



**'The presence of women in spaces of political representation is good not only for women but also for democracy'**



*In November 2017, Argentina passed a [gender parity law](#) aimed at guaranteeing 50 per cent female representation in its National Congress. CIVICUS speaks with Natalia Gherardi, Executive Director of the Latin American Team for Justice and Gender (ELA), an Argentine civil society organisation that pursues gender equality through advocacy, networking and capacity development for political and social actors. Founded in 2003 and based in Buenos Aires, ELA is an interdisciplinary team of women with a background in public administration, the law, academia, international organisations and civil society.*

**1. According to data from the [Inter-Parliamentary Union](#), only 12 countries in the world have more than 40 per cent of women in their chambers of representatives or unicameral legislatures. What is the situation in Argentina, and what will change after the passage of the gender parity law?**

In the 1990s, Argentina became a pioneer when it passed a law that established a quota for women in its national legislative body. This reform was carried out through an amendment of the National Electoral Code that established a 30 per cent female quota in party lists for the election of national deputies and senators. In the years that followed, all provinces in Argentina passed similar laws that applied to their provincial legislatures. This affirmative action measure sought to raise the threshold for the inclusion of women in the legislative sphere. It accomplished, its goal, albeit not without difficulties. According to a [study](#) we published in 2011, the share of female national legislators rose from less than five per cent in 1983, when democracy was restored, to almost 40 per cent in 2011.

Over the 25 years it has been in force, however, pitfalls in the implementation of the Women's Quota Act (Ley de Cupo Femenino) were frequent. This resulted in several legal proceedings aimed at challenging party lists that circumvented the female quota required by law. In 2015, still 10 per cent of the lists presented for national elections did not fulfil the legal mandate in a variety of ways, and electoral justice bodies were not fully exercising adequate controls.

The electoral reform bill that the executive promoted in 2016 could have incorporated measures to improve the implementation of the quota system, but chose not to do so. That would have been too minor an objective. Commitment to a high-quality democracy demands a lot more: it requires parity. Debate in Latin America was already being framed in those terms. For this

reason, in Argentina women from different political parties joined together around various bills seeking to incorporate the principle of parity. As a result, a law reforming the National Electoral Code was enacted in November 2017.

As mandated by the new law, from the 2019 legislative elections onwards, all party lists for national legislative elections must include 50 per cent women, with women and men in alternating positions on the list so that eligible positions are equally distributed by gender.

We hope that the implementation of this law will have an impact on at least two levels. In a very practical sense, it will result in an increase in the number of women in legislative bodies, which will also translate into more women in all areas of congressional work. But in addition, the law's implementation will contribute to deepening the social consensus around the need for a greater presence of women in positions of power and in all areas of the social, political, economic and cultural life of our country.

**2. In recent years many voices, almost invariably men's, have insisted that there is no longer gender discrimination and inequality in Argentina, since a woman has even been able to become president. What is wrong with this line of reasoning, and what is the best way to respond to it?**

Having a woman president was important, as today it is also important to have a woman as the governor of Argentina's largest province, because it opened the door to a world of possibilities. In recent years, women have amply demonstrated that they can occupy positions of power in various arenas: not only in the presidency but also in the Supreme Court, the Public Ministry and in setting university policies. These changes have taken place both nationally and in several provinces across Argentina. These women have become role models that are helping us transform the views that society holds on women - and that women, particularly young ones, have of themselves - as well as challenge stereotypes surrounding the exercise of power.

However, detractors of affirmative action policies hold onto particular cases to argue that women 'have already achieved everything.' Basically, they argue that if one woman has reached a certain position, affirmative action measures are no longer necessary. Nevertheless, the very fact that we are able to name the woman who has reached the presidency, the Supreme Court, the governorship, the university dean's office or the company's top management shows that such a woman is the exception rather than the rule. If we can name them, then we can count them, and that is because they are still so few compared to the number of available positions.

Opponents of female quotas also argue that quota requirements and parity rules undermine merit as a rule for access to public office, and hint that there would in any case not be enough women qualified to become legislators. However, several indicators contradict this. For instance, for over 20 years women have accounted for 60 per cent of graduates from various schools at national universities. In Congress, women legislators have higher educational achievements than their male counterparts: there are 10 per cent more women with a higher education degree than men. In addition, women appear to be more effective at their job, since despite the fact that there are fewer of them, they have led more than half the bills.

Still others say that we must be patient: over time, female leadership will develop and women will be able to reach decision-making positions without the need for policies to push the process forward. This argument ignores the power mechanisms that operate during the negotiation of party lists, due to the fact that internal democracy in political parties is quite limited - for instance, nepotism abounds, an issue that for some reason only seems worrisome when it benefits a woman. It also ignores the fact that women's representation in Congress has remained stagnant for quite some time now. In 2001, a reform of the quota system was passed

as a result of a [claim](#) brought to the Inter-American Commission on Human Rights (IACHR) by a female leader of the Radical Civic Union party. [María Teresa Merciadri de Morini](#) had denounced that her party had violated the law on the 30 per cent quota, since two women had been placed in the third and sixth positions of a six-candidate list, although there were only five seats at stake. As a result of an IACHR decision backing the claimant, the national regulations in force were amended to clarify and solve the issue. After that we saw a steady increase in the representation of women in Congress, which grew at a rate of 2.5 points per election until 2009. Since then and until 2015, however, the trend began to decline: the ability of the 30 per cent quota requirement to promote parity was exhausted almost a decade ago.

Another common argument against female quotas holds that women would not be interested in occupying those positions of responsibility, which is the reason why they do not pursue leadership opportunities or even decline them when they arise. According to this line of thought, women prefer other forms of personal development, mainly linked to raising a family to which they dedicate a large part of their time and effort by carrying out invisible care tasks. This is an interesting argument, because it is based on real data. According to the [Survey on Unpaid Work and the Use of Time](#), women in Argentina devote twice as much time as men to care tasks. Our [analysis](#) of the personal trajectories of Congress members shows that a higher proportion of women than men are widowed, single or divorced, and on average they have fewer children than their male counterparts. This seems to indicate that in order to take advantage of political and other opportunities, women need to have fewer direct care responsibilities. But several aspects of this require clarification: do all women choose the same things? Are their choices not determined to some extent by their cultural context? And finally, what role should public policies play in favouring a social organisation of care that is fairer in gender terms, so that unpaid work does not fall disproportionately on women? Congress itself was until quite recently indifferent to the need to guarantee public policies to respond to this problem, which is generally relegated to the privacy of families: only recently were congressional regulations reformed to enable representatives to use the Chamber of Deputies' nursery, and this happened when a female representative became a mother during her tenure and made the request. So, should women withdraw, or should Congress change?

Understanding that women can and should occupy leadership positions as part of their right to a full participation in social, political and economic life is an ongoing process. That is why it is important not to backtrack on the progress that has been made and to respond to the fallacious arguments with which some try to stop the process.

### **3. Why is it good to have more women in political positions? Is it good for women, or is it good for democracy?**

Ensuring diversity in public office, and particularly in the legislative branch, which is the deliberative arena par excellence, improves the quality of public debate and strengthens democratic values.

Experience teaches that in many cases - although certainly not in all of them - it has been women who promoted equality policies, laws against gender-based violence and measures to guarantee sexual and reproductive rights, among many other advances of the past few decades. However, this is not the reason why women should be promoted to positions of power, nor should women be solely responsible for promoting gender equality. This is an obligation that derives from any authentic commitment to democracy and human rights, and as such we must require it from all those who exercise power in whatever field.

However, party structures generally remain barely open to women. It is interesting to wonder why

this is the case. Is it because of stereotypes against women? Or is it because those structures are part of a system that concentrates power in a few hands, and always in the same ones? The truth is that not only women are excluded from power arenas: lack of diversity does not have to do with gender only.

Parity is an ethical and political commitment based on the conviction that women should be present in spaces of political representation because that is good not only for women but also for democracy. The exchange of ideas that is typical of any democratic process is enriched by the diversity of views brought by people with different backgrounds and experiences.

It was based on this conviction that a gender-balanced cabinet was formed in Canada: not because it was ordered by law, but because that is what a modern, integrated and egalitarian society demands. "Because it's 2015," was the spontaneous justification provided by Canadian Prime Minister Justin Trudeau in the press conference following the public presentation of a cabinet that reflected Canada's composition - in gender and beyond. His cabinet included men and women, people with disabilities and people of various ethnic origins and sexual orientations.

We need to move towards that conviction in Argentina and in Latin America as well.

#### **4. How much work on the part of civil society did it take to have the issue addressed and the parity law passed?**

Several countries in Latin America made progress before Argentina in legally regulating gender parity in legislative bodies. Such were the cases of Bolivia, Costa Rica, Ecuador, Mexico and Nicaragua. For several years now the regional consensus that emerged from the [Regional Conferences](#) on Women in Latin America and the Caribbean have promoted parity policies as an ethical and political commitment that improves the quality of democracy.

By 2015 there were several bills up for discussion in Congress that sought progress towards parity. Thus, when the executive proposed an electoral reform, many female and some male leaders of all political parties came together to support a proposal that went far beyond the government's initiative. It is important to note that this implied collaboration among women in the government and in the opposition, who worked jointly with each other and with civil society organisations, and particularly with the women's and feminist movement, around a common goal. Women's rights, academic and human rights organisations supported the demand by running a campaign that we called [#MujeresALaPolítica](#) (#WomenToPolitics).

Among the strategies that we used to help put and keep the issue on the public agenda were the organisation of and participation in discussion groups, the preparation and dissemination of studies on the impact of women on politics, the publication of press releases and op-eds, the creation of permanent spaces of interaction for women from various political parties, [social media campaigns](#) and [street advertising](#).

This is how it was possible eventually to obtain a joint decision by both chambers to include the principle of parity in the electoral reform bill proposed by the executive, which the Chamber of Deputies approved in October 2016. At the same time, an independently proposed bill seeking to incorporate the parity principle into the National Electoral Code made progress as well and was approved by the Senate on the same day in October 2016. Thus, that legislative year ended with two bills similarly aimed at incorporating the principle of parity in the Electoral Code. Paradoxically, neither of the chambers discussed the project that had been initiated by the other, and neither of the initiatives became law.

This was the situation as the 2017 legislative year began. At that time, women representatives from both government and opposition parties committed publically to push forward the bill that had

been already passed by the Senate. This bill was finally turned into law in the last 2017 ordinary session of Congress, again thanks to smart coordination among women from various political parties. Once the bill was placed on the agenda, the overwhelming majority of representatives supported the approval of the law.

**5. Does your work end here, or do you anticipate implementation challenges that will require monitoring?**

No, our work does not end here. The passage of a law is not a point of arrival but the starting point of another complex process to guarantee its implementation. As was the case when the National Electoral Code was reformed to include a female quota in the 1990s, the coming years will also be key to guaranteeing an adequate regulation and application of the parity principle. We must remain very vigilant so electoral justice bodies fulfil their supervising role. The province of Buenos Aires recently reminded us of the need to keep an attentive eye on the implementation of normative achievements, when electoral authorities issued a [resolution](#) to bypass the application of the parity law that was already in force at the provincial level. We submitted a [legal complaint](#) against this resolution, which has not yet been satisfactorily resolved.

**6. Has Argentina's democracy become more inclusive in recent years? Are there any prospects for progress in that direction?**

Citizens have become more demanding of democracy, and this is very positive. A democratic process requires more than respect for the formality of voting every two years. A robust democracy requires informed debate, access to information and deliberation processes held with the widest possible participation. And yes, it also requires the inclusion of diversity, including but not exclusively regarding gender.

Progress towards gender equality requires cultural change, and that is a slow process that needs to consolidate over time. Along the way, having role models allows new generations of girls and young women to see themselves reflected in different mirrors and to project themselves towards a greater variety of possibilities. At the same time, it helps men value women's capacities from a more egalitarian point of view.

Of course, in order to sustain this process it is essential to review carefully the messages that the media contribute to shaping and disseminating. And co-responsibility in care duties - not only of children but also of older adults and all dependent persons - should also be emphasised. These tasks must be undertaken by women and men under conditions of equality, and accompanied by adequate public policies that reduce not only their impact in terms of gender but also their socioeconomic impact. Ignoring this issue has negative impacts not only on equality and access to power, but also on employment and other conditions for the exercise of autonomy.

I hope that the incorporation of the parity principle in the legislative arena will allow us to make progress towards making real the commitment to equality that sustains our democracy. In addition, I hope it will turn the arena in which the interests of the people are represented into a more faithful reflection of itself, while contributing to opening a conversation about women's participation in other decision-making spheres. In short, gender parity needs to be understood as a guiding principle for the democratisation of social relations among genders.

Civic space in Argentina is rated as 'narrowed' by the [CIVICUS Monitor](#).

Get in touch with ELA through their [webpage](#) and [Facebook](#) profile, or follow @EquipoELA and @NataliaGherardi on Twitter