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Volume 20

Issue 6 *Women's Movements and the Shape of Feminist  
Theory and Praxis in Latin America, Part 1*

Article 4

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Jun-2019

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### Recommended Citation

Piatti-Crocker, Adriana (2019). The Diffusion of Gender Policy in Latin America: From Quotas to Parity. *Journal of International Women's Studies*, 20(6), 44-59.

Available at: <https://vc.bridgew.edu/jiws/vol20/iss6/4>

## **The Diffusion of Gender Policy in Latin America: From Quotas to Parity**

By Adriana Piatti-Crocker<sup>1</sup>

### **Abstract**

Diffusion may be seen logically as both an external and internal processes. In the first case, external factors influence the domestic affairs of a state. In the second it is a subfield of linkage politics, where both internal and external events interact within a state (True and Mintrom, 2001; Piatti-Crocker, 2011). Thus, an appropriate explanation of diffusion should be given in terms both of the unit of analysis (e.g. states, individuals, or groups of individuals) and the social structures in which these units are embedded (e.g. world or regional systems). This research claims that since the 1990s two policy waves have spread in Latin America in a relatively short period of time. The first one after the adoption of gender quota legislation in Argentina in 1991, which led to a “take-off point” for the sort of “bandwagon effect” (Kingdon, 1995) that led to a quota movement in the region and to the adoption of similar (though not identical) gender quota laws in seventeen other Latin American countries. Within the first decade of this millennium, a second wave began taking hold in Latin America, leading this time, to the adoption of gender parity legislation in seven countries, also with some variance. Both waves are still on-going but parity has become a more dominant trend.

### **Introduction**

Since the return of democracy to Latin America, policies intended to promote the inclusion of women and other underrepresented groups have been increasingly adopted in the region. In particular, gender quotas have been one of the most popular and effective mechanisms employed in elections and other contexts in Latin America. Gender quotas provide women with a means to secure their participation in legislatures and have been employed worldwide. Their adoption in Latin America was influenced by both domestic and international phenomena (Piatti-Crocker 2011, 2015, 2017).

Argentina was the first country in the world to adopt a national gender quota for women legislative candidates in 1991, and this mechanism led to effective results after the law was implemented in 1993. This legislation led to a process of normative diffusion in the region, when quotas were adopted in 17 other Latin American countries. International and regional conferences and organizations, including the United Nations Conference in Beijing (1995), regional conferences, and other governmental and non-governmental organizations helped shape the diffusion of quotas in Latin America. Yet, domestic factors, such as women's campaigns, women legislators, and the role of bureaucracies and the president in a few cases, played a significant role in the adoption of legislative quotas region-wide (Piatti-Crocker, 2011, 2017).

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Within the first decade of the millennium, a new wave of quota activism emerged with force in Latin America. This time, proposals for parity systems were diffused throughout the region. Parity systems require alternation between male and female candidates in legislative elections and gender balance in public posts and even the private sphere. Much like the quota movement a decade before, the discourse for gender parity was shaped by regional conferences, particularly by women's conferences sponsored by the Economic Commission of Latin America and the Caribbean (ECLAC).<sup>2</sup> This led to the adoption of gender parity in eight Latin American countries so far, and several other countries are considering parity bills. Distinct from quotas, parity is based on the principle of equal representation: given that women comprise half of the population, it follows that they should hold half of the decision-making positions (Espino, 2011).

This paper is divided into two main sections. First, it will briefly discuss the literature on diffusion and will examine the external environments that helped shape policy innovation of gender quotas in Latin America during the 1990s and of parity during the 2000s. A second section, will discuss briefly the countries adopting parity, their rationale, and implementation mechanisms. To explain diffusion of gender quotas and parity systems, this paper employed both archival documentation and included interviews conducted by the author.

### **Policy Diffusion in Latin America: From Quotas to Parity**

In broad terms, diffusion refers to the process by which institutions, practices, behaviors, or norms are transmitted among individuals and/or social systems. The process “involves a set of assumptions about the nature of systems, how they interact, and how the environmental context will affect the units studied” (Most et al. 1989). Diffusion models have been employed to interpret the spread of wars, democratic regimes, free markets, and gender mainstreaming (Piatti-Crocker, 2011; True and Mintrom, 2001). However, the nature, forms, and consequences of the diffusion of policy are complex subjects because they can be studied at several levels of analysis and may refer to distinctive processes (Piatti-Crocker, 2017). Certainly, some similarity must be present, but in many cases, diffusion includes a process of adaptation that reflects the receiving group's cultural or institutional circumstances. Indeed, there is a dynamic relationship between domestic and international policy and between historical and structural forces that should be studied to explain the diffusion of norms and values (Adler, 1993). Most et al. (1989, p. 938) assert that diffusion models may be conceived in a general framework, “where there are linkages between some state's policy and other previously occurring factors, which are external to the state.” In addition, these frequent interactions between domestic and international forces have opened up the policy processes within states to a broader array of groups, including groups that have been considered to be traditionally weak in both political and economic senses, such as those concerned with the advancement of gender issues (True and Mintrom, 2001, p. 38) Increasingly those perspectives also claim that states learn and become embedded in global norms that help shape their domestic behavior and more particularly the conduct towards their citizens. Norms and practices are then transmitted “from one individual to another or from one state to another” (Florini, 1996, p. 369).

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<sup>2</sup> Similar to the other four UN regional bodies, ECLAC was created initially to help contribute to the economic and later the social development of Latin America and the Caribbean. Within this UN body, the Division for Gender Affairs has played an active role in promoting gender mainstreaming mechanisms for Latin America and the Caribbean. For more, see <https://www.cepal.org/en/work-areas/gender-affairs>

Concerning gender quotas, this sort of policy diffusion occurred in Latin America in two waves: first, during the 1990s when most Latin American countries transitioned from dictatorships to elected democracies.<sup>3</sup> This wave was characterized by the strong role of women’s organizations, the significant power of regional and international conferences, and the leadership roles –from presidents to women politicians and NGOs-in the domestic politics of those countries adopting quotas. Similar external and internal environments led to the second wave of gender quotas at the turn of the millennium, this time in the shape of parity systems. However, it is important to note that there are significant differences between quotas and parity systems. Beyond the numbers (quotas varied from 20 to 40%, and parity systems require 50%), quotas were introduced as remedial mechanisms and have generally focused on legislatures, whereas parity systems have been permanent in nature and more comprehensive, targeting not only the legislature but the executive and judicial branches of government (Piscopo, 2014). Indeed, advocates of parity have attempted to incorporate this mechanism in private businesses, corporations, and beyond (ECLAC, 2016).

### **The First Wave: Gender Quotas in Latin America**

During the 1980s, women’s movements in Latin America entered a period of qualitative development and quantitative growth. Qualitatively, women’s groups became more aware of the fact that traditional roles had kept them lagging behind men in public life, including employment opportunities and service in key political posts. Maxine Molineux (2000,180) asserts that “those active in the women’s movement followed a course which some participants have described as a shift, albeit hesitant and conditional, from the margins to the center.” Quantitatively, Latin America experienced a proliferation of interest groups as the region democratized, a process that Molineux—citing Sonia Alvarez—describes as the “NGOization” of the Latin American women’s movement (181). Overall, the process of democratization experienced in Latin America during the 1980s and beyond provided a more suitable environment for local, national, and transnational women’s organizations to be actively involved in public affairs. A revitalized civil society created public space for the discussion of a variety of women’s demands, particularly regarding political and civil rights (Piatti-Crocker 2011, 2017). Networking among women appeared to have had a strong impact on the diffusion of gender quotas first (Krook, 2006) and of parity more recently (Piscopo, 2014 and Piatti-Crocker, 2017).

Networking among women played a major role in the adoption of gender quotas throughout Latin America during the first quota wave (Krook, 2006; Piatti-Crocker, 2011). Among some of the relevant organizations, the Friedrich Ebert Foundation held meetings with the purpose of discussing gender quotas in the Southern Cone countries. In 1990, women with liaisons to Ebert from Argentina, Brazil, Chile, Paraguay, and Uruguay formed the Foro de Mujeres del Cono Sur (Women’s Forum of the Southern Cone), one of the earliest regional women’s networks that debated the usage of gender quotas in Europe and Latin America.<sup>4</sup>

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<sup>3</sup> In what Samuel Huntington describes as democracies’ *Third Wave* (1991), the 1980s and 1990s were very impactful in Latin America’s political and social contexts. Nineteen of the Twenty Latin American countries underwent a process of democratization, leading also to an increasingly significant role of civil society in the region.

<sup>4</sup> According to a report published by the Ebert Foundation, “the Argentine office created the Women’s Forum for its 20 participants coming from the five Southern Cone countries of Latin America, all of them very involved in politics” (Ebert 2002, p. 10). This organization began meeting annually in 1991 “and established since then, strong contacts among its participants through whom experiences are shared” (Ebert 2002, p. 11). The report also suggests that the

Beyond the southern cone countries, the Women's Committee of the Latin American Parliament (PARLATINO) was an important source of socialization at the regional level. Citing the Brazilian legislator Marta Suplicy, Htun and Jones (2002, p. 34) claim that "Latin American legislators gathered at PARLATINO in São Paulo to consider the experience in Argentina."<sup>5</sup> Of particular interest was the 1994 Economic Commission of Latin America and the Caribbean (ECLAC) conference in Mar del Plata, Argentina—held to prepare for the upcoming world conference in Beijing—at which the Commission of Women and Development (Unidad Mujer y Desarrollo) endorsed gender quota legislation. Finally, women who had been involved in quota campaigns in Argentina were invited by NGOs, such as the Women's Environment and Development Organization (WEDO) and the Women's Leadership Program (PROLEAD), and intergovernmental organizations (IGOs), such as the Inter-American Bank of Development (IBD), to share their experiences.<sup>6</sup>

The Fourth World Conference on Women, sponsored by the UN and held in Beijing in 1995, was crucial to the process of quota diffusion in Latin America in three main instances. First, during the pre-conference period, a number of regional conferences organized by both IGOs and NGOs set the agenda and prepared proposals to be presented at the UN conference. Second, the conference itself "legitimized the idea of gender quotas" (Htun and Jones, 2002). Indeed, "the resulting Beijing Declaration and Platform for Action, signed unanimously by all 189 states participating at the conference, called on governments to take measures to ensure women's equal access and full participation in power structures and decision-making, as well as to increase women's capacity to participate in decision-making leadership" (Krook, 2009, p. 3). More particularly, the conference provided crucial momentum for the diffusion of gender quotas across the region (Htun and Jones, 2002; Krook, 2006). The National Report (Informe Nacional) presented by Argentina included discussion of the country's national and provincial-level legislative quotas.<sup>7</sup> Finally, in the post-Beijing period, organizations within the UN system sponsored the implementation and follow-up of gender-based policies. They recommended that governments prepare national plans for action by 1996, outlining implementation strategies in consultation with major institutions and civil society organizations. It is noteworthy that most of

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Forum's discussions focused on "questions related to equality of opportunities, integration with Mercosur, and legislation on gender quotas" (Piatti-Crocker, 2011).

<sup>5</sup> Created in 1964 and institutionalized in 1987, PARLATINO is a regional organization aimed primarily at promoting human (and women's) rights, in addition to economic and social development in Latin America. <http://parlatino.org/>

<sup>6</sup> In an interview with the author for her Ph.D. thesis (2005), Maria José Lubertino explained that she was invited to New York and the Philippines to talk about the Argentine experience. Moreover, PROLEAD organized a conference in Mexico and one of the main topics of debate at the conference was the Argentine experience with gender quotas (Lubertino, 2003). In addition, Marcela Durrieu revealed that she was invited by the Inter-American Bank of Development (IBD) in early 1992 to a conference in Guadalajara, Mexico to explain the innovative Argentine gender policy. In addition, Durrieu asserted that Liliana Gurdulich, the Argentine representative to the Division of the Advancement of Women (DAW), spoke frequently at DAW meetings about the Argentine experience with its gender quota. For more on these interviews, see Crocker 2005, (Piatti-Crocker, 2011, and 2017).

<sup>7</sup> In its Informe Nacional to the 1995 Beijing Conference, Argentina presented a 159-page study that included data concerning women, the establishment of national and provincial mechanisms to promote women's integration in society on an equal basis with men, the creation of NGOs with similar objectives, and the adoption of legislation and constitutional provisions, including affirmative action. The report's Chapter 3 deals more particularly with the adoption of the gender quota law and its effects at the national level. Accordingly, the Informe asserts that the implementation of a 30% quota for national legislative candidates had unleashed a new debate in the chamber around gender and other social questions that had not previously been part of the national legislative agenda (Consejo Nacional de La Mujer, 1995). For more on this Informe, see Crocker (2005) and Piatti-Crocker (2011).

the Latin American countries adopting legislative quotas did so within several years following the Beijing conference. This timing is another indicator of the UN’s influential role.

Other sources confirm that cross-national socialization through conferences, meetings, and organizations was a significant factor behind the adoption of gender quota laws in several Latin American countries. For example, in Honduras, Menéndez and Montesdeoca (2002, p. 18) observed that women legislators gathered the necessary documentation and experiences abroad—particularly from Argentina, but later from Peru and Costa Rica—through meetings and conferences in order to submit a proposal in Honduras’ legislature in 1998. In Costa Rica, the Argentine gender quota legislation was cited as an important precedent for the country’s 1996 law. In addition, Juliana Martínez, a member of the feminist foundation Acceso (Access) of Costa Rica, recalled that the 1993 executive decree enacted in Argentina served as a model when Costa Rican women decided to include a similar placement mandate in their legislation ( Piatti-Crocker, 2011, 2017).

Overall, the regional and global developments of the mid-1990s, particularly the pre- and post-Beijing processes, were crucial in stimulating debate over gender quotas, and was transformed from a mere ideological aspiration to a real phenomenon. Through international socialization women had the opportunity to discuss their experiences with gender quotas at regional and global conferences and to adopt key resolutions that pressured national governments to introduce quota policies in other Latin American countries. It is noteworthy that the overwhelming majority of the Latin American countries with quotas adopted these mechanisms soon after the Beijing conference. Indeed, following Argentina’s lead, ten Latin American countries adopted quotas in a short interval of three years (1996–1998) after the Beijing Conference (see Table 1), another indicator of the UN’s influential role.<sup>8</sup>

Although “emulation” is central to diffusion, the “emulating” social group does not necessarily adopt a given policy in an identical manner. Rogers (2003, p. 17) calls this adjustment process “re-invention” and shows that most adopters modify the emulated policy before adopting the innovation (Piatti-Crocker, 2011; see also Table 1). Indeed, in Latin America quota systems, percentages and mandates varied from country to country. Furthermore, the rate and success of quota implementation have been closely related to a country’s cultural and institutional context, especially its electoral system. Yet, the more recent *parity wave* may have major consequences for women politicians, a subject to which we now turn.

**Table 1: the First Wave of Quotas**

Country	Date	Legislation
Argentina	1991	Law 24,012 (30%)
Bolivia	1997	Reform and Completion of the Electoral System Act (30%). The 2010 Electoral Law established a parity system.
Brazil	1995	A 20% quota was initially adopted by Law 9100 only for city councils. In 1997, Law 9504 expanded quotas to proportional elections at local, regional, and national levels and the minimum was increased to 30%. In 1998, the federal Chamber of Deputies and state legislatures also adopted a 30% quota.

<sup>8</sup> For more on these topics, see Crocker (2005) and Piatti-Crocker (2011, 2017).

Chile	2015	Requires all political parties competing in congressional elections to ensure that no more than 60% of candidates on the ballot in each electoral district are of the same sex.
Colombia	2000	Law 581 established a quota but was later overturned by the Supreme Court; however, the Court subsequently validated a 30% neutral quota in 2011.
Costa Rica	1996	Law 7653 established a 40% quota for parties and delegations in the Legislative Assembly.
Dominican Republic	1997	Electoral Law 275/97 established a 25% quota; raised to 33 % in 2000.
Ecuador	1997	Labor Protection Act (20 %). Reformed in 2000: 30% of candidates on electoral lists must be women, both for ordinary and supplementary seats. The Constitution and Electoral Law (#26/2010) subsequently established a parity system.
El Salvador	2013	According to Article 37 of the Law on Political Parties (No. 307), women must comprise at least 30% of each party's list of candidates in elections to the Legislative Assembly.
Haiti	2012	Haiti's Constitution as amended in 2012 incorporates a minimum quota of 30% (reserved seats) for women at all levels, especially in public life (Article 17.1).
Honduras	2000	Equal Opportunity Law (30%). In 2012, Decree #54/2012 established a parity system.
Mexico	1996	Amendment to the Federal Code on Electoral Procedures and Institutions passed in 2002 (30%). In 2008 a 40% quota was adopted. In 2014, Mexico adopted a parity system.
Nicaragua	2012	Electoral Law Reform #331 (#790/2012) established a parity system.
Panama	1997	30% for party primary and general elections. In 2012 the Electoral Code (#54/2012) established a parity system.
Paraguay	1996	Law 834 Electoral Code (20%).
Peru	1997	Law 26,859 for national elections (25%). Law 26,864 for municipal elections (25%). In 2000, gender quotas were raised to 30%. The quota also applies to regional elections, first held in 2002.
Uruguay	2009	30% minimum quota for both genders.
Venezuela	1998	Suffrage and Political Participation Act (30%). Law repealed in 2000. Parity was encouraged in 2008.

*Elaborated from Inter-Parliamentary Union (2016), International IDEA (2016), and Piatti-Crocker (2017).*

## The Second Wave: The Road to Parity

Within the first decade of the millennium, a new wave of quota activism emerged with force in Latin America. This time proposals for parity systems that require alternation between male and female candidates in legislative elections and gender balance in public posts and even the private sphere diffused throughout the region. Seemingly rooted in the “Athens Declaration,” the concept of parity was invoked at the first “European Summit of Women in Power,” held in Athens in November 1992 (Eurogender Network, 2013),<sup>9</sup> and later diffused to Latin America (Espino, 2011). Eight Latin American countries have adopted parity by legislation and several other Latin American countries have introduced parity bills in legislatures (Piscopo, 2014; Piatti-Crocker, 2015, 2017). Parity is a principle that reaches beyond the need to “balance the representation of men and women” in position of political power, “It aims to democratize gender relations” (ECLAC, 2016). Accordingly “equality between men and women is a human right which contributes to promote democracy and good governance, a key factor for the sustainable development of states.” (PARLATINO, 2015)

As was the case during the first wave of quotas, ECLAC was one of the key organizations that helped shape the regional environment in favor of parity through its regional women’s conferences. These conferences are convened every three years to identify women’s needs and draft reports, also known as “consensuses” or “strategies” that include recommendations and activities to be carried out by member states. All 33 countries in Latin America and the Caribbean participate in these conferences. Furthermore, these women’s conferences serve as forums for debate among member states, other IGOs, and NGOs (ECLAC, 2016). Starting with the 2007 women’s conference and continuing with the three most recent regional meetings, these gatherings have been key in advocating parity as “a goal, a permanent governing principle of political activity”(Ferreira, 2015) framed in the concepts of equality and non-discrimination. The documents resulting from these conferences—the Quito Consensus of 2007, the Brasilia Consensus of 2010, the Dominican Consensus of 2013, and the Montevideo Strategy of 2016—are evidence of these outcomes (Archenti and Tula, 2013; Archenti, 2014; Piscopo, 2014; Piatti-Crocker, 2014 and 2017).

The Quito Consensus of 2007 called upon the countries gathering at the conference “to adopt all necessary affirmative action measures and mechanisms, including legislative reforms and budgetary measures, 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, as an objective for Latin American and Caribbean democracies” (ECLAC, 2007).

Three years later, the Brasilia Consensus reaffirmed the need to “address the challenges to women’s autonomy and gender equality” and the “elimination of the structural exclusion of women” (preamble). This consensus also encouraged parity beyond domestic legislatures to include regional parliaments, such as MERCOSUR<sup>10</sup> and PARLATINO (Brasilia Consensus, Article 3g); private businesses; and corporate boards (Brasilia Consensus, Article 3e and 3j).

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<sup>9</sup> Signed by 20 women and leaders in the EU, the 1992 Declaration stated that “equality of women and men imposed parity in the representation and the administration of Nations” (<https://eurogender.eige.europa.eu/posts/athens-declaration-1992>).

<sup>10</sup> The Market of the South (MERCOSUR) is a comprehensive sub-regional treaty between the Southern Cone countries of Argentina, Brazil, Paraguay, Uruguay and later Venezuela and its associated partners of Bolivia and Chile. However, Venezuela has been suspended from the organization since 2017. MERCOSUR has sponsored gender



The 2013 conference in the Dominican Republic and the resulting “Santo Domingo Consensus” promoted the need to secure gender equality as “the central thread running through all action taken by the State, given that it is a key factor in consolidating democracy and moving towards a more participatory and inclusive development model” (Article 21). This document reiterated the permanent and comprehensive nature of parity by ensuring “that women have equal access to decision-making positions in all branches of government and in local governments, through legislative and electoral initiatives and measures that guarantee parity of representation in all political spheres and a commitment to strategic agendas to achieve parity in political participation and gender parity as a State policy” (p. 101). Furthermore, this conference also emphasized the need for parity “in the public and the private spheres, and setting up mechanisms to punish non-compliance with such laws” (102). Thus, parity is to be extended beyond the public sector into private spheres (ECLAC, 2013).

Finally, the 2016 Montevideo strategy for the “Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030” presses governments to adopt “laws and norms to ensure women’s equal access to political power, by fostering gender parity in participation throughout the public sphere” (p. 14, 1k) . In addition, ECLAC agrees to create or strengthen “monitoring systems, according to agreed criteria, that comprehensively and periodically evaluate the level of implementation of laws, norms, policies, plans and programs on gender equality and women’s rights at the regional, national and subnational levels” (p. 22, 10 A).

As during the first quota wave, other regional organizations have helped promote parity in Latin America. For example, in December 2014 PARLATINO met in Panama to draft a Declaration on Parity Democracy, which was adopted by the member parties. The event entitled “Parliamentary Encounter. Women: Parity Democracy” was co-organized by the UN Women and the National Forum of Women’s Political Parties of Panama, with the support of the Inter-American Development Bank (IDB). The declaration reaffirms the principles of parity evinced during the Quito Consensus as “key driving forces of democracy, aimed at achieving equality in the exercise of power, decision-making mechanisms of social and political participation, and in family relationships” (PARLATINO, Declaration 2015). It called upon member states “to adopt legislative and other measures necessary to achieve effective equal representation between men and women in public office in all branches and institutions of government, at all levels . . . as a determining condition for democracy” (PARLATINO, 2015). Finally, like quotas before, gender parity has been encouraged within the UN (UN-swap) in order to empower women in politics and decision-making posts within UN bodies, such as UN Women and UNDP (CEB/2006/2, UNDP, 2015). Indeed, in a first of its kind, 80 world leaders (including 12 from Latin America) convened in September 2015 at the UN to put forward the necessary mechanisms to end discrimination against women. This led to the “Step-Up” strategy, which encourages world leaders to provide for equal opportunities for girls and women by 2030 (UN Women, 2015) and to the adoption of the 2016 Montevideo Strategy discussed above.

Overall, regional and global organizations were crucial in stimulating debate over gender mainstreaming mechanisms and affirmative action, promoting quotas in the 1990s and parity in the 2000s, and converting mere ideological aspirations to real phenomena. This networking provided opportunities to discuss experiences and adopt key resolutions that pressured national governments to modify policy in favor of women.

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equality in political, economic and social terms.  
[http://www.inmujeres.gub.uy/innovaportal/file/34842/1/directrices\\_12nov2014.pdf](http://www.inmujeres.gub.uy/innovaportal/file/34842/1/directrices_12nov2014.pdf) (in Spanish)

## Parity in Latin America

Whereas the external environment helped shape internal policies, several common patterns derived from the countries adopting parity in Latin America. First, the geographic effect of the wave; of the eight Latin American countries adopting parity systems only three are from South America. Indeed, most of the wave occurred in Central America and Mexico- though this wave seems to be taking hold in South America more recently. Second, parity was adopted in countries where ruling parties are identified with the ideological left (e.g. Bolivia, Ecuador, Nicaragua, and Argentina, and more moderate left Costa Rica, and Mexico). Yet, there are exceptions to this pattern; neither did all countries with parity have left-wing governments (e.g. Panama, Honduras) nor did all countries with leftist regimes in Latin America adopt parity (e.g. Uruguay, Paraguay). Third, all countries adopting parity shared a similar discourse, sponsored by the conferences and organizations mentioned previously; parity is based on the principle of equality of outcome, as a driving force of representative democracy and rooted on universally recognized principles of human rights. For example, the concepts of “equality,” “non-discrimination” and the “representative” quality of democracies, based on “international human rights standards” are some of the main common patterns that have been used in the parity discourse both regionally and domestically. Fourth, in most cases (with the exception of Nicaragua) parity was an end result, following one or more gradual increases after initial quotas were adopted. However, one important difference among countries adopting parity is the outcome: as it happened with quotas before, parity has not resulted in equal representation for women, due to institutional obstacles and electoral rules.

Based on the notion that “one of the basic principles of democracy is equality” (Goyes, 2009) the first country to adopt parity in Latin America was Ecuador. According to Goyes, parity has helped “close the huge inequality gap between men and women” that persists in the country and “may contribute to build a stronger democracy” in Ecuador (International IDEA, 2009). Ecuador’s constitutional reform of 2008 (Article 65) required the government to promote gender equality in both elected and appointed public posts. Soon after this reform, the 2009 electoral law introduced parity. More particularly, Articles 99 (1) and 160 of the law require that men and women legislative candidates alternate positions on the lists, and this include both principal and alternate candidates for PR elections in the National Assembly, as well as the Andean and Latin American Parliaments and regional/municipal/rural councils (ECLAC, 2016). However, the legal and constitutional changes have not resulted in achieving real parity. During the last legislative election of 2013 women gained only 41.6% of the seats. One of the main obstacles to gender parity in Ecuador is its Open List PR electoral system,<sup>11</sup> which has shown to work negatively for women (Archenti, 2013).

In Bolivia, parity was also introduced after a constitutional reform of 2009, and under the leadership of Evo Morales, which requires women and men to alternate candidate seats. Parity was soon implemented for the upper house elections of 2009 but under a temporary clause, since the electoral legislation had not been reformed in time for the elections (Piatti-Crocker, 2011). In 2010, Bolivia modified its electoral law requiring that both principal and substitute PR candidate lists of its MMP electoral system alternate equal numbers of men and women (OAS, 2013). The new legislation also required that if a list was composed of an odd number of candidates, preference

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<sup>11</sup> In Open List PR systems, the voter may choose candidates from the party lists. Since machismo (male chauvinism) is still a problem in the region (as in much of the world), voters are inclined to choose men over women candidates leading to election of fewer women candidates in countries using these types of systems. Yet, some Open List systems are more women- friendly than others, as the case of Peru has shown (see Schmidt, 2008, 2017).

should be given to women. In single-member constituencies, the new legislation required that at least 50% of the candidates (principal and alternates) nominated in the total number of constituencies be women (Centellas, 2015). This new legislation was first implemented for the Lower House in 2014 and reached the second highest proportion of women legislators in the world (IPU, 2018).

Costa Rica's legacy of gender equality is strong and decades long. Indeed, the Act Promoting the Social Equality of Women was adopted in 1990, even before the Argentine quota law. The law provided for the protection of women's rights in various fields, including a section on political representation. The electoral reform of 1996 led to the adoption of a mandatory gender quota that required a minimum of 40% of women in candidate party lists for legislative elections at both national and subnational levels but women remained well below that threshold. Indeed, it was not until the elections of 2002 when women legislators reached (and actually surpassed) the quota only after the inclusion of a placement mandate modeled after the Argentine 1993 mandate (Piatti-Crocker, 2011 and 2017). Almost a decade later, the Supreme Court of Elections to the Legislative Assembly raised the quota to parity, and with the reform of its electoral law in 2009, the principle of gender parity (Article 2) was formally established and enforced during the 2014 legislative elections but only 33.3% of women were actually elected. One of the obstacles to real parity in Costa Rica is the fact that its electoral districts are relatively small, which also work negatively in the election of women. Accordingly, parity of outcome cannot not be realized fully unless women lead the lists of major political parties in the country, which has not been the case thus far (Archenti and Tula, 2014).

Unlike the rest of the countries with parity, Nicaragua recognized the need for parity without a previous quota. Article 82 (4) of the 2012 reformed electoral law requires all political parties or the coalition of political parties which participate in the National Assembly elections to include in their electoral lists 50% men and 50% women candidates for national, municipal and the Central American Parliament elections (Law 648/2008). During the last legislative election of 2016, when the parity law was first enforced, women reached 45.7 % of the legislative seats (IPU, 2017).

A very different outcome is the case of Panama; after its original 30% gender quota in 1997, a parity law was adopted in 2012 (Decree 244/2012). Yet, only 18.3% of women were elected using parity during the legislative election of 2014. One of the obstacles to the election of women is that parity is only required on the primary lists and internal party elections in Panama but not for the general legislative election (International IDEA, 2016). Furthermore, the law allows parties to fill the vacancies with male candidates (UN/Women Watch 2014; UNDP, 2016) Honduras implementation of parity law has also been problematic as seen on Table 2. According to a report by *Counterpart International* "while there is an established quota for women candidates for publicly elected positions, there is a lack of measures to enforce compliance with this quota. In addition, electoral practices appoint women in secondary positions or even force them to quit in favor of a man from the same party" (Counterpart International, 2013).

Much like Bolivia and Ecuador, Mexico's parity was introduced after its constitutional reform of 2014. The reform included a requirement for political parties to put in place "...rules to ensure gender parity in the nomination of candidates in federal and local congressional elections." (Baldenebro, 2014). This was followed by the 2014 electoral reform, which established a parity system (Congreso de la Nación /Boletín 5520/2015). A product of broad political consensus, it was a central element of the so called *Pacto Por Mexico*, a political agreement signed by Mexico's main political parties—the governing Institutional Revolutionary Party (PRI), the National Action

Party (PAN), and the Party of the Democratic Revolution (PRD)—shortly after President Enrique Peña Nieto’s assumed the Presidency in 2012 ( El Horizonte, 2015). During the most recent legislative election, when parity was first enforced in the Lower Chamber, an unprecedented 41.8% of women were elected, though the Senate election under parity is still pending (IPU, 2018).

The case of Argentina has been more complex: despite the introduction of several parity bills, both institutional and cultural factors hindered the passage of gender parity in the country (Piatti-Crocker, 2017; UNDP, 2015). Yet, the general climate in favor of parity at the national level began to change in 2016 and gender parity resurfaced on the national legislative agenda. The legal framework in support of parity was based on constitutional mandates (Article 37, 1994 Constitution), which upholds affirmative action mechanisms that guarantee “real” equality for women (interpreted as equality of outcomes) in the access to elective posts, and Article 75 (23) providing Congress with the task of promoting affirmative action with regard to children, women, the elderly, and persons with disabilities. In addition, and much like other Latin American countries, regional and international treaties and organizations helped shape the national debate on parity. Among those, the consensus sponsored by ECLAC, documents published by PARLATINO, conferences sponsored by the Inter-American Bank of Development, and UN Women were all important supporters of gender parity. Finally, both subnational level parity legislation and gender parity in other countries within and beyond Latin America were influential in fast-tracking the legislative debate in Argentina. The bill passed in the Senate in October 2016 but the process in the lower chamber took more than a year to be placed on its legislative agenda. Under the initiative of Deputy Victoria Donda, daughter of missing parents during Argentina’s dirty war (1978-1983) and member of the minority and ideologically leftist “Libres del Sur” Party; the deputy requested the bill to be voted *sobre tablas* (or without debate). As the discussion dragged into late hours of the night, Deputy Donda said “I want a vote. We are staying (in the chamber), we are not that tired” (Infobae, 2017). The discourse was similar to other previous contexts: “with greater parity comes greater democracy” said Deputy Donda, and UCR Deputy Alejandra Martinez stated “Let’s tell the truth, it is not the passage of time that will give us parity, only a parity law will do” (Infobae, 2017). In its final vote the bill received the overwhelming support of 165 legislators and only four voted against the bill. The law will be first implemented in 2019.

Overall, the processes leading to gender quotas first and parity later have followed similar patterns. In the first case, after Argentina adopted a quota law in 1991, policy diffusion sponsored by regional and international conferences and organizations led sooner or later to the adoption of similar legislation in 17 other countries. After the turn of the millennium, the idea of parity emerged as a comprehensive and permanent mechanism, and has been adopted in eight countries thus far. Like quotas, parity was sponsored by international organizations, in particular the UN, and its regional conferences. In addition, the discourse leading to the adoption of parity was remarkably similar in all cases. Based on the idea that parity underlies democracy or that “equal representation between men and women in public office in all branches and institutions of government, at all levels ...is a determining condition for democracy” (PARLATINO, 2015) seems to be the common ideological pattern for its advocates.

Apart from the eight countries with parity, others have been making serious attempts at establishing similar legislation. In Uruguay, women’s groups have stated that there is a need “to move towards the objectives of equality and parity” ( Perez, 2015) and in Paraguay a parity bill was introduced and passed in the Lower Chamber on March 8 (International Women’s Day) 2018, and, as of this writing, the bill is awaiting debate in the Senate (Doseck ,2018).

**Table 2: Countries with Parity in Latin America**

Country	Law	Year	Outcome
Argentina		2017	(2019 Pending Elections)
Bolivia	Constitution/ Electoral and Political Parties law	2009 2010	(2014 Election) Lower House: 53.1% Upper House: 47.2%
Ecuador	Constitution/ Electoral Law (#26/2010)	2009 2010	(2017 Election) 37.96%
Costa Rica	Electoral Code (#8765)	2009	(2018 Election) 45.6%
Honduras	Electoral and Political Parties Law Decree (#54/2012)	2012	(2017 Election) 21.09%
Mexico	Constitution Law of Political Parties	2014	(2018 Election) Deputies: 48.2% Senate: 49.2%
Nicaragua	Electoral Law Reform #331 (#790/2012)	2012	(2016 Election) 45.7%
Panama	Electoral Code (#54/2012)	2012	(2014 Election) 18.31%

*International IDEA 2018, Inter-Parliamentary Union 2018.*

### **The Prospects of Gender Equity in Latin America**

Within the last decade, there has been a growing consensus among political women in Latin America of the need to include gender parity in leadership, particularly in politics but also in business and other organizations such as unions and corporations. Parity has also been justified in the idea that women’s greater political presence will, in turn, help transform the political culture that has “traditionally benefitted men, as well as help change the content and priorities of the political agenda” (Huerta and Magar, 2006).

Even though legal reforms alone have been unable to bring about greater equity and equality for women, there has been serious progress since parity systems have become “the game in town” in the Latin American discourse. Substantive gains should ensue in the future since these measures support “women’s leadership in social and political organizations,” (ECLAC, 2016) and the promotion of parity-based participation enhances the functioning of democracy. In addition, by establishing mechanisms that guarantee participation on a parity basis by women in all public posts either elected or appointed and in all state-levels, parity is not limited in its application to the legislative branch, as has been the case of quotas before. Overall, it seems that legal improvements should be expected in the future, and the notion of gender parity by 2030 as envisioned by the last ECLAC women’s conference in Montevideo does not seem farfetched.

## Conclusion

Diffusion may be seen logically as both an external and internal processes. In the first case, external factors influence the domestic affairs of a state. In the second it is a subfield of linkage politics, where both internal and external events interact within a state (True and Mintrom, 2001; Piatti-Crocker, 2011). Thus, an appropriate explanation of diffusion should be given in terms both of the unit of analysis (e.g. states, individuals, or groups of individuals) and the social structures in which these units are embedded (e.g. world or regional systems). This paper dealt with both dimensions by emphasizing processes of international diffusion through global and regional socialization, and describing the internal factors that led to policy innovation in the region.

This paper claimed that since the 1990s two policy waves have spread in Latin America in a relatively short period of time. The first one after the adoption of gender quota legislation in Argentina in 1991, which led to a “take-off point” for the sort of “bandwagon effect” (Kingdon, 1995) that led to a quota movement in the region and to the adoption of similar (though not identical) gender quota laws in 17 other Latin American countries. Within the first decade of this millennium, a second wave began taking hold in Latin America, leading this time to the adoption of parity legislation in eight countries, also with some variance. Both waves are still on-going but parity has become a more dominant trend since countries like Paraguay and Uruguay are making serious attempts at enforcing it. As explained in this paper, both waves were instigated by transnational organizations and conferences. In addition, various domestic factors, including the demands of feminist organizations, women legislators, presidents, and women’s governmental organizations were critical in shaping the internal process in both waves. However, the rationale behind the first quota movement is quite different from the most recent parity wave. On the one hand, quotas were introduced as remedial mechanisms, limited-more often-to legislatures, and based on the idea that a “critical minority” in the legislature could lead to women substantive representation (Dahlerup, 2006; Piatti-Crocker, 2011 and 2017). On the other hand, parity was introduced as a permanent mechanism, to be implemented in all branches of government and in private businesses (Piscopo, 2014), and rooted on principles of equality, non-discrimination, and representative democracies (Archenti and Tula, 2013; *El Protagonista*, 2015; *PARLATINO*, 2015; Piatti-Crocker, 2017). Overall, gender parity in Latin America has become the “new game in town” for women politicians, in private businesses, and beyond and likely to continue through diffusion among Latin American countries in the near future.

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