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Conditions determining the level of representation of women: The experience of quota system in Latin America*

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^{*} The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Women participation in the Latin American political systems must be seen in the context of redemocratization of the region. But there is a consensus that in this context, the introduction of the quota system is a key element. A recent study on this subject (Clara Araújo and Ana Isabel García, 2006) presents a general picture and the conditions in which quotas maximize its efficacy.

In order to give an idea of the trend in the region, Table I provides a general view of the position of women in the legislative powers in three periods: between the 1970s and the 1980s, around 1995 and in 2004. Before 1995, except for the case of Argentina, all the listed countries did not have quotas. So, 1995 was chosen since it is the year that immediately precedes the process that led to the adoption of quotas and was the year of the Beijing Conference.

The data in the 3rd and 4th columns of Table I show a growing trend in the participation of women in Latin American legislative representation, despite the wide variation in the electoral years. That period coincides with the end of dictatorship and/or the beginning of redemocratization in many countries, processes that gave a boost in women's representation in parliaments. In general, the data show a growth trend based on two conjugated factors observed during the period:

- a) an increasing trend in the participation of women in Latin American parliaments that is independent of the quotas; and
- b) the strong impact caused by quotas in most of the countries where the system had been implemented.

Table I
Presence of Women in Latin America Chambers (%)

	Pr	Difference in						
	1969-1983	1995 ^{a)}	2001-2004	points 1995- 2004				
Countries with Quota								
Argentina	7.8 (1973)	5.5	33.5 (2003)	28.0				
Bolivia	0.8 (1982)	10.8	18.5 (2002)	7.7				
Brazil	0.9 (1982)	6.2	8.2 (2002)	2.0				
Costa Rica	7.0 (1970)	16.0	35.5 (2002)	19.5				
Dominican Republic	14.3 (1974)	11.7	17.3 (2002)	5.6				
Ecuador	0.0 (1979)	4.5	16.0 (2002)	11.5				
Honduras	3.6 (1981)	7.0	5.5 (2001)	-1.5				
Mexico	11.2 (1976)	14.2	22.6 (2003)	8.4				
Panama	5.7 (1972)	8.3	16.7 (2004)	8.4				
Paraguay	5.0 (1973)	3.0	10.0 (2003)	7.0				
Peru	7.2 (1980)	10.8	18.3 (2001)	7.5				
Average	5.8	8.9	18.4	9.5				
	Countri	es without Quot	ta					
Chile	9.0 (1969)	7.5	12.5 (2001)	5.0				
Colombia b)	6.0 (1974)	10.8	12.0 (2002)	1.2				
Cuba	21.8 (1973)	22.8	36.0 (2003)	13.2				
El Salvador	11.6 (1983)	10.7	11.0 (2003)	0.3				
Guatemala	4.0 (1974)	7.5	8.2 (2003)	0.7				
Nicaragua	11.5 (1979)	16.3	20.7 (2001)	4.4				
Uruguay	1.0 (1972)	7.1	11.1 (2004)	4.0				
Venezuela ^{c)}	4.5 (1978)	6.0	9.7 (2000)	3.7				
Average	8.7	11.1	15.2	4.1				

Sources: Araujo and Garcia, 2006; based on: Official statistics; García and Gomáriz (1989), Valdés and Gomáriz (1995), Htun and Jones (2002), Peschard (2003), IPU (2004), Bareiro et al. (2004), GESO (2004).

Notes: a This data shows the situation of women in parliaments in 1995, the last year before most countries started to apply quota and the year of Beijing's Conference. However the year of elections in each country vary from 1991 to 1995. In Argentina the percentage is equivalent to that of the pre-quota 1991 election. b In Colombia, a Quota's Law of 30% was approved in 2002 for all 'high post' in the administrative, legislative and judiciary levels, at national, regional and local levels, too. The same law (art.5) established that there are some exceptions, amongst them that one for legislative electoral post, what has been interpreted by the High Court as "conditionally feasible" and not applicable to legislative representations. c. Venezuela approved a Law of Quotas in 1997. It was applied only to the 1998 election and the presence of women increased from 6 % to 12 %. In 2000 the high court declared it unconstitutional. After the 2000 election the percentage decreased to 9.7 %.

As it is shown, some countries that do not adopt quotas experienced progress in the participation of women in legislature between 1995 and the present – 13 % in Cuba¹, 5 % in Chile and 4.4 % in Nicaragua, for example. However, the most remarkable advances occurred in countries that did adopt quotas as in Argentina, Costa Rica, Ecuador, Mexico and Panama. Countries that have already implemented quotas, with the exception of Brazil and Honduras, witnessed an increase in female participation, which in general is higher than what had occurred in countries under election without quotas. The Argentina's case is still paradigmatic and Costa Rica has one of highest percentages in the world.

The comparison shows that the difference between the averages in the Chambers (of countries with and countries without quota) is small, about 3 %. However, what is noteworthy is the increase that has occurred in the average in both types of countries from 1995 to 2004.

It is important to note that the growth in Latin America has not been uniform. The variation within the two categories – countries with and without quotas – is remarkable, both, in terms of increment and in terms of its rhythms. There is no pattern of growth among countries with quotas. It varies from almost 30 % to a -1.5 % as in the case of Honduras. In most countries that already had two or more elections with quotas, the best performances were in the second period. These gains in the second period tend to reflect legislative improvements and a broadening support base for quotas within women's movements, as in the case of Mexico and Costa Rica. However, not all countries that established more precise rules and sanctions kept or increased the growth rate. Ecuador and Dominican Republic, for instance, had a better increment in the first election with quotas. In the second, already possessing an enhanced legislation, the growing rate was smaller. In Brazil in the first election with quotas the percentage decreased from 6.8 % to 6.2 %. In the second one it increased slowly, only from 6.2 % to 8.2 % and the legislation remained unaltered throughout this period. Such fact suggests that the improvements in the legislation are mingled with other factors, which might be important for the success of the measure. As an exception, for Panama, there are no signs of significant modifications in the legislation. However, in the first election with quotas, the percentage of women elected in Panama remained almost the same -9.9% – but in the election of 2004 it changed to 16.7 %. This was a substantial increment in the percentage of women elected.

Women's representation in the Senates shows the same trend as the Chambers in terms of general growth. There are variations in terms of increment, but in general, countries with quotas have on average the highest percentages of women senators, see Table II.

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¹ Cuba is a particular case since it does not fit within the parameters of a classical representative liberal democracy, which is in focus here.

Table II

Presence of women in the Senate in some Latin America countries (%)

Countries							
	Presence of women					Difference	
	1969-1982		1995 a	2000-1		in points 1995- 2004	
	•	Count	ries with Qu	ota		•	
Argentina	4.3	(1976)	5.6	36.1	(2001)	30.5	
Bolivia	7.4	(1982)	3.7	14.8	(2002)	11.1	
Paraguay	3.3	(1973)	11.0	8.8	(2003)	-2.1	
Average	5.0		6.8	19.9		13.2	
		Countri	es without Q	uota			
Brazil	1.5	(1982)	7.4	12.3	(2002)	4.9	
Chile	2.0	(1969)	6.5	4.1	(2001)	-2.4	
Colombia	0.9	(1974)	6.9	8.8	(2002)	1.9	
Dominican Republic	11.1	(1974)	3.3	6.3	(2002)	3.0	
Mexico b	6.3	(1976)	12.5	15.6	(2000)	3.1	
Uruguay	0.0	(1972)	6.7	9.7	(2004)	3.0	
Average	3.6	1	7.2	9.5		2.3	

Sources: Araujo and Garcia, 2006; based on: Official statistics; García and Gomáriz (1989), Valdés and Gomáriz (1995), Htun and Jones (2002), Peschard (2003), IPU (2004), Bareiro et al. (2004), GESO (2004).

Notes:

In short, when comparing the total number of women in the parliaments of Latin America at the beginning and at the end of this period, it is possible to reach a clear conclusion: there is a general trend of growth in the region; and the most powerful factor for growth of this total seems to be strongly related to the increase of female members of parliament in the countries that adopted quotas. This could be considered as a regional 'fast track effect' (Dahlerup and Freidenvall 2003). However, the internal variation of this effect suggests that it also depends on a conjugation of features.

Therefore, it is possible to identify aspects that are relevant to the process of adoption of quotas in Latin America, from normative, institutional and organizational

a This data shows the situation of women in parliaments in 1995, the last year before most countries started to apply quota and the year of Beijing's Conference. However the election years in each country vary from 1992 to 1995.

b The last quota law approved also applies to the Senate, but there was no election to the Senate in the last election. Therefore, the country is here counted as not having quotas.

perspectives. First, from the *normative* stance, the efficacy of quotas depends upon whether or not procedures exist that enforce the law and, more importantly, guarantee that women are in positions that enable them to be elected. Argentina and Costa Rica are good examples, which also show the importance of a careful composition of these procedures in order to avoid any dubious interpretations.

Resulting gains tend to be associated with *organizational conditions* and with pressure from female party members as well as with their capacity to draw support from other organized female sectors, exemplified by Argentina, Costa Rica, Bolivia and Ecuador. The content and scope of the norm will depend on the political strength of its supporters. In sum, the efficacy of laws establishing quotas is dependent upon the degree of organization of women in parties and in appropriate networks and/or coalitions.

In addition to the normative and organizational aspects, several *institutional variables*, previously regarded as important in a general analysis of the access women to legislative representation, are also taken into account in the case of quotas. The type of electoral system and its interior characteristics - the district size, the party size and the format of the list - are also present in the study of Latin American experiences (Schmidt, 2003; Htun and Jones, 2002; Polanco, 1999; Peschard, 2002). The case of Costa Rica presents a further opportunity for introducing an additional factor: the age of each party. However, there is no consensus regarding importance of these factors on the efficacy of quotas. Some aspects tend to be more visible, while others still need research and a better analysis. Next, a briefly presentation of some of these factors:

- a) The first factor to be considered is the *type of electoral system*. Quotas tend to be more easily accepted in a proportional electoral system, since they would allow the inclusion of new players those included as a result of the quotas without risking the exclusion of players already present and/or inserted in the political scenario. Most Latin American countries that have adopted quotas have proportional electoral systems. Although half of the Latin American countries that have adopted quotas work with mixed systems, the quotas usually apply to the proportional part of the system. Nonetheless, it is interesting to observe that several countries adopted quotas for the Senate with prevailing majority systems -- and the results have been quite positive.
- b) The *magnitude of the district*, is another controversial aspect discussed in the literature. Htun and Jones (2002:39), in their analysis of the Latin American experience, argue that the efficacy of quotas is limited in the case of smaller districts, especially those with a large number of parties. Schmidt (2003) questions this position in an analysis of the Peruvian experience with quotas in municipal elections. Results of this study suggest the opposite: Peruvian women had a better performance in smaller districts due to local electoral logic that guided the choice of candidates, entitled the "effective quotas" by the author. Most of the literature suggests that large and medium-sized districts stand a chance of electing women, irrespective of the quota system. Matland (1993), in turn, emphasizes party size rather than district size. The Brazilian experience also seems to contradict the dominating position that confers a greater relevance to large or medium-

seized districts.² The implementation of quotas does not seem to have changed this trend, and, on a proportionate basis, smaller districts continue to elect more women. In conclusion, the comparison between district sizes and the results of each country do not demonstrate that in Latin America, countries with larger districts obtain better performances.

c) The *type of electoral list*: there is no consensus about this aspect, even though it is probably regarded as the most relevant. Various authors argue, based upon comparisons, that quotas tend to work better in closed lists, as long as they are distributed on a basis of alternate allocation criteria. In other words, as long as women are guaranteed eligible positions in the lists (Araújo, 2001, Polanco, 1999), a real probability of being elected (García, 2003) or what Htun and Jones (2002) define as a "position mandate". In general, open lists do not line up candidates for the purpose of eligibility. Thus women not only face the difficulties of being included in the lists, but also difficulties regarding their competitive positions within the lists. Generally, inclusion in electoral lists, when not accompanied by other measures does not have a major impact. This analysis of Latin America is based upon a comparison between Brazil, Panama, Peru and Ecuador (countries with open lists) and the remaining countries (with closed lists).

Nevertheless, some data contributes to the fact that a consensus does not exist for this aspect as well, such as:

- The previously cited Schmidt study (2003) and the results obtained in Peru and Ecuador. Schmidt suggests that there may be a greater variation intra list, whether open or closed, than between lists of different kinds, as long as other factors interfere. Thus, the logic behind organizing closed and blocked lists may vary considerably between proportional and majority systems. Likewise, the results obtained by women with the elaboration of open lists may vary significantly between districts, according to a series of institutional and cultural factors. In the case of Peru, the author demonstrated that the results were significant even with open lists and small districts. According to Schmidt, this occurred because of what he called "effective quotas", that is, quotas that require parties to follow a specific logic, one that includes women given their competitiveness. The "effective quotas" tend to work in districts of smaller size or in "unique districts", such as the city of Lima, where women were competitive even prior to the adoption of quotas.
- The overall results obtained in Peru and Ecuador that point to a good performance in open lists systems. These results, however, should be carefully analyzed, since they tend to be affected by variations of the list system and by particularities of the political context. The open list Peru allows up to two preferential votes for candidates, and not just one vote, as in Brazil, for example. In conclusion, the various experiences in Latin America suggest that closed lists produce a more favorable

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² In the Brazilian case, the proportion of elected women in the smaller districts has been greater than those of medium-sized and large districts. One must remember, however, that the smallest Brazilian districts have 8 seats and the biggest 47, and at the same time, there is a high rate of party fragmentation.

relation, although their efficacy depends upon both institutional and particular circumstantial factors.

d) *Life span of the parties*: another aspect that deserves further examination in regards to the preliminary "contagious effect" of quotas on legislation. Again, there is no consensus on this point. In some Latin American countries, quotas were adopted and effectively applied by newly formed parties. In other countries, the older parties took on this practice. Costa Rica, for example, illustrates both situations: presenting both older and, up until the 90's, majority parties (PLN and PUSC) as well as a new party, PAC, that appeared in the 2002 election. ML, another party that emerged at the end of the 90's does not have quotas, a privilege granted on behalf of its short electoral history, according to official interpretation.³

In addition to the normative character of the laws and to certain factors associated with the electoral system, the analysis of the quotas experiences in Latin America suggests that two other aspects have driven results:

- organized action of female party members, especially when involved with other women's movements, can exert pressure on the effectiveness of the law, in regards to either its content or its observance by the parties;
- what we can define as a "two-way" effect: institutional fragility and a personality-dominated political culture. This means that innovative ideas were more easily accepted due to the fact that the institutions, and the judicial-constitutional system as a whole, were weakened due to the previously existent authoritarian and discretionary practices.

This last aspect leads to an additional hypothesis, to be further developed: the region's political culture is mixed with "non-modern" traces, in relation to that which was previously mentioned. In comparison to countries in other regions, defined as "developing" nations, countries with "modern" traces, designate relatively little weight to certain traditional values in the organization of social life, such as hierarchy. This hybrid characteristic, in conjunction with institutional weaknesses, makes it more difficult to resist certain innovations. It also opens the way for changes that, on the one hand, would be resisted by other countries, with more hierarchical and traditional values, due to the organization of their social relations; on the other hand, might not be permitted by countries with a democratic tradition, considered to be developed and to have consolidated, highly valued institutions, due to a more institutionalized political culture. Ramirez and Eneaney (1997) observe that innovative processes tend to be more easily assimilated by countries with less consolidated institutional structures. Conversely, more mobilization is required for change in countries with a greater democratic tradition, given the importance of their institutions to their political culture. This may explain the relative ease of incorporating quotas, in terms of official rhetoric and legal action, in contrast with the difficulties experienced, for example, by the consolidated European democracies.

Conclusion

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³ PLN: Party for National Liberation (social-democrat); PUSC: Christian Social Unity Party; PAC: Citizen's Action Party (left participationist); ML: Libertarian Movement (neo-liberal).

An analysis of the adoption of the quotas system, seen as a positive means of increasing the participation of women in Latin American political systems, should begin by highlighting its importance and dimensions: presently, eleven out of nineteen countries in the region have adopted legal measures regarding participatory quotas. In some cases the measures are constitutional, while in others, they result from electoral norms or ordinary legislation. Furthermore, parties with nationwide influence frequently adopt some form of quota system in countries that lack these national norms. It is important to note that this process is very recent and has occurred over a short period of time. Following the adoption of quotas in Argentina in 1991, most quotas systems were established between 1996 and 1998 (Honduras established quotas in 2000).

This concentration in time seems to indicate the importance of circumstantial and accumulative factors. Specific characteristics of the re-democratization process in Latin America during the 80's and 90's are amongst the principal factors. With respect to the cumulative processes, it is important to note advances made regarding the idea of gender equality in the international community and especially in the UN, as well as the growing presence of the feminist and women's movements in the Latin American scenarios.

Indeed, the adoption of the quotas system in Latin America took place within a context of regional democratic openness that tended to consider the agendas of the social movements that appeared in the 80's, as a means of modernization and legitimization. Governments sought legitimization, by supporting or adopting a positive political agenda, driven by the need to compensate for the negative impacts of neo-liberal economic reforms. In this general context, the feminist and ecological agendas, which became part of the public agenda, achieved a noteworthy success, subsequently producing normative and institutional changes.

The process of political openness acted as a modernizing stimulus primarily on countries rebuilding their democracies during these two decades. It also, however exerted an influence on countries with a greater democratic stability, such as Costa Rica. This can be explained by the fact that all had suffered, in some manner, with the political crises of the 90's, or with the crises provoked by the decentralization of politics and the subsequent need to widen the bases for legitimizing the system. Women, in this case, had to deal not only with the incorporation of their agenda, but also with their direct inclusion as new players in the political system.

The adoption of the quotas system has a strong impact on the increasing number of female political representatives on a regional scale. Nevertheless, a general trend of increasing female participation can be observed from 1995 until the present day. This trend does not depend upon the existence of a quotas system, although its rhythm is considerably slower. In fact, only one out of the countries that do not have a system of quotas, witnessed stagnation with regard to female participation in its parliaments. Some countries without quota systems actually produced growth figures: Chile (from 7.5% to 12.5%), Uruguay (from 7.1% to 11.1%). However, the most remarkable advances have undoubtedly taken place in countries that have adopted quotas: Argentina (from 5.5% to

33.5%), Costa Rica (from 16.0% to 35%), Ecuador (from 4.5% to 16.0%), Mexico (14.2% a 22.6%) and Paraguay (from 3.0% to 10.0%). Therefore, results appear to indicate that the global increment observed on a regional level is basically associated with the adoption of quotas in a significant number of countries.

It is important to take into account the existence of a complex scenario of interweaving issues, when considering the set of factors that interfere in the results of the quotas systems, even when several can be clearly identified. In addition to the previously mentioned structural aspects, organizational normative and institutional conditions should also be considered. Thus, it is possible to state, for example, that the nature of the electoral system exerts an influence, and that quotas function more favorably in proportionate systems. All in all, in terms of acceptance, the Latin American case presents a certain balance between proportionate and mixed systems. In the latter, the quotas have been applied to the proportionate part of the representation, thus reinforcing the previous affirmation. Another relevant element is concerned with the type of list – whether open or closed. In general, countries with closed lists have produced the best results, apparently facilitating more effective normative mechanisms. Open lists appear to require greater normative support and to present more limitations in terms of eligibility. Although the relation between district size and the effectiveness of the quotas was also shown, studies under consideration do not indicate a pattern or trend. Another position, which claims some consensus regarding its importance, refers to the configuration and specifications of the norms of the quota systems. This factor, in conjunction with the organizational level and political capacity of women, within parliament and party structures, is critical in the defense and enforcement of more effective legislation. The alliance between female party members and other organized groups of women is another significant factor.

In sum, we are faced with a set of elements that reinforce a multifaceted perspective of the analysis of women and their political representation, further exemplified by the experiences with quotas. However, although the factors mentioned above appear to be the most relevant in this analysis, a deeper investigation must be conducted in order to obtain a rigorous understanding regarding the articulation of the distinct types of factors -- structural, organizational, normative or institutional -- in the quotas systems.

ANNEX:
Some general features of quotas to legislative branches in Latin American countries

Country	Quota type	Year of Introduction	Quota Provision	Type of List to the Chamber ^{b)}	Rules About Ranking Order	Sanctions for Non- compliance	Electoral System
Argentina	Legal quotas (C)	1991 2001	30% 30%	Closed	Yes	Yes	List PR
Bolivia	Legal quotas (L)	1997	30% ^{c)} 25%	Closed	Yes	Yes	MMP
Brazil	Legal quotas (L)	1997	30%	Open	No	No	List PR
Chile	No quotas			Open			List PR
Colombia	No quotas						List PR
Costa Rica	Legal quotas (L)	1997	40%	Closed	Yes	Yes	List PR
Cuba	No quotas						Two Rounds
Dominican Republic	Legal quotas (L)	1997 2000	25% 33%	Closed	Yes	Yes	List PR
Ecuador	Legal quotas (L)	1997 2000	20% 30% ^{c)}	Open	Yes	Yes	List PR
El Salvador	No quotas			Closed			List PR
Guatemala	No quotas			Closed			List PR
Honduras	Legal quotas (L)	2000, 2004	30% ^{c)}	Closed	No	No	List PR
Mexico	Legal quotas (L)	1996 2002	30% 30%	Closed to PR	Yes	Yes	MMP
Nicaragua	No quotas			Closed			List PR
Panama	Legal quotas (L)	1997	30%	Open	No	No	List PR and FPP ^{f)}
Paraguay	Legal quotas (L)	1996	20% 20%	Closed	No	Yes	List PR
Peru	Legal quotas (L)	1997 2000	25% 30%	Open	No	Yes	List PR
Uruguay	No quotas			Closed			List PR
Venezuela	No quotas			Closed			MMP

Sources: Araújo and García (2006), based on: Official documents; Bareiro et al. (2004); Htun and Jones (2002); Peschard (2003); IPU (2004); International IDEA and Stockholm University (2004). Notes:

a. Some countries have quotas for other lower levels: R=Regional or Sub-regional level; P=Provincial level; L=Local level.

b. The type of list has a great variation. Closed systems imply that voters can only choose between parties, not candidates. Open are electoral system in multinominal/PR districts in which voter can choose one or more candidates.

- c. 30 % is seen as a minimum, and the goal is to reach 50 %.
- d. In Brazil the present quota provision only applies to the chamber.
- e. In the Dominican Republic the present quota provision only applies to the chamber.
- f. Panama has a List PR and FPP proportional system.

Key Quota Type: Legal quotas; Constitutional (C) or Law (L).

Key electoral systems: *Plurality-Majority*: Two Rounds System. *Proportional Representation*: List PR. *Mixed*: MMP=Mixed Member Proportional.

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