

Constitutional Reforms, Quotas, and Women's Representation in Mexico

Dr. Jennifer M. Piscopo

Assistant Professor of Politics

Occidental College ♦ Los Angeles, CA

piscopo@oxy.edu ♦ @Jennpiscopo

International Symposium for Constitutional Reforms, Women's Representation, and the Dynamics of Gender Politics

March 6, 2018 ♦ Seoul, South Korea

Overview: From Quotas to Parity in Latin America



Quota Laws in Latin America

12 countries adopted quota laws in the 1990s

Argentina was first in Latin America and the world, in 1991

11 of the 12 strengthened their quota laws at least once in the 2000s

Introduced penalties for non-compliance and added placement mandates for proportional representation lists

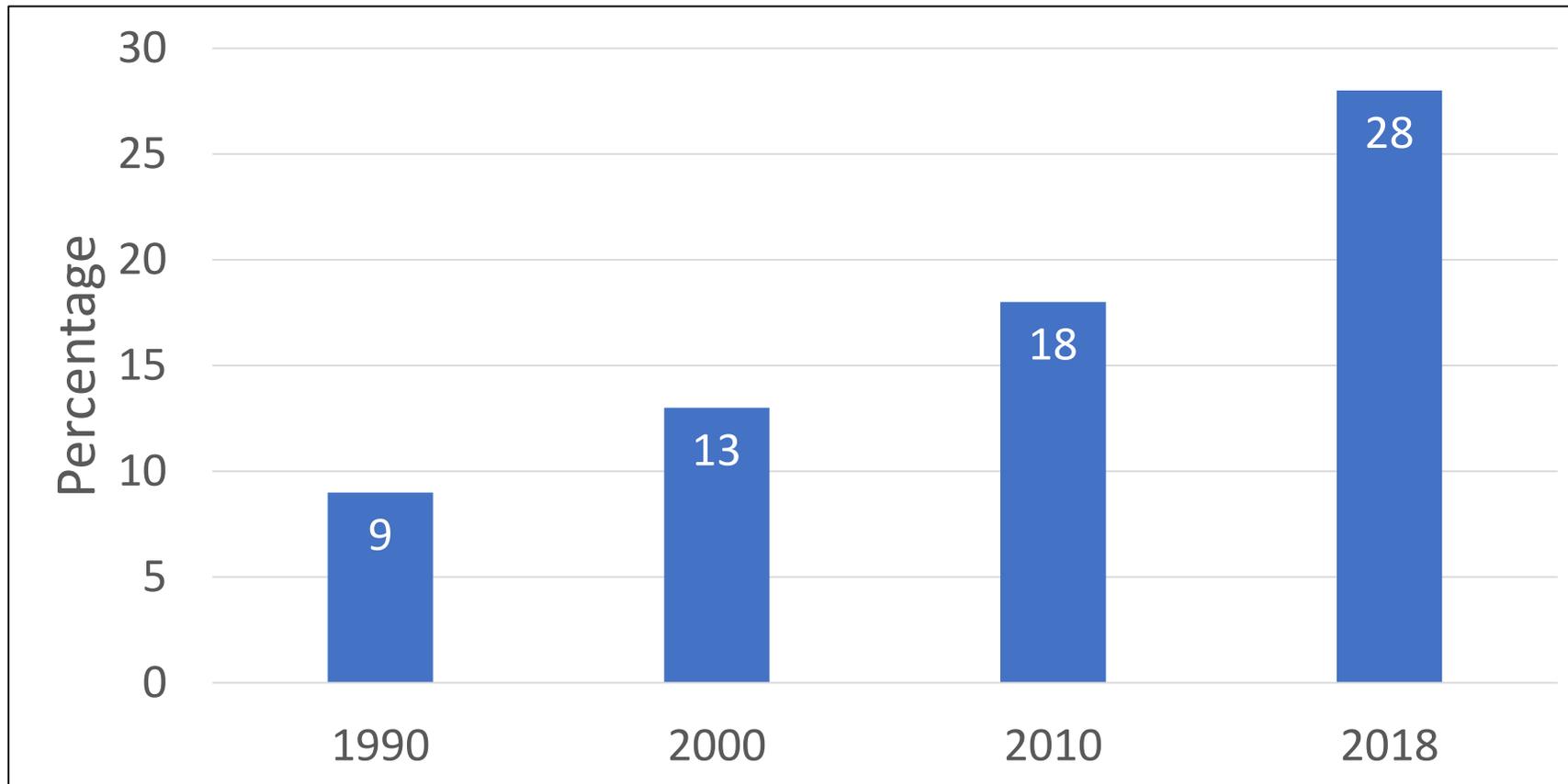
Five additional countries adopted quota laws in the 2000s and 2010s

Today all Latin American countries have a quota law, except for Guatemala and Venezuela

Proportions range between 30 and 50 percent



Women's Representation in Latin America's Lower or Unicameral Chambers



From Quota Laws to Gender Parity

Country	Year of Adoption
Ecuador**	2008
Bolivia**	2009
Costa Rica	2009
Panama	2012
Honduras	2012
Nicaragua	2012
Mexico**	2014
Argentina	2017

Quota laws were seen as temporary special measures. Quotas would help women catch up with men, and then they would not be needed.

But political parties' resistance was so severe that, over the past decades, quota laws became *more* necessary – and thus more strong.

Hence the shift to parity (gender-balance). Activists argue that parity is an essential, permanent characteristic of democracy.

** Incorporated into the Constitution

Why Does Latin America Excel?

Quotas and parity have constitutional foundations

New constitutions written as part of democratization incorporated women's rights

All but two countries have constitutional clauses that stipulate equal rights between men and women

Ten countries have constitutional clauses that stipulate women's political rights, and that authorize affirmative action to equalize men's and women's political participation



Ecuador: women occupy all leadership positions in the unicameral legislature

Focus:
From Quotas to
Parity in Mexico



National Elections in Mexico

128 seats in the upper house, all elected via closed-list proportional representation; lists at the sub-national and national level



500 seats in the lower house:
300 elected in single-member districts;
200 elected via closed-list proportional representation, with lists at the sub-national level



Strong election commission and strong electoral court:
International-looking and reputation-seeking

Quota Adoption and Reform

30% recommendation in 1996

30% requirement beginning in 2002

- ✓ both chambers
- ✓ counts sex of the primary candidate, not their substitute
- ✓ applies to single-member districts and proportional representation lists
- ✓ exempts any parties selecting candidates via internal primaries

40% quota beginning in 2008

- ✓ leaves primary exemption in-tact



Women legislators voting in Mexico's lower house. Cross-party allegiances among women in the legislature have been critical at each stage of quota adoption and reform.

The Numerical Effects of Quotas in Mexico

Election Year	Percent Lower Chamber	Percent Upper Chamber
1988	11.6	15.6
1991	8.8	3.1
1994	14.5	10.2
1997	17.4	15.6
2000	16.8	18.0
2003	24.9	
2006	22.6	18.5
2009	27.6	

30%

40%

The shortfall in women's election to the lower house is caused by the quota's application in the 300 single-member districts

From Candidates to Legislators: The 40% Quota in the 2009 Election

Proportions of Women Nominated and Elected For the Lower House

Party	Single-Member Districts		Proportional Representation	
	Candidates	Elected	Candidates	Elected
Right	36.0	22.9	47.0	42.5
Center	29.0	18.0	52.5	53.1
Left	20.7	18.8	50.0	41.5



Quota not met



Quota exceeded

Avoiding Quotas in the Single-Member Districts

Parties take advantage of three loopholes:

1. The primary exemption
2. The absence of rules requiring that substitute candidates be the same sex as the primary candidate – leads to “Las Juanitas”, women who renounce their seats so their male substitutes can enter congress
3. The absence of rules regarding which single-member districts count towards the quota – allows parties to run women in losing districts



Women legislators in the Mexican Congress protest political parties' behavior.

Solution: The Plural Women's Network

MUJER^{es}
en **Plural**
♀



Party women, activists, journalists, lawyers

Congress unwilling to pass further quota reforms, so women go to the state: meetings with election commission and electoral court

Strategic litigation before the electoral court, *using* constitutional clauses on equal rights

Electoral court rules that “quota must be respected without exception”: strikes primary exemption and mandates that primary-substitute candidate pairings be the same sex

State Institutions Take a Proactive Role

The court case marks a moment in which the election commission and the electoral court move from reactive enforcement to proactive monitoring.

Example: the electoral court distributes this postcard to women in the political parties. The card explains that parties *are not allowed* to force women to renounce their seats. The bottom line reads, “You make the decision, we protect you.”



Applying the 40% Quota with No Exceptions: The 2012 Elections

Proportions of Women Nominated and Elected For the Lower House

Party	Single-Member Districts		Proportional Representation	
	Candidates	Elected	Candidates	Elected
Right	40.0	15.4	45.0	45.0
Center	40.6	34.2	49.5	47.2
Left	43.7	32.8	50.0	46.9



Quota met



*But parties still running
women in losing
districts.*

Parity in the 2014 Constitutional Reforms



Accompanied by two female senators, Mexican President Enrique Peña Nieto introduces the parity bill to congress in 2013

The “no exceptions” ruling from the electoral court makes it possible to include parity in the constitutional reforms.

Political parties were severely chastised by the state. Endured relentless media shaming.

Once the court decided, the parties in congress had to support parity.

Parity Across the Single-Member Districts

After the 2014 constitutional reform, the new electoral law says: “Parties cannot send women *exclusively* to losing districts.”

In their new proactive role, the election commission forms an “Observatory of the Political Participation of Women in Mexico” for the 2015 elections.



The election commission adopts a three-tier monitoring rule for the single-member districts. For each party, districts are divided into three tiers: safe, competitive, or losing. Parties are expected to nominate 50 percent women in each tier.

And the parties mostly improve: women are nominated in 45 percent of the winning districts, 51 percent of the competitive districts, and 54 percent of the losing districts.

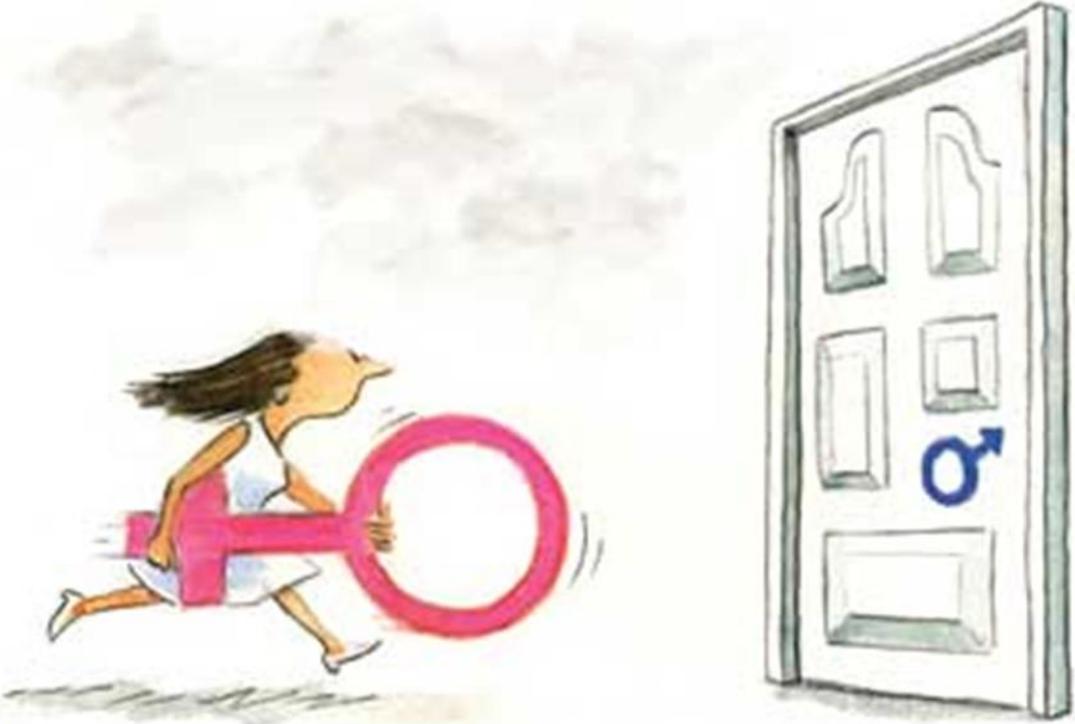
Getting Closer to Gender-Balance

Election Year	Percent Lower Chamber	Percent Upper Chamber
1988	11.6	15.6
1991	8.8	3.1
1994	14.5	10.2
1997	17.4	15.6
2000	16.8	18.0
2003	24.9	
2006	22.6	18.5
2009	27.6	
2012	38.6	32.8
2015	42.4	

30%
40%
↓
50%

The electoral court's ruling, the constitutional reform, and the election commission's proactive monitoring raise women's representation in 2012 and 2015

Conclusion



Mexico Reflects Broad Trends in Latin America

Constitutions matter: Getting quotas and parity into the constitution often depends on measures already in the constitution, such as clauses that stipulate women's equal rights and women's political rights

The state matters: Election commissions have the ability to intervene in political parties' internal practices, on behalf of women candidates. They can improve outcomes even when the electoral laws remain unchanged.



2018: The Observatory of the Political Participation of Women in Mexico develops a protocol for monitoring media bias against women candidates.