

Democracy as Gender Balance: The Shift from Quotas to Parity in Latin America

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Abstract

Seven Latin American countries—Bolivia, Costa Rica, Ecuador, Honduras, Mexico, Nicaragua, and Panama—have recently shifted from quota laws to parity regimes. This paper offers the first scholarly examination of the discourses underlying this parity shift, exploring how proponents frame and justify the measure in these seven cases. I find that Latin America's parity advocates appeal to women's presence in the population and to the equality of outcomes. In doing so, they argue that gender balance constitutes a prerequisite of the democratic state. This framing is further legitimated by court decisions validating the constitutionality of affirmative action. In becoming widely shared, these discourses should continue to influence parity innovations across Latin America.

Key words

Gender, democracy, quotas, representation, Latin America

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Beginning with Argentina in 1991, Latin America became a global leader in the adoption of quota laws, which mandate that political leaders nominate specified percentages of women for national elections. A significant body of research has since explored the measures' effects on the numbers of women elected and the possibilities for feminist policy change (Franceschet, Krook, and Piscopo 2012). Overlooked in this research is Latin America's recent shift from quotas to parity. As of June 2015, seven countries—Bolivia, Costa Rica, Ecuador, Honduras, Mexico, Nicaragua, and Panama—have adopted parity regimes, mandating the gender-balanced representation of men and women in the legislature and, in some cases, the executive branch and other state institutions. Previous studies from Europe have suggested that parity differs from quotas (Rodríguez Ruiz and Rubio-Marín 2008; Murray 2012; Suk 2013), though few researchers have explored this proposition across the Latin American cases. By tracing the discourses underlying Latin America's parity shift, I find that policymakers in the region indeed frame parity as philosophically distinct. Gender balance appears as a unique principle, requiring its own justifications.

Latin America's parity proponents largely argue that gender balance—rather than a minimum percentage of women—constitutes the most legitimate configuration of the democratic state. Advocates build this argument by appealing to three ideas: universal human rights, the common-sense notion that governments' composition must reflect the demographics of the constituents, and the equality of outcomes (rather than the equality of opportunities). In doing so, parity proponents actively distinguish their claims from those made by quota proponents in previous generations. First, advocates position parity laws not as technically superior quotas, but as fundamental principles that political parties cannot exploit. Second, proponents frame parity not as a temporary special measure that corrects for unequal

opportunities and discrimination, but as a permanent arrangement of the state, one that fulfills the prerequisites of democracy.

On the one hand, ideas about democratic legitimacy also shaped debates on quotas, and parity does not necessarily prevent political parties from reserving the choicest candidacies for men. On the other hand, discourses matter for their rhetorical appeal and persuasive power, rather than their absolute truth. Advocates have engaged in processes of meaning-making around parity, creating frames, understandings, and interpretations in order to advance their political agendas. As Bacchi explains, policy discourses demarcate some political agendas as desirable, and others as impossible or impermissible (1999: 2-3). In arguing that permanent gender balance constitutes the fullest expression of democracy, advocates create strong justifications for adopting parity. The region's electoral or constitutional courts have also embraced this language, creating jurisprudence that further cements activists' claims. This "new" understanding about gender balance and democracy explains why Latin American countries now see parity, not quotas, as the best means of achieving gender equality.

To make this argument, I first review the research on Latin America's quota debates. I explore whether the central claims in the quota debates held as the region's quota laws became stronger and transitioned to parity. I then analyze how proponents' parity discourses have framed gender balance as new and distinctive, but I note that their claims about parity's permanent character are indeed more factual than their claims about parity's guaranteed electoral success. Throughout, I draw on an original database of primary sources: the texts of Latin America's parity laws, including committee records and plenary debate transcripts¹; the texts of court decisions related to the constitutionality of affirmative action; and newspaper articles surrounding the approval of parity in adopting countries and the push for parity in

¹ Plenary debates for Ecuador and Bolivia were not available, so I rely on summaries by Goyes Quelal (2013) and Choque Aldana (2013), respectively.

non-adopting countries.² These documents collectively show how proponents have successfully persuaded Latin American governments to adopt parity not just for the legislature, but for a range of state and non-state institutions.

Debating and Adopting Gender Quotas in Latin America

A rich body of literature analyzes quota laws in Latin America. Scholars first examined the discourses underlying the laws' adoption during the early and mid-1990s, noting proponents' appeals to democracy, modernity, and equality (Towns 2012; Htun and Jones 2002). Researchers then explored the laws' effects on electoral outcomes and public policy (Franceschet and Piscopo 2008; Jones 2009; Schwindt-Bayer 2009; Schwindt-Bayer 2010). As implementation unfolded during the 1990s and 2000s, practitioners and academics alike noted that political parties would minimally comply with—or outright ignore—quota mandates, adopting evasive tactics that included running women in losing districts or illegally altering electoral lists (Hinojosa 2012: 140-148). Latin American countries responded by reforming their quota laws: they imposed rank-order rules for electoral lists in closed-list systems; improved enforcement; and raised thresholds initially set at 20 or 30 percent to 40 or 50 percent. Scholars documented these trends (Crocker 2011; Piscopo 2015), but few asked whether policymakers' understanding of quotas had changed.³ Yet comparing quotas' initial discourses to the laws' current features suggests that policymakers are drawing some distinctions between affirmative action (quotas) and gender balance (parity).

² To construct the database of newspaper articles, research assistants searched the on-line archives of each Spanish-speaking Latin American country's top five newspapers, as determined by AllYouCanRead (<http://www.allyoucanread.com/newspapers/>). Assistants searched for: parity, quotas, women and electoral reforms, and women and representation, from 2008 to present. Newspaper articles were saved if they contained quotes about parity (for or against) made by a public official or commentator. Research assistants also conducted wider Google searches in each country's domain, to capture stories from blogs or smaller news outlets.

³ For example, Htun and Ossa's analysis of Bolivia (2013) uses quotas and parity as interchangeable terms, and Piscopo (2015) describes parity as a stronger quota.

Initial Quota Discourses

The causal factors underlying quotas' adoption in Latin America have been well-studied, with scholars recognizing the importance of international actors' concern with gender equality, especially as manifested through the United Nations' world conferences on women from 1975 to 1995, and the moments of institutional flux created by democratization beginning in the 1980s (Crocker 2011; Krook 2009). Within this context, female party activists, female legislators, and other women's groups mobilized in each country, demanding that political parties end longstanding practices of exclusion and open more electoral opportunities to women. Quotas constituted the "fast track" to attaining these goals (Dahlerup and Freidenvall 2005).

Domestic proponents in Latin America—and elsewhere—legitimated quotas by appealing to both norms and outcomes (Franceschet, Krook, and Piscopo 2012). Advocates in Mexico, Argentina, and Brazil, for instance, argued that parties were nominating too few women, and that only affirmative action could overcome such deeply-entrenched discrimination (Htun and Jones 2002: 34-36; Marx, Borner and Caminotti 2007). Quota proponents described party leaders as dinosaurs, as feudalistic and backwards (Bruhn 2003; Baldez 2004; Towns 2012). These arguments about Latin American societies' "cultural deficiencies" contained normative claims about the relationship between gender equality and democracy (Towns 2012: 196). Modern democracies do not mistreat women, and so quotas were presented as matters of justice and fairness, necessary for Latin American countries' membership into the cadre of modern, democratic states (Towns 2012). Other advocates focused less on the relationship between justice and fairness to modernity and democracy, and more on the policy changes that would result when women placed new—and ideally feminist—items on the agenda (Htun and Jones 2002: 34). In Argentina, for instance, activists

argued that, “With few women in politics, women change, but with many women in politics, politics changes” (Marx, Borner, and Caminotti 2007: 61).

These arguments all shared an understanding of quotas as temporary measures that would elect a minimum number of women. Argentine legislators described quotas as a temporary way to achieve a minimum presence of 30 percent women (Marx, Borner, and Caminotti 2007: 68). Costa Rican activists used similar terms, advocating for a “temporary” measure that would be a “minimum quota” or “minimum floor” (García Quesada 2011: 121-123). In Panama, lawmakers debated the “minimum base” needed, settling on 30 percent (Peñalba Ordóñez 2008: 2). Quota laws across the region were regarded as positive actions that would expire (Peschard 2003), necessary only until countries elected a sufficient proportion of women to arrive at modernity (Towns 2012). This framing was echoed in international agreements, namely the 1979 Convention on the Elimination of all Forms of Discrimination Against Women and the 1995 Beijing Platform for Action, both of which called for “temporary special measures.”⁴ As Htun summarized, “Most politicians regard quotas as a temporary measure. As more women gain power, they will break down the obstacles holding others back. Over time, the quota will become obsolete” (2004: 445).

Towards Permanence and Parity

Despite this rhetoric about temporality, sunset clauses appeared in just two of the region’s early quota laws. The 1996 Costa Rican law allowed for the nation’s electoral institute to cancel the 40 percent quota, if and when political parties attained a participation of women in proportion to their presence among registered voters (García Quesada 2011: 122). The 2002 Mexican law stipulated that the 30 percent quota would apply to “at least” the

⁴ CEDAW, December 18, 1979: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>. Beijing Platform for Action, September 15, 1995: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

subsequent five elections, leaving the question of the sixth election ambiguous.⁵ Yet these sunset provisions were cancelled before they ever applied, as Costa Rica and Mexico participated in the region-wide trend of strengthening—rather than eliminating—quota laws. Quotas even returned in the two countries where courts repealed the initial laws on the grounds of unconstitutionality. In Colombia, constitutional reforms enabled the re-adoption of a 30 percent legislative quota in 2011. In Venezuela, the supreme court rejected the nation’s 30 percent quota law in 1998, but the electoral institute has demanded a 50 percent quota for national elections since 2005 (Archenti 2011).

Quota reforms thus seem to have outpaced quota discourses. Proponents and policymakers believed quotas would get countries on the right track and then expire, but in fact they became permanent laws with higher thresholds. Similar strengthening efforts appear among the region’s late adopters. The 33 percent quota law in Uruguay, passed in 2009, applied only to the 2014 legislative elections, though female legislators are pressing to extend the measure and raise the threshold.⁶ El Salvador’s 30 percent quota (adopted in 2013) will apply for five legislative elections, from 2015 to 2027, and Chile’s 40 percent quota (promulgated in 2015) will apply for four elections, from 2017 to 2029.⁷ Activists in both countries have applauded these developments but criticized the low thresholds.⁸ For example, a Chilean journalist wrote that “the quota should be fixed at 50 percent.... It could be considered useful and valid to fix this *initial* quota at a lower rate, but that doesn’t make it [40

⁵ Decree modifying the *Código Federal de Instituciones y Procedimientos Electorales*, Second transitory article, June 24, 2002.

⁶ Law 18.487/2009. The quota’s application to parties’ internal elections is permanent. For extension efforts, see the activities summarized by EnReDenSe: http://www.enredense.com/2014/04/mas-mujeres-por-una-democracia-paritaria_16.html (accessed May 30, 2014).

⁷ 2012 Law of Political Parties, Article 88 (El Salvador); Oficio Number 11.851, Article 34 (Chile).

⁸ “Cuotas de mujeres en Ley de Partidos no resuelve paridad” *Contrapunto* February 21, 2013 (El Salvador).

percent] any less arbitrary.”⁹ Chilean commentators also dislike the sunset clause, with one writer scoffing that discrimination does not end simply because a law expires.¹⁰

Thus, quota proponents in Latin America currently demand permanent laws with 50 percent thresholds. Seven Latin American countries have arrived at parity, as illustrated in Table 1. In Bolivia, Ecuador, Costa Rica, Honduras, Panama and Mexico, parity evolved from much-older quota laws; only Nicaragua adopted parity outright.¹¹ Franceschet and Piscopo believe these reforms illustrate a new policy consensus, wherein “the gendering of public space and leadership must transcend tokenism, move beyond critical mass, and constitute true equality or *parité*” (2013: 312). Archenti (2011) similarly argues that parity laws represent a new phenomenon, one different from affirmative action. Yet neither Franceschet and Piscopo nor Archenti offer much evidence from parity discourses to support their conclusions. These policy changes *do* depart from proponents’ initial, strategic frames about quotas as “temporary” and “minimum percentages.” Yet do proponents see parity laws as improving upon quotas’ weaknesses, or as entirely new developments? Do proponents justify parity in the same way they justified quotas, by appealing to modernity and the possibilities of feminist policy change? How Latin American actors understand and legitimate their parity reforms can better explain current policy trends in the region.

[TABLE 1 HERE]

Parity as a Democratic Principle

To understand the meaning of parity, Praud (2012) distinguishes between its philosophical underpinning, which holds gender balance as constitutive of democracy, and its

⁹ “La cuota debe alcanzar 50%.” *Prensa Libre* September 25, 2013.

¹⁰ “El ‘posibilismo’ en materia de género.” *Revista de Actualidad Política, Social, y Cultural* (on-line), June 30, 2014.

¹¹ Parity in Venezuela is imposed by the electoral tribunal, and not implemented via constitutional reform or legislative act. Unlike Archenti (2011), I do not count Venezuela as a parity case.

actual practice, which mirrors quotas in requiring political parties to recruit some number of women. Scholars have mostly assessed the philosophy of parity in the Western European cases. Drawing on constitutional law in France, Italy, and Spain, Rodríguez Ruiz and Rubio-Marín conclude that gender balance does not match quota laws to electoral institutions; rather, gender balance achieves “a structural prerequisite of the democratic state” (2008: 289). Suk similarly affirms that, in Europe, “gender balance is not merely a means of eradicating women’s past disadvantage or current societal discrimination, but a permanent feature of good governance” (2013: 1129). Yet others attribute this philosophy exclusively to France, where “parity advocates argued that parity was not a quota, but a fundamental principle of democracy requiring that half of elected positions go to women” (Praud 2012: 289; see also Murray 2012). Praud in fact argues that every Western European country *but* France viewed parity and quotas as philosophically *indistinct*: for example, advocates in Spain and Portugal referred to their respective 40 and 33 percent thresholds as “parity” (2012: 290).

This elision between quotas and parity has not occurred in the Latin American cases. Here, policymakers have referred to quotas as vehicles towards parity, using the term parity (*paridad*) exclusively in relation to 50 percent thresholds. As noted, both Chile and El Salvador faced critiques for falling short of parity, with commentators framing the best policy as that which represents women in proportion to their presence in the population. Claudia Pascual, the director of Chile’s national women’s agency, commented to congress that “if women are half the population, then the quota should be 50 percent, but it [the 40 percent quota] advances towards an aspect of parity, using intermediate figures.”¹² Likewise, party leaders in Uruguay have demanded that the one-time 33 percent quota become a permanent parity measure, stating “we have to move towards the objectives of equality and parity.”¹³

¹² Chamber of Deputies Press Release 13 May 2013:

http://www.camara.cl/prensa/noticias_detalle.aspx?prmId=98625 (accessed May 25, 2014).

¹³ “Los partidos políticos de Uruguay plantean una Ley de Cuotas para promover la paridad de la mujer.” *La Celosía* April 11, 2014.

Uruguayan women's groups also described the 33 percent quota law "as a first step towards parity."¹⁴ An Argentine lawmaker proposing parity described it as "one step more to reach equity in political activity."¹⁵ Latin America actors thus frame parity as the endpoint in the journey towards equality.

Further, like their French counterparts, Latin American advocates see parity as fundamental for democracy. Calls for *paridad*—rather than for temporary special measures or affirmative action—appeared in key regional documents in the mid-to-late 2000s. The 2007 Quito Consensus, adopted by the United Nation's Economic Council for Latin America and the Caribbean at its 10th Regional Conference on Women, establishes parity as a "principal determinant of democracy" (Article 17). The Quito Consensus sees parity as extending beyond legislatures, to 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" (Article 25.1).¹⁶ The Brasilia Consensus of 2010, adopted at the 11th Regional Conference on Women, reaffirms parity as signifying the "elimination of the structural exclusion of women" and constituting "the key condition for democracy" (preamble), calling for the "parity of outcomes" in women's representation across all branches of government (Article 3d).¹⁷ These regional instruments echo the connection between women's inclusion and democracy found in the quota era, but they do not suggest that including women advances modernity. Rather, these documents imply that gender-balanced state institutions actually *express* democracy.

¹⁴ Cotidiano Mujer, "Mujeres Listas para las listas." December 10, 2013

(<http://www.cotidianomujer.org.uy/sitio/index.php/participacion-politica/813-2013-12-05-14-40-56>).

¹⁵ "En las listas de la política tiene que haber equidad real entre hombres y mujeres." *Mundo Norte* September 10, 2014.

¹⁶ The Quito Consensus, April 14, 2007: <http://www.eclac.cl/publicaciones/xml/5/29555/dsc1i.pdf>.

¹⁷ The Brasilia Consensus, July 16, 2010: http://www.eclac.cl/mujer/noticias/paginas/6/40236/ConsensoBrasilia_ING.pdf.

The idea that parity encapsulates or constitutes democracy appears in the texts of the region's parity laws. The new governments created by Rafael Correa in Ecuador and Evo Morales in Bolivia were the first adopters of parity in Latin America. In the late 2000s, both leaders attained power as outsiders following long periods of political instability; both drew their support from mass-based, left-leaning, indigenous movements; and both developed an “ethnopolitist” leadership style that united indigenous and non-indigenous constituents (Madrid 2012). In both, constitutional assemblies (themselves elected under quota laws) sat down to create new representative institutions in contexts where the previous order was viewed as authoritarian, corrupt, and deeply flawed (Choque Aldana 2013; Goyes Quelal 2013; Madrid 2012). As part of founding new, multinational, and pluriethnic states, parity represented one way to reinvigorate democracy.

Consequently, the 2008 Ecuadorian Constitution establishes that political participation “on the basis of gender equity and parity” is a fundamental right (Article 61). The 2009 electoral law, known as the “Code of Democracy,” declares that the electoral system will “conform to the principles of proportionality, equality of the vote, equity, parity, and alternation between men and women” and that candidate lists must maintain “strict equity, parity, alternation, and sequential ordering between men and women.”¹⁸ Importantly, parity appeared previously in Ecuador: the 1997 quota law, set at 30 percent, increased by 5 percent for each election thereafter. By the 2007 elections—which selected the constitutional assembly—the quota was 50 percent (Goyes Quelal 2013: 76). Yet the 1997 quota law depended on Ecuador's electoral institute issuing the appropriate regulations each election. The 2009 Code of Democracy, by contrast, established alternation and sequencing, thereby eliminating the electoral institute's discretion when applying the parity law (Goyes Quelal 2013: 85). Similarly, the 2009 Bolivian Constitution establishes that democracy and political

¹⁸ *Ley Orgánica Electoral, Código de la Democracia*, Articles 4.1 and 105, April 28, 2009.

participation will unfold with “equivalence of conditions between men and women” (Articles 11 and 26). This language is reiterated in Bolivia’s 2010 electoral law, which establishes the principle of “equivalence” as the “application of parity and alternation.”¹⁹

The region’s other parity laws also frame parity as a principle that governs how politics must unfold. Costa Rica’s 2009 Electoral Code, adopted right after Ecuador and Bolivia’s new constitutions, stipulates that “men’s and women’s political participation is a human right recognized in a democratic society...and this participation will depend on the principle of parity” (Article 2). As in the two Andean countries, parity in Costa Rica means alternating men’s and women’s names: political parties failing to respect equality, non-discrimination, parity, and alternation will be deregistered or even disbanded (Article 60).²⁰ Similarly, the 2014 reforms to the Mexican Constitution identify the political parties as objects of public interest, organized to promote democratic participation, and therefore functioning under the rules of gender parity (Article 41).²¹

This framing of parity as a democratic principle provides further evidence that regional and domestic policymakers indeed have departed from the language of temporary measures and minimum percentages. Proponents portrayed quotas as mechanisms that would rapidly convey Latin American nations towards modernity and democracy, but parity appears as a manifestation of democracy itself. In this way, Latin America’s parity laws—none of which contain sunset clauses—reflect the same philosophical underpinnings as the French statute. Yet the text of the laws themselves is insufficient for understanding whether policymakers see parity as evolving from quotas, or constituting an entirely new policy direction. Resolving this question requires a closer look at the discourses underlying the constitutional and electoral reforms.

¹⁹ *Ley del Régimen Electoral*, Articles 2(h) and 11, Law #026, June 30, 2010.

²⁰ *Código Electoral*, Article 2, Law #8765, September 2, 2009.

²¹ *Diario Oficial de la Federación*, February 10, 2014.

Parity Discourses: Human Rights and the Equality of Outcomes

Actors participating in policy debates aim to persuade. Stone explains that actors craft causal stories about policy problems, presenting these narratives as facts (1989: 282-3). For strategic actors, what matters is not whether their facts are objectively right or wrong, but whether their stories can win (Stone 1989; Bacchi 1999). This lens proves useful for understanding why parity discourses in Latin America unfolded as they did. Parity proponents indeed framed gender balance as essentially different from quotas: their story hinged on adopting new policies that political parties could not exploit, ones that would achieve the equal results that democracy demands. Though parity might not fulfill these goals has mattered less than the rhetorical and strategic appeal of these claims.

Parity, Not Quotas

Latin America's quota advocates drew key distinctions between improving quotas and adopting parity. Choque Aldana, in her summary of Bolivia's parity debates between 2009 and 2010, reports, "The discussion about parity resulted from the perception of these [quotas'] deficits, given how the discussion on quotas had always centered around the deception of the electoral results" (2013: 138). In other words, in Bolivia (and elsewhere), quotas had been reformed in order to correct for political parties' evasive tactics, such as placing women in unelectable list positions or running women as alternate, rather than titleholder, candidates (Hinojosa 2012: 141). Parity proponents largely abandoned this language of enhancing quota compliance or compensating women for past injustices. Rather, they positioned parity as a democratic principle that parties could not exploit.

Proponents first distinguished between quotas as ending discrimination, and parity as an expression of democracy. Goyes Quelal summarizes the Ecuadorian parity debate:

Parity is a declaration of permanent real equality, that leaves behind the criteria of compensation and temporality that justified quotas as affirmative action measures, and thus uses these principles to distinguish between the former [quotas] and the latter [parity]. (2013: 81)

Mexican female senators, during the constitutional reform's plenary debate, similarly framed parity as leaving behind affirmative action. Drawing on language frequently used to criticize quota laws, Senator Marcela Torres Peimbert of the conservative PAN party argued that "parity does not mean a gift or concession; it means making Mexico a more just country."²² Her copartisan, senator Adriana Díaz Lizama, explained that parity "is not making space [for women], it is not implementing a quota, it is sharing in decision-making so that together we [men and women] can be co-responsible in the true development and advance of democracy."²³ Both Torres Peimbert and Díaz Lizama construed parity not as compensation for past discrimination, but as a restructuring of government and society. For this reason, Senator Dolores Padierna Luna, of the leftist PRD party, distinguished between transitory measures as patriarchal and anti-democratic, and parity as foundational and democratic.²⁴

Parity proponents then insisted that a key distinction between quotas and parity is the latter's lack of loopholes. For instance, Mexican Senator Diva Hadamira Gastélum Bajo claimed in the plenary that, with parity, "No more will there be *juanitas* [women who renounce their seats so their male alternates can enter congress] nor will there be the possibility for women's political participation to be eliminated."²⁵ Outside the Congress, Mexican President Enrique Peña Nieto likewise asserted that parity "avoid[s] the machinations by parties that prevents political equality."²⁶ Similarly, Panamanian Deputy Jorge Iván Arrocha commented that the principle of parity differed from the principle of percentages.²⁷ In the Costa Rican plenary, Deputy Lesvia Villalobos Salas explained that

²² Mexican Senate, plenary transcript, December 3, 2013.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ "Presidente mexicano propone cuota de 50% para mujeres en listas electorales." *Terra* October 11, 2013.

²⁷ Panamanian Assembly, plenary transcript, September 3, 2012.

parties' minimal compliance with quotas sets rights backwards, whereas parity moves rights forward: "The only thing quotas gave us was the result of making women's political participation more difficult... which is nothing short of restricting women's rights."²⁸

Other parity proponents also distinguished between compensatory measures and human rights. Costa Rican Deputy Hilda González Ramírez's plenary speech captures this sentiment: "Parity is not a quota in favor of the participation of women, but the widest expression of the universality of human rights."²⁹ Likewise, her colleague Olivier Ibo Jiménez Rojas observed that "parity and alternation are not mechanisms [quotas], but an integral part of political rights." In Mexico, Díaz Lizama described parity as "a fundamental right."³⁰

Though quota proponents also spoke of rights (Towns 2012), parity proponents especially focused on women's right to a representation numerically equal to their presence in the population. In Costa Rica, González Ramírez remarked, "The importance of parity lies with its status as an instrument to assert the right of equality, as stated in our Constitution... democracy should reflect half the population."³¹ Likewise, Villalobos Salas explained that "parity is a principle of real equality...if women represent half the population, this should be reflected in the positions of decision-making."³² A similar emphasis appeared in Mexico, where Senators Gastelúm Bajo and Padierna Luna explained that parity would recognize, make visible, and equalize the standing of half the population.³³ This framing also appeared in Ecuador, as female advocates asserted that decision-making organs should reflect the composition of the population (Goyes Quelal 2013: 81). Here, parity proponents do not suggest electing women because they will change politics; rather, electing women means mirroring the population.

²⁸ Costa Rican Assembly, plenary transcript, October 8, 2009.

²⁹ Ibid.

³⁰ Mexican Senate, plenary transcript, December 3, 2013.

³¹ Costa Rican Assembly, plenary transcript, October 8, 2009.

³² Ibid.

³³ Mexican Senate, plenary transcript, December 3, 2013.

Equality of Results

Throughout the region, parity proponents connected numerical equality to “real equality” (also referred to as “material,” “substantive,” or “effective” equality). A closer look at how parity proponents used “real equality” reveals this term’s association with the final electoral results. Mexican feminist Marta Lamas, in a newspaper opinion piece defending parity, offers the most cogent articulation of this idea:

Parity is the way the most advanced democracies have guaranteed proportionality between men and women in the spaces of decision making.... Substantive equality does not only require equal opportunities and treatment, but implies equality of results.... [it means] ensuring that the results of the election yield a similar number of women and men. ‘But don’t women want it all,’ some men exclaim furiously. ‘No,’ the women respond, ‘we only want what corresponds to us. We are half the population, so half of the representation falls to us.’³⁴

Lamas makes plain that parity refers not to minimum percentages, but to the achievement of gender-equal electoral results. The Brasilia Consensus also described parity in terms of outcomes, a frame echoed by officials throughout the region. In Mexico, UN Women applauded parity’s adoption as “finally” achieving “the equality of results.”³⁵ In Costa Rica, electoral institute officials saw parity as necessary because “Costa Rican society will not be satisfied until the political participation of women is equal in opportunities and results.”³⁶ Goyes Quelal explains that Article 66 of the Ecuadorian Constitution recognizes “material equality,” which means “the equality of results” (2013: 80).

Though parity still governs candidate selection and not electoral outcomes, proponents argue that parity would succeed in electing equal numbers of women. For instance, a female delegate to Ecuador’s constitutional assembly explained that parity did not defend access women’s to the state, it transformed the state by equalizing men’s and women’s

³⁴ “Guerra de concepciones.” *Proceso* April 2, 2012.

³⁵ “Equidad política, en busca de la igualdad.” *La Tribuna* March 14, 2014; “Con la paridad electoral, México avanza hacia la igualdad entre mujeres y hombres.” Boletín ONU #14/022, January 31, 2014.

³⁶ *Tribunal Suprema Electoral*, Acta de Sesión Ordinaria, September 4, 2007.

representation (Goyes Quelal 2013: 82). Similarly, an opinion piece in a leading Honduran newspaper decried the quota's poor electoral results, insisting that only "effective equality" would actually transform state institutions.³⁷

Activists also adhere to this framing in spite of electoral realities. The Costa Rican case proves illustrative. Costa Rica elects its unicameral assembly via closed-list proportional representation with seven provincial-level districts. In 2009, Costa Rica adopted "vertical parity," that is, parity with alternation. The 2010 national assembly elections, held under the 40 percent quota law, raised concerns about vertical parity's effectiveness. Women attained 38.6 percent of the assembly seats (22 of 57) in 2010, but they had received the first spot on only 26 percent of the lists (17 of 50).³⁸ As activists feared, this trend worsened under vertical parity: in the 2014 national assembly elections, women won just 33.3 percent of the seats (19 of 57), largely because women headed even *fewer* electoral lists than before—and typically in losing districts (Alfaro Redondo and Gómez Campos 2014: 6-7). Female legislators on the Women's Committee responded by introducing a bill to complement vertical parity with "horizontal parity": to attain the desired electoral results, each party would have to nominate women to the first list position in three of the seven provinces.³⁹

Horizontal parity attempts to fix parties' minimal compliance with parity, but female legislators justified the measure by referring to equality of results. In their unanimous approval of the bill, the Women's Committee wrote that the 2009 Electoral Code's reference to "parity in totality" [*paridad en las totalidades*] meant alternation within and across lists: "To truly obtain parity in public office, it will be necessary to comply with parity in the total of elected posts, in the first spots on the lists."⁴⁰ The committee's memo focused on the philosophy of parity, not its technicalities, arguing that "parity norms remain insufficient

³⁷"Equidad política, en busca de igualdad." *La Tribuna* March 14, 2014.

³⁸ *Diario Oficial (La Gaceta)*, March 24, 2014.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

unless they obtain the foreseen result.”⁴¹ Their proposal did not pass before the 2010-2014 assembly disbanded, though the Women’s Committee in the 2014-2018 assembly reintroduced the proposal, using the same language.

The plenary debate in Panama also centered on the necessity of achieving equality of results. In Panama, the 1997 quota law applied only to primary elections, explaining its consistently negligible impact on women’s numerical representation (Peñalba Ordóñez 2008). In 2012, while presiding over a starkly polarized assembly, the ruling party introduced a comprehensive electoral reform that included parity, but still only for primary elections. Opposition parties made strategic use of their objections, positioning themselves—and not the ruling party—as defenders of women’s rightful access to half the legislative seats..

For example, Deputy Jorge Alberto Rosas characterized the reforms as “throwing in the trash the agreed-upon norms that guarantee parity” and “giving candy to the participatory women of our country, who will think we are against them [if we vote against this reform], which is false.”⁴² Similarly, Deputy Carlos Santana claimed, “This law says to them [women] that there is no parity, there is no means of allowing them to play an active role in the designs of this country.”⁴³ Deputy Juan Miguel Ríos lamented, “I believed we had achieved the opportunity to introduce an initiative that would make the 50 percent participation of women real and effective, but we had not.”⁴⁴ Deputy José Isabel Blandón summarized this position: “If this reform is approved, women will stay where they were before, that is, with no guarantee of arriving to the legislature.”⁴⁵ Finally, Deputy Irene Gallego criticized the ruling party for presenting parity as their own invention, especially such a weakened version.⁴⁶ Like quota proponents in an earlier era, opposition deputies shamed the ruling party for its

⁴¹ Ibid.

⁴² Panamanian Assembly, plenary transcript, September 3, 2012.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

backwardness, most likely to curry support among female constituents. Yet their shaming emphasized not being un-modern, but the importance of equality of results.

The Consolidation of the Parity Principle

Framing gender balance as an expression of democracy, as a straightforward correspondence between women's presence in the population and their presence in decision-making, has strategic value. First, in distinguishing between parity and affirmative action, debate participants avoid the negative connotations associated with quotas as a compensatory strategy. A female judge from Mexico's electoral tribunal explained that she opposed quotas, but accepted parity: whereas quotas were concessions, prizes given to women who could not compete on their own, parity is equality, a logical expression of women's presence in half the population.⁴⁷ Second, in emphasizing democratic governance and real equality, these arguments raise the costs associated with public, on-the-record opposition. The quota era had imposed similar costs: as one Mexican party leader then commented, "no one wanted to be the bastard who said no" (Bruhn 2003: 111). However, the strategic frames evoked by parity proponents would force opponents to speak not just against women's opportunities, but against democratic principles previously established in their countries' legal commitments and domestic jurisprudence.

Elites' Outward Acceptance

Of the seven Latin American countries adopting parity laws, Honduras's measure passed via executive decree. The remaining six passed through the legislature as part of broader electoral or constitutional reforms, meaning the plenary debates focused on more than parity. Bolivia hotly debated parity (Htun and Ossa 2013), but the measure received scant

⁴⁷ Author interview with electoral tribunal judge, Mexico City, May 4, 2015.

attention—and scant opposition—in the remaining cases. In Ecuador, new leaders committed to women’s rights populated the constitutional assembly, itself elected under a 50 percent quota, making parity a foregone conclusion (Goyes Quelal 2013: 76). In Costa Rica and Mexico, legislators highlighted the importance of parity for democracy, but their comments formed a small part of the debate: parity proponents accounted for only three of the nine orators in the Costa Rican assembly and eight of the 52 orators in the Mexican Senate.⁴⁸ Parity received no mention during the plenary debates in Mexico’s lower house and only one mention in Nicaragua’s debate—a brief observation by male Deputy Brooklyn Rivera Bryan that parity assists with the consolidation of democracy.⁴⁹ Further, no legislators in Mexico, Costa Rica, or Nicaragua spoke against parity, and Panamanian legislators disliked the ruling party’s precise proposal, not the philosophical principle. Any deputies opposed to gender balance remained silent.

In fact, the plenary sessions represented the culmination, rather than the initiation, of the parity debate. All countries save Nicaragua had prior experiences with legislative quotas, and parity had been extensively reviewed, discussed, and debated before the constitutional or electoral reforms. Activists generated momentum and built support through agenda setting events, such as forums and workshops; strategy meetings between female legislators and electoral institute representatives; formal legislative committee meetings; and political party conventions (Ortiz Ortega and Scherer Castillo 2014; Choque Aldana 2013; Goyes Quelal 2013; Torres García 2013). These activities generated positive publicity both inside and outside legislatures. Indeed, newspaper searches revealed few editorials against parity, and a preponderance of editorials supporting parity. For instance, the editorial board of a major

⁴⁸ My calculations based on the total number of speakers in the plenary session.

⁴⁹ Nicaraguan Assembly, Debate on Law Reforming Law 331, May 15, 2012.

Costa Rican daily, *La Prensa Libre*, celebrated horizontal parity's ability to "break the political model where men typically occupy the first seat."⁵⁰

Public opinion data confirms that elites outwardly support parity. A 2011 survey of Latin American opinion leaders (academics, politicians, and activists) found that over 80 percent of respondents endorsed parity; in Bolivia, Ecuador, and Costa Rica, where parity laws had already passed, support reached 100 percent (Johnson 2013). In the same survey, over 70 percent of respondents agreed that parity strengthened democracy, with the highest consensus again appearing in parity-adopting countries (Archenti 2011: 51-59). While it is not surprising that countries with parity manifest the most support for parity, the expressed support within these countries is quite high. García Quesada explains the widespread support in the Costa Rican case: "Public and political debate [on parity] was not as polarized as it had been when the quota mechanism was proposed a decade before. Though not without pockets of resistance, the political class represented by members of political parties in the congress viewed democracy intertwined with gender equality [*sic*]" (2011: 123). In most cases, parity passed with a whimper rather than a bang.

Previous Legal Commitments

Those voicing resistance in parity-adopting countries would also find themselves contradicting their country's own legal commitments. Nicaragua and Costa Rica, for instance, adopted constitutional articles guaranteeing women's equal political rights well before they adopted parity. Similarly, all countries save Ecuador had comprehensive gender equality laws that predated parity. The 2008 equal opportunity law in Nicaragua, for example, demanded that political parties guarantee the "equal participation" of men and women in internal decision-making positions, and that a "proportional percentage" of men and women appear in

⁵⁰ "Paridad horizontal." *La Prensa Libre* March 12, 2014.

elected and appointed positions at all levels of government. A 2010 presidential decree clarified that this “proportional percentage” meant gender balance.⁵¹ The inclusion of parity in Nicaragua’s 2012 electoral reform simply affirmed this policy, perhaps explaining deputies’ lack of discussion in the plenary.

Proponents also drew many of their strategic frames about gender balance, equality, and democracy from prior jurisprudence about *quotas*. Parity in Ecuador, for instance, was previewed by a 2002 Supreme Court ruling. The case challenged how political parties’ implemented the 1997 quota law’s placement mandate: rather than alternating men’s and women’s names on the electoral lists, parties had interchanged blocks of men’s names with blocks of women’s names. The Supreme Court rejected this practice, ruling that alternation meant zippering men’s and women’s names. The justices argued that the state must eliminate gender inequality, rejecting practices—like interchanging blocks of names—that would diminish equality.⁵² This reasoning suggests an early, though unstated, concern with the equality of results: the practice of zippering would increase women’s electoral chances, whereas the practice of interchanging would lower them. Like Nicaragua, Ecuador established the legal groundwork for parity before actually adopting parity, leaving opponents little space for objecting. As party leader Fabián Yaksic’s acknowledged before the country’s electoral tribunal, “it is an obligation, a duty, and a constitutional right for women to participate according to parity and alternation.”⁵³

Prior jurisprudence also shaped support for parity in Mexico. In 2011, a cohort of female party activists filed suit with the federal electoral court, claiming that the quota law’s exemption for candidates selected via internal party primary violated the constitution’s equal rights clause (Ortiz Ortega and Scherer Castillo 2014). The electoral court’s groundbreaking

⁵¹ Law #648 (Articles 9 and 11), February 14, 2008, and Decree #29, June 28, 2010.

⁵² *Tribunal Constitucional* Decision 28, November 15, 2002.

⁵³ “TSE recomienda paridad y alternancia en estatutos de organizaciones políticas.” *El Diario*, 20 November 2013.

ruling decreed that women’s rights deserved “maximum protection” and that the quota must be applied “without any exception.”⁵⁴ The court reasoned that the constitutional principle of majority rule in choosing candidates could not outrank the constitutional principle of gender equality: political parties could select candidates however they wanted, but they could not avoid the quota.⁵⁵ With this decision, the tribunal began conceptualizing electoral justice in terms of electoral outcomes, deliberately constructing the groundwork for parity (Alanís 2013). An opportunity to advance further appeared in 2013, when a male candidate claimed discrimination based on his movement down an electoral list: the electoral court rejected his petition, clarifying that “maximum protection” meant alternating men’s and women’s names on the list.⁵⁶ In tying rights and equality to outcomes, and outcomes to alternation, the court’s rulings previewed the frames later used by parity proponents.

Parallels between legal language and parity discourses appear most clearly in the Costa Rican case. In 2008, the Costa Rican constitutional court heard arguments that a party’s formula for determining list position violated the quota law’s placement mandate by relegating women’s names to the unelectable, bottom slots. The court’s ruling expressed how quotas intended to *elect*—rather than just nominate—equal proportions of men and women:

The equity that is desired is conceived as the equality of results, especially when the equality of opportunities cannot succeed even in removing formal barriers. The quota and other affirmative actions are precisely the necessary mechanisms to achieve the desired equity; they should be applied correctly, and if obstacles remain, additional compensatory mechanisms should be introduced to reach the equality of results.⁵⁷

A 2012 ruling reinforced this commitment to the equality of results. Responding to a case claiming that alternation violated *men’s* individual rights to equal treatment and to election, the constitutional court held (1) that alternation did not constitute special treatment, but the achievement of “real equality” and (2) that the right to election was not “just a right that

⁵⁴ *Tribunal Electoral del Poder Judicial de la Federación*, Decision 12624, November 20, 2011.

⁵⁵ *Ibid.* See also Alanís (2013).

⁵⁶ *Tribunal Electoral del Poder Judicial de la Federación*, Jurisprudence 29/2013, August 21, 2013.

⁵⁷ *Sala Constitucional*, Decision 9582, June 14, 2008.

affects a male citizen or a female citizen individually, but the democratic system as a whole.”⁵⁸ Here, the constitutional court conceptualized parity as a structural prerequisite of the democratic state, articulating the same philosophical underpinnings advanced by deputies.

Beyond Legislatures and Towards Parity Governments

Parity’s framing as a philosophical commitment to gender balance and democracy across all state institutions—as expressed in the Quito and Brasilia consensus—helps explain why the measure frequently applies beyond the legislature. This model appears in Ecuador and Bolivia, whose new constitutions specify parity across all government branches and all levels, including the public administration and the autonomous indigenous territories. Though less comprehensive, the parity reforms in Costa Rica and Nicaragua cover the legislative and executive branches at the national and subnational levels, including Costa Rica’s dual vice-presidency. Parity principles in Ecuador, Costa Rica, Honduras, and Mexico also extend to the political parties, requiring parity for party directorates, irrespective of how these officers are selected within the party. The Dominican Republic, despite applying a 33 percent quota for national and municipal legislative elections, applies parity for mayors and vice-mayors.⁵⁹

These extensions are consistent with proponents’ frames about parity as an expression of democracy, one leading to gender balance in office (rather than merely in candidacies). Preferences for parity governments have appeared elsewhere in the region, often informally. For example, the parity law in Bolivia required President Evo Morales to appoint a gender-balanced cabinet, but Presidents Michelle Bachelet of Chile, Daniel Ortega of Nicaragua, and Ollanta Humala of Peru voluntarily but deliberately selected parity cabinets. In April 2014, the mayor of the autonomous district of Mexico City decreed that the entire public

⁵⁸ *Sala Constitucional*, Decision 1966, February 16, 2012.

⁵⁹ Quota Project, <http://www.quotaproject.org/uid/countryview.cfm?country=65> (accessed 31 May 2014).

administration would adopt parity by 2019, including the popularly-elected officials who administer the city's 16 sub-units.⁶⁰ The Mexican states have taken similar measures. Though the 2014 constitution only requires parity for the national and state assemblies, activists have successfully pressured many states into extending parity to the *ayuntamientos* [municipalities]; since municipal executives and municipal councilors are elected from a single ticket, parity will affect both branches of government. Mexico's national electoral institute has also pursued parity, applying strict gender balance rules to select the administrators who run the 32 subnational electoral institutes.⁶¹ The institute's president explained that this decision emerged from the agency's commitment to "real equality" in all aspects of the country's electoral life.⁶²

The most innovative parity reform comes from Costa Rica, which legislated parity for the boards of civil society associations in 2010.⁶³ Yet problems arose when the Office of Community Development (DINADECO) within the Ministry of Government announced that it would de-register and disband organizations whose executive boards did not reflect parity. Numerous *female-led* philanthropic organizations, many of which sub-contracted with the Costa Rican government to deliver state-funded childcare and healthcare, suddenly faced dissolution because they lacked men on their executive boards.⁶⁴ That DINADECO's regulations could result in suspending welfare services provoked a political firestorm, and the agency backpedaled. The final regulations allowed voluntary associations to remain registered by either achieving parity or demonstrating "reasonable efforts to recruit the underrepresented sex."⁶⁵ In April 2014, Costa Rica's constitutional court upheld the civil society parity law,

⁶⁰ *Gaceta Oficial del Distrito Federal*, April 15, 2014.

⁶¹ Interview with president of the national electoral institute, Mexico City, May 14, 2015.

⁶² *Ibid.*

⁶³ Law #8901, November 18, 2010.

⁶⁴ "Sala IV estudia ley de cuotas directivas." *La Nación* March 30, 2011.

⁶⁵ Dirección Nacional de Desarrollo de la Comunidad, Ministerio de Gobernación y Policía, Resolution 17-2011, June 6, 2011.

leading the nation’s human rights ombudsman to state that “guaranteeing the access of women to public and business life will strengthen the culture of equality and democracy.”⁶⁶

How the constitutional court’s decision affects DINADECO’s regulations remains unseen, as the court also ruled that parity—while constitutional—could not disrupt state-funded welfare services.⁶⁷ More interesting is how DINADECO’s experience reveals a unique twist to parity laws: though proponents speak about gender balance, the tacit assumption remains that the laws benefit women. The civil society parity will bring women into traditionally masculine spaces (trade unions, sports governing bodies, and business associations)—but it will also bring men into traditionally feminine spaces (philanthropic organizations and church groups). Likewise, proposals in Mexico for parity *within* the legislature—that is, parity for committee leadership and membership⁶⁸—would not just grant women access to the powerful budget and finance committees, but draw men onto the social policy committees. Latin American countries’ recent experimentations with parity suggest that the measures could in fact challenge the gender roles and norms that dominate all sectors of public and associational life.

Conclusion

This paper has explored how proponents and policymakers framed and legitimated parity laws in Latin America. Seven countries in the region—Bolivia, Costa Rica, Ecuador, Honduras, Mexico, Nicaragua, and Panama—recently shifted from quotas to parity, and parity innovations are spreading to other countries in the region. Parity advocates have portrayed this move as a new policy direction, an abandonment of quotas. In analyzing parity

⁶⁶ “El país avanza en material de derechos humanos al reconocer la paridad de género en las Juntas Directivas.” Press release, Human Rights Ombudsman Office, Costa Rica, April 5, 2014.

⁶⁷ *Sala Constitucional*, Decision 15755, September 26, 2014.

⁶⁸ Interview with Mexican deputy, March 13, 2014.

discourses, I conclude that proponents' claims have some technical merit, but stronger rhetorical appeal. Proponents' distinctions between quotas as temporary measures used to elect minimum percentages of women, and parity as a permanent mechanism used to achieve gender balance, *are* reflected in the laws themselves. Moreover, parity proponents no longer insist on women's presence in order to achieve feminist policy change, arguing instead that parity expresses (rather than just advances) democracy. Yet some of their claims reveal the gap between this philosophical ideal and electoral realities: for instance, proponents' insistence that parity will ensure equality of results remains purely aspirational, since political parties still control women's candidacies, including their assignment to winning or losing districts. These inconsistencies notwithstanding, parity discourses—especially when underwritten and legitimated by constitutions, equal right laws, and domestic jurisprudence—have proven persuasive throughout Latin America.

This paper takes only a first step in understanding parity's popularity in Latin America, and many questions remain. First, how did actors both within countries and across the region coordinate (if at all) on these strategic frames? The discourse analysis performed here revealed what proponents said, but not the underlying decision-making processes through which they arrived at their claims. Second, if parity discourses are indeed similar throughout the region, then what other factors explain why some countries apply parity exclusively to legislatures, others to all government branches, and still others to civil society organizations? Strategic frames alone cannot fully explain policy adoption, and scholars may wish to explore other variables, including the presence of leftist parties in government, the connection between parity and broader constitutional or electoral reforms, and the mobilization of civil society. Finally, though parity proponents do not justify gender balance by appealing to feminist policy outcomes, they clearly hope that more women will attain office under parity than under quotas. Does gender balance infuse state institutions with a

gender perspective? Parity proponents may have strategically focused on parity's philosophical merits, but scholars may wish to explore the long-term policy consequences.

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Table 1.

From Quotas to Parity in Latin America. Countries listed in order of parity adoption.

Country	Quota Law	Quota Adopted	Parity Law	Parity Adopted*	Parity Effective**
Ecuador	unicameral, 20%	1997	Constitution Electoral and Political Parties Law	October 2008 April 2009	2009
Bolivia	both chambers, 30%	1997	Constitution Electoral Law (#26/2010)	February 2009 June 2010	2009
Costa Rica	unicameral, 40%	1996	Electoral Law (#8765)	September 2009	2014
Honduras	unicameral, 30%	2000	Electoral and Political Parties Law (<i>Decree</i> #54/2012)	May 2012	2016
Nicaragua			Law Reforming Electoral Law #331 (#790/2012)	May 2012	2016
Panama	unicameral, 30%	1997	Electoral Code (#54/2012)	September 2012	2014
Mexico	both chambers, 30%	2002	Constitution Law of Political Parties	February 2014 May 2014	2015

* Date reflects law's publication or promulgation.

** Year parity will apply to selecting the national legislature

Source: Author's elaboration based on each country's legislative record