affairs and ensuring their equal access to public office has been recognized as fundamental rights by the inter-American human rights system. The international community has likewise reaffirmed the need for equality between men and women in the enjoyment and exercise of political rights. Examples of this include the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter "CEDAW Convention") and a number of other consensus-based documents at the international level, including the Millennium Development Goals and Beijing Declaration and Platform for Action, which are based on commitments assumed at the Fourth World Conference on Women (1995).<sup>22</sup>

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<sup>18</sup> For example, see IACHR Annual Report 1999, Chapter VI "*Considerations regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination*"; chapter V; IACHR, Report of the Inter-American Commission on the Condition of Women in the Americas, OEA/SER.L/V/II.98, doc. 17, October 13, 1998; IACHR, "Violence and Discrimination against Women in the Armed Conflict in Colombia," OEA/Ser.L/V/II. Doc. 67, October 18, 2006.

<sup>19</sup> One notable example involves the case of *María Merciadri di Morini* (Argentina). In arguing her case before the IACHR, the petitioner alleged that on a list containing the names of six candidates of the Radical Civic Union party [Unión Cívica Radical] standing for election to Argentina's lower house of parliament from the province of Córdoba, the two female candidates had been placed in the fourth and sixth positions of that list, respectively. This constituted a violation of Law No. 24012 and its implementing legislation (Decree No. 379/93), which stipulated that the women candidates should have been listed within the first five positions on the list. The petitioner filed a series of appeals with Argentine judicial authorities, which rejected her petition and legal standing for action. Finally, the Argentine Supreme Court rejected the appeal citing its abstract nature and noting, "in the elections of October 3, 1993, the Radical Civic Union party had obtained enough votes to elect four national representatives yet the suit disputed who should have occupied the fifth candidacy." The State and the petitioners signed a friendly settlement agreement, in which the State acknowledged its responsibility for the events and issued a decree regulating Law No. 24012 and repealing Decree No. 379/93, so as to guarantee the specific manner of women's participation in candidate lists for national elective office. See IACHR Report No. 103/01, Case 11.307, *María Merciadri de Morini*, Argentina, October 11, 2001. Also see IACHR, Report No. 51/021, Admissibility, Petition 12.404, *Janet Espinoza Feria et al*, Peru, October 10, 2002.

<sup>20</sup> For example, see IACHR Report of the Inter-American Commission on the Condition of Women in the Americas, OEA/SER.L/V/II.98, doc. 17, October 13, 1998; IACHR Annual Report 1999, Chapter VI, "*Considerations regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination*"; IACHR Report on the Rights of Women in Chile: *Equality in the Family, Labor, and Political Spheres*, OEA/Ser.L/V/II.134, Doc. 63, March 27, 2009.

<sup>21</sup> For example, see IACHR thematic hearing on *Women's Participation and Access to Political Power in the Americas*, during the 127th period of sessions, March 1, 2007.

<sup>22</sup> See United Nations, Fourth World Conference on Women, Beijing Platform for Action, Strategic Objective G.1, Beijing, China, September, 1995.



7. In this report, the IACHR has carried out an in-depth analysis of the main obstacles preventing women from exercising their political rights and accessing positions of power in conditions of equality with men, including, *inter alia*:

- Gender stereotypes and prejudices, as well as forms of discrimination present in the countries of the Hemisphere that hinder women's access to positions of power. These factors also limit women's ability to participate in politics and to successfully discharge their duties in public office;
- Socioeconomic disadvantages, such as women's limited access to financing in order to fund their political campaigns for elected office;
- Women's unawareness of their political rights, especially among women in rural and marginalized areas;
- Various forms of violence that hinder or prevent women from exercising all of their human rights, including their rights to seek public office and to vote;
- Pressing challenges with regard to the implementation of special temporary measures at the national and hemispheric levels;
- Obstacles preventing women from access to voting and from voting;
- Challenges with regard to promoting greater participation of women in political parties; and
- The particularly serious situation of indigenous and Afro-descendant women.

8. This report is divided into seven core sections. The first provides the conceptual bases on the right of women to participate in public life and to assume public office in their countries, using as a framework of reference the political rights—including the right to equality—set forth in the inter-American and international human rights instruments. The second begins with an analysis of the progress made by, and challenges facing, the States in terms of guaranteeing the right of women to fully participate in public life and their efforts to eradicate discrimination against women within the legislative, executive, and judicial branches of government. It also provides an analysis of the main obstacles hindering women from exercising their political rights on an equal footing with men. Finally, the second section examines the situation of indigenous women and Afro-descendants women.

9. The third section analyzes the different types of discrimination women face in exercising their electoral rights and the obligations of the States to eliminate obstacles that prevent women from showing up at polling places and casting their ballots. The fourth section traces progress with regard to special temporary measures and the

progress and challenges of implementing such measures, and includes special emphasis on gender quota laws enacted in a number of countries of the region. The fifth section presents the advances and challenges regarding efforts to promote greater representation of women within political parties and women's access to positions of power, considering the obligations of the States and political parties in that regard. Finally, the report provides a section of conclusions and another on recommendations for the States.

## II. LEGAL FRAMEWORK: GUIDELINES AND STANDARDS APPLICABLE TO THE RIGHT OF WOMEN TO PARTICIPATE IN POLITICS

10. The IACHR has approached the issue of women's political participation from the perspective of two spheres of human rights protections: a) the right to equality and nondiscrimination; and b) the right to participate in government and in the conduct of public affairs.<sup>23</sup>

### A. Right to equality and nondiscrimination

11. International law has repeatedly recognized the duty of States to guarantee that women fully exercise their human rights on an equal footing with men, and free from discrimination. The binding principles of equality and nondiscrimination form the backbone of the international human rights protection system, in addition to the system's binding instruments, such as the American Convention on Human Rights (hereinafter the "American Convention"), the American Declaration of the Rights and Duties of Man (hereinafter the "American Declaration"), and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (hereinafter the "Convention of *Belém do Pará*"). These instruments strengthen and reaffirm the right of women to equality and nondiscrimination and underscore the importance the States accord to these principles.

12. The IACHR has established the principle of nondiscrimination is a pillar of any democratic system, and a fundamental basis of the OAS system.<sup>24</sup> Article 3(1) of the OAS Charter establishes as a basic principle that: "The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex." Article 1(1) of the American Convention stipulates that the States Parties to the Convention "undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or other social condition." Moreover, Article II of the American Declaration provides that: "All persons are equal before the law and have the rights and duties established in this Declaration, without

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<sup>23</sup> IACHR, Annual Report 1999, *Considerations regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination*, Chap. III, A, 1.

<sup>24</sup> IACHR, Annual Report 1999, *Considerations regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination*, Chap. III, A, 2.

distinction as to race, sex, language, creed or any other factor.” In furtherance to the principle of nondiscrimination, Article 24 of the above-mentioned Convention recognizes: “All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.” These principles have been established in the judicial decisions of the inter-American human rights system.

13. Whenever the exercise of any of these rights is not guaranteed *de jure* and *de facto* under their jurisdiction, the States Parties, in accordance with Article 2 of the American Convention, undertake to adopt such legislative or other measures as may be necessary to give effect to those rights. Furthermore, the American Convention requires the legal systems of the States to provide effective and accessible remedies to persons who allege violations of their protected rights under national law or the Convention. Whenever such remedies are not accessible or effective domestically, the inter-American system provides a second alternative through its system of individual petitions.

14. The Inter-American Court has indicated that there is an “indissoluble connection link” between the obligation to respect and guarantee the human rights enshrined in Article 1(1) of the American Convention and the principles of equality and nondiscrimination.<sup>25</sup> The Inter-American Court also clarified the scope of Article 24, indicating that it “prohibits any type of discrimination, not only with regard to the rights embodied therein, but also with regard to all the laws that the State adopts and to their application.”<sup>26</sup> Moreover, the Inter-American Court has reiterated that the right to equal protection under the law and nondiscrimination implies that States are obligated: (i) to abstain from introducing into their legal frameworks regulations that are discriminatory or have discriminatory effects on certain groups of the population; (ii) to eliminate discriminatory regulations; (iii) to combat discriminatory practices; and (iv) to adopt the affirmative measures needed to ensure the effective right to equal protection for all people under the law.<sup>27</sup>

15. Like the Inter-American Court, the IACHR has established the concepts of equality and of nondiscrimination as corollaries of the inter-American system for protecting and guaranteeing human rights, whether in reports on the admissibility or merits of a case,

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<sup>25</sup> In this regard, the Court has indicated, “States are obliged to respect and guarantee the full and free exercise of rights and freedoms without any discrimination. Non-compliance by the State with the general obligation to respect and guarantee human rights, owing to any discriminatory treatment, gives rise to its international responsibility.” Inter-American Court, *Juridical Condition and Rights of the Undocumented Migrants*. Advisory Opinion OC-18/03, September 17, 2003. Series A No. 18, para. 85.

<sup>26</sup> Inter-American Court, *Case of Yatama v. Nicaragua*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 23, 2005. Series C No. 127, para. 186.

<sup>27</sup> I/A Court H. R., *Yean and Bosico Girls v. Dominican Republic Case*. Judgment of September 8, 2005. Series C No. 130, para. 141; and Inter-American Court, *Juridical Condition and Rights of the Undocumented Migrants*. Advisory Opinion OC-18/03 of September 17, 2003, Series A No. 18, para. 88, cited in Inter-Am. Ct. H.R. *case of López Álvarez*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of February 1, 2006. Series C No. 141, para. 170; also see *Juridical Status and Human Rights of the Child*. Advisory Opinion OC-17/02, August 28, 2002, Series A No. 17, para. 44; and *Proposed Amendments to the Naturalization Provisions of the Constitution of Costa Rica*, Advisory Opinion OC-4/84, January 19, 1984. Series A No. 4, para. 54, cited in Inter-Am. Ct. H.R., *Case of Yatama v. Nicaragua*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 23, 2005, Series C No. 127, para. 185.

or thematic reports. For example, in the case of *María Eugenia Morales de Sierra v. Guatemala*,<sup>28</sup> the Commission expressed concern over the grave consequences of discrimination against women and the stereotypical views of their roles in family life, which amounted to a violation of a woman's right to equality in administering marital property.<sup>29</sup> Furthermore, the Commission has admitted petitions that may characterize violations of the rights to equality and nondiscrimination of women enshrined in both the American Convention and the Convention of *Belém do Pará*, in cases involving sexual violence or where judicial officials have acted with discriminatory prejudice against women in their pursuit of access to justice.<sup>30</sup>

16. The Convention of Belém do Pará is especially relevant for the purposes of this report, inasmuch as it reflects the Hemisphere's uniform concern over the serious situation of violence against women, and the need to adopt comprehensive public strategies to prevent, punish, and eradicate it. Among the most important principles enshrined in the Convention include: express recognition of the link between discrimination and violence against women; acknowledgement that violence affects women in a variety of ways and obstructs their exercise of basic civil and political rights, as well as economic, social, and cultural rights; and the importance of guaranteeing women's equal access to the public services of their country and to participate in public affairs, including decision-making.

17. Furthermore, the above-mentioned Convention establishes the obligation of States to exercise due diligence to prevent, investigate, and impose penalties for violence against women, whether in the public or private sphere; and the duty of States to provide special protection to women in vulnerable situations with respect to discrimination and violence owing to a variety of risk factors, such as race, ethnicity, or socioeconomic disadvantage.<sup>31</sup>

18. At the international level, the CEDAW Convention, establishes as an obligation of the State and its agents to eradicate all forms of violence discrimination against women. Article 1 of the CEDAW Convention defines "discrimination against women" as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of

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<sup>28</sup> The Commission contended that the Guatemalan State was responsible for violating Articles 1, 2, 17, and 24 of the American Convention, inasmuch as the articles of its Code of Civil Procedure governing domestic relationships vested a series of legal capacities exclusively in the male spouse, based on his role as the family's breadwinner, and, in the case of the female spouse, for her role as wife, mother, and homemaker. The Commission concluded that far from guaranteeing "equality of rights and balancing responsibilities" within the marriage, said articles create an imbalance in the rights and duties of the spouses. See IACHR, Report No. 4/01, *María Eugenia Morales de Sierra* (Guatemala), January 19, 2001, para. 44.

<sup>29</sup> IACHR Report No. 4/01, *María Eugenia Morales de Sierra* (Guatemala), January 19, 2001, para. 44.

<sup>30</sup> IACHR Admissibility Report No. 93/09, *Samanta Nunes da Silva* (Brazil), Petition 337-07, September 7, 2009.

<sup>31</sup> See Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Article 9.

human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” This definition encompasses any difference in treatment made on the basis of sex, which intentionally or in practice, places women in a disadvantageous situation and impairs the full recognition of their rights in the public or private spheres. Consequently, an action or omission may have a discriminatory result or effect in practice, even though it may appear unbiased.

19. Moreover, the rights to equality and nondiscrimination have been recognized in most of the universally applicable human rights instruments. For example, Articles 1 and 2 of the Universal Declaration of Human Rights<sup>32</sup> stipulate that: “All human beings are born free and equal in dignity and rights [...]” and that “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The principle of nondiscrimination is similarly stated in the International Covenant on Civil and Political Rights, which specifically stipulates the duty of States “to undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights [...].”<sup>33</sup>

## **B. Right to participate in public and political life**

20. The inter-American human rights system has recognized the right of every citizen to participate in government and public affairs as a fundamental right to be exercised in accordance with the principle of equality.<sup>34</sup> Furthermore, Article XX of the American Declaration establishes that, “every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections [...].”

21. Similarly, Article 23 of the American Convention stipulates that “every citizen” shall enjoy the rights:

- a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
- c. to have access, under general conditions of equality, to the public service of his country.

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<sup>32</sup> United Nations, Universal Declaration of Human Rights, December 10, 1948.

<sup>33</sup> United Nations, International Covenant on Civil and Political Rights, adopted December 16, 1966.

<sup>34</sup> IACHR Annual Report 1999, “*Considerations Regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination*,” Chap. VI, C.1.

22. This same article also establishes that these rights may be regulated “only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.”

23. The Commission has determined that those provisions of human rights instruments that guarantee political rights are to be interpreted and applied in such a way as to give significant effect to the exercise of representative democracy in the Hemisphere.<sup>35</sup> Moreover, with respect to its review function concerning the right to participate in government, the Commission maintains that its purpose is to ensure that all differential treatment in the grant of this right is justified on the basis of objective and reasonable criteria.<sup>36</sup> Accordingly, as is the case of other fundamental rights, restrictions or limitations on the right to participate in government must be justified by the need for them in the framework of a democratic society, demarcated by the justification of the means, their motives, reasonability, and proportionality.<sup>37</sup> The Court also takes into account that any attempt to regulate political rights by the States must comply with legal requirements, have a legitimate purpose, and be reasonable, necessary, and proportional; in other words, any regulation of a right must be reasonable and in keeping with the principles of representative democracy.<sup>38</sup>

24. The Commission notes that Article 23 of the American Convention refers to political rights not simply as rights, but rather opportunities, meaning that every person formally vested with such rights has a real opportunity to exercise them.<sup>39</sup> In this regard, the Inter-American Court recognizes as “essential that the State should generate the optimum conditions and mechanisms to ensure that these political rights can be exercised effectively, respecting the principle of equality and nondiscrimination.”<sup>40</sup>

25. Through its judicial decisions, the Inter-American Court has established that:

- Political participation may include broad-ranging and varied activities that can be executed individually or in an organized manner, in order to intervene in the designation of those who will govern a State or who will

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<sup>35</sup> IACHR, Merits Report No. 98/03, *Statehood Solidarity Committee* (United States), 29 December 2003, para. 87.

<sup>36</sup> *Ibid*, para. 90.

<sup>37</sup> IACHR, Report on the Merits No. 137/99, Case No. 11.863, *Andrés Aylwin Azocar et al* (Chile), December 27, 1999, para. 102.

<sup>38</sup> I/A Court H. R., *Case of Yatama v. Nicaragua*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of 23 June 2005. Series C No. 127, para. 207; *Case of Castañeda Guzmán*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 6, 2008, para. 145.

<sup>39</sup> I/A Court H. R., *Case of Castañeda Guzmán*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 6, 2008, para. 145.

<sup>40</sup> I/A Court H. R., *Case of Yatama v. Nicaragua*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 23, 2005. Series C No. 127, para. 195.

be responsible for managing public affairs, as well as influencing the elaboration of State policy through direct participation mechanisms.<sup>41</sup>

- The right to vote is an essential element for the existence of democracy and one of the ways in which citizens exercise the right to political participation. This right implies that the citizens may freely elect those who will represent them.<sup>42</sup> Citizens have the right to actively participate in the conduct of public affairs, either directly through referendums, plebiscites, or citizen consultations, or through freely elected representatives.<sup>43</sup>
- Participation through the exercise of the right to be elected assumes that citizens can stand as candidates in conditions of equality and can occupy elected public office, if they obtain the necessary number of votes.<sup>44</sup>
- The right to have access to public office, under general conditions of equality, protects access to a direct form of participation in the design, implementation, development and execution of the State's political policies through public office. It is understood that these general conditions of equality refer to access to public office by popular election and by appointment or designation.<sup>45</sup>
- States may establish minimum standards to regulate political participation, provided they are reasonable and in keeping with the principles of representative democracy. These standards should guarantee, among other matters, the holding of periodic free and fair elections based on universal, equal and secret suffrage, as an expression of the will of the voters, reflecting the sovereignty of the people [...].<sup>46</sup>

26. With respect to the content of Article 23 of the American Convention and the obligations of States in the exercise of their political rights, the Commission has recognized the importance of genuine periodic elections, with universal and equal suffrage, and by secret ballot that guarantees the free expression of the will of the electors, and that all political groups have similar opportunities to carry out their campaigns.<sup>47</sup> The

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<sup>41</sup> *Ibid*, para. 196.

<sup>42</sup> *Ibid* para. 198.

<sup>43</sup> I/A Court H. R., *Case of Castañeda Guzmán*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 6, 2008, para. 147.

<sup>44</sup> I/A Court H. R., *Case of Yatama v. Nicaragua*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of 23 June 2005. Series C No. 127, para. 199.

<sup>45</sup> *Ibid*, para. 200.

<sup>46</sup> *Ibid*, para. 207.

<sup>47</sup> IACHR, *Annual Report 1990-1991*, Chapter V, Section III, "Human rights, political rights, and representative democracy in the inter-American system." OEA/Ser.L/V/II.79.rev.1. Doc. 12, 22 February 1991.

Commission, with respect to its decision in the case of *Leopoldo López v. Venezuela*, also established in its analysis of the content of Article 23 of the American Convention, “that political rights, which are fundamentally important human rights within the inter-American system, are closely related to a set of other rights that make possible democratic dynamics.”<sup>48</sup>

27. In addition, the Commission has recognized the existence of effective and ideal remedies is essential to guaranteeing political rights, such as the right to political participation. In the case of *Susana Higuchi Miyagawa v. Peru*, the Commission established that the lack of an effective remedy to appeal electoral decisions does not guarantee political rights. In its analysis of the case, the Commission observed “with respect to the political rights of citizens, for instance, to vote or be elected, the Commission is of the opinion that one essential aspect of due process is the right to have the legality of any decision that imposes an irreparable charge on a person examined or re-examined, as well as when that charge affects fundamental rights or freedoms, such as the right contemplated in Article 23 of the American Convention, in the instant case.”<sup>49</sup>

### **C. Right of women to access public service**

28. The participation of women in public affairs and equality in access to public service have been recognized as fundamental rights both by the inter-American human rights system and the universal system protecting these rights. Specifically, Article 4(j) of the Convention of *Belém do Pará* stipulates that: “Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments, [which] include [...] the right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making.”

29. Moreover, Article 28 of the Inter-American Democratic Charter stipulates that: “States shall promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture.”<sup>50</sup> In keeping with Article 28, the General Assembly of the Organization of American States has urged the member states “to continue to collaborate in eliminating obstacles to women’s full participation in democratic processes.”<sup>51</sup>

30. International human rights instruments have also established a woman’s right to have equal access to public service in her country. Article 21 of the Universal

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<sup>48</sup> IACHR, Application to the Inter-American Court of Human Rights in the case of *Leopoldo López Mendoza* (Case 12.668) against the Bolivarian Republic of Venezuela, December 14, 2009, para. 60.

<sup>49</sup> IACHR, Report on the Merits No. 119/99, Case 11.428, *Susana Higuchi Miyagawa* (Peru), October 6, 1999, para. 54.

<sup>50</sup> Inter-American Democratic Charter, approved at the first plenary session of the OAS General Assembly, held on September 11, 2001.

<sup>51</sup> Resolution AG/RES. 2327 (XXXVII-O/07), Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter, June 5, 2007.



Declaration of Human Rights establishes the right of every person “to take part in the government of his country, directly or through freely chosen representatives”<sup>52</sup> and to have “equal access to public service in his country.”<sup>53</sup> Article 25 of the International Covenant on Civil and Political Rights similarly recognizes these rights. Accordingly, the Commission on Human Rights has stipulated that: “No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>54</sup>

31. The importance of equality between men and women in the enjoyment and exercise of their political rights has long been recognized by the international community. One such example concerns the ratification of the Convention on the Political Rights of Women, which recognizes the right of women “to be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination”<sup>55</sup> and “to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.”<sup>56</sup>

32. Moreover, Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “CEDAW Convention”) stipulates that: “States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) to participate in non-governmental organizations and associations concerned with the public and political life of the country.

33. In addition, the obligation stipulated under this article encompasses all spheres of public and political life, and is not limited to those indicated in subparagraphs (a), (b), and (c) thereof.<sup>57</sup>

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<sup>52</sup> United Nations, Universal Declaration of Human Rights, Article 21.1, December 10, 1948.

<sup>53</sup> *Ibid*, Article 21.2.

<sup>54</sup> Commission on Human Rights, General Comment No. 25, General comments adopted by the Commission on Human Rights, Article 25 (Participation in public affairs and the right to vote), 57th period of sessions, U.N. Doc. HRI/GEN/1/Rev.7 at 194 (1996), para. 3.

<sup>55</sup> Convention on the Political Rights of Women, United Nations General Assembly, Resolution 640 (VII), December 20, 1952 (entered into force on July 7, 1954), Article II.

<sup>56</sup> *Ibid*, Article III.

<sup>57</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997. Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

34. According to Article 7 of the CEDAW Convention, equality in political participation not only concerns the right of women to vote, but also to be elected to public office and to fully participate in public functions and service of their countries. Likewise, Article 8 stipulates the duty of States to take all appropriate measures to ensure to women, on equal terms with men and without discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organizations.

35. The Committee on the Elimination of Discrimination against Women (CEDAW Committee) has indicated that if women are to achieve ample representation in public life, they must have full equality in the exercise of political and economic power, and participate equally in the decision-making process in all spheres, both at the domestic and international levels.<sup>58</sup> Accordingly, the most important obligations of the State to guarantee the equality of women in public life, as identified by the CEDAW Committee, include:

- Taking all appropriate measures to ensure that organizations such as political parties and trade unions do not discriminate against women and respect the principles set for in the Convention.
- Implementing temporary special measures to ensure the equal representation of women in all fields covered under said international instrument.
- Adopting measures, in their constitutions or legislation, to ensure that women, on the basis of equality with men, enjoy the right to vote in all elections and referendums, and to be elected. These rights must be enjoyed both *de jure* and *de facto*.
- Ensuring that women have the right to participate fully in public policy formulation, taking steps to appoint them to senior executive roles and to consult and incorporate the advice of groups that are broadly representative of women's views and interests.
- Identifying and overcoming barriers to women's full participation in the formulation of government policy.
- Encouraging initiatives to lead and guide public opinion and change attitudes that discriminate against women or discourage women's involvement in political and public life.
- Ensuring the presence of women at all levels and in all areas of international affairs, which requires that they be included in economic

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<sup>58</sup> *Ibid.*

and military matters, in both multilateral and bilateral diplomacy, and in official delegations to international and regional conferences.

#### D. Adoption of special temporary measures

36. Human rights instruments of the international and inter-American systems have recognized the need for *temporary special measures* to remedy or compensate for the effects of past situations of structural discrimination against certain groups, and to avoid the perpetuation of such discrimination. Regardless of the terminology used to describe such measures at the international level (e.g., “positive measures,” “affirmative action,” “positive discrimination,” “reverse discrimination”), international treaty monitoring bodies have recognized the need for these measures as a means of guaranteeing substantive equality and the enjoyment of fundamental rights of people and social groups that been at a disadvantage historically or victims of ongoing prejudices.<sup>59</sup>

37. Such measures are qualified as “special” in that they have a specific objective, while their “temporary” nature is conditioned on the results they achieve and sustain for a period of time.<sup>60</sup> Furthermore, international human rights instruments consider such measures to be legitimate “to the extent that they represent reasonable, objective, and proportional means to redress *de facto* discrimination and are discontinued when substantive equality has been sustainably achieved.”<sup>61</sup>

38. In this regard, Article 4 of the CEDAW Convention expressly establishes the adoption of *special measures* with respect to maternity, and *temporary special measures* to eradicate discrimination against women in all social, political, economic, and cultural spheres. With respect to meaning and scope, the CEDAW Committee has defined “special measures” as those measures of a permanent nature aimed at remedying “non-identical treatment of women and men due to their biological differences” and “temporary special measures” as those designed to accelerate “improvement of the position of women to achieve their *de facto* or substantive equality with men, and to effect the structural, social and cultural changes necessary to correct past and current forms and effects of

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<sup>59</sup> The U.N. Human Rights Committee has established that where “general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions.” See United Nations, Commission on Human Rights, General Comment No. 18, General Comments Adopted by the Human Rights Committee, Non-Discrimination, Thirty-seventh session, U.N. Doc. HRI/GEN/1/Rev.7 at 168 (1989), para. 10. The Committee on Economic, Social and Cultural Rights has established that “Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations.” See United Nations, Committee on Economic, Social and Cultural Rights, “Non-Discrimination in Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights, Art. 2, para. 2), U.N. Doc. E/C.12/GC/20, July 2, 2009, para. 8(b).

<sup>60</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 25, *Temporary special measures*, UN Doc. CEDAW/C/2004/1/WP.1/Rev.1, 30 (2004), para. 15.

<sup>61</sup> See United Nations, Committee on Economic, Social and Cultural Rights, “Non-Discrimination in Economic, Social and Cultural Rights (International Covenant on Economic Social and Cultural Rights, Article 2, para. 2), U.N. Doc. E/C.12/GC/20, July 2, 2009, para. 9.

discrimination against women, as well as to provide them with compensation.”<sup>62</sup> The CEDAW Committee provides a very extensive definition of temporary measures, which includes “a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programs; allocation and/or reallocation of resources; preferential treatment; targeted recruitment; hiring and promotion; numerical goals connected with time frames; and quota systems.”<sup>63</sup>

39. With respect to interpretations of the principle of equality enshrined in international human rights instruments, treaty monitoring bodies have noted that, at times, this principle requires the States to take affirmative action to reduce or eliminate conditions which cause or help to perpetuate discrimination prohibited by these instruments.<sup>64</sup> The Commission on Human Rights, for example, has recommended that States implement “positive measures in all areas so as to achieve the effective and equal empowerment of women.”<sup>65</sup>

40. The inter-American system has emphasized the obligation of States to adopt special temporary measures to ensure real and legal equality among people and to combat long-standing or *de facto* discrimination against a number of different social groups. The Commission has established that the implementation of special measures of protection and measures to promote equality—including affirmative action—are necessary to ensure that certain sectors that are victims of structural inequality or long-standing exclusion, such as women.<sup>66</sup> With specific regard to the gender issue, the IACHR maintains that: “States must employ special measures in their efforts to reduce gender inequality.”<sup>67</sup>

41. With regard to the legal principle of equal and effective protection of the law and nondiscrimination, the Inter-American Court has established that States must not only abstain from producing regulations that are discriminatory, but also combat them “at all levels, particularly in public bodies and, finally, must adopt the affirmative measures needed to ensure the effective right to equal protection for all individuals.”<sup>68</sup>

42. With respect to political participation, “pursuant to articles 20 and 24 of the American Declaration and Article 23 of the American Convention, the Commission has

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<sup>62</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 25, *Temporary special measures*, UN Doc. CEDAW/C/2004/I/WP.1/Rev.1, 30 (2004), para. 15.

<sup>63</sup> *Ibid*, para. 22.

<sup>64</sup> United Nations, General Comment No. 18, General Comments Adopted by the Human Rights Committee, Non-Discrimination, Thirty-seventh session, U.N. Doc. HRI/GEN/1/Rev.7 at 168 (1989), para. 10.

<sup>65</sup> United Nations, Commission on Human Rights, General Comment No. 28, Equality of Rights Between Men and Women (2000), para. 3.

<sup>66</sup> IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc.68, January 20, 2007, paras. 100-101.

<sup>67</sup> *Ibid*, para. 108.

<sup>68</sup> I/A Court H. R., *Case of the Girls Yean and Bosico v. Dominican Republic*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of 8 de September 2005, Series C. No. 130, para. 141.

urged the States to continue and expand measures to encourage participation by women in decision-making in the public sphere, including positive measures.”<sup>69</sup>

43. Furthermore, the IACHR has established that special temporary measures are fully compliant with the principle of nondiscrimination and human rights standards, and may be necessary to achieve women’s substantive equality with respect to men.<sup>70</sup> Moreover, the IACHR has noted that a distinction which is based on reasonable and objective criteria is in keeping with the human rights instruments of the inter-American system, provided that it: “(1) pursues a legitimate aim; and (2) employs means which are proportional to the end sought.”<sup>71</sup> Accordingly, the adoption of special measures of affirmative action to promote the genuine equality of women in political participation must be carried out in accordance with these standards.<sup>72</sup>

44. The primary considerations of the IACHR in its analysis of the compatibility of these measures to promote women’s political participation and the right to equality and nondiscrimination, included:<sup>73</sup>

- Given that women are under-represented in virtually all aspects of political life, and because “gender-neutral” legislation and policies may have discriminatory consequences for women, special measures of affirmative action should be adopted, as necessary, to promote the equal access of women to participate in public life.
- The goal of bringing about the effective equal access of women to participation in public life is clearly, in and of itself, legitimate and necessary.
- With a view to ensuring that States meet their regional and the international human rights obligations in cases of *de jure* or *de facto* discrimination that limit a woman from fully exercising her right to participate in the government and public affairs of her country, specific actions are needed to address these situations, which include, *inter alia*, special measures of affirmative action.
- Special affirmative action measures are temporary in the sense that, once equality of access and outcome are achieved, they are no longer necessary.

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<sup>69</sup> IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc.68, January 20, 2007, para. 108.

<sup>70</sup> IACHR Annual Report 1999, Chapter VI “*Considerations Regarding the Compatibility of Affirmative Action Measures Designed to Promote the Political Participation of Women with the Principles of Equality and Non-discrimination.*”

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

### III. WOMEN'S PARTICIPATION IN THE CONDUCT OF PUBLIC AFFAIRS AND POLITICAL LIFE: TOWARDS GENUINE DEMOCRACY

45. The IACHR acknowledges that significant progress has been made with regard to women's political participation and representation in the Americas. Specifically, it has taken stock of legislation and public policy reforms recognizing the right of women to participate in public life on equal terms with men; the implementation of special temporary measures to guarantee women's political rights; and a significant increase in the representation of women in public office and in decision-making bodies, including the legislative, executive, and judicial branches of government. These advances have helped clear the way to a more inclusive democracy, in which women's voices are increasingly heard in the crafting of legislation and public policies with their interests and needs in mind.

46. Despite this progress, the Commission concedes that other persistent challenges must be overcome if full and equal political participation of men and women is to be achieved in the region. Such challenges include accelerating the process of incorporating women into public life in their countries, which is occurring at an uneven pace throughout the Americas; enacting laws and public policies that promote and guarantee the effective participation and representation of women at the levels of public decision-making; reversing the high levels of under-representation of women within the public power structure, whether through election or appointment; enacting measures to address the contradiction between the progress made and the persisting inequities of the incursion of women into political positions at the national and local levels; combating the discriminatory practices of political parties that hinder women's participation; and overcoming the exclusion and scant representation of indigenous and Afro-descendant women at the levels of decision-making.

47. Considering the principles of equality and non-discrimination that prevail in the work of the inter-American system, the Commission notes that the participation of women in all spheres of public life is a necessary condition to establish a truly egalitarian society and to strengthen a participatory and representative democracy in the Americas. The inclusion of women in politics promotes more democratic societies and greater accountability, since the voices and needs of women – who compose approximately half of the population and the electorate in the Americas – are listened to in this context<sup>74</sup>.

48. In this sense, the political rights of women in a participatory and representative democracy have two components: the full insertion of women in public service, and the need for the public agenda to reflect women's priorities. Both of these goals require the involvement of men as well as women as an essential condition for achieving these objectives.

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<sup>74</sup> Line Bareiro and Isabel Torres, "*Participación política igualitaria de las mujeres: Deber ser de democracia*" ["The Egalitarian Political Participation of Women: The Duty of Democracy"] in *Igualdad para una democracia incluyente* ["Equality for Inclusive Democracy"], Inter-American Institute of Human Rights (IHR), Costa Rica, 2009; and Jacqueline Peschard, *The Quota System in Latin America: General Overview*.

49. The IACHR has established that the profound political disparities that exist between men and women are due, in large measure, to the long-standing inequality endured by women in terms of their access to power. As one expert on the issue noted: “[The] real problem takes root in the exclusion or subordination of the feminine representation in the structure of political power [...] due to the existence of ‘excluding circles’ of power.”<sup>75</sup> Thus, power has traditionally been viewed as a male enclave and “in the hands of men.” The long-standing exclusion of women from public life has not only meant that women in public service are under-represented at all levels of government, but also that “politics was read and understood in male codes and standards, excluding women both in deliberations and in decision-making processes on matters of public interest.”<sup>76</sup>

50. Based on the information received, the IACHR sees as another significant challenge not only achieving a quantitative representation of women at decision-making levels, but also a qualitative representation of women’s interests and those who benefit from gender equality. Different studies concur that the mere existence of women at decision-making levels is not enough to guarantee laws and policies will be amended to promote gender equality.<sup>77</sup> For example, in Argentina, the reports of civil society organizations noted that despite significant representation of women in the Congress, “the numbers don’t say anything about women’s true degree of inclusion in public life, or about the level of influence and impact women have had in exercising their respective positions.”<sup>78</sup> Consequently, the necessary measures must be adopted to ensure the appropriate inclusion and participation of women at the public decision-making levels in order to have an impact in terms of formulating more equitable legislation and policies. In other words, as the experts put it, “it’s important to look beyond the numbers.”<sup>79</sup>

51. In order “to look beyond the numbers” and achieve a substantive representation<sup>80</sup> of women’s interests—i.e., not only to ensure that the issues important to women are included on the national political agenda, but that they are also incorporated into legislation, public policy, and judicial decisions—it is the Commission’s view that

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<sup>75</sup> Esther del Campo, “Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women’s Political Representation,” *Social Forces*, June 2005, p. 1702.

<sup>76</sup> Jacqueline Peschard, *The Quota System in Latin America: General Overview*, p. 173.

<sup>77</sup> Mala N. Htun, “Women’s Leadership in Latin America: Trends and Challenges,” in *Politics Matters: A Dialogue of Women Political Leaders*, Inter-American Development Bank, Inter-American Dialogue, International Center for Research on Women (ICRW), 2000, p. 204. available at: <[http://www.iadb.org/sds/prolead/publication/publication\\_7\\_2810\\_s.htm](http://www.iadb.org/sds/prolead/publication/publication_7_2810_s.htm)>; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008), p. 48.

<sup>78</sup> See response of *Equipo Latinoamericano de Justicia y Género* (ELA), Argentina, to an IACHR questionnaire regarding advances and challenges in the area of women’s political participation, June 1, 2009.

<sup>79</sup> See United Nations, Division for the Advancement of Women (DAW), Department of Economic and Social Affairs (DESA), Economic Commission for Africa (ECA), Inter-Parliamentary Union (IPU), Report of the Expert Group Meeting, “Equal Participation of Women and Men in Decision-Making Processes, with Particular Emphasis on Political Participation and Leadership, EGM/EPDM/2005/Report, October 24-27, 2005, para. 59.

<sup>80</sup> See Susan Franceschet, “Do Quotas Promote Women’s Interests? The Impact of Quotas on Women’s Substantive Representation,” in *Women and Politics*, IDEA, Flacso, Catalonia, 2008, pp. 62-72.

positive measures will be needed to eliminate the obstacles women face in the exercise of public office and to develop women's leadership capabilities in the political arena. As noted in a publication of the Inter-American Development Bank (IDB): "Women and the social organizations of Latin America and the Caribbean pointed out early on that it was not simply a matter of achieving power, but rather to have the necessary skills for the efficient exercise of political leadership and government action from a gender perspective."<sup>81</sup> For these reasons, the Commission urges the States to implement the necessary measures to build the professional capacity of women politicians, to improve their substantive participation in decision-making bodies (e.g., parliamentary commissions, ministry offices, government offices, city councils, and the courts), and to organize training programs and curricula to build up their political leadership skills, especially with regard to indigenous and Afro-descendant women.

52. Taking into account the foregoing and the obligations of the States to promote the equality of women in political and public life, the following chapter examines the progress and specific challenges for guaranteeing women's political participation and representation within the various levels of government: legislative, executive, and judicial. Moreover, this chapter will also contrast and compare women's political representation at the national and local levels. The chapter also explores progress and challenges concerning the States' obligations to achieve greater political representation of indigenous and Afro-descendant women in public office and positions of power in the Americas.

53. This section closes with an analysis of the main structural obstacles hindering women from the exercise of their political rights on equal terms in all spheres of public life, which includes recommendations to help States break down these barriers.

**A. Women's political representation in the three branches of government: progress and challenges**

**1. Women in the legislative branch**

54. Over the past 20 years, the Commission has observed significant progress in terms of women's increased representation within the legislatures of the region. According to statistics of the Inter-Parliamentary Union, women currently account for 22.7 percent of members of the legislatures of the Americas. In fact, the region of the Americas is second only to the Nordic countries in terms of the percentage of women represented within this branch of government.<sup>82</sup> The countries of the Americas with the highest percentages of women's legislative representation are Cuba (43.2%), Costa Rica (38.6%), Argentina (38.5% in the lower house, and 35.2% in the upper house), and Ecuador (32.3%), which rank among the countries of the world with the highest rates of female

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<sup>81</sup> Inter-American Development Bank, "*Participación política de las mujeres en América Latina y el Caribe: Una historia de Derechos*" ["Political Participation of Women in Latin America and the Caribbean: A History of Rights"], *Ideas en Marcha, Igualdad de Género en el Desarrollo*, No. 2. June 2007, p. 4.

<sup>82</sup> See Inter-Parliamentary Union, *Women in National Parliaments (as of 31 December 2010)*, available at: <<http://www.ipu.org/wmn-e/world.htm>>, as compared with Inter-Parliamentary Union, *Women in National Parliaments (as of 1 January 1997)*, available at: <<http://www.ipu.org/wmn-e/arc/world010197.htm>>



representation, while the lowest corresponding rates in the region are observed in Haiti (11.1% in the lower house), Panama (8.5%), Brazil (8.6% in the lower house, and 16% in the upper house), and Belize (0% in the lower house).<sup>83</sup>

55. The implementation of special temporary measures, such as quota laws, has helped accelerate the level of women's representation in a number of countries of the region. However, the IACHR notes that progress in the levels of women's leadership within the region's state houses has been uneven. In Cuba, Argentina, Costa Rica, Ecuador, and Guyana women occupy between 30 and 40 percent of legislative seats; in Brazil and some countries of the Caribbean the corresponding percentage is between 10 and 12 percent, while women make up less than 10 percent in countries such as Haiti (either house) and Panama (unicameral).<sup>84</sup>

56. With respect to the upper houses, progress in women's representation has been more meager. Only in Argentina (35.2%) and Mexico (19.5%) do women have significant representation. In Belize, women account for 38.5 percent of the membership of the country's upper house; however, there has been no progress in the country's lower house where there are no women representatives.<sup>85</sup>

57. The Commission notes that even among countries that have enacted quota laws, gender imbalances remain. Hence, in Costa Rica, which enacted a quota system, women's representation in the legislature is one of the highest in the region (38.6%), while in Brazil, which implemented this same special temporary measures, women's representation is only 8.6 percent in the lower house and 16 percent in the upper.<sup>86</sup> There are a variety of factors that impact these measures, which will be explained further on. As has been suggested by one expert "[t]he diversity of electoral institutions in each country results in an enormous variation in terms of the success obtained with quota laws, meant to increase the number of women elected."<sup>87</sup>

58. The Commission has expressed concern over women's very limited access to legislative representation in the Caribbean, noting the difficulty of maintaining progress in women's representation with each new parliamentary election.<sup>88</sup> There are also notable

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<sup>83</sup> See Inter-Parliamentary Union, *Women in National Parliaments (as of 31 December 2010)*, available at: <<http://www.ipu.org/wmn-e/classif.htm>>

<sup>84</sup> Inter-Parliamentary Union, *Women in National Parliaments (as of 31 December 2010)*, available at: <<http://www.ipu.org/wmn-e/world.htm>>

<sup>85</sup> See *Women in National Parliaments (as of 31 December 2010)*, Inter-Parliamentary Union, available at: <<http://www.ipu.org/wmn-e/classif.htm>>

<sup>86</sup> *Ibid.*

<sup>87</sup> Mala N. Htun, "Women's Leadership in Latin America: Trends and Challenges," in *Politics Matters: A Dialogue of Women Political Leaders*, Inter-American Development Bank, Inter-American Dialogue, International Center for Research on Women (ICRW), 2000, p. 2., available at: <[http://www.iadb.org/sds/prolead/publication/publication\\_7\\_2810\\_s.htm](http://www.iadb.org/sds/prolead/publication/publication_7_2810_s.htm)>

<sup>88</sup> Inter-Parliamentary Union, *Women in Parliament 2008: The Year in Perspective*; Inter-American Development Bank, *Ideas en Marcha, Igualdad de Género en el Desarrollo, "Participación política de las mujeres en América Latina y el Caribe: Una historia de Derechos"* ["Political Participation of Women in Latin America and Continues...

disparities between the lower and upper houses. According to the latest data of the Inter-Parliamentary Union, women have achieved significant representation in the upper house of parliament in Saint Lucia (36.4%), Barbados (33.3%), Bahamas (33.3%), Grenada (30.8%), and Barbuda (29.4%), while the corresponding figures for representation in the lower house is only 11.1, 10, 12.2, 13.3, and 10.5 percent, respectively.<sup>89</sup>

59. Another area of progress noted by the IACHR has been the organization of forums for dialogue and collaboration among female parliamentarians known as “*bancadas femeninas*” or women’s caucuses in a number of countries in the region, including Argentina, Brazil, Bolivia, Colombia, Ecuador, Peru, and Uruguay. These conclaves of female parliamentarians have sponsored draft laws and legislative reforms to promote equality between men and women, and helped promote the incorporation of gender issues on the national political agenda.<sup>90</sup> For example, Uruguay’s women’s caucus helped establish that country’s Gender Equity Committee, which has been instrumental in the enactment of a number of women’s human rights laws, and has also helped change lawmakers’ perceptions about women’s leadership in politics.<sup>91</sup> In Brazil, the women’s parliamentary caucus, in collaboration with women’s advocacy organizations, helped enact laws to protect women’s human rights with respect to violence against women, and sexual and reproductive health.<sup>92</sup>

60. The Commission has noted the efforts of female parliamentarians, such as those in Argentina, who established the women’s caucus of that country, which includes all women members of the Argentine Senate, and whose objectives include advisory and consultation services, as well as oversight and monitoring of legislation to promote equal rights, opportunities, and treatment of both women and men;<sup>93</sup> the women’s caucus of Colombia, which organizes training workshops to prepare women for political

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the Caribbean: A History of Rights”], No. 2, June 2007; ECLAC, *Gender Dialogue*, “Women’s political participation and gender parity in decision-making at all levels in the Caribbean,” December, 2007.

<sup>89</sup> Inter-Parliamentary Union, *Women in National Parliaments (as of 31 December 2010)*, available at: <<http://www.ipu.org/wmn-e/world.htm>>

<sup>90</sup> See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008) p. 49; Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009; Response of *Equipo Latinoamericano de Justicia y Género* (ELA), Argentina, to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, June 1, 2009.

<sup>91</sup> See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008) p. 49.

<sup>92</sup> Mayra Buvinic and Vivian Roza, “Women, Politics and Democratic Prospects in Latin America,” Inter-American Development Bank, Washington, D.C., p. 13; Mala N. Htun, “Dimensions of Political Inclusion and Exclusion in Brazil: Gender and Race,” Inter-American Development Bank, Washington, D.C., p. 15.

<sup>93</sup> See *Equipo Latinoamericano de Justicia y Género (ELA), Informe sobre Género y Derechos Humanos. Vigencia y respeto de los derechos de las mujeres en Argentina (2005-2008)* [“Report on Gender and Human Rights. Observance and Respect for the Human Rights of Women in Argentina (2005-2008)”], Buenos Aires, Argentina, 2009, p. 107.

participation;<sup>94</sup> and the Congressional Caucus for Women’s Issues of the United States, comprising women legislators from both political parties who work to promote women’s political participation.<sup>95</sup> The Commission has also noted the establishment of a number of gender equality committees in the region to promote legislative reforms on behalf of women.<sup>96</sup>

61. Despite the increased presence of women in parliament, and the efforts made by these lawmakers to mobilize within their legislatures on behalf of women’s issues, one of the most significant challenges facing democratic societies is achieving more equitable political participation between men and women in all legislative bodies of the region. Therefore, the Commission recommends, to any State that has yet to do so, to implement special temporary measures designed to increase women’s participation in parliament, such as gender quota laws. According to the literature,<sup>97</sup> gender quota laws have been instrumental in increasing women’s political representation and in the formation of a “critical mass” of women in the region’s statehouses.

62. However, gender quotas designed to increase the numeric representation of women should be carried out together with other measures so as to foster the substantive political participation of women, promote their inclusion within the power structures of the political party apparatus in parliament, and encourage the representation of women’s interests. The Commission has discovered that even where women have achieved a significant level of representation in parliament, they do not tend to wield the same influence and power as their male counterparts, and may be excluded from party “power blocs.” In Argentina, for example, despite having achieved significant women’s representation in the lower house, a civil society study noted that “[s]ince 1983, the trend has been that the largest and most politically important blocs are made up exclusively of men [...],”<sup>98</sup> meaning that women are largely excluded from political leadership in parliament.

63. For this reason, the Commission views as essential that the States adopt the necessary measures to establish, facilitate, and strengthen opportunities for women to

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<sup>94</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009.

<sup>95</sup> Response of the United States to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, November 17, 2009. Also see [www.womenspolicy.org](http://www.womenspolicy.org).

<sup>96</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009.

<sup>97</sup> Line Bareiro and Isabel Torres (eds.), *Equality for an Inclusive Democracy*, Inter-American Development Institute, 2009, Costa Rica, 2009; Ana Isabel García Quesada, “Conditions determining the level of representation of women: The experience of quota systems in Latin America,” United Nations, EGM/EPWD/2005/EP.2, December 12, 2005; Jacqueline Peschard, “*The Quota System in Latin America: General Overview*”; Marcela Ríos Tobar (ed.), *Women and Politics*, IDEA, Flacso, Catalonia, 2008.

<sup>98</sup> See Equipo Latinoamericano de Justicia y Género (ELA), *Informe sobre Género and Derechos Humanos. Vigencia and respeto de los derechos de women en Argentina (2005-2008)* [“Report on Gender and Human Rights. Observance and Respect for the Human Rights of Women in Argentina (2005-2008)”], Buenos Aires, Argentina, 2009, p. 105.

exercise political leadership in parliament on equal terms with men. Although the formation of women’s caucuses and the establishment of parliamentary gender equity committees have played a key role in promoting gender equality in parliamentary tasks and draft legislation, the Commission nevertheless notes that the functioning and structure of these discussion forums lack the necessary strength and legislative support to fulfill their missions. As well, civil society reports have often complained that such committees are not part of the formal parliamentary structure, are temporary in nature, and lack the necessary visibility and political heft that would allow women representatives to have a real impact on parliamentary debate and decision-making.<sup>99</sup>

64. The IACHR identifies as another area of challenge the eradication of gender roles that discriminate against women in the political culture, with a view to achieving women’s substantive participation on parliamentary committees and leadership in the region. According to literature produced by the United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), parliamentary leadership is largely a male-dominated bastion, whereas the concentration and weight of women’s representation is still relegated to secondary or supporting roles. Thus women are neither mainstreamed within parliamentary leadership nor serve as parliamentary committee chairpersons.<sup>100</sup> According to a variety of sources,<sup>101</sup> owing to the current political culture—which reinforces traditional gender roles—and the limited number of female parliamentarians, women are encouraged to join committees that address social problems instead of the most important parliamentary committees, and are likewise excluded from key informal debate forums and collaboration on agreements.

65. The Commission likewise notes with concern that the traditional gender roles assigned to women, i.e., as primarily responsible for raising children and tending to the home, are among the main obstacles preventing them from performing their parliamentary duties on equal terms with men. An international survey of parliamentarians conducted by the Inter-Parliamentary Union, found that “more than half the women respondents and more than 40 percent of male lawmakers have difficulty balancing their

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<sup>99</sup> See Equipo Latinoamericano de Justicia y Género (ELA), *Informe sobre Género and Derechos Humanos. Vigencia and respeto de los derechos de women en Argentina (2005-2008)* [“Report on Gender and Human Rights. Observance and Respect for the Human Rights of Women in Argentina (2005-2008)”], Buenos Aires, Argentina, 2009; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008); Inter-Parliamentary Union, *Equality in Politics: A Survey of Women and Men in Parliaments*, Reports and Documents No. 54, 2008; Feminist Regional Network on Human Rights and Gender Justice, *Regional Report on Women’s Human Rights and Gender Justice*, 2008.

<sup>100</sup> See *Representación política de mujeres en los gobiernos municipales, los sistemas electorales y ley de cuota en Latinoamérica* [“Women’s Political Representation in Local Government, Electoral Systems, and Quota Laws in Latin America”], Policy Document, UN-INSTRAW, p. 1.

<sup>101</sup> See Inter-Parliamentary Union, *Equality in Politics: A Survey of Women and Men in Parliaments*, Reports and Documents No. 54, 2008; ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008); UNIFEM, *Progress of the World’s Women 2008/2009, Who Answers to Women? Gender and Accountability*, available at: <<http://www.unifem.org/progress/2008>>.

family and political obligations.”<sup>102</sup> Consequently, the IACHR urges the States to adopt the measures needed to overcome inequities in the division of labor between the sexes that are detrimental to the participation of women legislators. In this vein, the Commission urges the States to promote “gender-sensitive parliaments,” by adopting parliamentary practices that take the needs of women into account, such as scheduling legislative and working sessions outside of family hours, and establishing child day care centers/nurseries within or near parliamentary facilities.

66. The Commission has established that women’s political participation and representation in parliament on equal terms with their male counterparts strengthens democracy and promotes more equitable societies. Different sources have noted that a greater presence of women in the legislature helps to establish the interests of women within the parliamentary agenda and also encourages the development of draft legislation and enactment of laws to promote gender equality.<sup>103</sup> Women in parliament have played a critical role in promoting legislation to punish violence against women, to secure women’s sexual and reproductive health rights, and to enact gender quota laws and electoral reforms that promote women’s access to positions of power.

67. In view of the foregoing, the Commission urges the States to implement the necessary structural reforms within their parliaments to promote the participation of women therein. Some of the global strategies adopted to achieve greater levels of equality both within and beyond the parliaments include: promoting the establishment of gender equity committees and organizations and networks of women parliamentarians (caucuses); adapting parliamentary practices and facilities to address the needs of female parliamentarians; conducting research and training activities to raise awareness within parliament of the needs of both men and women lawmakers; and allocating more funding to parliaments for support and outreach services.<sup>104</sup>

## 2. Women in the executive branch

68. The IACHR has also taken stock of the progress made in women’s participation in the executive branch. Accordingly, the Commission notes that seven women have assumed the presidency of their countries by winning elections in Nicaragua

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<sup>102</sup> See Inter-Parliamentary Union, *Equality in Politics: A Survey of Women and Men in Parliaments*, Reports and Documents No. 54, 2008, p. 3.

<sup>103</sup> See Inter-Parliamentary Union, *Equality in Politics: A Survey of Women and Men in Parliaments*, Reports and Documents No. 54, 2008; ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008); UNIFEM, *Progress of the World’s Women 2008/2009, Who Answers to Women? Gender and Accountability*, available at: <http://www.unifem.org/progress/2008>; Mayra Buvinic and Vivian Roza, “Women, Politics and Democratic Prospects in Latin America,” Inter-American Development Bank, Washington, D.C.; María José Lubertino Beltrán, “The Experience and Impact of Quota Laws in Latin America,” in *Igualdad para una democracia incluyente*, Inter-American Institute of Human Rights (IIHR), Costa Rica, 2009.

<sup>104</sup> See Inter-Parliamentary Union, *Equality in Politics: A Survey of Women and Men in Parliaments*, Reports and Documents No. 54, 2008 and UNIFEM, *Progress of the World’s Women 2008/2009, Who Answers to Women? Gender and Accountability*, available at: <http://www.unifem.org/progress/2008>.

(1990), Panama (1999), Guyana (1997), and, more recently in Chile (2006), Argentina (2007), Costa Rica (2010), and Brazil (2010). In the countries of the Caribbean, women presidents and prime ministers have served in Haiti, the Bahamas, Dominica, Guyana, Haiti, Jamaica, Netherlands Antilles, and Trinidad and Tobago. The IACHR has also noted the increased visibility of women in the recent U.S. presidential election (2008), with the campaigns of former First Lady and U.S. Senator and current Secretary of State Hillary Rodham Clinton, and former governor Sarah Palin. Women vice presidents have been elected in Costa Rica (2006) and El Salvador (2002). Currently, Peru has a woman second vice president. Also, a number of sources<sup>105</sup> have pointed to a significant increase in women ministers. In fact, over the past ten years, the percentage of women ministers had tripled to 24 percent by 2008.<sup>106</sup>

69. The Commission recognizes the efforts of the States to promote women's political participation within the executive branch. Examples include Chile, under President Michelle Bachelet, who promoted a policy of gender parity in her administration requiring some 50 percent of staff positions at the level of government ministries, under secretariats, and agencies be filled by women (although there have been problems maintaining said level of staffing);<sup>107</sup> and Ecuador, under President Rafael Correa, who incorporated the principle of gender equity in his cabinet-level appointments, resulting in the appointment of 18 women ministers.<sup>108</sup> Currently, 14 women head up government ministries in that country.<sup>109</sup>

70. One qualitative achievement that bears mention has been the greater presence of women in ministries that had traditionally been headed by men, including the Ministries of the Interior, Defense, Economy, Production, Industry, and Science and

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<sup>105</sup> See Elba Luna, Vivian Roza, and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007*, Inter-American Development Bank, Program for the Support of Women's Leadership and Representation (PROLEAD), 2008; Eglé Iturbe de Blanco, "Women: Power and Development in Latin America," *University of Saint Thomas Law Journal*, 2008; María Escobar-Lemmon, Michelle M. Taylor Robinson, "Women Ministers in Latin American Government: When, Where and Why?," *American Journal of Political Science*, Vol. 49, No. 4, October 2005; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America (2008)*, p. 10; United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Experiences from Latin America: Quota Mechanisms for Women's Political Participation*, 2006, p. 7, available at: < <http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/index.php>>, consulted July 27, 2009; ECLAC, *Women's Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 42.

<sup>106</sup> See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America (2008)*, p. 10.

<sup>107</sup> IACHR, *Report on the Rights of Women in Chile: Equality in the Family, Labor and Political Spheres*, OEA/Ser.L/V/II.134, Doc. 63, March 27, 2009, para. 105.

<sup>108</sup> Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 16, 2009. *Cfr.* Feminist Regional Network on Human Rights and Gender Justice, *Regional Report on Women's Human Rights and Gender Justice, 2008*, p. 29 (According to the report, owing to this policy "women head up 37% of government offices, in that of the 27 ministries, 9 are led by women, and women account for approximately 25% of the secretariats at the level of ministries.")

<sup>109</sup> Political Database of the Americas, Center for Latin American Studies (CLAS) at [Georgetown University](http://pdba.georgetown.edu/executive/ecuador/cabinet.html). Last updated on February 15, 2011. <http://pdba.georgetown.edu/executive/ecuador/cabinet.html>

Technology. In Argentina, the Ministries of Defense and of Production are currently presided by women; and in Bolivia, women head up the Ministries of Justice, of Productive Development and Pluralist Economies, of Rural Development and Lands, and of Institutional Transparency and Fighting Corruption.<sup>110</sup> Moreover, in Colombia, between 2002 and 2006, there was a woman at the helm of the Ministry of National Defense; and in Peru, the current Ministers of Justice and of Labor and Job Promotion are both women.

71. Despite the gains made in female representation within the executive branch, this increase has occurred unevenly throughout the region. For example, Peru, Bolivia, and Ecuador have each appointed more than 20 women ministers over the last eight years, while highly-populated countries such as Mexico, Argentina, and Brazil, have appointed less than 16 women ministers.<sup>111</sup> According to 2008 data of the Inter-Parliamentary Union, Grenada achieved full gender parity in its ministries (50%), while the corresponding figures for Chile, El Salvador, Ecuador, and Nicaragua were between 30 and 40 percent, followed by Costa Rica and Peru with 29.4 percent.<sup>112</sup> On the other hand, in Mexico, Brazil and most countries of the Caribbean, the percentage of women ministers is small (between 9 and 15%).<sup>113</sup> According to research conducted by the Inter-American Development Bank (IDB) and other experts,<sup>114</sup> some Andean countries, such as Peru, Bolivia, Venezuela, Colombia, and Ecuador have historically had high percentages of appointments of women ministers.

72. Persistent difficulties have prevented a sustainable presence of women in the executive branch. As one IDB study has noted, “the positions gained by women in one administration can easily disappear with the next.”<sup>115</sup> An study of the Economic Commission for Latin America and the Caribbean (ECLAC) of the presence of women ministers covering the last three government administrations, likewise concludes that although the presence of women is now part of the political culture “[their numbers] are

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<sup>110</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009. The President of the country’s Central Bank is also a woman. See response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 20, 2009; Equipo Latinoamericano de Justicia y Género (ELA), *Informe sobre Género and Derechos Humanos. Vigencia y respeto de los derechos de women en Argentina (2005-2008)*, Buenos Aires, Argentina, 2009, p. 87; and Feminist Regional Network on Human Rights and Gender Justice, Regional Report on Women’s Human Rights and Gender Justice, 2008, p. 29.

<sup>111</sup> Eglé Iturbe de Blanco, *Women: Power and Development in Latin America*, University of Saint Thomas Law Journal, 2009 [Women: Power and Development in Latin America, University of Saint Thomas Law Journal, 2009], p. 679.

<sup>112</sup> Inter-Parliamentary Union, map: *Women in Politics: 2008* (situation on 1 January 2008).

<sup>113</sup> Inter-Parliamentary Union, map: *Women in Politics: 2008* (situation on 1 January 2008).

<sup>114</sup> Elba Luna, Vivian Roza and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007*, Inter-American Development Bank, Program for the Support of Women’s Leadership and Representation (PROLEAD), 2008, p. 13; Eglé Iturbe de Blanco, “Women: Power and Development in Latin America,” University of Saint Thomas Law Journal, 2008, p. 677.

<sup>115</sup> Elba Luna, Vivian Roza and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007*, Inter-American Development Bank, Program for the Support of Women’s Leadership and Representation (PROLEAD), 2008, p. 19.

not increasing arithmetically and are not yet consolidated.”<sup>116</sup> Consequently, the Commission reminds the States of their obligation to promote balanced representation between men and women in their national governments. According to the CEDAW Committee: “States parties have a responsibility, where it is within their control, both to appoint women to senior decision-making roles and, as a matter of course, to consult and incorporate the advice of groups which are broadly representative of women’s views and interests.”<sup>117</sup>

73. The Commission notes that women ministers face significant obstacles in the discharge of their duties. In addition to the characteristic instability associated with this type of position, particularly in the countries of Latin America,<sup>118</sup> women ministers must overcome gender role-related stereotypes and expectations that undermine their leadership capabilities and exclude them from joint decision-making with their male colleagues. Accordingly, the obstacles most frequently mentioned by women in cabinet-level positions include: the need to prove that they are more capable than men in similar positions; problems inherent in balancing their personal lives with their public responsibilities and earn respect as a public leader; e.g., to be considered as equals among male ministers in collective decision-making.<sup>119</sup> Therefore, the fact that women ministers must contend with and overcome assumptions that they are not qualified for their jobs and constantly prove themselves worthy, adds additional pressure to their responsibilities that their male counterparts do not encounter.

74. While women’s experiences in this regard differ depending on the traditional context and their personal circumstances, oftentimes their presence in cabinet-level positions does not equate to real power, due largely to the aforementioned gender roles and stereotypes that must be overcome and the institutional limitations facing these women. One related study has found that women ministers are excluded from decision-making and the informal structures in which these processes unfold. This is especially true of countries with strong presidential figures, which obstruct women from promoting public policy reforms.<sup>120</sup> In this study, one of the primary concerns of women ministers, which reflects this lack of institutional framework in decision-making, “has been their lack of power and the necessary tools to achieve a transformation of the development model, as

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<sup>116</sup> ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 43.

<sup>117</sup> See CEDAW Committee, General Recommendation No. 23, Political and Public Life, para. 26.

<sup>118</sup> According to academic sources, the personnel makeup of presidential cabinets in most countries of Latin America is constantly changing. The average time served by the head of a ministry is 20 months for men and 28 for women. However, the statistics also indicate that only 44% of women ministers remain on the job a year or less, while 24% have lasted 2 years, indicating that nearly 70% do not remain for their complete term. See Eglé Iturbe de Blanco, “Women: Power and Development in Latin America”, University of Saint Thomas Law Journal, 2008, p. 681 and Maria Escobar-Lemmon and Michelle M. Taylor Robinson, “Women Ministers in Latin American Government: When, Where and Why?”, *American Journal of Political Science*, Vol. 49, No. 4, October 2005.

<sup>119</sup> See Eglé Iturbe de Blanco, “Women: Power and Development in Latin America”, University of Saint Thomas Law Journal, 2008, p. 688.

<sup>120</sup> *Ibid*, pp. 690-691.



well as their inability to add women's issues to the agenda."<sup>121</sup> Consequently, the Commission urges the States to adopt the necessary measures to ensure a more complete institutional framework for decision-making processes and the conduct of public affairs.

### 3. Women in the judicial branch

75. With respect to the representation of women in judicial bodies, the IACHR notes that there are women judges serving on the benches of the courts of the first, second, and third instance, as well as women in administrative posts. The Commission has also noted the appointment of female justices and magistrates to a number of supreme courts in the region, especially in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Panama, Nicaragua, Paraguay, and recently in the United States; as well as their appointment to regional courts, including the Caribbean Court of Justice and the Inter-American Court of Human Rights<sup>122</sup>. However, as previously noted by the Commission in its *Report on Access to Justice for Women Victims of Violence in the Americas*, women's progress in this area has been very slow, uneven, and varied in the region, with a very meager presence of women at the decision-making levels of the superior and constitutional courts of the Americas.<sup>123</sup>

76. Although some areas of the judiciary have been opened to women's participation, the Commission notes with concern that a large stratification of judicial power still acts to exclude women from the highest-level positions of the justice system. With respect to the "pyramid effect of women's participation in the judicial branch," the Commission observes that in Chile, "women are a significant presence on the benches of the lower courts. However, that presence diminishes on the more prestigious benches higher up in the justice system. The Commission observes, for example, that women are a significant presence on the benches of the juvenile courts, but less so in the courts of appeal; and very few women have ever had a seat on the bench of the Supreme Court."<sup>124</sup> One study points out that "[i]n nine Latin-American countries a women has never been a Magistrate of the Supreme Court of Justice, meanwhile in the lower courts of law women occupy 60 percent of the positions."<sup>125</sup> Other experts weighing in on the topic have pointed out that, "with rare exceptions, women's participation in the supreme organs of the judicial power [has been] below the desired level, even in countries where they [have] achieved a significant representation in the legislative branch."<sup>126</sup>

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<sup>121</sup> *Ibid*, p. 691.

<sup>122</sup> See IACHR, *Report on Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser.L./V.II. Doc.68, January 20, 2007. para. 256.

<sup>123</sup> See IACHR, *Report on Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser.L./V.II. Doc.68, January 20, 2007.

<sup>124</sup> IACHR, *Report on the Rights of Women in Chile: Equality in the Family, Labor and Political Spheres*, OEA/Ser.L/V/II.134, Doc. 63, March 27, 2009, para. 117.

<sup>125</sup> Esther del Campo, *Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women's Political Representation, Social Forces*, June 2005, p. 1705.

<sup>126</sup> ECLAC, *Report of the Tenth Session of the Regional Conference on Women in Latin America and the Caribbean*, Ecuador, Quito, August 6-9, 2007, LC/G.2361(CRM.10/8), April 1, 2008, para. 77.

77. According to data of the United Nations Development Fund for Women (UNIFEM), women are under-represented on international and regional courts, inasmuch as only one third of these bodies have women's representation levels above 30 percent.<sup>127</sup> On the basis of data furnished by the States, it appears that no mechanisms are in place to ensure the appointment of women to regional and international bodies. To this end, the IACHR reminds the States of their obligation to guarantee women's representation on the benches of their courts, including international level. As has been noted by the CEDAW Committee, "[g]overnments are obliged to ensure the presence of women at all levels and in all areas of international affairs. This requires that they be included in economic and military matters, in both multilateral and bilateral diplomacy, and in official delegations to international and regional conferences."<sup>128</sup> Accordingly, the IACHR has taken note of the recent appointment of two renowned human rights experts to the Commission, which currently includes three women, and urges the OAS member states to continue appointing women to organizations of the inter-American system, including the Inter-American Court of Human Rights,<sup>129</sup> as well as other international organizations.

78. The Commission observes with concern that most countries in the region lack legislation and public policies to guarantee gender equality in the nomination, selection, and distribution of positions in their domestic courts and tribunals. The Commission further notes that in countries that have implemented special temporary measures in this area, such as quota laws governing the appointment to high-level decision-making positions, compliance with such measures is incomplete. For example, in Colombia there is a legal mandate to include "the name of at least one woman" within lists used in the system of candidate selection, which is the means by which people are currently appointed to high offices of the country's judiciary.<sup>130</sup> However, there is paltry representation of women on the Supreme Court of Justice, the Judicature Council, and the Constitutional Court, owing to a lack of compliance with the aforementioned law.<sup>131</sup> Honduras also lacks policies to guarantee gender equity in the processes for selecting judges and the distribution of positions in the judicial branch.<sup>132</sup>

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<sup>127</sup> UNIFEM, *Progress of the World's Women 2008/2009, Who Answers to Women? Gender and Accountability*, available at: <http://www.unifem.org/progress/2008>, p. 81.

<sup>128</sup> See CEDAW Committee, General Recommendation No. 23, Political and Public Life, para. 35.

<sup>129</sup> See IACHR, *Report on Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L./V.II. Doc.68, January 20, 2007.

<sup>130</sup> See Article 6 of Law No. 581/ 2000, regulating the appropriate and effective participation of women in decision-making positions within the different branches of government, pursuant to Articles 13, 40, and 43 of the Colombian Constitution and other relevant provisions, Colombian Congressional Decree, Official Gazette No. 44.026, May 31, 2000.

<sup>131</sup> Response of Corporación Humanas-Colombia to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 1, 2009. According to information furnished by Colombia, the Constitutional Court is made up of eight male and one female magistrates; the Judicature Council is composed of 11 male and two female advisers; and only four of the 23 justices on the Supreme Court of Justice are females. See, Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009.

<sup>132</sup> Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009.

79. The Commission notes that women face formidable difficulties in terms of qualifying as candidates and being elected as judges to the high courts of the region's countries. In particular, the IACHR observes that traditional gender roles impact the equal participation of women in the judiciary. The bulk of women judges are in the civil, family, and administrative courts, with only a very few women judges on the bench in the criminal and labor law courts.<sup>133</sup> Despite the incursion of women into the practice of law and law schools of some countries of the region, barriers persist in others owing to discriminatory stereotypes of women that impair them from participating in these professions or pursuing judicial careers.<sup>134</sup> For example, the State of El Salvador indicated the existence of pronounced differences in the academic and professional disciplines between men and women, and that law schools are primarily male dominated, posing hurdles for women's access to judicial bodies.<sup>135</sup>

80. The Commission has also expressed concern over discriminatory practices against women judges. On its visits to Haiti, the Commission has received information that "women judges are disrespected, mistreated, and relegated to less important matters, and that male judges are favored over women in the assignment of important cases and in consideration for promotions. Furthermore, even though female and male judges may receive the same salaries, women judges do not enjoy the same growth opportunities at work as their male counterparts."<sup>136</sup> Accordingly, the Commission urges the States to adopt necessary measures, such as campaigns to promote and raise awareness on the human rights of women, with a view to debunking cultural and gender stereotypes that make it difficult for women to enter and remain in public positions within the justice system. The Commission also recommends that the States offer incentives to encourage women's access to education and higher learning, especially law schools.

81. The judicial system plays a role of fundamental importance in the defense of the rule of law and as a judicial arbiter in remedying abuses against women in both the public and private spheres. According to UNIFEM, "because women are more susceptible than men to the arbitrary exercise of power in the family and community, the law and judicial process have proven critical to demonstrating that relationships between women

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<sup>133</sup> See Feminist Regional Network on Human Rights and Gender Justice, Regional Report on Women's Human Rights and Gender Justice, 2008; Equipo Latinoamericano de Justicia y Género (ELA), *Informe sobre Género and Derechos Humanos. Vigencia and respeto de los derechos de women en Argentina (2005-2008)* ["Report on Gender and Human Rights. Observance and Respect for the Human Rights of Women in Argentina (2005-2008)"], Buenos Aires, Argentina, 2009.

<sup>134</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009; Response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 20, 2009; Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009; Response of the United States to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, November 17, 2009.

<sup>135</sup> Response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 20, 2009.

<sup>136</sup> IACHR, *The Right of Women in Haiti to be Free from Violence and Discrimination*, OEA/Ser.L/V/II.Doc. 64, March 10, 2009, para. 40.

and men are not beyond the reach of justice.”<sup>137</sup> For these reasons, and in keeping with its past statements,<sup>138</sup> the Commission believes mechanisms should be established to guarantee that women are appointed to the constitutional courts and tribunals of the countries, with a view to overcoming the gender prejudices still rooted in judicial structures, improving women’s access to justice, and guaranteeing respect for human rights in the region.

82. In view of the obligations of the States within the inter-American system to guarantee the right of women to participate in all spheres of public life, the Commission considers it necessary to include mechanisms and measures designed to promote the inclusion of women in the judicial system, such as the adoption and effective implementation of special temporary measures, e.g., implementing gender quotas in appointments to public service and penalties for noncompliance; the implementation of systems that accord preference to women in the selection and appointment to judicial positions; special measures to promote and disseminate information on positions and applications for judicial job vacancies; and promote women’s access to judicial training and education programs organized and instructed by judicial organs and academic institutions.

#### **4. Local government and the paradoxes of political power**

83. The democratization of local governments has opened channels for the participation of women at this level. According to academic sources, “the augment in political legitimacy of elected positions, as well as the increase in skills and resources in the municipal sphere, made local governments one of the most permeable to the action of women, also because of the fact that local government was linked with spaces of everyday communitarian life.”<sup>139</sup> The Commission emphasizes women’s organizational experiences in their communities, who work as community managers, leaders, activists, and powerful promoters of social change at the municipal level.<sup>140</sup>

84. In some countries, women have increasingly more opportunities for political participation in local government. For example, a study on the subject indicates that in 2009, in Venezuela the representation of women amounted to 22% of the total number of mayorships; 13% in Chile, and 11% in El Salvador and the Dominican Republic.<sup>141</sup>

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<sup>137</sup> UNIFEM, *Progress of the World’s Women 2008/2009, Who Answers to Women? Gender and Accountability*, available at: <http://www.unifem.org/progress/2008>, p. 74.

<sup>138</sup> See IACHR, *Report on Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L./V.II. Doc.68, January 20, 2007, para. 257.

<sup>139</sup> Esther del Campo, *Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women’s Political Representation*, Social Forces, June 2005, p. 1717.

<sup>140</sup> See *Asociación Latinoamericana de organizaciones de promoción, participación política de las mujeres y el rol de las ONG en los países de Centroamérica y México* [Latin American Association of Organizations Promoting Women’s Political Participation and the Role of NGOs in the Countries of Central America and Mexico], August 2007.

<sup>141</sup> Presentation of Solanda Goyes “Parliaments before the agenda on women’s rights: challenges and current situation”, citing a research elaborated by IDEA International and Agora Democrática. Hemispheric Forum “Women’s Leadership in Democracy”, Inter-American Commission of Women, Washington DC, April 6, 2011.

85. The Commission, however, views with concern the continued scarce representation of women at the local government level. The same study just referred to indicates that in countries like Mexico and Peru, women represent respectively only 3% of the total number of mayorships, and only 2% in Guatemala.<sup>142</sup> A UN-INSTRAW study that collected data in 16 countries of Latin America (total of 15,828 municipalities) found that women mayors only accounted for 5.3 percent of the total, or 842 women mayors in absolute numbers.<sup>143</sup> The low political representation of women at the municipal level in the countries of the region is indicative of the exclusion of women as leaders and direct representatives of the population, as well as valid interlocutors of political issues facing their communities. At this level, women confront the paradox of being close to power, yet far from being able to exercise it. As described by Alejandra Massolo, an expert on women in local government, despite the fact that the municipalities are the sphere of government closest to women, paradoxically, they have not facilitated women's access to power, particularly in the case of indigenous women.<sup>144</sup>

86. Also worrisome is the fact that the under-representation of women in municipal government has remained constant in recent decades. According to civil society reports, "the percentage of women mayors reaches double digits in only three countries: Chile, the Dominican Republic, and Nicaragua,"<sup>145</sup> and "[i]n the case of women governors and presidents, only Ecuador and Brazil have topped 10 percent [representation]."<sup>146</sup> The IACHR also notes that no significant changes have been observed with regard to the type of municipalities governed by women mayors; in fact, female mayors elected to municipal governments of capital cities or metropolitan areas are quite the exception.<sup>147</sup>

87. A number of States have reported low levels or even a decrease in women's political participation at the local level, whether due to the absence of special temporary measures at this level or the limited scope of quota law implementation. With regard to the election of state government authorities, the Peruvian State reported a decrease in the participation of women candidates, and indicated that in the current government administration (2007-2010) all of the *presidentes regionales* (state governors) have been men.<sup>148</sup> In Mexico, owing to the fact that electoral legislation does not include

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<sup>142</sup> *Ibid.*

<sup>143</sup> Alejandra Massolo, *Participación política de las mujeres en el ámbito local en América Latina* ["Women's Political Participation in Local Government in Latin America"] UN-INSTRAW, Spanish Agency for International Development Cooperation, June 2007.

<sup>144</sup> See *Representación política de mujeres en los gobiernos municipales, los sistemas electorales y ley de cuota en Latinoamérica* ["Women's Political Representation in Local Government, Electoral Systems, and Quota Laws in Latin America"], Policy Document, UN-INSTRAW, p. 1.

<sup>145</sup> See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America (2008)*, p. 51.

<sup>146</sup> *Ibid.*

<sup>147</sup> Alejandra Massolo, *Participación política de las mujeres en el ámbito local en América Latina* ["Women's Political Participation in Local Government in Latin America"] UN-INSTRAW, Spanish Agency for International Development Cooperation, June 2007, p. 48.

<sup>148</sup> Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009.

quota laws governing women's representation in local government, the Mexican State noted that "the presence [of women] municipal authorities is very low."<sup>149</sup> In Honduras, despite the existence of quota laws, women's representation in municipal government has decreased (from 9.1 to 8.1%) because women are being relegated to unimportant positions and the bottom slots of staffing tables.<sup>150</sup> Colombia also reported that, nationwide, women's political participation continues to be low, and just barely rose above the 10 percent mark, in formal compliance with the country's quota law.<sup>151</sup>

88. Discriminatory gender stereotypes of women are another factor holding back women's political representation at the local level. In El Salvador, women's representation in local government is primarily limited to positions on the city councils (*síndicas*) and as alderwomen (*regidoras*), while the percentage of women mayors has been decreasing. The Salvadoran State noted that "this percentage reflects slow progress in women's political participation due to limitations imposed by cultural practices in Salvadoran society."<sup>152</sup> According to reports prepared by civil society groups in Central America and Mexico, gender roles that relegate women to the private sphere of the home (e.g., mothers, homemakers, and wives) have had the effect of concentrating women's participation in local politics to the "informal" or community level, such as volunteer associations, neighborhood organizations, and community service and school committees.<sup>153</sup> In contrast, the presence of women mayors, councilpersons, or alderwomen is quite insignificant.

89. The Commission considers guaranteeing the effective implementation of special temporary measures at the local level to be one of the most significant challenges. For example, Argentina has managed to achieve significant women's participation in the two houses of parliament, which is partly attributable to the country's quota laws. However, women's political participation in the executive branch, and in municipal and provincial governments, is quite low. Civil society organizations in Argentina attribute the low level's of women's participation at the local level to the fact that the country's quota laws apply only to the legislative branch, underscoring the fact that "in the other two branches of government, there have been few opportunities for women's leadership."<sup>154</sup> The situation observed in Argentina is also seen in other countries of the region that have enacted quota laws. Consequently, the IACHR urges the States to take the necessary steps

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<sup>149</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009

<sup>150</sup> Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009.

<sup>151</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009.

<sup>152</sup> Response of the Estado de El Salvador to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 20, 2009.

<sup>153</sup> See Asociación Latinoamericana de Organizaciones de Promoción, Participación política de las mujeres y el rol de las ONG en los países de Centroamérica and Mexico, August 2007, p. 18.

<sup>154</sup> Response of Equipo Latinoamericano de Justicia y Género (ELA), Argentina, to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 1, 2009.

to ensure that women have appropriate political representation at all local, provincial, and national spheres of government, including the adoption of legislative and public policy measures designed to accelerate and increase women's access to public office, through the establishment of effective mechanisms of oversight and compliance with such measures.

## **B. Political exclusion of indigenous and Afro-descendant women**

90. According to a variety of sources, indigenous and Afro-descendant women are notoriously under-represented in decision-making bodies as compared to other women; in fact, “[i]n the political sphere, only a handful of indigenous and Afro-descendant women have achieved positions of power.”<sup>155</sup> According to an IDB study on women ministers, indigenous and Afro-descendant women have been particularly excluded from cabinet-level positions, despite accounting for majority population segments in a number of countries of the region.<sup>156</sup> However, in countries such as Bolivia, Guatemala, Ecuador, and Venezuela indigenous women have been appointed to head up government ministries.<sup>157</sup> Similarly, Colombia and Brazil have been the only two Latin American countries to appoint an Afro-descendant woman to head up a government ministry: the Ministry of Social Development (Colombia, 2003-2007), and the Ministry of Culture (Brazil, 2003-2007).<sup>158</sup>

91. It is alarming that “women in Latin America of African descent claim only 0.03 percent participation in legislatures (11 Afro-descendant women total) despite comprising nearly 15 to 20 percent of the region’s population.”<sup>159</sup> According to studies, Colombia, “which acknowledges a population of almost 12 million Afro-descendants, has not had more than seven Afro-descendant members of parliament in 13 years.”<sup>160</sup> Moreover, according to information furnished by Colombian civil society organizations, “Afro-Colombian women’s civic and political participation is minimal.”<sup>161</sup> A similar situation is observed in the countries of Central America and the Caribbean, which despite having

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<sup>155</sup> Mayra Buvinic and Vivian Roza, “Women, Politics and Democratic Prospects in Latin America,” Inter-American Development Bank, Washington, D.C., August 2004, p. 17.

<sup>156</sup> Elba Luna, Vivian Roza and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007*, Inter-American Development Bank, Program for the Support of Women’s Leadership and Representation (PROLEAD), 2008, p. 13.

<sup>157</sup> Bolivia has been the country with the most indigenous women to serve as ministers (four between 2002 and 2007), while Guatemala, Ecuador, and Venezuela had only appointed one female minister by 2007. See Elba Luna, Vivian Roza and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007*, Inter-American Development Bank, Program for the Support of Women’s Leadership and Representation (PROLEAD), 2008, p. 10.

<sup>158</sup> *Ibid*, p. 11.

<sup>159</sup> Epsy Campbell Barr, “Leadership and Political Participation for Afro-Descendant Women”, essay prepared for the conference *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters of the United States and the Organization of American States, March 2007, p. 7.

<sup>160</sup> *Ibid*, p. 6.

<sup>161</sup> Response of Corporación Humanas-Colombia to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, Colombia, May 28, 2009.

populations of Afro-descendant women, this group has little or no presence at all in parliament.

92. Accordingly, efforts on the part of the States to promote the greater inclusion of Afro-descendant and indigenous women in the formulation and development of their national public policies are important and necessary. For example, the establishment of Brazil's Special Secretariat for the Promotion of Racial Equality (SEPPIR) and Uruguay's Secretariat for Afro-descendant Women, a dependency of that country's National Women's Institute (INAMU), has helped champion national efforts to promote gender and racial equality.<sup>162</sup> Also important in this regard are studies to assess the rights situation of indigenous women. These studies examine the main forms of discrimination and violence affecting indigenous women and their forms of community participation. Studies like these have been instrumental in identifying differences and cultural factors that must be overcome, and are important tools for promoting public policy and legislation on behalf of indigenous women.<sup>163</sup> In El Salvador, a number of training activities and leadership-building projects have been carried out, designed specifically for indigenous women.<sup>164</sup>

93. The IACHR has also taken note of the recognition at the constitutional level of the political rights of indigenous people in countries such as Bolivia.<sup>165</sup> In Bolivia, the Civic Groups and Indigenous Peoples Act [*Ley de Agrupaciones Ciudadanas and Pueblos Indígenas*] provides a minimum 50 percent quota for women candidates standing in elections for all elected positions.<sup>166</sup> In Bolivia, the Commission has observed that the above-mentioned act and the Political Parties Act of 1999, which established a 30 percent quota for all spheres of government and candidates for political office, have in fact increased the levels of women's participation within the different spheres of public decision-making, especially for indigenous women, although challenges remain with regard to their effective implementation.<sup>167</sup>

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<sup>162</sup> Epsy Campbell Barr, "Leadership and Political Participation for Afro-Descendant Women", essay prepared for the conference *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters of the United States and the Organization of American States, March 2007, p. 7.

<sup>163</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009; Response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 17, 2009; Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009.

<sup>164</sup> Response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 17, 2009.

<sup>165</sup> The Bolivian Constitution states that the indigenous peoples of origin have the right to participate on State affairs. Constitution of Bolivia, Article 30 (18), 2008.

<sup>166</sup> María José Lubertino Beltrán, "The Experience and Impact of Quota Laws in Latin America," in Marcela Ríos Tobar (ed.), *Women and Politics*, IDEA, Flacso, Catalonia, 2008.

<sup>167</sup> IACHR, *Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia*; OEA/Ser.L/V/II.Doc. 34, June 28, 2007, para. 313; *Follow-Up Report – Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia* OEA/Ser.L/V/II.135, Doc. 4, August 7, 2009, para. 209.



94. Studies note that indigenous and Afro-descendant women in the region have less access to education, health care, and information, and face greater discrimination in the labor market.<sup>168</sup> Experts have informed the Commission that despite the incursion of indigenous women into the labor market, they do so under precarious conditions because they lack the requisite knowledge and technical skills—owing to educational disadvantages—in order to perform their jobs.<sup>169</sup> Accordingly, these women, with lower levels of schooling and access to information and greater workplace burdens, must face fierce competition, requiring an extraordinary amount of effort for them to reach positions of power and decision-making, enabling them to manage public resources.<sup>170</sup> All of these reasons make it more difficult for these women to exercise their rights to political participation and representation.

95. While the implementation of special temporary measures, as the gender quota laws, has helped increase women’s political representation, indigenous women continue to lack visibility in the political arena, both at the national and local levels in the region. A UN-INSTRAW study on the political participation of indigenous women in several countries, including Colombia, Ecuador, Guatemala, and Peru found that despite the existence of local government opportunities for the inclusion of indigenous women, such opportunities “do not automatically translate into the active participation of women in either the executive or legislative spheres of municipal government.”<sup>171</sup>

96. The Commission notes with concern that common barriers persist in the aforementioned countries that hinder the equitable political participation of indigenous women in public life, such as difficulties obtaining an identity credential that would allow them to participate and stand as candidates in elections. These women also have less access to and control over resources (e.g., education, health care, financial independence, and political training), due to the isolation and marginalization they have experienced traditionally. Moreover, violence associated with armed conflict and social upheaval place them at greater risk, and encourages them to abstain from politics.<sup>172</sup> According to information furnished by the States, “the exclusion of indigenous and Afro-descendant

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<sup>168</sup> Mayra Buvinic and Vivian Roza, “Women, Politics and Democratic Prospects in Latin America, Inter-American Development Bank,” August 2004, p. 17; Epsy Campbell Barr, “Leadership and Political Participation for Afro-Descendant Women”, essay prepared for the conference *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters of the United States and the Organization of American States, March 2007.

<sup>169</sup> IACHR, *Meeting of Experts on Women’s Economic, Social, and Cultural Rights*, Bolivia, June 2009.

<sup>170</sup> Epsy Campbell Barr, “Leadership and Political Participation for Afro-Descendant Women”, essay prepared for the conference *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters of the United States and the Organization of American States, March 2007, p. 3.

<sup>171</sup> Claudia Ranaboldo, Gilles Chiche and Antonieta Castro, *Participation of Indigenous Women in Governance Processes and Local Governments. Case Studies: Bolivia, Colombia, Ecuador, Guatemala and Peru*, UN-INSTRAW, Spanish Agency for International Development Cooperation, 2006, p. 93, available at: <http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/indigenous-womens-participation-in-governance-processes-and-local-governments-bolivia-colombia-e/view.html>, consulted August 4, 2009.

<sup>172</sup> *Ibid*, pp. 93-94.

women from the processes of social organization, due to their lack of understanding of their rights, is not taken to account in public policies.”<sup>173</sup>

97. Accordingly, one challenge facing the region is how to counter social exclusion and promote the general well-being of Afro-descendant and indigenous women in order for them to overcome obstacles in their access to political office in all spheres of government and decision-making. In this regard, the design of legislation and public policies that take stock of the needs of indigenous and Afro-descendant women are essential. For this reason, the Commission recommends that the States take such institutional measures as may be necessary to facilitate greater political participation of indigenous women, such as increasing the capacity for coordination, and for these women and the organizations representing them to promote their own specific interests, as well as to establish and strengthen opportunities for dialogue between community leaders and government.

98. The Commission likewise urges the States to disseminate information regarding the human rights of indigenous and Afro-descendant women, especially their political rights, through training programs and instructional activities. As one study notes, “Afro-descendant women, are perhaps the most under-represented group in the democracies of the region. Through their organizations, these women have pointed to the need for more training and political instruction as a means of identifying more and better solutions to the infinite number of challenges they face.”<sup>174</sup> Moreover, indigenous women have identified the need for training in a variety of areas, including an understanding of how the entities they wish to participate in operate, instruction on managing administrative projects, and on municipal laws.<sup>175</sup>

### **C. Domestic v. the public sphere: obstacles hindering women’s participation in political life**

99. In this section, the Commission examines the structural obstacles facing women in the exercise of their rights to political participation and representation on equal terms with men, and reminds the States of their obligations to adopt the necessary measures to eliminate *de jure* and *de facto* barriers preventing the full political participation of women.

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<sup>173</sup> Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 28, 2009.

<sup>174</sup> Epsy Campbell Barr, “Leadership and Political Participation for Afro-Descendant Women”, essay prepared for the conference *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters of the United States and the Organization of American States, March 2007, p. 3.

<sup>175</sup> Claudia Ranaboldo, Gilles Chiche, and Antonieta Castro, *Participation of Indigenous Women in Governance Processes and Local Governments. Case Studies: Bolivia, Colombia, Ecuador, Guatemala and Peru*, UN-INSTRAW, Spanish Agency for International Development Cooperation, 2006, p. 52, available at: <http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/indigenous-womens-participation-in-governance-processes-and-local-governments-bolivia-colombia-e/view.html>, consulted August 4, 2009.

100. The Commission observes a significant gap in the region between the formal recognition of women's political rights and their true ability to exercise them. Most States have enshrined the rights of women to equality and nondiscrimination in their constitutions and legislation. For example, Ecuador's constitution guarantees the right of all persons to nondiscrimination on the basis of political affiliation, among others; the right to vote and participate in affairs of public interest; and equality with respect to the representation of women and men in the decision-making entities of government.<sup>176</sup> Bolivia's constitution provides for the equality of conditions between men and women in government, and the equal participation of men and women in assemblies and the formation of political power.<sup>177</sup> In Honduras, the Law on Elections and Political Organizations was amended to guarantee the full exercise of the rights of citizenship for both men and women, under equality of conditions.<sup>178</sup> In Colombia, the Equal Opportunity Act, Law No. 823, provides for government action to promote and guarantee the political rights of women.<sup>179</sup>

101. The Commission also values the efforts of the States to promote women's participation in public life, through the establishment of specialized government agencies for the advancement of women, such as women's ministries and women's institutes, or offices established within the executive bodies of the countries. A number of these entities have developed projects and activities to promote gender equality and equal opportunities for women, including gender observatories and training courses on women's leadership and political activities.<sup>180</sup> Nevertheless, the Commission notes that, in some countries, the mandates of such entities are strained and lack the necessary degree of self-autonomy, as well as the requisite human and financial resources to carry out their missions.<sup>181</sup>

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<sup>176</sup> Constitution of Ecuador, Article 11(2) and Article 61(1) (2), 2008. See Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 28, 2009.

<sup>177</sup> Articles 11, 26, and 147 of the Bolivian Constitution (2009), cited in Line Bareiro and Isabel Torres (eds.), *Equality for an Inclusive Democracy*, Inter-American Development Institute, 2009; Costa Rica, 2009, p. 56.

<sup>178</sup> See the Law on Elections and Political Organizations (Decree No. 44-2004), Article 103. Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009.

<sup>179</sup> Law No. 823, Article 3. See response of the Colombia State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009.

<sup>180</sup> Response of the Venezuela to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 4, 2009; Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009; Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009; Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009; and Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 16, 2009.

<sup>181</sup> Esther del Campo, "Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women's Representation," *Social Forces*, June 2005.

102. Although women's human rights to participate in public life and equal access to decision-making positions have been legally recognized, women still face structural obstacles in exercising these rights. According to a number of sources,<sup>182</sup> the prevailing political culture and gender roles confining women to the family sphere are among the main factors causing and perpetuating inequities in the political participation and representation among men and women. Other significant barriers to women's access to power identified by the Commission include the inherent socioeconomic disadvantages women face in building their political careers and competing in the public sphere, their limited access to financing, lack of awareness of their political rights, and the various forms of violence hindering their access to political participation. Consequently, one of the most significant challenges involves developing effective strategies and measures to break down these obstacles in such a way as to ensure not only the wider inclusion and representation of women in decision-making bodies, but also to facilitate the type of representation that guarantees greater equality among men and women.

103. The Commission has noted that women have entered the workforce, imbalances persist with respect to the division of family responsibilities, with the result that women have fewer options in terms of entering and moving up in the workforce and politics.<sup>183</sup> According to a variety of sources,<sup>184</sup> the burden of tasks associated with the home and the reproductive roles of

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<sup>182</sup> Claudia Ranaboldo, Yolanda Solana (coord.), Latin American Center for Rural Development (RIMISP), *Gender Inequality in Women's Political Participation in Latin America and the Caribbean*, UN-INSTRAW/AECID, 2008; United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Experiences from Latin America: Quota Mechanisms for Women's Political Participation*, 2006, available at: <<http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/index.php>>, consulted July 27, 2009; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America (2008)*; *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters of the United States (2008); ECLAC, *Women's Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007; United Nations, Division for the Advancement of Women (DAW), Department of Economic and Social Affairs (DESA), Economic Commission for Africa (ECA), Inter-Parliamentary Union (IPU), Report of the Expert Group Meeting on "Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership," EGM/EPDM/2005/Report, October 24-27, 2005; Line Bareiro, Clyde Soto, and Lilián Soto, "La inclusión de la mujer en los procesos de reforma política en Latin America" ["The Inclusion of Women in the Processes of Political Reform in Latin America"], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007. "Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women's Representation," *Social Forces*, June 2005.

<sup>183</sup> IACHR, *Report on the Rights of Women in Chile: Equality in the Family, Labor and Political Spheres*, OEA/Ser.L/V/II.134, Doc. 63, March 27, 2009, para. 56.

<sup>184</sup> Mayra Buvinic and Vivian Roza, "Women, Politics and Democratic Prospects in Latin America, Inter-American Development Bank," August 2004; "Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women's Representation," *Social Forces*, June 2005; Eglé Iturbe de Blanco, "Women: Power and Development in Latin America", University of Saint Thomas Law Journal, 2008, Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America (2008)*; UNIFEM, *Who Answers to Women? Gender and Accountability*, Progress of the World's Women 2008/2009, available at: <[http://www.unifem.org/progress/2008/media/POWW08\\_Report\\_Full\\_Text\\_es.pdf](http://www.unifem.org/progress/2008/media/POWW08_Report_Full_Text_es.pdf)>; Inter-Parliamentary Union, *Equality in Politics: A Survey of Women and Men in Parliaments*, Geneva, 2008; Claudia Ranaboldo, Yolanda Solana (coord.), Latin American Center for Rural Development (RIMISP), *Gender Inequality in Women's Political Participation in Latin America and the Caribbean*, UN-INSTRAW/AECID, 2008, p. 11.

women continue to be one of the main obstacles standing in the way of women's full political participation. The Mexican State, for example, has indicated: "The incompatibility of life dynamics imposed in family and household relationships, which oftentimes fall to women, the time and space demands of public life, together with the inequitable distribution of family responsibilities between men and women, place women at a disadvantage and limit their participation in public life and decision-making."<sup>185</sup> Accordingly, the need for changes within the family are increasingly evident, and for addressing socio-cultural patterns rooted in the culture of the Americas that assign different roles to women and men, both outside and within the family.

104. Among the main causes that originate and perpetuate inequality between men and women in regard to political participation is the continuation "of a patriarchal gender order that maintains a sexual division of labor, limiting women to the private space and men to the public realm."<sup>186</sup> Civil society organizations have indicated to the Commission that women's exercise of their right to participate is constrained and limited by a political culture that denies them the opportunity to share power with men and that permeates the political game, the structures and procedures of political groups, and the behavior of the electorate.<sup>187</sup>

105. Changes are therefore needed within the work world and the political culture in order to mediate between the working and reproductive life of women if gender equality is to be achieved in all spheres. ECLAC has noted that achieving greater levels of women's political participation will mean changing "a number of aspects of the political culture which cause discriminatory biases [...] [such as] inequitable access to financing, the unequal influence of social networks, and unfair use of time, which [...] constrains women to focus on reproductive tasks."<sup>188</sup> Consequently, the Commission reminds the States of their commitment assumed in the Quito Consensus (2007)<sup>189</sup> to "adopt measures of co-responsibility in family and working life that apply equally to women and men, bearing in mind that the sharing of family responsibilities equitably and overcoming gender stereotypes create conditions conducive to political participation by women in all their diversity."<sup>190</sup>

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<sup>185</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009.

<sup>186</sup> Claudia Ranaboldo, Yolanda Solana (coord.), Latin American Center for Rural Development (RIMISP), *Gender Inequality in Women's Political Participation in Latin America and the Caribbean*, UN-INSTRRAW/AECID, 2008, p. 11.

<sup>187</sup> IACHR, *Thematic hearing on Participation and Access of Women to Political Power in the Americas*, 127th period of sessions, March 1, 2007.

<sup>188</sup> ECLAC, *Women's Contribution to Equality in Latin America and the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, August 6, 2007, p. 1.

<sup>189</sup> ECLAC, Tenth Regional Conference on Women in Latin America and the Caribbean, *Quito Consensus*, Quito, Ecuador, August 6-9, 2007, para. 25(1) (xiii). The "Quito Consensus" is a series of agreements assumed by the participating governments at the Tenth Regional Conference on Women in Latin America and the Caribbean, represented by women ministers and mechanisms for the advancement of women to the highest level, Quito, Ecuador, August 6-9, 2007.

<sup>190</sup> ECLAC, Tenth Regional Conference on Women in Latin America and the Caribbean, *Quito Consensus*, Quito, Ecuador, August 6-9, 2007, para. 25(1) (xiii).

106. Moreover, the economic barriers hindering women's participation in the public sphere is another main obstacle to overcome in the region. According to a variety of sources,<sup>191</sup> the absence of financing for the political campaigns of female candidates both within political parties and from outside sponsors is a factor of inequality that constrains the ability of women to run for public office. According to a report of United Nations experts on political participation, factors that discourage women from seeking decision-making positions include "a lack of financial support and time for campaigning because of difficulties in balancing family and public life, of confidence about relevant skills, of fewer connections to politically relevant networks."<sup>192</sup> Problems securing financing have a negative impact on the recruitment and nomination of female candidates to positions of power, and on their access to the communications media.

107. The Commission notes that some States have attempted to address the problems of financing the political campaigns of female candidates for office by conditioning public funding of campaigns on political party compliance with established quotas for female candidates. Examples include U.S. government programs that match the funds raised by specific parties for candidates, thus limiting political party expenses. These types of programs have helped increase the number of women elected to public office in states such as Arizona and Maine.<sup>193</sup> Consequently, among the alternatives to help overcome financial obstacles to women, the Commission recommends that the States strengthen and increase public financing mechanisms to promote women's political participation in the region.

108. The economic disadvantages facing women, including unremunerated work in the home, unemployment, and salary discrimination, as well as inequalities in the access to, use, and control of resources, have the effect of slowing down women's progress toward full political participation.<sup>194</sup> Hence, "[t]here is also a direct link between women's work in the private sphere and their participation in politics, as women are confronted with the difficulty of covering indirect costs such as family obligations that are inherent in

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<sup>191</sup> See response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009; Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 28, 2009; Response of the United States to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, November 17, 2009. Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 39; ECLAC, *Women's Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, pp. 39-40.

<sup>192</sup> See United Nations, Division for the Advancement of Women (DAW), Department of Economic and Social Affairs (DESA), Economic Commission for Africa (ECA), Inter-Parliamentary Union (IPU), Report of the Expert Group Meeting, "Equal Participation of Women and Men in Making-Making Processes, with Particular Emphasis on Political Participation and Leadership, EGM/EPDM/2005/Report, October 24-27, 2005, para. 46.

<sup>193</sup> UNIFEM, *Who Answers to Women? Gender and Accountability*, Progress of the World's Women 2008/2009, available at: <[http://www.unifem.org/progress/2008/media/POWW08\\_Report\\_Full\\_Text\\_es.pdf](http://www.unifem.org/progress/2008/media/POWW08_Report_Full_Text_es.pdf)>, p. 21.

<sup>194</sup> Claudia Ranaboldo, Yolanda Solana (coord.), Latin American Center for Rural Development (RIMISP), *Gender Inequality in Women's Political Participation in Latin America and the Caribbean*, UN-INSTRAW/AECID, 2008, p. 12.

conducting a long campaign and maintaining political support.”<sup>195</sup> Moreover, the States have indicated that women’s situation of poverty is one of the main obstacles hindering the exercise of their political rights.<sup>196</sup> Therefore, one of the challenges facing the countries of the Americas is ensuring that women have equal opportunities in access to and management of economic resources and financing, both public and private, to fund their election campaigns.

109. In view of the foregoing, the IACHR urges the States adopt legislative and public policy measures to promote women’s political participation and overcome the barriers described above, such as encouraging political parties and external sources to make funds available for women’s political campaigns under conditions of equality; improve women’s opportunities to access economic resources, e.g., providing financial assistance to female candidates; and organize training interventions to prepare women for the responsibilities of higher office.<sup>197</sup> According to UNIFEM, the codes of conduct of political parties and the communications media, in addition to controls on the funding of campaigns, have proven to be effective measures in providing greater clarity to the rules of the political game with respect to women candidates.<sup>198</sup>

110. The use of harassment and violence has been denounced as factors that undermine and limit women’s political participation and representation.<sup>199</sup> The Commission has learned that in some countries, men who aspire to the political offices won by women have used tactics such as pressure and harassment with the clear intention of forcing them to resign their seats. Although these events have been denounced publicly, the affected women have not received any response from electoral authorities.<sup>200</sup> The Commission condemns such practices, as they constitute forms of discrimination against women.

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<sup>195</sup> ECLAC, *Women’s Political Participation and Gender Parity in Decision-Making at All Levels in the Caribbean*, Gender Dialogue, December 2007, p. 3.

<sup>196</sup> See response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 27, 2009; Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 28, 2009.

<sup>197</sup> ECLAC, *Women’s Political Participation and Gender Parity in Decision-Making at All Levels in the Caribbean*, Gender Dialogue, December 2007, p. 3; United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 23, *Political and public life*, (1997), para. 15.

<sup>198</sup> UNIFEM, *Who Answers to Women? Gender and Accountability*, Progress of the World’s Women 2008/2009, available at: <[http://www.unifem.org/progress/2008/media/POWW08\\_Report\\_Full\\_Text\\_es.pdf](http://www.unifem.org/progress/2008/media/POWW08_Report_Full_Text_es.pdf)>, p. 21.

<sup>199</sup> Claudia Ranaboldo, Yolanda Solana (coord.), *Latin American Center for Rural Development (RIMISP), Gender Inequality in Women’s Political Participation in Latin America and the Caribbean*, UN-INSTRAW/AECID, 2008, p. 12.

<sup>200</sup> IACHR, *Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia*; OEA/Ser.L/V/II.Doc. 34, June 28, 2007, para. 315; Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009.

111. The IACHR has also recognized the link between discrimination and violence against women, noting that the States' obligation to act with due diligence goes beyond simply prosecuting and convicting; it also includes the obligation "to prevent these degrading practices."<sup>201</sup> The Commission has also repeatedly established that the various forms of violence against women nullify and impair the exercise of all the human rights of women. Hence, the IACHR reiterates this obligation of the States to act with due diligence in order to prevent, punish, and eradicate violence against women, as it undermines their rights to political participation and representation. The Commission also urges the States to compile statistics and information on how different forms of violence affect women's political participation, as a strategy to assess and prevent future recurrences of such violence.

#### **IV. ELECTORAL PARTICIPATION: DISCRIMINATION AGAINST WOMEN IN VOTING ACCESSIBILITY AND VOTING**

112. The right to vote is a "passport" for women to exercise their right to political participation, both as voters and candidates to elected office. Women's participation in elections is an important aspect of their equality as citizens and expressing their will as voters. In this regard, in its *Report on the Status of Women in the Americas*,<sup>202</sup> the IACHR indicated that general elections have provided women with great opportunities, given the potential they may provide an incentive for political parties to vie with one another for their votes. However, to date, the proportion of women who hold position in public life in the region is still quite low, and several limiting factors, both formal and structural, continue to stand in the way of women's full exercise of their rights to vote and stand for public office. This section examines the areas of progress, main obstacles, and challenges in terms of eliminating discrimination against women in the voting process, and the obligations of the State in this regard.

##### **A. Democratic trend and progress in women's electoral participation**

113. The IACHR views as a major advance the fact that the constitutions and electoral legislation in most countries of the Americas establish universal suffrage on equal conditions for both sexes.<sup>203</sup> Generally speaking, the legislatures of the Hemisphere's countries establish the right to vote as "personal, free, egalitarian, and secret". The minimum voting age is ordinarily 18 years and general limitations on this right include: persons convicted of crimes; political disqualification; and foreign nationals. The requirements for voting are enrollment in the electoral roll and the corresponding voter identification credential.

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<sup>201</sup> IACHR, Report on the Merits, No. 54/01, *Maria Da Penha Fernandes* (Brazil), April 16, 2001, para. 56; Report on Access to Justice.

<sup>202</sup> IACHR, *Report of the IACHR on the Status of Women in the Americas*, Chap. III, B., 2, October 13, 1998.

<sup>203</sup> See Inter-American Commission of Women, resolution CIM/RES.172/94 (XXVII-O/94), *Strategic Plan of Action of the Inter-American Commission of Women*, Women's Participation in Power and Decision-making Structures, Balance 1.



114. Despite legal recognition of women’s electoral rights, progress made with respect to women’s political representation in public office has been slow. Since women received the right to vote in the countries of the Caribbean between 1934 and 1961, there has been a slow increase in women’s representation within the region’s statehouses. With the exception of Jamaica, where women were elected to parliament the same year the won the right to vote (1944), in the other countries of the region, women did not participate in parliament until years or even decades later.<sup>204</sup> Brazil and Cuba were among the first countries to elect women to parliament. Moreover, despite the increased presence of women presidents, ministers, and in other national offices over the past decade, their access to these positions has been slow and exceptional.<sup>205</sup>

115. According to data from state<sup>206</sup> and non-state<sup>207</sup> sources, in several countries of the region the percentage of women voters—or those are registered to vote pursuant to electoral rolls—is higher than that of their male counterparts. In fact, there have been high turnouts of women voters in recent elections. Thus, according to the data of the States,<sup>208</sup> in Ecuador, 52.23 percent of women voted in 2007, as compared to 48.24 percent of men; in El Salvador, women accounted for 53.45 percent of the vote in 2004, while the corresponding figure for men was 46.55 percent; in Honduras, women accounted for approximately 52 percent of voters in the 2005 elections; and in Mexico, electoral rolls reveal that more women registered to vote than did men between 2004 and 2008.

116. A study on women voters in Mexico and Central America by the Inter-American Institute for Human Rights,<sup>209</sup> shows that more women than men vote in Costa Rica and Panama, primarily very young and adult women, and those of reproductive age; in Guatemala, the increase in women registering to vote was twice that of men; and in Nicaragua, the percentage of women voters was higher in the 2006 elections. Particularly

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<sup>204</sup> ECLAC, *Women’s Political Participation and Gender Parity in Decision-Making at All Levels in the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, Ecuador, 6-9 August, 2007, LC/CAR/L.129 (CRM.10/7), July 30, 2007, p. 6-7; Line Bareiro, Clyde Soto, and Lilián Soto, “La inclusión de la mujer en los procesos de reforma política en Latin America” [*The Inclusion of Women in the Processes of Political Reform in Latin America*], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 8.

<sup>205</sup> ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, August 6, 2007, p. 42.

<sup>206</sup> See responses of the Ecuadorian, Mexican, Salvadoran, and Honduran States to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, (2009).

<sup>207</sup> Inter-American Institute of Human Rights (IHR), *Derechos Políticos de las Mujeres: el voto femenino en México y Centroamérica* [*Women’s Political Rights: The Female Vote in Mexico and Central America*], United Nations Population Fund (UNFPA), Danish International Development Agency (DANIDA), Swedish International Development Cooperation Agency (SIDA), (2009); Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America*, (2008) p. 15.

<sup>208</sup> See responses of the Ecuadorian, Mexican, Salvadoran, and Honduran States to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, (2009).

<sup>209</sup> See Inter-American Institute of Human Rights (IHR), *Derechos Políticos de las Mujeres: el voto femenino en México y Centroamérica* [*Women’s Political Rights: The Female Vote in Mexico and Central America*], United Nations Population Fund (UNFPA), Danish International Development Agency (DANIDA), Swedish International Development Cooperation Agency (SIDA), (2009), pp. 36, 77, 156, and 178.

in countries where an increase among women voters is observed, the reasons often given include the growing participation of women in public life, employment, and that politics in general have helped awaken more interest among women in public and national affairs.<sup>210</sup>

117. Although women make up a significant voting bloc, this has not led to the equal representation of women at the decision-making levels of government. According to a study published by IDEA-FLACSO, in Latin America, women make up approximately 50 percent of the population and electoral rolls, yet only represent 18 percent of elected public officials in the legislative bodies of the region.<sup>211</sup> In other words, “[a]lthough the right to vote has been won, this right has not translated into real access to power.”<sup>212</sup> At a thematic hearing on women’s political participation, women experts voiced this concern to the IACHR as follows: “Despite the fact that women make up more than 50 percent of the electorate in the countries of the Americas, and that the principle of equality and nondiscrimination on the basis of gender is a significant element of the constitutions in the region, women are far from achieving equality with men at the different levels of representation and appointment in politics.”<sup>213</sup> Oftentimes, expert studies note that women’s exercise of the right to vote is considered as the fulfillment of their political rights, and “in practice, the exercise of political equality for women is limited to the right to vote and does not include the right to equal political representation.”<sup>214</sup>

118. Despite that the region’s countries formally recognize the equality of male and female citizens to vote in elections, the IACHR observes the persistence of formidable obstacles to the exercise of this right.<sup>215</sup> One of the main barriers in this regard

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<sup>210</sup> *Ibid*, p 36.

<sup>211</sup> Marcela Ríos Tobar (ed.), *Women and Politics: The impact of Gender Quotas in Latin America*, IDEA, Flacso-Chile, Catalonia, Chile, 2008, p. 11.

<sup>212</sup> See *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters (2008).

<sup>213</sup> IACHR, *Women’s Participation and Access to Political Power in the Americas*, 127th period of sessions, Thematic hearing No. 3, March 1, 2007.

<sup>214</sup> Cecilia Barraza, “Women’s Participation in the Electoral Process,” Meeting of Experts on Discrimination against Women in the Sphere of Public and Political Participation, Santiago, Chile, September 14, 2007.

<sup>215</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997, para. 20. Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>, Inter-American Institute of Human Rights (IHR), *Derechos Políticos de las Mujeres: el voto femenino en México y Centroamérica [“Women’s Political Rights: The Female Vote in Mexico and Central America”]*, United Nations Population Fund (UNFPA), Danish International Development Agency (DANIDA), Swedish International Development Cooperation Agency (SIDA), (2009); Response of the Peruvian, Ecuadorian, Honduran, Mexican, and Salvadoran States to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, (2009); Response of Equipo Latinoamericano de Justicia y Género (ELA), Argentina, to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, June 1, 2009; Response of Movimiento Manuela Ramos (Peru) to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 20, 2009; IACHR, Meeting of Experts on Discrimination against Women in the Sphere of Political Participation from a Human Rights Perspective, Caracas, Venezuela, September 25, 2008 (internal document); *Promover la igualdad de género y la autonomía de la mujer: Hacia el cumplimiento de los Objetivos de Desarrollo del Milenio en el Perú [“Promoting Gender Equality and the Empowerment of Women: Towards Achieving the Millennium Development Goals in Peru”]*, Chapter 3, p. 43.

is women's lack of identity documents, which particularly impacts women of indigenous and rural communities. The Commission has verified the existence of these barriers in a number of its country reports. In Guatemala, the Commission received information to the effect that "around 30 percent of the women who are eligible to vote are not registered, especially in indigenous and rural communities."<sup>216</sup> Similarly, in Bolivia "there were complaints of a kind of dual discrimination against indigenous and peasant women who have been unable to obtain identity documents and have thereby been prevented *de facto* from forming or joining political parties and participating individually in elections."<sup>217</sup> Another formidable barrier for women—especially poor, indigenous, and marginalized women—is geography, in terms of long distances or difficult geographical access to polling places.

119. The Commission notes that poverty and informational barriers are also obstacles to women's exercise of their electoral rights. According to the CEDAW Committee, illiteracy hinders women's understanding of political systems, inasmuch as their "[f]ailure to understand the rights, responsibilities and opportunities for change conferred by franchise also means that women are not always registered to vote."<sup>218</sup> This particularly affects indigenous women in countries whose election cycles fail to take the languages of their indigenous populations into account. Also according to CEDAW, many women are unaware of their human rights, since women "have less access than men to information about candidates and about party political platforms and voting procedures, information which Governments and political parties have failed to provide."<sup>219</sup>

120. The Commission also observes the persistence of gender stereotypes and discriminatory cultural practices and customs that discourage women from voting. For example, the Mexican State noted, "in cities with a high percentage of indigenous population, cultural traditions and customs discourage women from running for elected public office."<sup>220</sup> The political culture and male chauvinistic attitudes play a formidable role in gender discrimination, which can stand in the way of women's right to vote and be elected. Traditional gender roles such as those associated with women's reproductive role, "double burden," and work in the home, hinder the exercise of these rights.

121. Finally, the Commission is concerned because violence, both domestic and political, deters women from voting and keeps their voices from being heard on

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<sup>216</sup> IACHR, *Justice and Social Inclusion: The Challenges of Democracy in Guatemala*, OEA/Ser.L/V/II.118, Doc. 5 rev. 1, December 29, 2003, para. 285.

<sup>217</sup> IACHR, *Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia*, OEA/Ser.L/V/II. Doc. 34, June 28, 2007, para. 317.

<sup>218</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997, para. 20, a). Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>219</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997, para. 20, a). Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>220</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009.

electoral issues. The Commission has observed that the displacement of the population, owing to armed conflict and electoral violence, are barriers to the full exercise of women's political rights. Recently, it came to the attention of the Commission that in public demonstrations associated with the *coup* in Honduras, "law enforcement personnel discriminate against women. They are not only beaten on numerous occasions, but are also victims of sexual violence."<sup>221</sup> The Commission has observed that the armed conflict in Colombia has undermined women's political participation, particularly that of women's organizations working to influence the public agenda, whether through activities traditionally associated with the needs of the female population or those undertaken in the defense of the human rights of women affected by armed conflict.<sup>222</sup> The Commission reminds the States of their obligation to prevent and punish acts of discrimination and violence against women, and to implement U.N. Security Council Resolution 1325 on Women, Peace, and Security (2000), which requires that women participate in decision-making to resolve situations involving armed conflict, and to adopt measures to protect women and girls from the various forms of gender-based violence.<sup>223</sup>

122. According to the CEDAW Committee, the existence of these obstacles "at least partially explains the paradox that women, who represent half of all electorates, do not wield their political power or form blocs which would promote their interests or change government, or eliminate discriminatory policies."<sup>224</sup> Consequently, it is the position of the CEDAW Committee that the States parties "take appropriate steps to ensure that women, on the basis of equality with men, enjoy the right to vote in all elections and referendums, and to be elected. These rights must be enjoyed both *de jure* and *de facto*."<sup>225</sup>

## **B. Obligations of States to guarantee women's electoral participation**

123. According to the rules of the inter-American human rights system, the States have an obligation to guarantee the right of women to vote and be elected on the basis of equality with men. Consequently, the States have an obligation to remove material obstacles that hinder women's exercise of their rights as citizens, including the lack of identification documents. As indicated in a United Nations report regarding progress on the Millennium Development Goals in Peru: "One necessary condition for guaranteeing the

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<sup>221</sup> IACHR, *Honduras: Human Rights and the Coup d'état*, OEA/Ser.L/V/II.Doc. 55, 30 December 2009, para. 529.

<sup>222</sup> IACHR, *Violence and Discrimination against Women in the Armed Conflict in Colombia*, OEA/Ser.L/V/II.Doc. 67, October 18, 2006, para. 225.

<sup>223</sup> See United Nations Security Council Resolution 1325 (2000), adopted by the Security Council during its 4213th meeting, October 31, 2000, S/RES/1325 (2000); IACHR, *Violence and Discrimination against Women in the Armed Conflict in Colombia*, OEA/Ser.L/V/II.Doc. 67, October 18, 2006, para. 241, Recommendation 57.

<sup>224</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997, para. 21. Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>225</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, Political and public life*, 1997, para. 18. Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

effective participation of women in politics and the comprehensive exercise of their citizenship, is having identification papers.<sup>226</sup>

124. The Commission has noted in its report entitled *Justice and Social Inclusion: The Challenges of Democracy in Guatemala* that “[w]hile long-entrenched stereotypes and discrimination have been obstacles for women’s participation, other more pragmatic barriers have also conspired to prevent women from voting, such as the lack of official identification papers or voter rolls.”<sup>227</sup> Therefore, it is necessary for States to take steps to encourage women who do not have identification papers to register their identity, especially in rural areas and places with large indigenous and Afro-descendant populations, and to ensure that voter rolls are updated in these areas.

125. The Commission observes with concern the use of coercion against women voters, stemming from men’s coercive control of women in the family. For example, in Mexico “frequently husbands, fathers, brothers, or sons will do the voting for [women] in their communities, with the blessing of the authorities.”<sup>228</sup> As well in El Salvador, “many women have to ask their husbands or partners for permission to vote.”<sup>229</sup> Consequently, the CEDAW Committee has recommended that the States prevent “any such practices.”<sup>230</sup>

126. Moreover, it is essential to counteract gender roles that confine women to the home. According to information furnished by the States<sup>231</sup> and specialized studies,<sup>232</sup> the IACHR has determined that, to a large extent, cultural patterns and norms limit the role of women to the care of children and household tasks, which in turn make it more difficult for women to vote. Accordingly, the CEDAW Committee has noted: “Women’s double burden of work, as well as financial constraints, will limit women’s time or opportunity to follow electoral campaigns and to have the full freedom to exercise their

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<sup>226</sup> See United Nations, *Towards Meeting the Millennium Development Goals in Peru*, 2004, Chapter 3, p. 44.

<sup>227</sup> IACHR, *Justice and Social Inclusion: The Challenges of Democracy in Guatemala*, OEA/Ser.L/V/II.118, Doc. 5 rev. 1, 29 December 2003, para. 285.

<sup>228</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009.

<sup>229</sup> Response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 20, 2009.

<sup>230</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, Political and public life*, 1997, para. 20 (c). Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>231</sup> See responses of the Ecuadorian, Honduran, Brazilian, Salvadoran, and Panamanian States to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation (2009).

<sup>232</sup> Inter-American Institute of Human Rights (IHR), *Derechos Políticos de las Mujeres: el voto femenino en México y Centroamérica* [“Women’s Political Rights: The Female Vote in Mexico and Central America”], United Nations Population Fund (UNFPA), Danish International Development Agency (DANIDA), Swedish International Development Cooperation Agency (SIDA), (2009).

vote.”<sup>233</sup> Therefore, the Commission considers it necessary that the States take steps to reform discriminatory cultural practices and gender roles within the family that hinder women’s free and equal right to vote and prevent them from taking part in elections.

127. The Commission notes that some States have implemented initiatives to generate disaggregated data to enable them to develop or plan public policies with a gender perspective. For example, the State of Venezuela designed the Bolivarian Observatory on Gender which aims to strengthen the link between the National Institute of Statistics and INMUJER to produce statistical data for gender mainstreaming in public policies.<sup>234</sup> However, it bears mentioning that several States have indicated they lack statistical data on electoral issues broken down by gender, including Brazil, Colombia, Honduras, Guyana, and Suriname.<sup>235</sup> Also, difficulties obtaining official electoral data and/or data disaggregated by sex have been documented in El Salvador, Guatemala, Mexico, Nicaragua, and Panama.<sup>236</sup> Consequently, the Commission urges the States to take the necessary steps to improve their access to electoral information and prepare the corresponding statistical data disaggregated by gender.

128. Likewise, the State should take the necessary steps to eliminate formal and structural obstacles standing in the way of women exercising their rights to vote and to be elected on the basis of equality with men. Based on the right of women to vote and to be elected in genuine periodic elections established in Article 23(1)(b) of the American Convention on Human Rights, the IACHR urges the States to implement positive measures to guarantee the right of women to participate in elections. Such measures include: improving women’s access to polling places; streamlining procedures for the issuance of identity documents; organizing informational campaigns to encourage women to vote; improving electoral statistical data, facilitating the breakdown of this data by gender, ethnic group, and race; and promoting the civil and political rights of women in marginalized and poor areas.

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<sup>233</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, Political and public life*, 1997, para. 20 (b). Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>234</sup> See Response of Venezuela to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 4, 2009.

<sup>235</sup> See Response of the Brazilian, Colombian, Honduran, Guyanese, and Surinamese States to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, (2009).

<sup>236</sup> Inter-American Institute of Human Rights (IHR), *Derechos Políticos de las Mujeres: el voto femenino en México y Centroamérica* [“Women’s Political Rights: The Female Vote in Mexico and Central America”], United Nations Population Fund (UNFPA), Danish International Development Agency (DANIDA), Swedish International Development Cooperation Agency (SIDA), (2009), p. 63, 76, 119, 120, 147, 162, 171.

## V. THE ROAD TO SUBSTANTIVE EQUALITY: SPECIAL TEMPORARY MEASURES TO GUARANTEE WOMEN'S FULL POLITICAL PARTICIPATION

129. Based on information from a variety of state and non-state sources,<sup>237</sup> the IACHR has identified several areas of progress on the adoption of special temporary measures in the region. Examples of this progress include increased women's representation in all three branches of government (executive, legislative, and judicial), thanks to the enactment of laws establishing either a minimum or maximum percentage of women holding popularly elected positions—better known as “quota laws”—and the recognition of the States of their obligation to adopt measures to ensure the presence of women at decision-making levels. Furthermore, penalties have been established for failure to comply with quota laws, in addition to mechanisms for correcting candidate lists, including warnings, public reprimands, and fines for political parties, which represent another area of progress in terms of compliance with these laws.

130. Moreover, political parties and political movements have signed pacts to foster women's participation in democracy and to encourage their incursion into positions of formal power.<sup>238</sup> Some significant areas of progress in the implementation of special temporary measures include: raising awareness on women's political rights, through the organization of workshops and training events to build the political and leadership skills of women candidates; and development of diagnostic tools to evaluate the rights situation of indigenous and Afro-descendant women, as well as programs to foster their participation in the public life of their countries. The adoption of measures such as these has helped increase women's participation in public office, especially within legislative assemblies and ministerial cabinets.

131. Despite these advances, the Commission notes that formidable challenges remain to achieving *de jure* and *de facto* equality of women in public life. One of the main challenges identified is the effective implementation of special temporary measures and gender quota laws. In this regard, the Commission has received reports that

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<sup>237</sup> Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009; Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009; Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 16, 2009; Response of the Venezuelan State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 3, 2009; Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009; Response of the Brazilian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 30, 2009; Line Bareiro, Clyde Soto, and Lilián Soto, “*La inclusión de la mujer en los procesos de reforma política en Latin America*” [“*The Inclusion of Women in the Processes of Political Reform in Latin America*”], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007; ECLAC, *Women's Contribution to Equality in Latin America and the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, August 6, 2007; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008); Meeting of Experts on Discrimination against Women in the Sphere of Public and Political Participation, Santiago, Chile, September 14, 2007.

<sup>238</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009; Response of the Venezuelan State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 3, 2009.

point to a lack both of penalties for noncompliance and mechanisms for monitoring this legislation, as well as interpretations of such legislation in the courts and by elections authorities that have been unfavorable to women. In addition, the Commission notes with concern that some governments and political parties in the region have been reluctant to implement these measures, especially those mandating the adoption of quota laws and mandatory funding of female candidates. In large measure, this resistance is attributable to perceptions that politics is “a man’s game.” Thus, another significant challenge in the region involves changing socio-cultural patterns that discriminate against women and foster errant perceptions of their ability to govern and participate in public life.

**A. Adoption and implementation of special temporary measures: progress and challenges**

132. The IACHR considers that one significant measure undertaken to achieve progress over the last decade, is the adoption by 15 States in the Americas of legislation establishing a minimum or maximum percentage of women in positions of publicly appointed or elected office<sup>239</sup> (gender quotas), while one State has incorporated within its constitution the obligation to adopt special temporary measures.<sup>240</sup> It bears special mention that Guyana is the only country of the Caribbean to expressly enact into legislation a 30-percent quota of women.<sup>241</sup> While the remaining countries of the Caribbean have not expressly enacted gender quotas in their legislation, all have nevertheless adhered to the principle whereby 30 percent of positions are to be occupied by women, as recommended by the Santiago Consensus (1997) and the Commonwealth Caribbean Ministers responsible for women’s issues.<sup>242</sup>

133. The percentages established in quota laws have varied, but usually stipulate a mandatory 30 percent quota on women’s representation in positions of elected office or senior public appointments, and a 70 percent maximum quota on candidates of

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<sup>239</sup> The following countries have adopted gender quota laws for positions of publicly elected office: Argentina (1991); Bolivia (1997); Brazil (1997); Costa Rica (1996); the Dominican Republic (1997); Ecuador (1997); Guyana (2000); Haiti (2005); Honduras (2000); Mexico (1996); Panama (1997); Peru (1997); and Paraguay (1996). Colombia’s Law No 581 (2000) establishes a minimum 30% of positions “at the highest level of decision-making” and at “other decision-making levels” are to be occupied by women. This rule does not apply to administrative, judicial, or other specialized merit-based careers or publicly elected office. However, said rule establishes that “the process of appointment to positions is carried out by a panel selection system, and that the name of at least one woman shall be included in the formation of panels, and that nominees considered by such panels include the names of men and women in equal proportion.” See Law No. 581 (2000), Articles 5 and 6, Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, received May 11, 2009.

<sup>240</sup> Article 65 of Ecuador’s Constitution stipulates that “[...]The State shall adopt affirmative action measures to guarantee the participation of discriminated sectors.” See Constitution Ecuador, (2008).

<sup>241</sup> Section 11B of the Representation of People’s Act, Chapter 1:03 provides that at least one-third of the list of representatives of each political party wishing to contest the national and regional elections must be women. See response of the de Guyana to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 17, 2009.

<sup>242</sup> ECLAC, *Women’s Political Participation and Gender Parity in Decision-Making at All Levels in the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, Ecuador, 6-9 August, 2007, LC/CAR/L.129 (CRM.10/7), July 30, 2007.



either sex.<sup>243</sup> The benefits of enacting gender quota laws where there is a past pattern of discrimination include the increased presence of women at decision-making levels, raising public awareness about inequality, and prompting debate on priority issues of gender equality.<sup>244</sup> As was noted by the CEDAW Committee, “[r]esearch demonstrates that if women's participation reaches 30 to 35 percent (generally termed a ‘critical mass’), there is a real impact on political style and the content of decisions, and political life is revitalized.”<sup>245</sup> Owing to the implementation of special temporary measures, in Argentina, Costa Rica, and Ecuador, women have achieved a level of critical mass in their parliaments, with percentages of between 30 and 40 percent.<sup>246</sup>

134. According to the data studied by the IACHR, quota laws have had a positive impact on the region, as their adoption has contributed to an increase in female political representation.<sup>247</sup> Following the enactment of gender quotas, women’s representation in parliament increased from 6 to 36.2 percent in Argentina; from 15.8 to 38.6 percent in Costa Rica; from 5.5 to 23.4 percent in Honduras; from 10.8 to 29.2 in Peru; from 8.8 to 22.4 percent in Mexico (lower house); and from 3.7 to 16 percent in Ecuador.<sup>248</sup> With the exception of Cuba, women’s political representation has also increased in countries without quota laws, “although more slowly and less steadily, since in

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<sup>243</sup> In Colombia, Law No. 581 establishes a 30% quota on women’s participation in first-level positions of the executive branch; Ecuador, 30% with 5% increments until equal representation is achieved; Mexico establishes a 40% quota on candidates by sex in proportional representation lists and coalition candidacies, but this does not apply to direct elections. See response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009; response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, June 16, 2009; response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 28, 2009.

<sup>244</sup> Line Bareiro, Clyde Soto, and Lilián Soto, “*La inclusión de la mujer en los procesos de reforma política en Latin America*” [“*The Inclusion of Women in the Processes of Political Reform in Latin America*”], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007.

<sup>245</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997. Available at: Internet: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>, para. 16. Similarly, a 30% quota for women’s representation in legislative bodies was established at the Inter-Parliamentary Conference (1997), as a means for building the capacity of minorities to incorporate their issues in the public agenda and form beneficial political alliances. See “Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women’s Representation,” *Social Forces*, June 2005, p. 1706.

<sup>246</sup> Inter-Parliamentary Union, *Women in National Parliaments, Situation as of 31 December 2010*, available at: <http://www.ipu.org/wmn-e/world.htm>

<sup>247</sup> Claudia Ranaboldo, Yolanda Solana (coord.), Latin American Center for Rural Development (RIMISP), *Gender Inequality in Women’s Political Participation in Latin America and the Caribbean*, UN-INSTRAW/AECID, 2008, p. 13; United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Experiences from Latin America: Quota Mechanisms for Women’s Political Participation*, 2006, p. 36, available at: <http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/index.php>, consulted July 27, 2009; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008) p. 10; *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters (2008).

<sup>248</sup> ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, August 6, 2007, p. 31.

these cases the presence of women representatives depends more on political will than on statutory requirements.”<sup>249</sup>

135. The Commission has also taken note of government outreach efforts to raise awareness on the political rights of women and encourage the empowerment of women leaders at the levels of decision-making. Workshops and other programs to train women leaders, female candidates for elected political office, women’s advocacy organizations, and women in positions of power on the importance of their participation in politics, as well as discussion forums that have also addressed the topic of electoral quotas, constitute positive efforts for promoting women’s human rights.<sup>250</sup> Furthermore, it is in the best interest of governments to recognize the need to implement special temporary measures, which in turn allow the gender dimension to permeate public policies and thereby ensure the elimination of all forms of discrimination affecting ethnic groups.<sup>251</sup>

136. Despite the progress made, the structural barriers described earlier, as well as patriarchal culture, and the resistance of political party elites to female political participation, are some of the factors that slow down the implementation and effective application of special temporary measures in the political sphere. Based on information from a variety of sources,<sup>252</sup> the Commission notes that because these barriers persist in several countries of the Hemisphere, there is still resistance to the implementation of special temporary measures in the political sphere, and that in countries such as Chile and the United States a large segment of the population is against enacting “gender quotas.” Another problem this report identifies with respect to ensuring the equal representation of women in public life is the lack of effective implementation of certain special temporary measures, such as quota laws.

137. Accordingly, one of the more significant challenges in the region involves the fight to incorporate parity into public-sphere action, while noting the disadvantages women face in the private sphere. Parity is a qualitative concept which connotes “the redistribution of power in three specific spheres: the labor market, decision-making and family life.”<sup>253</sup> At the international level, the Millennium Development Goals (2000) and

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<sup>249</sup> *Ibid*, p. 35.

<sup>250</sup> Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009; response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009; response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, June 16, 2009.

<sup>251</sup> Response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 11, 2009.

<sup>252</sup> See Claudia Ranaboldo, Yolanda Solana (coord.), Latin American Center for Rural Development (RIMISP), *Gender Inequality in Women’s Political Participation in Latin America and the Caribbean*, UN-INSTRAW/AECID, 2008, p. 13; United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Experiences from Latin America: Quota Mechanisms for Women’s Political Participation*, 2006, p. 36, available at: <<http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/index.php>>, consulted July 27, 2009.

<sup>253</sup> ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 4.

the Platform for Action of the Fourth World Conference on Women (1995) established the need to achieve gender equality, the empowerment of women, and parity in political representation as essential conditions for development<sup>254</sup>. According to one IDB study, the main goal of parity in government is to achieve equitable gender representation in decision-making processes, which has been defended as a democratic principle and a mechanism for increasing women's political representation. This goal is based on the idea that women have a personal right to take part in decisions that affect the well-being of all in society, not only as equals but also as another half of the population with their own interests and needs.<sup>255</sup>

138. The IACHR underscores the fact that consensus exists for advocating parity in both public and private life. The American States have recognized that "parity is one of the key driving forces of democracy, that its aim is to achieve equality in the exercise of power, in decision-making, in mechanisms of social and political participation and representation, [and] in various types of family relations."<sup>256</sup> Accordingly, the States have agreed: "To adopt all necessary affirmative action measures and mechanisms, including the necessary legislative reforms and budgetary allocations, to ensure the full participation of women in public office and in political representative positions with a view to achieving parity in the institutional structure of the State (executive, legislative and judicial branches, as well as special and autonomous regimes) and at the national and local levels [...]"<sup>257</sup> Also, a recent ECLAC public opinion poll found that 75% of Latin American opinion leaders believe that taking concrete measures to ensure gender parity in politics helps "strengthen democracy."<sup>258</sup>

139. Also noteworthy are the gender parity measures adopted by Venezuela, Ecuador, Chile and Costa Rica. For example, in 2008, the National Electoral Council of Venezuela demanded that the political organizations ensure parity and the alternation of gender in their lists of candidates for deliberative bodies for the regional elections of that year. Thus, in the District of Alto Apure in Venezuela, through Resolution No. 080721-658, it was established that "nominations for the Regional Legislative Council, the Metropolitan Councilors, and the Alto Apure District Councilors that will participate in the elections

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<sup>254</sup> See United Nations, Millennium Development Goals, Objective 3, 2000, available at: <<http://www.un.org/spanish/millenniumgoals/gender.shtml>>; Fourth World Conference on Women, Beijing (1995), Platform for Action, Strategic Objective G.1., Women in power and decision-making, available at: <<http://www.un.org/womenwatch/daw/beijing/platform/decision.htm>>

<sup>255</sup> Elba Luna, Vivian Roza and Gabriela Vega, *The Road to Power: Latin American Women Ministers 1950-2007*, Inter-American Development Bank, Program for the Support of Women's Leadership and Representation (PROLEAD), 2008, p. 18.

<sup>256</sup> ECLAC, Tenth Regional Conference on Women in Latin America and the Caribbean, *Quito Consensus*, Quito, Ecuador, August 6-9, 2007, para. 17.

<sup>257</sup> *Ibid*, para. 25 (1), ii.

<sup>258</sup> See ECLAC, Press Release, "ECLAC Poll: 75% of Latin American Opinion Leaders Believe Gender Parity in Politics Strengthens Democracy." The survey was carried out from late 2009 to early 2010 among leaders of the public and private sectors in the region. Available at: <http://www.eclac.org/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/5/38675/P38675.xml&xsl=/prensa/tpl-i/p6f.xsl&base=/prensa/tpl-i/top-bottom.xsl>

governed by these rules, shall ensure parity and alternation of 50% for each sex. If it is not possible to apply parity, the nominations must ensure at least 40% and a maximum of 60% for each sex.” The resolution also stipulated that when the applications do not respect the criterion of parity and alternation, they will not be considered<sup>259</sup>.

140. The Ecuadorian Constitution also stipulates that parity is generally required in all political decision-making bodies (popular elections, government ministries, agencies, and other decision-making entities; the justice system; and oversight bodies and political parties).<sup>260</sup> Also in Ecuador, different efforts have been coordinated to reach parity by the different stakeholders including the Parliament, the Electoral Tribunal, the media and the women’s movement.<sup>261</sup> Chile, Venezuela, and Costa Rica have also promoted the parity principle in certain areas of government.<sup>262</sup>

141. The Commission notes that these measures have successfully increased women’s political participation in public office. Accordingly, the IACHR recommends that the States take the necessary actions to ensure the full incorporation of women in public life in conditions of equality, through the establishment of special temporary measures, and other measures designed to achieve parity.<sup>263</sup> As explained in the next section, these measures should be fully implemented and for the period that they are necessary, and then repealed, so that the establishment of maximum levels of participation does not become a limitation of more advances.

## **B. Quota laws: platforms for parity or glass ceilings?**

142. The Commission notes that the effective implementation of quota laws, as such, pose several challenges. Subject matter experts and civil society organizations have reported that the effectiveness of gender quotas can be limited based on their compatibility with the electoral system, their precise language, and the absence of or

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<sup>259</sup> See Venezuela’s National Electoral Council, *Chronology of the Electoral Law*. Available [in Spanish only] at <[http://www.cne.gob.ve/web/la\\_institucion/antecedentes.php](http://www.cne.gob.ve/web/la_institucion/antecedentes.php)>. Response of the Venezuelan State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 14, 2009.

<sup>260</sup> Ecuadorian Constitution, Article 65 (1998).

<sup>261</sup> Presentation of Solanda Goyes “Parliaments before the agenda on women’s rights: challenges and current situation”, citing a research elaborated by IDEA International and Agora Democrática. Hemispheric Forum “Women’s Leadership in Democracy”, Inter-American Commission of Women, Washington DC, April 6, 2011.

<sup>262</sup> An initiative pursued by President Bachelet to ensure a gender balance in her cabinet; reform of the Electoral Code of Costa Rica, approved on July 19, 2007, and which established that the delegations, lists, and bodies must contain 50% women and 50% men; See ECLAC, *Report of the Tenth Session of the Regional Conference on Women in Latin America and the Caribbean*, Quito, August 6-9, 2007, LC/G.2361(CRM.10/8), April 1, 2008, para. 78.

<sup>263</sup> Inter-American Commission of Women, Resolution 172/94 (XVII-O/94), Strategic Plan of Action of the Inter-American Commission of Women, Women’s Participation in Power and Decision-making Structures, A. Balance, point 5.

noncompliance with penalties.<sup>264</sup> Some of the shortcomings of quota legislation are attributable to their scope of coverage, i.e., enacting of quota laws for presidential elections, but not for municipal elections, or providing different quotas for women's participation in the different legislative bodies. According to some civil society organizations, percentages are not implemented equally between legislative bodies, or between national and local elections, thus establishing a greater level of hierarchy and prestige for men.<sup>265</sup>

143. In most of the countries that have implemented quotas, the Commission has observed that they only apply to popularly elected office and not to public appointments. Only some countries such as Colombia, Panama, and Ecuador have established the legal obligation to include women in publicly appointed office.<sup>266</sup> Accordingly, the IACHR urges the States to expand special temporary measures so as to ensure the participation of women in all branches of government (legislative, executive, and judicial), and at the different state levels (federal, state and municipal).

144. Although the enactment of quota laws represents a notable area of progress with respect to the inclusion of women in public office, the IACHR nevertheless observes a significant lack of compliance with such legislation.<sup>267</sup> As discussed previously, the case of *María Merciadri di Morini v. Argentina*,<sup>268</sup> provides a notable example. In 1994, Ms. Merciadri filed a petition with the IACHR alleging responsibility on the part of the Argentine State for the violation of electoral laws that establish, with respect to gender quotas, the obligation of political parties to include the names of female candidates on

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<sup>264</sup> See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 10.

<sup>265</sup> IACHR, *Thematic hearing on the Participation and Access of Women to Political Power in the Americas*, 127th period of sessions, March 1, 2007.

<sup>266</sup> The Ecuadorian Constitution enshrines the principle of parity in both publicly appointed and elected office (Article 65). Panama's Equal Opportunity Law establishes that 30% of positions with ministries, vice ministries, autonomous and semi-autonomous agencies, and all other government entities are to be occupied by women. Colombia's Law No. 581 stipulates that at least 30% of decision-making positions at the highest level, as well as other decision-making positions, are to be filled by women (Article 4). For the purposes of said law, "decision-making positions at the highest level" is understood as "the most senior-level positions of the three branches of government and of the organs of public power at the national, departmental, regional, provincial, district, and municipal levels" (Article 2); as well as "other decision making bodies [...] corresponding to positions with the power to appoint and remove at the level of the executive branch, administrative personnel of the legislative branch, and all other organs of public power, other than those to which the previous article refers, and that include steering authority in the formulation, planning, coordination, implementation, and oversight of the actions and policies of the State at the national, departmental, regional, provincial, district, and municipal levels, including positions with the power to appoint and remove at the level of the judicial branch" (Article 3). See response of the Colombian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 11, 2009.

<sup>267</sup> See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008) p. 20; Response of Corporación Humanas to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, Colombia, May 28, 2009.

<sup>268</sup> See IACHR, Report No. 103/01, Friendly Settlement, Case 11.307, *María Merciadri di Morini* (Argentina), October 11, 2001, para. 2.

political party slates in numbers “proportional to the chances of being elected”; and the absence of an effective remedy to contest the lack of compliance with this legislation.<sup>269</sup> The IACHR has taken note of cases in which political parties place the names of women candidates on substitute lists, or run them for election in other districts where they have little chance of winning, in order to “formally comply” with quota laws.<sup>270</sup>

145. Thus, one of the challenges in the Americas is overcoming the defects in some quota legislation and to ensure that it is effectively enforced. The IACHR has observed that in countries whose electoral legislation includes rules governing the positioning of candidates and enforcement mechanisms, such as Costa Rica, Ecuador, Argentina, and Mexico, women have achieved higher rates of political representation, while in others, such as Panama, Venezuela, and Brazil, which despite having enacted quota laws, have not provided mechanisms to ensure effective compliance therewith.<sup>271</sup> Accordingly, the IACHR considers it necessary to promote the compatibility of quotas with the electoral system and the context in which they are implemented, such as party mechanisms governing the rank order of candidates, so as to ensure women have real possibilities of being elected.<sup>272</sup>

146. The IACHR observes with concern that fact that in some countries, gender quota legislation has been interpreted to mean the maximum number of seats or positions of power women must occupy, which undermines the spirit of such legislation. In this way, quotas have been turned into a “ceiling” to block more women from entering, instead of being a minimum and critical platform to guarantee their political participation.<sup>273</sup> This situation has occurred in Argentina, where civil society organizations have informed the Commission that the country’s quota law is looked upon as a “glass ceiling,” thus preventing women’s incursion into the political sphere beyond the percentage established in said law.<sup>274</sup>

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<sup>269</sup> The Commission considered that the facts alleged could constitute violations, on the part of the Argentine State, of due process guarantees (Article 8), the right to participate in government (Article 23), the right to equal protection (Article 24), and the right to judicial protection (Article 25) of the American Convention. Finally, upon reaching a friendly settlement agreement, the Argentine State issued Decree No. 1246, which regulates the Quota Law, stipulating the criteria to be taken into account for male and female candidates to positions of elected office, in such a way as to ensure effective compliance with the minimum 30% quota established for women. IACHR, Report No. 102/99, Case 11.307, María Merciadri di Morini (Argentina), September 27, 1999, para. 27, *Annual Report of the Inter-American Commission on Human Rights*, OEA/Ser.L/V/II.106, Doc. 3, April 13, 2000.

<sup>270</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009.

<sup>271</sup> See *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters (2008), pp. 15-16.

<sup>272</sup> Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008),

<sup>273</sup> See Cecilia Barraza, “Women’s Participation in the Electoral Process,” Meeting of Experts on Discrimination against Women in the Sphere of Public and Political Participation, Santiago, Chile, September 14, 2007.

<sup>274</sup> IACHR, *Thematic hearing on the Participation and Access of Women to Political Power in the Americas*, 127th period of session, March 1, 2007.

147. The IACHR has also noted that, in practice, the interpretation of quota laws is less than favorable to women. In the case of *Janet Espinoza Feria et al. v. Peru*,<sup>275</sup> admitted by the Commission in 2002, the petitioners alleged that Peruvian electoral authorities, represented by the National Board of Elections [*Jurado Nacional de Elecciones*], applied a restrictive interpretation of the Elections Law (No. 26859), which stipulates that parliamentary candidate lists should include no less than 30 percent *women or men*. The petitioners contended that instead of interpreting the provision as an affirmative action designed to facilitate women's participation and access to popularly elected positions, the decision handed down by the National Board of Elections discriminated against women candidates from the Callao, Ica, and La Libertad districts running for parliament in 2001, and, as a result, the percentage of women candidates in the first two districts was decreased to 25 and 28.5 percent in the case of the latter district. The Commission has observed that the allegations put forward by the petitioners may constitute violations of the rights to equality and nondiscrimination, as well as other political rights of women enshrined in the American Convention.<sup>276</sup>

148. The IACHR considers that another major challenge with respect to the implementation of quota laws concerns establishing mechanisms to enforce such legislation by providing sanctions and/or or monitoring systems to ensure these laws are correctly implemented. A number of sources<sup>277</sup> have documented the weakness of regulations in the form of sanctions for noncompliance with quotas, as well as the absence of administrative and judicial mechanisms for the enforcement of these laws. In a number of countries, the IACHR has noted that civil society organizations, instead of the electoral organs, are performing the monitoring tasks associated with gender quota laws. Moreover, some States have conceded that their quota legislation does not provide sanctions for noncompliance,<sup>278</sup> or where sanctions do exist, the pertinent judicial or electoral authorities fail to impose sanctions on the political parties.<sup>279</sup>

149. While quota laws represent a successful strategy for increasing the presence of women in parliament, the Commission notes that, in most countries that have

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<sup>275</sup> IACHR, Report No 51/02 (Admissibility), Janet Espinoza Feria et al, Petition 12.404 (Peru), October 10, 2002.

<sup>276</sup> IACHR, Report No. 51/02 (Admissibility), Janet Espinoza Feria et al, Petition 12.404 (Peru), October 10, 2002, para. 55.

<sup>277</sup> Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, Inter-American Development Bank, Inter-American Dialogue, League of Women Voters (2008), p. 15; Cecilia Barraza, "Women's Participation in the Electoral Process," Meeting of Experts on Discrimination against Women in the Sphere of Public and Political Participation, Santiago, Chile, September 14, 2007, p. 3; Line Bareiro, Clyde Soto, and Lilián Soto, "*La inclusión de la mujer en los procesos de reforma política en Latin America*" [*The Inclusion of Women in the Processes of Political Reform in Latin America*"], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 25.

<sup>278</sup> Response of the Brazilian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 30, 2009.

<sup>279</sup> Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 27, 2009.

adopted such laws, obstacles remain to women achieving the quotas of representation and participating in decision-making spheres, e.g., by forming “critical mass” in parliament.<sup>280</sup> Accordingly, there is a growing consensus in the regions that quota laws should be introduced along with other measures to strengthen democratic institutions, and promote the inclusion of women’s interests on the public agenda. According to ECLAC, in countries such as Costa Rica, Argentina, and Peru, in which women have formed a critical mass in the lower houses of parliament, they have been assisted by “broad cross-party alliances, intensive work within the parties, support for women’s advancement mechanisms, the decisive leadership of the women’s movement, and democratic conditions that allowed the adoption of quota laws as a means of moving towards equality.”<sup>281</sup> Accordingly, the Commission urges the States: to develop the strategies necessary to promote the active citizenship of women, by strengthening women’s leadership and participation in civil society, community; to foster favorable public opinion about the inclusion of women in politics; and to adapt the provisions of quota legislation to the specific electoral systems in which they operate.

## VI. POLITICAL PARTIES AND DISCRIMINATION AGAINST WOMEN

150. Political parties play an essential role in promoting the equality of women’s political participation and the incursion of female candidates in public office. As noted by the CEDAW Committee, political parties constitute “a valuable training ground for women in political skills, participation and leadership”<sup>282</sup> for public affairs. As undeniable pillars of contemporary democratic life,<sup>283</sup> political parties act as institutional conduits to facilitate women’s access to power and are critical stakeholders with respect to the nomination and selection of female candidates to elective office. For these reasons, the inclusion and acceptance of women in party structures, as well as their participation and representation in these organizations is vital to the exercise of women’s political rights. In this section, the IACHR identifies several areas of progress made in the region toward eliminating discrimination against women within political parties, such as the adoption of political party bylaws that promote women’s equal participation in public life, the implementation of special temporary measures to facilitate women’s access to decision-making positions, and raising awareness on women’s political rights.

151. However, the Commission has also taken note of significant obstacles hindering the incursion of women in party structures and limiting opportunities for them to

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<sup>280</sup> Costa Rica and Ecuador have reached levels of “critical mass” of women parliamentarian of 36.8 and 32.3%, while other countries, such as Brazil, only reach 9%. See Inter-Parliamentary Union, *Women in National Parliaments*, (Situation as of 31 May 2009), available at: <http://www.ipu.org/wmn-e/world.htm>, consulted on June 30, 2009.

<sup>281</sup> ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 33.

<sup>282</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 23, *Political and public life*, (1997), para. 34.

<sup>283</sup> See Daniel Zovatto (coord.), *Regulación jurídica de los partidos políticos en América Latina* [“Legal Regulation of Political Parties in Latin America”], UNAM/IDEA, (2006), p. XI, available [in Spanish only] at: <<http://www.idea.int/publications/lrpp/index.cfm>>



participate therein. The main barriers in this sense are associated with the political culture and resistance on the part of the political parties, which have excluded women from participating in public affairs, and consequently, damper prospects for female leadership within the parties and in public life. Other factors that have limited women's political participation in the party apparatus include gender roles that call into question women's ability to participate in public life and difficulties balancing the responsibilities of domestic with those of public life and political party activities.

152. Other obstacles women face are the lack of funding and resources for their political campaigns, and the absence of special temporary measures to promote gender equality within party bylaws. Where special temporary measures do exist, another obstacle is gaps in their implementation and the absence of sanctions for electoral and judicial institutions to the political parties when these special measures are not applied. In order to overcome these barriers, the Commission reminds the States and the political parties of their obligations to eliminate discrimination against women in public life and to facilitate their incorporation into decision-making spheres.

#### **A. Political party best practices to facilitate women's political participation**

153. One area of progress observed by the Commission in the region involves the adoption of laws to promote women's representation and political participation within party structures. For example, the Ecuadorian Constitution stipulates that political parties must guarantee internal democracy, the rotation of power of their leaders on the basis of gender equality, and accountability.<sup>284</sup> The electoral legislation of Honduras establishes that political parties must foster the necessary material conditions to facilitate the incorporation of women into all aspects of party life,<sup>285</sup> as well as the obligation to have a policy of gender equality. Peru's Political Party Law (Law No. 28094), enacted in 2003, included a mandatory 30-percent quota for both women and men on candidate slates for leadership positions within political parties and movements.<sup>286</sup> Costa Rica's electoral laws were amended in 1996 to require political parties to establish within their bylaws a 40-percent quota of women in positions of leadership within the party apparatus, as well as in candidate slates for elected positions, and in assembly delegations at the district, canton, and provincial levels.<sup>287</sup>

154. The IACHR also recognizes the efforts of political parties in a number of countries to promote the political participation of women. In Mexico, two of the country's three major political parties (the Institutional Revolutionary Party – PRI, and the Party of

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<sup>284</sup> Response of the Ecuadorian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 16, 2009.

<sup>285</sup> Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 28, 2009.

<sup>286</sup> Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 26, 2009.

<sup>287</sup> Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 38.

the Democratic Revolution – PRD) have established gender parity in their statutes.<sup>288</sup> In Brazil, seven political parties—the Democratic Labor Party (PDT), The Worker’s Party (PT), the Socialist Popular Party (PPS), the Democratic Party (DEM), Communist Party of Brazil (PCdoB), the Socialism and Freedom Party (PSoL), and the Green Party (PV)—include within their bylaws gender quotas or special temporary measures to promote the inclusion of women in party leadership positions. Some Venezuelan political organizations have adopted decisions that promote the principles of parity and rotation in their electoral lists.<sup>289</sup>

155. Moreover, a number of political parties in Argentina, Bolivia, Costa Rica, the Dominican Republic, Ecuador, Honduras, Panama, Paraguay, and Peru apply gender quotas in their candidate lists for elected office or party leadership positions.<sup>290</sup> Even in countries without quota laws, some political parties have introduced special temporary measures within their organizations. Examples include Chile, El Salvador, Guatemala, Nicaragua, Venezuela, and Uruguay.<sup>291</sup> The IACHR has also received information from States indicating that political parties are promoting the inclusion of women in party leadership positions. For example, during the pre-election cycle in Brazil, some political parties provide training courses to prepare women candidates for office.<sup>292</sup> Mexico’s Federal Electoral Code requires political parties to allocate 2 percent of their annual training budgets for women’s political skill-building, promotion, training, and leadership.<sup>293</sup>

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<sup>288</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009.

<sup>289</sup> Response of the Venezuelan State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 14, 2009.

<sup>290</sup> Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008), Annex.

<sup>291</sup> Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, p. 37.

<sup>292</sup> Response of the Brazilian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 31, 2009.

<sup>293</sup> Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009.

## B. Political party obstacles to the inclusion of women

156. The Commission acknowledges progress in increasing women in leadership positions within political parties. In this sense, specialists in the field noted that in some countries such as Bolivia, Costa Rica and Honduras, women party leaders have reached up to 38% of the total representation within political parties<sup>294</sup>. Despite this progress, the IACHR notes that women's participation in political party leadership positions is still quite low in most countries. According to a study conducted on this topic, despite women's active participation upon entering political parties, their representation in party leadership positions rarely tops 25 percent.<sup>295</sup> With regard to Chilean political parties, the Commission has expressed concern over the fact that "[w]omen hold very few leadership positions (president, secretary general and treasurer) in the political parties and the number of women who figure on the lists of candidates that the parties present to the Chilean electorate is still very small."<sup>296</sup> Similarly, the Commission expressed its concern to the Guatemalan State over the fact that "[w]omen's participation in political parties has been described as 'very limited and virtually nonexistent.' There is no provision in the law to address the need for equal participation of men and women within political parties."<sup>297</sup> During on-site visits of the Commission to Haiti, a number of different sources indicated that women are under-represented in political parties and in decision-making structures.<sup>298</sup> The lack of women's representation in political parties is reflected in the low percentage of female candidates for public office. According to expert research, the percentage of women in political party leadership positions in Latin America is less than 10 percent, although this percentage increases for those parties whose bylaws include gender quotas.<sup>299</sup>

157. Some of the major obstacles identified by the Commission to promoting women's political representation in the region include resistance on the part of political parties, primarily their leadership, and their limited commitment to overcoming the long-standing exclusion of women from decision-making. The States have recognized that "the political culture characterized by clientele-driven and authoritarian behaviors that

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<sup>294</sup> Presentation of Solanda Goyes "Parliaments before the agenda on women's rights: challenges and current situation", citing a research elaborated by IDEA International and Agora Democrática. Hemispheric Forum "Women's Leadership in Democracy", Inter-American Commission of Women, Washington DC, April 6, 2011.

<sup>295</sup> Esther del Campo, "Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women's Representation," *Social Forces*, June 2005, p. 1706.

<sup>296</sup> IACHR, *Report on the Rights of Women in Chile: Equality in the Family, Labor and Political Spheres*, OEA/Ser.L/V/II.134, Doc. 63, March 27, 2009, para. 114.

<sup>297</sup> See IACHR, *Justice and Social Inclusion: The Challenges of Democracy in Guatemala*, OEA/Ser.L/V/II.118, Doc. 5 rev.1, 29 December 2003, para. 284.

<sup>298</sup> IACHR, *The Right of Women in Haiti to be Free from Violence and Discrimination*, OEA/Ser.L/V/II.Doc. 64, March 10, 2009, para. 40.

<sup>299</sup> See Teresa Sacchet, "Political Parties: When do they work for Women?," United Nations, Department of Economic and Social Affairs (DESA), Division for the Advancement of Women (DAW), Economic Commission for Africa (ECA), Expert Group Meeting on Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership, October 24-27, 2005, EGM/EPWD/2005/EP.10, December 12, 2005, p. 2.

subordinate gender agendas to the agendas and interests of the political parties”<sup>300</sup> constitute formidable barriers to women. According to ECLAC, most women enter parliament through the political party channel—many at the invitation of political leaders.<sup>301</sup> However, once inside the party apparatus, women must contend with a political culture of exclusion and reluctance to their participation. In this regard, “women [indicate] that it is more difficult to access positions of power within a party, be nominated to electoral lists and enter a parliamentary position, as they tend to be excluded by a culture of male chauvinism and fraternity.”<sup>302</sup> One example of political party resistance to the inclusion of women in public life is the unwillingness of party leaders to adopt special temporary measures to help women. As has been pointed out by women’s organizations in Chile, “the main resistance to the adoption of quota laws comes from party leaders and male lawmakers.”<sup>303</sup>

158. Moreover, the Commission views with concern that the prevailing political culture of the parties includes gender stereotypes that cast doubt on the ability of women to assume positions of political leadership, as well as “an absence of political formation, analysis, and debate within the political parties and the internalization of certain ideas; for example, that ‘women are not voted’ or that ‘women don’t support women.’”<sup>304</sup> Given these reasons, even when women possess the necessary qualities to be viable candidates, parties don’t encourage them to run. According to a study published by the UN-INSTRAW, both the inclusion and recruitment of activists have been strongly influenced by traditional gender roles, and have excluded women from representation and decision-making positions.<sup>305</sup> Women’s participation inside political parties is limited by gender role expectations, which relegate them to practical tasks. As a woman politician in Brazil summed it up: “What has happened inside political parties is similar to what happens inside the home. We argue for equality but end doing the practical tasks and men dictate the rules and make the decisions.”<sup>306</sup>

159. Habitual practices and the party structure also raise barriers to women’s participation within the party apparatus. Examples include party structures characterized

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<sup>300</sup> Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 28, 2009.

<sup>301</sup> ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 40.

<sup>302</sup> *Ibid*, p. 40.

<sup>303</sup> Response of la Corporación Humanas, Chile, to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 28, 2009.

<sup>304</sup> Line Bareiro, Clyde Soto, and Lilián Soto, “*La inclusión de la mujer en los procesos de reforma política en Latin America*” [“*The Inclusion of Women in the Processes of Political Reform in Latin America*”], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 19.

<sup>305</sup> See U.N. International Research and Training Institute for the Advancement of Women, *Experiences from Latin America: Quota Mechanisms for Women’s Political Participation*, 2006.

<sup>306</sup> UNIFEM, *Who Answers to Women? Gender and Accountability*, Progress of the World’s Women 2008/2009, available at: <[http://www.unifem.org/progress/2008/media/POWW08\\_Report\\_Full\\_Text\\_es.pdf](http://www.unifem.org/progress/2008/media/POWW08_Report_Full_Text_es.pdf)>, Chap 2., p. 23.

as “women unfriendly,” the fact that women’s participation is relegated to logistical tasks, and that little incentive is provided for women to assume party leadership positions or pursue political careers.<sup>307</sup> In general terms, the IACHR has observed that the needs of women are not taken into account in political party activities. Even after being selected as candidates, women must balance the demands of family responsibility with those of public life; for example, the time inputs required for political campaigns, sessions of parliament, political party meeting schedules, and the absence of child nurseries and day care centers within parliament facilities, all of which represent significant barriers to women hoping to pursue careers in the public sphere.<sup>308</sup>

160. The Commission also notes that another significant challenge in the region involves the commitment of the political parties to intervening in the political culture, with a view to achieving a more equitable distribution of power. As some experts have noted, there is a need, “to intervene in the political culture of male and female party activists with a view to achieving more equitable relations, and generally raising awareness among the political leadership as to the needs of women.”<sup>309</sup> Accordingly, as was discussed at the Tenth Regional Conference on Women in Latin America and the Caribbean: “Political parties must be sensitized to the need for balance in the gender distribution of candidates screened and selected to contest the elections. This has to be reinforced by the availability of financial and other kinds of support that will encourage the female candidates to come forward.”<sup>310</sup>

161. The CEDAW Committee, aware that “political parties are an important vehicle in decision-making roles,” believes that “[g]overnments should encourage political parties to examine the extent to which women are full and equal participants in their activities and, where this is not the case, should identify the reasons for this.”<sup>311</sup> With a view to achieving greater women’s participation within political party structures, the IACHR urges the States to take the necessary steps to ensure that political parties implement mechanisms to raise awareness among the party leadership of women’s needs, to invest in women’s skill-building and leadership training, and to reform party practices that discriminate against women.

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<sup>307</sup> Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women’s Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, p. 36.

<sup>308</sup> See United Nations, Division for the Advancement of Women (DAW), Department of Economic and Social Affairs (DESA), Economic Commission for Africa (ECA), Inter-Parliamentary Union (IPU), Report of the Expert Group Meeting on “Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership,” EGM/EPDM/2005/Report, October 24-27, 2005, para. 45.

<sup>309</sup> IACHR, *Meeting of Experts on Discrimination against Women in the Sphere of Political Participation from a Human Rights Perspective*, Caracas, Venezuela, September 25, 2008 (internal document).

<sup>310</sup> ECLAC, *Women’s Political Participation and Gender Parity in Decision-Making at All Levels in the Caribbean, Tenth Regional Conference on Women in Latin America and the Caribbean*, Quito, Ecuador, August 6-9, LC/CAR/L.129 (CRM.107) July 2007, p. 26 .

<sup>311</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 23, *Political and public life*, (1997), para. 32.

162. The IACHR observes that another major obstacle to the presence of women in the public decision-making sphere involves women's lack of access to political party funding and financial resources. Various sources<sup>312</sup> have pointed out existing inequalities in the access of female candidates to financing for their election bids and to pay the advertising costs of their campaigns. Expert studies have noted that the way political party finances are managed is a factor that limits the presence of women at the spheres of decision-making.<sup>313</sup> Insufficient public funding in the region has led to a significant intervention from private sponsors and political party corruption.<sup>314</sup> The absence of public financing for the internal campaigns of political parties represents yet another factor of inequality for women, inasmuch as "they have fewer personal financial resources and, apparently, support for their candidacies continues to be resisted."<sup>315</sup> Moreover, women are affected by "the lack of transparency in the internal financing of campaigns and in the management of party funds,"<sup>316</sup> and the fact that preference is given to funding the campaigns of male candidates.<sup>317</sup>

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<sup>312</sup> See United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Experiences from Latin America: Quota Mechanisms for Women's Political Participation*, 2006, p. 36, available at: < <http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/index.php>>, consulted July 27, 2009; United Nations, Division for the Advancement of Women (DAW), Department of Economic and Social Affairs (DESA), Economic Commission for Africa (ECA), Inter-Parliamentary Union (IPU), Report of the Expert Group Meeting on "Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership," EGM/EPDM/2005/Report, October 24-27, 2005, para. 46; Line Bareiro, Clyde Soto, and Lilián Soto, "*La inclusión de la mujer en los procesos de reforma política en Latin America*" [*The Inclusion of Women in the Processes of Political Reform in Latin America*], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 16; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, p. 39-40; ECLAC, *Women's Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 51.

<sup>313</sup> Line Bareiro, Clyde Soto, and Lilián Soto, "*La inclusión de la mujer en los procesos de reforma política en Latin America*" [*The Inclusion of Women in the Processes of Political Reform in Latin America*], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 16.

<sup>314</sup> Teresa Sacchet, "Political Parties: When do they work for Women?," United Nations, Department of Economic and Social Affairs (DESA), Division for the Advancement of Women (DAW), Economic Commission for Africa (ECA), Expert Group Meeting on Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership, October 24-27, 2005, EGM/EPWD/2005/EP.10, December 12, 2005, p. 5.

<sup>315</sup> Line Bareiro, Clyde Soto, and Lilián Soto, "*La inclusión de la mujer en los procesos de reforma política en Latin America*" [*The Inclusion of Women in the Processes of Political Reform in Latin America*], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 16.

<sup>316</sup> *Ibid.*

<sup>317</sup> Teresa Sacchet, "Political Parties: When do they work for Women?," United Nations, Department of Economic and Social Affairs (DESA), Division for the Advancement of Women (DAW), Economic Commission for Africa (ECA), Expert Group Meeting on Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership, October 24-27, 2005, EGM/EPWD/2005/EP.10, December 12, 2005, p. 5.

163. Consequently, the Commission observes that women have more difficulties obtaining and managing economic resources from the government sector provided to the political parties, and from external sources. The IACHR therefore urges the States to develop incentives for political parties to guarantee women's political participation under conditions of equality, such as undertaking a review of legislation and designing public policies to eliminate the barriers imposed by political party recruitment criteria and political financing systems; promoting investment in the electoral density and adequate preparation of women politicians; and increasing budgets for the implementation of programs to facilitate the incursion of women into the political party apparatus.

164. Based on information furnished by state and non-state sources,<sup>318</sup> the IACHR notes that most national legislation does not include provisions designed to improve the sources and systems of financing for women and political leaders. Worthy of mention in this regard is legislation in Costa Rica, Panama, Mexico, and Argentina, which establishes the obligation of political parties to allocate a percentage of the public funding they receive to promote the political formation and training of women.<sup>319</sup> Despite the adoption of such legislation, the political parties of some countries have yet to develop regulations for such provisions, thus hindering the implementation of these laws.<sup>320</sup>

165. The IACHR emphasizes useful strategies recommended by experts to improve support for female candidates, such as promoting "efficient public financing of campaigns, better regulation of campaign funding, the creation of alternative resources to support women's elections, and the allocation of a percentage of the funds provided to political parties for spending on female candidatures."<sup>321</sup> Other actions recommended in expert research include enacting codes of ethics to regulate the use of funds within the

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<sup>318</sup> See United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Experiences from Latin America: Quota Mechanisms for Women's Political Participation*, 2006, p. 36, available at: <<http://www.un-instraw.org/es/biblioteca/gender-governance-and-political-participation/index.php>>, consulted July 27, 2009; Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, p. 40.

<sup>319</sup> Costa Rica's Social Equality Promotion Act; Panama's Electoral Code, which provides for the mandatory allocation of 25% of public funding for political formation activities, 10% of which for women's training; Federal Electoral Code requires political parties to allocate 2 percent of their annual training budgets for women's political skill-building, promotion, training and leadership. See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, p. 40; Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 20, 2009.

<sup>320</sup> This is the case in Panama. See Institute for Democracy and Electoral Assistance (IDEA), *30 Years of Democracy: Riding the Wave? Women's Political Participation in Latin America* (2008), p. 30; *Women in the Americas: Paths to Political Power*, p. 40.

<sup>321</sup> See Teresa Sacchet, "Political Parties: When do they work for Women?," United Nations, Department of Economic and Social Affairs (DESA), Division for the Advancement of Women (DAW), Economic Commission for Africa (ECA), Expert Group Meeting on Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership, October 24-27, 2005, EGM/EPWD/2005/EP.10, December 12, 2005, p. 5.

parties, establishing clear sanctions for improper administration of resources, and setting spending limits on internal and external electoral campaigns.<sup>322</sup>

166. In view of the discrimination against women in access to public funding and the management of resources within the political parties, the States should take the necessary steps to encourage political parties to provide financial resources for the nomination of female candidates for election. As recommended by the CEDAW Committee, “[p]olitical parties should be encouraged to adopt effective measures, including the provision of information, financial and other resources, to overcome obstacles to women’s full participation and representation and ensure that women have an equal opportunity in practice to serve as party officials and to be nominated as candidates for election.”<sup>323</sup>

167. Another significant obstacle hindering women’s access to positions of leadership within the political party apparatus is the lack of special temporary measures — such as gender quotas— and, where such measures do exist, the possibility that they may be applied voluntarily by the parties. The Commission has observed that where gender quotas are voluntary, political parties have less incentive to nominate female candidates and promote parity in political representation between men and women. With respect to Chile, where gender quotas are voluntary, the Commission has observed that “[i]n five congressional elections held from 1989 to 2005, men accounted for 90.3% of the candidates run by the six parties that form Chile’s two main political coalitions, even though three of these parties have introduced voluntary quota measures.”<sup>324</sup> According to information furnished by Honduras, El Salvador, Brazil, and Mexico, while political parties have established gender equity policies and quotas in their bylaws, they fail to comply with such measures.<sup>325</sup>

168. Based on information provided by civil society organizations, the IACHR has learned that although political parties include provisions for the promotion of women’s political participation in their bylaws, “in practice women don’t materialize.”<sup>326</sup> Consequently, the Commission has identified certain political party practices that impair

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<sup>322</sup> Line Bareiro, Clyde Soto, and Lilián Soto, “*La inclusión de la mujer en los procesos de reforma política en Latin America*” [“*The Inclusion of Women in the Processes of Political Reform in Latin America*”], Inter-American Development Bank, Department of Sustainable Development, Gender Equality in Development Unit, March 2007, p. 16.

<sup>323</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997, para. 32. Available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>324</sup> IACHR, *Report on the Rights of Women in Chile: Equality in the Family, Labor and Political Spheres*, OEA/Ser.L/V/II.134, Doc. 63, March 27, 2009, para. 114.

<sup>325</sup> Response of the Brazilian State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 31, 2009; Response of the Mexican State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 20, 2009; Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 28, 2009; Response of the Salvadoran State to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, April 20, 2009.

<sup>326</sup> Response from Humanas-Colombia to the IACHR questionnaire regarding advances and challenges in the area of women’s political participation, May 28, 2009.



women's access to decision-making levels, such as: running women candidates in races doomed for failure or with few possibilities of winning, high percentages of women run as alternates, or on the top spot of a ticket in order to get them to later resign so that a male alternate can take over. Consequently, one of the main challenges in the regions involves the adoption of measures to ensure political parties meet the gender quotas established in their statutes or election legislation.

169. The IACHR is concerned over the lack of sanctions imposed by electoral and judicial authorities against those parties that fail to comply with the provisions of special temporary measures to advance women, or who interpret such provisions in unfavorable terms to women.<sup>327</sup> For example, with respect to the 2006 elections in Peru, the IACHR has learned that although 11 political parties included female candidates on their presidential tickets, Peru's other nine parties did not, based on that country's National Election Board's interpretation of the law, which limited the application of special temporary measures to parliamentary lists (the law provides that 30 percent of positions are to be occupied by women), without conceding that the mandate was also applicable to the presidential ticket.<sup>328</sup> Similarly, according to information provided by the State of Honduras, political organizations of that country have interpreted the provisions of the 30-percent gender quota do not apply to elected positions, but rather to election slates, and the Honduran Electoral Tribunal has validated that interpretation.<sup>329</sup> Consequently, the IACHR urges the States to amend their elections laws to include sanctions and enforcement mechanisms in the event political parties fail to comply by their own bylaws and national legislation establishing such measures; and to encourage judicial authorities to enforce laws that guarantee the political rights of women.

170. The IACHR emphasizes the commitment of the States in the "Quito Consensus" to "seek the commitment of political parties to implement special temporary measures and strategies for communication, financing, training, political education, oversight and internal organizational reforms in order to achieve participation by women on a basis of parity, taking into account their diversity, both internally and at decision-making levels."<sup>330</sup> Although the States have overriding obligations to guarantee women's participation in the conduct of public affairs and to facilitate their equal access to public office, the IACHR believes that political parties also have a responsibility to ensure the effective participation and representation of women in the political sphere. As has been pointed out by the CEDAW Committee: "While States parties generally hold the power to

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<sup>327</sup> Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 26, 2009; See response of the Movimiento Manuela Ramos (Peru) to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, April 20, 2009; Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 28, 2009.

<sup>328</sup> Response of the Peruvian State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, June 26, 2009.

<sup>329</sup> Response of the Honduran State to the IACHR questionnaire regarding advances and challenges in the area of women's political participation, May 28, 2009.

<sup>330</sup> ECLAC, Tenth Regional Conference on Women in Latin America and the Caribbean, *Quito Consensus*, Quito, Ecuador, August 6-9, 2007, para. 25 (ix).

appoint women to senior cabinet and administrative positions, political parties also have a responsibility to ensure that women are included in party lists and nominated for election in areas where they have a likelihood of electoral success.”<sup>331</sup>

## VII. CONCLUSIONS

171. In this report, the IACHR reaffirms that women’s participation in all spheres of public life is essential for fostering an egalitarian society and consolidating a representative democracy in the Americas. Women’s participation can also have a multiplier effect in terms of protecting their human rights in a number of different spheres besides politics.

172. The inclusion of women in the political arena helps to strengthen democracy by taking their interests and needs into account. Women’s representation in governance also strengthens public accountability to women, and, in general, encourages more women to participate in politics.

173. The Inter-American Commission also reminds the States that the full and equal participation of women in politics not only involves their right to occupy positions of public decision-making and exercise all public duties established in national legislation on equal terms with men, but also the obligation of the States to ensure that the priorities and interests of women are represented on the public agenda. Consequently, the involvement of men and women, other public interest stakeholders, political parties, and civil society organizations are essential to safeguarding this right.

174. The IACHR urges the States, in their efforts to champion gender equality, to continue this work and expand on measures to promote women’s participation at the various levels of political decision-making, including special temporary measures and others designed to guarantee genuine and substantive equality over the long term. In this regard, the IACHR notes that the States should ensure women achieve appropriate representation in all branches of government at the local, provincial/state, and national levels; that they develop strategies to improve the assimilation of women within the political parties; and that they adopt additional measures to fully incorporate the participation of civil society organizations, including those that advocate for women’s interests, in the formulation and implementation of public policies and programs.

175. It is important to bear in mind that the inequalities women have endured with respect their incursion into politics, political representation, and participation, are both caused by and the result of long-standing discrimination against them as citizens. This fact is evident with respect to the gaps existing between the formal recognition of women’s political rights and their real exercise in practice; for example, in the typecasting of women’s gender roles associated with the home and child rearing, in addition to the economic disadvantages women often face. This premise should be borne in mind when

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<sup>331</sup> United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation No. 23, political and public life*, 1997, para. 28, available at: <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

adopting measures to guarantee women's right to participate in politics on equal terms with men. Also key is to address the needs of specific groups, such as indigenous and Afro-descendant women, who have been traditionally and systematically excluded from the public agenda and political representation.

176. The recommendations established herein are meant to be used in the design of government interventions and measures to guarantee women's political participation and representation in real and substantive terms. First, the recommendations seek to help the States adopt the necessary measures to ensure women's participation and representation in all facets of political life in conditions of equality. Consequently, the recommendations urge the States: a) to establish the necessary conditions to break down the structural and formal barriers confronting women in their access to decision-making positions and in participating in the public life of their countries; b) to compile the necessary statistical data to facilitate the adoption of the relevant and necessary legislation and public policies; and c) to develop strategies for appropriately implementing measures already adopted, with a view to promoting the substantive equality of women within the different spheres of government, such as quota laws. To this end, the recommendations also focus on identifying alternatives for overcoming the economic obstacles confronting women, and strengthening public financing mechanisms that promote women's political participation in the region.

177. Second, the recommendations seek to encourage the States to adopt measures to redefine traditional views of the role of women in society, and to promote the eradication of discriminatory socio-cultural attitudes about women that prevent them from fully participating in public life and in the decision-making spheres of government. The IACHR likewise promotes women's professional development and political formation activities, which contribute to the substantive participation of women leaders and candidates within decision-making spheres.

178. Third, the recommendations urge the States to take the necessary steps to ensure violence against women is prevented, punished, and eradicated, as such violence undermines women's rights to political participation and representation.

179. Finally, the Commission recommends efforts to develop legislation and public policies to address the special needs of indigenous and Afro-descendant women, including the material barriers that limit the exercise of their political rights.

180. The Inter-American Commission reasserts its commitment to collaborate with the American States in the search for solutions to the problems identified. Some of the measures adopted to address this situation underscore the understanding and recognition of serious problems, and the commitment of state and non-state actors alike to effectively address the many barriers faced by women in the full exercise of their political rights.

## VIII. RECOMMENDATIONS

1. To adopt the necessary legislative, political, and regulatory measures to remove the structural and formal barriers women face in terms of equal access to decision-making positions, and to achieve substantive participation in the political life of their countries. These measures:
  - a. should be implemented within all three branches of government (executive, legislative, and judicial);
  - b. should be implemented at both the national and local levels;
  - c. should include a set of special temporary measures;
  - d. should include the necessary resources and oversight to ensure their full implementation by state and non-state actors; and
  - e. should include training programs for state and non-state actors responsible for implementing such measures.
2. To encourage the legislative, executive, and judicial organs of government to perform a thorough analysis of all legislation, regulations, practices, and public policies that establish differential treatment based on gender or that may have discriminatory effects pursuant to the terms defined in this report.
3. To adopt public policies designed to debunk stereotypes regarding the role of women in society and to promote the eradication of discriminatory socio-cultural attitudes that impair women's full access to public life in their countries, which would include training programs and comprehensive prevention policies.
4. To analyze the effectiveness of special temporary measures currently in force and to adopt any necessary reforms thereof (e.g., either in their text or method of implementation, to ensure their effectiveness and with the goal of reaching parity); and to develop training programs for state and non-state actors responsible for implementing such measures.
5. To promote, among political parties and social movements, the need to enhance women's participation in democratic governance and to facilitate their participation in the decision-making spheres of formal power; to encourage the participation of political parties and social movements, including women's movements, in the design and implementation of policies and programs that promote gender equality in political participation.
6. To develop incentives for political parties to ensure women's participation in conditions of equality, such as adapting existing legislation and promoting new public policies with the objective of eliminating barriers to women in the form of political party recruitment criteria and political financing systems; to promote investment in the

electoral density and adequate preparation of women politicians; and to increase budgets for the implementation of programs to facilitate the assimilation of women into the political party apparatus.

7. To identify alternative methods for overcoming the economic obstacles facing women, and to strengthen and expand public financing mechanisms designed to promote women's political participation in the region.
8. To adopt the necessary measures to guarantee that violence against women is prevented, punished, and eradicated, as such violence undermines women's rights to political representation and participation; and to guarantee access to appropriate and effective legal remedies for reporting such acts of violence, punishing offenders, and compensating victims.
9. To provide incentives for enhancing women's professional and political development, and to provide political training and skill-building activities for women with a view to their substantive participation as political leaders and in decision-making spheres.
10. To design incentives to help women balance the demands of professional and family life. Such incentives would include nurseries and child day care centers to enable more women to take part in the public life of their countries in the Hemisphere.
11. To design laws and public policies that address the specific needs of indigenous and Afro-descendant women, as well as barriers hindering the exercise of their political rights; to facilitate the sharing of experiences, and develop programs on issues of interest to indigenous women and the organizations that represent them; as well as to establish and strengthen opportunities for dialogue between community leaders and government.
12. To adopt positive measures to guarantee the exercise of women's rights to participate in politics, to vote, and to stand for elected office. These types of measures include, *inter alia*, improving women's access to polling places; streamlining procedures for the issuance of identity documents; carrying out civic campaigns to encourage women to vote; improving electoral data and statistics, including information broken down by sex, ethnicity, and race; and promoting the civil and political rights of women in impoverished and marginalized areas.
13. To create and improve on systems of statistical and qualitative data on different aspects women's participation in the public life of their countries. These data may include information broken down by sex, race, and ethnicity, etc., of women represented in the three branches of

government, their exercise of the right to vote, and the forms of violence limiting the exercise of their political rights.