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# **Impact of Legislative Gender Quotas on Gender Violence Legislation in Latin America**

By Lexi Hanks

Undergraduate Thesis

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### **Abstract**

During Latin America's transition to democracy in the 1990s, women (and other traditionally marginalized groups) made new demands on their political system for better representation. To resolve issues of representation, legislative gender quotas were implemented across the region. Although twenty years have since passed, the impact of gender quotas is still under question. The current literature on gender quotas measures their impact on women's political participation, descriptive representation, and symbolic representation. The current literature is inconclusive on what real impact gender quotas have on female citizens. I review how gender quotas impact gender violence legislation and conclude that there is a positive relationship between the strength of gender quotas and the strength of gender violence legislation. While the relationship is not especially strong, the relationship shows that gender quotas do make an impact in regard to gender violence legislation.

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## Chapter 1 – Introduction and Background

The role of women in Latin American politics has changed drastically over the past twenty years, making it a very exciting time to be studying Latin America. A region dominated by instability, authoritarian rule, and general turbulence throughout much of the 20<sup>th</sup> century, Latin America has transitioned into a region of democratic systems. With the transition to democracy came the world's first legislative quota law, passed by Argentina in 1991 (Zetterberg 2009, p. 717). A legislative gender quota is a law that requires a percentage of candidates to be women. After Argentina's law passed, many other countries in the region followed suit and passed similar laws. What are the consequences of these quotas? Do gender quotas improve the legal status of women? I argue that gender quotas do have a positive impact on the legal status of women. This argument will be evaluated by looking at the impact of gender quotas on gender violence legislation. This paper will answer the central question: do countries with legislative gender quotas produce more rigorous gender violence laws?

This issue is important to examine because gender violence is a human rights issue. Understanding the impact of legislative gender quotas on gender violence legislation helps to shed light on the status of women within a society. The level of gender violence in a society is an indicator of the quality of democracy. Democracy requires laws to protect all citizens equally. If one group is not equally protected by the law, and members of that group are then viewed as second-class citizens, then they are unable to enjoy the full rights of citizenship (Richards and Haglund 2015, p. 3). By not protecting a marginalized group, a state has then committed a human rights violation. If a state is not preventing crimes that disproportionately affect a marginalized group, the state is then empowering the perpetrator (Richards and Haglund, p. 3).

Gender quota laws in the region passed for many different reasons. For example, in Argentina, the adoption of quota laws was pushed by elite women from various political parties (Zetterberg 2009, p. 715). Ruled by populist Juan Perón, and later by a military dictatorship, Argentina transitioned to democracy with the election of 1983. During the dictatorship, women had been an integral part of the opposition to the military, but in the aftermath of the dictatorship they were marginalized in the new democracy (Zetterberg 2009, p. 718). Other reasons for implementation of gender quotas in Latin America include the influence of international norms of equality (especially after the Beijing conference in 1995) as well as the actions of government officials who wanted to demonstrate commitment, even if it was simply symbolic, to gender equality and women's rights (Zetterberg 2009, p. 718). Latin America is key to understanding gender quotas both due to their longevity in comparison with such quotas in other parts of the world, and to the fact that a large proportion of the region, 16 countries in total, currently has gender quotas.

Descriptive theories of representation suggest that with individual representatives of a group, like women, comes representation for the rest of the group. According to this perspective, a larger quantity of women in a legislature would produce more women friendly legislation. Legislation prohibiting or punishing gender violence is an excellent example of women friendly legislation. According to the United Nation's, "Declaration on the Elimination of Violence against Women," passed in 1993, gender violence, or violence against women, is defined as, "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life," (United Nations General Assembly 1993). In Article Two of the document, it continues that,

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Therefore, gender violence is a term that covers all forms of violence against women. This project will focus on four major categories of gender violence: sexual harassment, rape, domestic violence, and marital rape. It is useful to measure legislation regarding gender violence rather than rates of incidence itself when examining the effect of gender quotas, as legislators themselves produce legislation but do not enforce it. Moreover, it is extremely difficult to measure actual rate of incidence of gender violence. The majority of gender violence remains unreported, which makes it particularly dangerous for past, current, and future victims (Richards and Haglund 2015, p. X). For example, the 2000 National Violence Against Women Survey of the United States found that only one-fifth of all rapes by intimate partners were reported to the police (Richards and Haglund 2015, p. X).

Previous work that has analyzed legislative quotas has examined their effect on women's political participation, increasing the number of women in office, and descriptive representation. While studies have found that quotas usually increase the number of women in the legislature, scholars have found scant evidence of substantive impact on policy. Gender violence is a good measure of women friendly policy as it is an issue women can rally around, since it is clearly disadvantageous for all women. While women are separated by class, political



parties, race, and countless other identities, gender violence is an issue all women tend to agree on. While gender violence may look different as it intersects with race, class or other factors, it still affects all women similarly. Due to this, it is a good case for understanding if their representation within a legislature produces policy favorable for all women. If women cannot unite around an issue like gender violence, even with representation through legislative quotas, it is unlikely that women will be able to unite for any other issue.

Some authors, such as Tricia Gray, find that women are more likely than male legislators to vote for bills concerning women's issues (2003, p. 56). She also finds that women are more likely to propose such bills (Gray 2003, p. 56). Findings such as these indicate that if women gain more seats in the legislature, gender quotas can in fact have a positive impact on legislative content. As discussed previously, women could have a real, positive impact on legislative content regarding gender violence. Gender violence is an issue that affects all women, regardless of class, race, and political ideology. The central hypothesis thus is that gender quotas do make a positive impact on gender violence legislation through an increase of women's representation in the legislature. While much of the literature has not found a positive correlation between gender quotas and their effects on women, this hypothesis will be tested and examined with data on gender violence legislation, rather than trying to examine actual rates of violence.

## Chapter 2 – Literature Review

There is little literature addressing the direct effects of gender quotas on gender violence. However, many other scholars have studied the effects of gender quotas on other aspects of a society. Franceschet and Piscopo (2012) find that women legislators in Argentina hold equal qualifications as men, and that they are more likely to act in favor of women's issues. Luis Felipe Miguel (2012) finds that in Mexico women's legislative initiatives tend to be more unsuccessful than men's, but are important in that they draw attention to women's issues. Zetterberg (2012) finds that gender quotas in Mexico have no impact on women's symbolic representation. Zetterberg (2009) also finds that quotas do increase the number of women in the legislature, but that they do not influence the political behavior of constituents. Htun and Weldon find that only women who are involved in women focused organizations promote rape prevention and intimate violence laws in the legislature. Richards and Haglund find that women do play an important role in creating laws that protect women from gender violence. Lastly, Tricia Gray finds that there are minimal benefits besides representation to gender quotas in Argentina. She also finds that parties with quotas see a difference in women's representation and public policy in Chile.

Many scholars have researched the effects of gender quotas. Susan Franceschet and Jennifer Piscopo (2012) examine the demographics of legislators in Argentina to understand if they are making a difference or if they are simply, 'quota women' (p. 44). With widespread nepotism in Argentina, quota detractors claim that elected women make little impact because they are not adequately prepared to hold office; they simply replace elite relatives on party lists. They claim that this demonstrates that women cannot represent women voters in any meaningful way (Franceschet and Piscopo 2012, p. 43). Franceschet and Piscopo find that elected women hold similar educational levels to men, but are less likely to hold professional degrees and more

likely to hold graduate level degrees. They are also more likely to have been educators, and men are more likely to have been engineers (2012, p. 53). Additionally, they hold similar levels of political experience as do men, but women are less likely to have previously held executive-level positions (Franceschet and Piscopo 2012, p. 54). Lastly, they find that women are more inclined to act in favor of women's issues, as they are more aware of gender discrimination because of their past experiences as educators (Franceschet and Piscopo 2012, p. 54). Their findings suggest that women in the legislature are qualified to hold office, and that having quotas does not reduce the likelihood of this. This also suggests that gender quotas are beneficial as they help women who will champion for women's issues get elected to office.

Luis Felipe Miguel looks at women's political practices in Brazil. He says that gender quotas in Brazil are ineffective due to the combination of Brazil's open list proportional representation electoral system and the absence of quota sanctions (2012, p. 103). He says that while women's issues are given less importance politically, the presence of women in the legislature is important because it has drawn attention to women's issues (Miguel 2012, p. 117). While women's success rates of legislative initiatives are lower than that of men, they are drawing attention to the issues at hand (Miguel 2012, p. 108). Looking at Mexico, Pär Zetterberg says that gender quotas have imposed a glass ceiling rather than a floor (2012, p. 176). By this he explains that there has been no general impact of quotas on women's symbolic representation, yet there are an increased number of women in the legislature (Zetterberg 2012, p. 186). He says that women lack information about the law, and that Mexican democracy still retains authoritarian features (such as allegations of corruption) that make it difficult for women to gain access to politics (Zetterberg 2012, p. 186).

Pär Zetterberg (2009) examines the relationship between quotas and behavior of citizens. He tests if gender quotas empower women citizens by analyzing seventeen different Latin American countries. Others have argued that quotas will advance women within all spheres of society, not just in politics (p. 715). Zetterberg analyzes the impact of three different political attitudes (political trust, political knowledge, and political interests) as well as three modes of activities (party or campaign activities, political contacts, and protest activities). He hypothesizes that, based on the theoretical interpretation of descriptive representation, quotas will have positive effects on these attitudes and activities (Zetterberg 2009, p. 716).

Zetterberg hypothesizes that public policy may have an impact not only on government, but also on citizens as policies create meaning and give information to citizens, which in turn aid citizens in understanding the society and world they live in. Additionally, policies help citizens shape their identities and political choices (2009, p.716). However, he finds in his results that when other factors are controlled that may explain both the adoption of quotas and the increase in political engagement by women citizens, quotas do not appear to have a significant influence on women's political attitudes in Latin America (Zetterberg 2009, p. 723). While he does not find a robust relationship between attitudes and quotas, he does find that quotas do increase the number of women in legislatures when the rules and sanctions are enforced (Zetterberg 2009, p. 723). Zetterberg notes that the lack of positive relationship could be due to two factors. First, he notes that it takes time for women to be elected and that most quotas have been in place for less than twenty years. Secondly, he states that it also takes time for women citizens to gain knowledge about gender quota laws and that informing the public does not appear to be a priority for parties (Zetterberg 2009, p. 725). Thus Zetterberg finds that gender quotas do not influence the political behavior of constituents, but that change in favor of women is instead left up to

those elected. By studying the relationship of quotas to gender violence legislation, one can examine if the responsibility of beneficial change for women is carried out by the women elected to the legislature.

Tricia Gray has done important work regarding gender quotas in Argentina and Chile. She hypothesizes that gender quotas increase women's representation, and that more women in government also promotes gender issues in public policy (Gray 2003, p. 52). She first discusses how both Argentina and Chile came to democratization from bureaucratic authoritarianism, and explains that their differences in transition and consolidation led to different outcomes regarding women's movements and gender quotas (Gray 2003, p. 53). She notes that after dictatorships, many women did not return to the private sphere and instead focused their time, which was previously spent on opposing the authoritarian regimes, on strategies for gender equality (Gray 2003, p. 52).

Looking at the number of women in politics, she notes that Argentina is a 'stunning exception' that confirms that a national gender quota has a substantial effect on women's representation (Gray 2003, p. 56). However, while she found that Argentina had a large number of women represented, she found that neither country supported her hypothesis that a larger number of women would mean a larger support for women-positive policy (Gray 2003, p. 74). Gray says that although women have achieved the 30 percent quota in Argentina, they are further divided by partisan differences (2003, p. 74). When analyzing Chile, she says that the lack of legislated, strong quotas and the majoritarian electoral system are obstacles to the success of women in politics (Gray 2003, p. 74). While Chilean parties implement quotas, there are obstacles to the full enforcement of quotas, such as institutional and ideological barriers (Gray 2003, p. 74). Yet, she found that while Chile is struggling to implement and garner support for

legislated quotas, parties that have implemented quotas have seen an increase in women's representation, such as public policy reforms and party leadership (Gray 2003, p. 74). Gray's article will help this project by creating a foundation from which to understand quotas in the context of Chile and Argentina, which are the two countries the case study will examine. While she has found minimal benefits outside of mere representation in Argentina, this project will expand her findings by examining gender violence. Partisan divisions should be less influential for gender violence. As Gray found that Chilean parties that implement quotas have seen a difference in women's representation and public policy, it is possible that these findings in Chile will show that quotas are beneficial for women-positive policy. Overall, Gray's article will provide a base framework for this project to understand the case study of Argentina and Chile.

Mala Htun and Laurel Weldon analyze reforms of gender violence laws by looking at civil society. They note the importance of understanding gender violence because it violates human rights, harms democratic transitions and children, and is expensive to combat (Htun and Weldon 2012, p. 558). Therefore, they realize that by understanding gender violence and what can eradicate it, one can understand what can further benefit a country. Htun and Weldon performed a global comparative study by creating an index from one to ten that assigned higher values to governments that addressed more types of violence including: legal reform, policy coordination, and prevention of violence (Htun and Weldon 2012, p. 549). Htun and Weldon analyze many different sectors of the political process, and also analyze policy and legal reform, which this project will be seeking to investigate further. They find that women who are not involved in women-focused organizations rarely promote rape prevention and intimate violence laws in legislatures (Htun and Weldon 2012, p. 553). They state that this is due to the idea that the gender violence issues do not work within typical gender norms. In fact, it challenges

traditional, established roles in most societies. They note that issues that are more typically ‘maternal,’ such as maternity leave or child care, tend to have more support in places that are not solely women-focused organizations. This is because these issues do not move too far from traditional gender roles (Htun and Weldon 2012, p. 553). Therefore, they conclude that societal change regarding violence against women comes from women-focused organizations, and not through higher numbers of women in government offices. With their conclusion that women are less likely to champion and articulate women’s issues in government without a women’s movement pushing them, this project will keep this in mind as a possible variable that could affect the relationship between gender quotas and gender violence legislation.

Htun and Weldon address the issue of sex equality in a second article, stating that comparative politics has yet to focus on women’s rights as a major field of study, as it instead approaches it through a focus on male activities and assumes that women’s activities (especially those in the private sphere) are not political or economically important (2010, p. 208). Thus their essay seeks to provide the framework of women’s rights in comparative politics, making this thesis instrumental in understanding the current state of the comparative study of women’s rights. They note that there are some gender equality policies that address problems that hinder women solely because they are women, regardless of their other social identities (Htun and Weldon 2010, p. 209). They credit these policies to institutions and societal norms that value and promote masculinity through assigning it privilege, while simultaneously devaluing anything feminine. By doing this, these policies demote women to second-class citizens and deny them recognition and respect (Htun and Weldon 2010, p. 209). They continue that the consequences of these institutions and patterns (gender violence, gender stereotypes, and exclusion from the public sphere that results in marginalization) do not affect all women in the same way due to the

intersectionality of other identities (Htun and Weldon 2010, p. 209). Therefore, gender violence legislation is a response to these consequences.

Htun and Weldon call policies that seek to fix these consequences, ‘status policies,’ because these policies look to change practices that put women in a subordinate group and hinder them from participating in public life. They note four categories of status policies: family law, violence against women, abortion and reproductive freedom, and gender quotas (Htun and Weldon 2010, p. 209). They state that violence against women and gender quotas are the least controversial because they do not come into conflict with religious doctrine (Htun and Weldon 2010, p. 209). This article most importantly finds that sex equality requires an effective state (Htun and Weldon 2010, p. 209). Therefore, this project will take that into consideration as it will include a variable for rigidity of enforcement of gender quotas by ranking the strictness of punishments for parties who violate quota laws, as well as measuring the resources spent prosecuting those in violation. This will be in response to the finding that effective institutions are crucial in creating gender equality, especially through gender quotas in the context of this project. Overall, Htun and Weldon create a dynamic framework for explaining contexts, issues, and more in light of gender equality. The framework they develop in this article paves the way for future research that will describe gender equality struggles in more detail. It is important to develop a better understanding of causes and obstacles of gender equality policies as it will further advance the field of comparative politics in regards to gender, and will also aid activists as they work towards better gender equality and freedom for women (Htun and Weldon 2010, p. 212). From this, this project will seek to create a better understanding specifically through the lens of gender quotas and gender violence legislation.



David L. Richards and Jillienne Haglund examine the role of law and its effect on violence against women globally. Their book seeks to understand the variation and differences of gender violence laws country by country, what influences the adoption of gender violence laws, how strong protections are in countries that have adopted gender violence laws, and if the gender violence laws are associated with beneficial outcomes for women (Richards and Haglund 2015, p. XII). They identify four forms of violence against women that happen in both public and private spheres; sexual harassment, rape, domestic violence, and marital rape (Richards and Haglund 2015, p. 5-19). These four forms are the four areas that this project will focus on, as they encompass most forms of violence against women.

In their research, they examine many factors that could affect gender violence policy, including political, economic and social factors. They examine political participation of women and its correlation with gender violence policy. Before conducting their study, they cite empirical evidence that women tend to represent women's issues in the legislature as women both introduce and pass 35% more initiatives regarding women's issues than men legislators do (Richards and Haglund 2015, p. 23). Most importantly, they note that there is a 'tipping point' of ten percent. When looking at US legislatures, female legislators were more likely to propose legislation related to women if the legislature was composed of more than 10 percent women. This is important, as it suggests that gender quotas could play a significant role in initiating the 'tipping point'. They also address the idea that women alone cannot make a difference in the legislature by arguing that any political participation (formal participation in office or informally through women's organizations) gives women an opportunity to voice issues that directly influence or affect women, including issues of gender violence (Richards and Haglund 2015, p. 24).

Richards and Haglund (2015, p. 75-79) measure legal guarantees against the four forms of violence against women. Similar to what this project will be doing, they have a four point scale where they rank the strength of the legal guarantee from 0 (nonexistent/discriminatory) to 3 (fully provided for), using multiple sources. They found that countries had the strongest legal prohibitions, typically, against rape and domestic violence, and the weakest legal prohibitions against sexual harassment and marital rape (Richards and Haglund 2015, p. 89-90). Looking at the factors that explain the strength of legal guarantees, they find that women do play an important role in creating laws that protect themselves from gender violence (Richards and Haglund 2015, p. XIII), and also that women's political participation has a reliable, strong relationship with the strength of protections related to their four forms of violence, and also to total legislation regarding gender violence (Richards and Haglund 2015, p. 108). Moreover, they have found that as the percentage of women in the legislature increases, the likelihood of having full legal protections against gender violence also increases (Richards and Haglund 2015, p. 108). This book will be a valuable resource as the methodology is similar to the methodology that will be used in this thesis, and the findings show a positive relationship between gender quotas and laws against gender violence. This thesis will build upon this book by refocusing the findings from a global perspective to Latin America specifically.

These articles and books have created an important stepping stone for this project by examining gender quotas or gender violence. Zetterberg examines the effect of gender quotas on women's political participation, and finds that gender quotas alone do not increase women's political participation, but they do increase the number of women in the legislature. Mala Htun and Laurel Weldon first find that change regarding gender violence comes from women organizations, and not from the number of women in office. In an additional article, they note

that understanding gender violence is important because it is a relatively less controversial women's issue to examine. David Richards and Jillienne Haglund find in their recent book that gender quotas do have a positive and reliable relationship with the strength of gender violence laws within a country. Lastly, Tricia Gray examines Argentina and Chile and finds that quotas have increased the representation of women in Argentina, and that the lack of quotas in Chile has hindered its ability to create and implement women positive policy. These works are foundational in understanding what ways gender quotas and gender violence have been analyzed and associated in the past, and where future research should focus. Building from Richards and Haglund, this thesis will add to the conversation surrounding gender quotas and gender violence by looking specifically at Latin America.

**Chapter 3 - Cross-National Analysis**

*I. Methods*

To answer my research question, I collected data on gender quotas and gender violence in each country in Latin America. To measure the strength of gender quotas in each country I used a scale of zero to three with zero being no quota laws and three being the most strict quota laws.

Currently 16 countries in Latin America have legislative gender quotas (See Table 1), and the quotas implemented vary vastly in strength. Countries that were assigned a zero had no quota. Countries assigned a one had voluntary quotas, which are usually mandated by individual parties. While it can be beneficial for individual parties to enact quotas, they are typically symbolic and without meaningful sanctions, making them largely ineffective. Countries received a two if they had sanctions for parties that do not follow the quota rule. Without sanctions, parties are less likely to implement legislated quotas. Lastly, countries that received a three had placement mandates. Placement mandates are rules set by legislation that regulate where in a list women have to be placed in relation to men. These are considered the most effective gender quotas because without them, women can be placed within a party list so that they are guaranteed not to win any seats (See Table 2).

| <b>Table 1. Countries in Latin America with Legislative Gender Quotas</b> |
|---|
| Argentina   |
| Bolivia   |
| Brazil  |
| Colombia  |
| Costa Rica  |
| Dominican Republic  |
| Ecuador   |
| El Salvador   |
| Haiti   |
| Honduras  |
| Mexico  |
| Nicaragua   |
| Panama  |
| Paraguay  |
| Peru  |
| Uruguay   |

| <b>Country</b>            | <b>Required %</b>  | <b>Actual % in Legislature</b> | <b>Sanctions</b>  | <b>Placement Rules</b>   |
|---------------------------|--|--------------------------------|---|--|
| <b>Argentina</b>          | 30% among candidates on lists  | 37%                            | List rejection  | 1 woman for every 2 men  |
| <b>Bolivia</b>            | 50% among candidates on list (if odd list number, preference given to women) | 53%                            | List rejection  | alternate (man, woman) in list   |
| <b>Brazil</b>             | Minimum 30%, max 70% of each gender among candidates on lists                | 10%                            | Candidates of the overrepresented sex can be removed but not replaced | No rules   |
| <b>Chile</b>              | No gender quotas   | 16%                            | No gender quotas  | No gender quotas   |
| <b>Colombia</b>           | 30% for lists of 5 or more seats   | 20%                            | List rejection <sup>a</sup>   | No rules   |
| <b>Costa Rica</b>         | 50% of each gender among candidates on lists                                 | 33%                            | List rejection  | Alternate (man, woman) in list   |
| <b>Dominican Republic</b> | 33% among candidates on lists  | 21%                            | List rejection  | Alternate (man, woman) in list   |
| <b>Ecuador</b>            | 50% among candidates on lists <sup>b</sup>                                   | 39%                            | List rejection  | Alternate (man, woman) in list   |
| <b>El Salvador</b>        | 30% among candidates on lists  | 27%                            | Parties fined 15-55 basic salaries and have 15 days to correct        | None   |
| <b>Guatemala</b>          | No gender quotas   | 13%                            | No gender quotas  | No gender quotas   |
| <b>Haiti</b>              | 30% reserved seats <sup>c</sup>  | 4%                             | No rules  | No rules   |
| <b>Honduras</b>           | 40% among candidates on lists  | 26%                            | Parties fined 5% of the total state funding for parties               | No rules   |
| <b>Mexico</b>             | 40% among candidates on lists of same gender <sup>d</sup>                    | 37%                            | List rejection  | Each segment of 5 candidates on the list shall have 2 candidates of each sex, alternating between men and women candidates |
| <b>Nicaragua</b>          | 50% among candidates on lists  | 40%                            | No sanctions  | Alternate (man, woman) in list   |
| <b>Panama</b>             | 50% among nomination lists <sup>e</sup>                                      | 15%                            | No sanctions  | No rules   |
| <b>Paraguay</b>           | 20% among candidates on lists <sup>f</sup>                                   | 18%                            | List rejection  | No rules   |
| <b>Peru</b>               | 30% among candidates on lists  | 22%                            | List rejection  | No rules   |
| <b>Uruguay</b>            | 33% among candidates on lists <sup>g</sup>                                   | 16%                            | List rejection  | 1 in every 3 candidates  |
| <b>Venezuela</b>          | No gender quotas   | 17%                            | No gender quotas  | No gender quotas   |

<sup>a</sup> 5% of total state funding for political parties will be equally distributed according to proportion to the number of women representatives elected

<sup>b</sup> No exact % requirement, but lists are alternate until all spots filled

<sup>c</sup> Haiti amended their Constitution in 2012 to include a 30% quota that reserves that percentage of seats for women. New elections have not been held since.

<sup>d</sup> Parties who democratically elect their candidates are exempt from quota

<sup>e</sup> If the level of women's participation is less than the 50% standard, these spots can be filled with men

<sup>f</sup> No exact % requirement, but 1 in 5 candidates must be women

<sup>g</sup> No exact %, but must be 1 in 3 candidates either throughout the entire list or in first 15 places, and if there are only 2 contested seats, 1 must be a woman

Source: (The Quota Project 2015)

To create the quota rankings, I used [www.quotaproject.org](http://www.quotaproject.org). The Quota Project is a global database of legislative gender quotas. The database contains information regarding all countries that have gender quotas. It includes quota type, percentage of women in the legislature, legal sanctions for non-compliance, and placement sanctions. As seen in Table 2, quota requirements require between 20% and 50% of candidates among lists. The actual percentage of women in the legislature can vary. For example, while Panama requires 50% of candidates to be women, but women comprise only 15% of legislators (See Table 2). However, Panama has no sanctions for non-compliance, and they have no placement sanctions. Argentina, on the other hand, has a 30% requirement among candidates on lists, and women make up 37% of the legislature, surpassing the quota requirement. Unlike Panama, they have both sanctions for non-compliance and placement mandates. Using the Quota Project, I assigned a score to each country on the scale of one to three, using the aforementioned scale. From this scale, I created Table 3.

| <b>Table 3. Quota Scores</b> |                          |                        |                         |                             |                    |
|------------------------------|--------------------------|------------------------|-------------------------|-----------------------------|--------------------|
| <b>Country</b>               | <b>Gender Quota Year</b> | <b>Legislated?</b>     | <b>Quota Sanctions?</b> | <b>Placement Sanctions?</b> | <b>Total (0-3)</b> |
| <b>Argentina</b>             | 1991                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>Bolivia</b>               | 1997                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>Brazil</b>                | 1997                     | Yes                    | Yes                     | No                          | 2                  |
| <b>Chile</b>                 | NO QUOTA                 | Voluntary Party Quotas | No                      | No                          | 1                  |
| <b>Colombia</b>              | 2011                     | Yes                    | Yes                     | No                          | 2                  |
| <b>Costa Rica</b>            | 1997                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>Dominican Republic</b>    | 2000                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>Ecuador</b>               | 1997                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>El Salvador</b>           | 2013                     | Yes                    | Yes                     | No                          | 2                  |
| <b>Guatemala</b>             | NO QUOTA                 | Voluntary Party Quotas | No                      | No                          | 1                  |
| <b>Haiti</b>                 | 2012                     | Reserved Seats         | No                      | No                          | 1                  |
| <b>Honduras</b>              | 2000                     | Yes                    | Yes                     | No                          | 2                  |
| <b>Mexico</b>                | 2002                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>Nicaragua</b>             | 2000                     | Yes                    | No                      | Yes                         | 2                  |
| <b>Panama</b>                | 1997                     | Yes                    | No                      | No                          | 1                  |
| <b>Paraguay</b>              | 1996                     | Yes                    | Yes                     | No                          | 2                  |
| <b>Peru</b>                  | 1997                     | Yes                    | Yes                     | No                          | 2                  |
| <b>Uruguay</b>               | 2009                     | Yes                    | Yes                     | Yes                         | 3                  |
| <b>Venezuela</b>             | NO QUOTA                 | No                     | No                      | No                          | 0                  |

0=No quota

1=Voluntary Quotas

2=Sanctions

3=Placement Sanctions

Source: (The Quota Project 2015)

To measure gender violence in each country, gender violence is broken down into three different categories, each out of five for a total possible of 15 (See Table 4). The first category is rape. Each country is assigned one point if the answer is yes for each of five questions. The five questions asked are: Is there a rape law? Are there criminal sanctions? Is there a statutory rape law and is the sentence increased if considered statutory? Is there a marital rape law? Are there criminal sanctions for marital rape? Therefore, if a country answered “yes” for each question, the best score they could receive is a five. These questions were selected as they comprised the largest components of what makes a strict rape law. It is important that rape laws include sanctions in order to be effective. Rape is important to measure, as rape is a crime of power (Richards and Haglund 2015, p. 8). For the crime of rape, women are disproportionately the victims (though not exclusively, as rape can be inflicted upon men as well). It is crucial to include statutory rape as part of the definition of rape, and to increase sanctions if vulnerable populations are targeted, as they should receive extra protection. Marital rape is also important to look at within a society. Marital rape, although less likely to be prosecuted, is symbolically important. Having a marital rape law demonstrates that women are independent citizens who have protection under the law, even after they are married. If there are no marital rape laws, marital rape can be used as a way for men to exert social control over women by enforcing patriarchal familial relationships (Richards and Haglund, p. 17).

The next category examined in Table 5 is sexual harassment. Asking five questions, each country can receive a total of five points if they answer affirmatively to each question. The five questions are: Is there a sexual harassment law? Are there criminal sanctions for sexual harassment? Does the law address sexual harassment in education? Does the law address sexual



harassment in employment? Does the law address sexual harassment in public spaces? As sexual harassment addresses violence and aggression in a public sphere, it is important to include it in the total gender violence category. Sexual harassment is also based in a relationship of unequal power (Richards and Haglund 2015, p. 6), and therefore if a society is to have equal protections for all citizens, it is important to include it in the category of gender violence. Additionally, sexual harassment is widespread and cuts across socioeconomic lines as all women face the possibility of being affected by it (Richards and Haglund 2015, p. 7).

Table 6 provides data on domestic violence. Once again out of five points, a country receives five points if they answer affirmatively to five questions. The questions asked are: Is there a domestic violence law? Does it include emotional abuse? Does it include financial abuse? Does it include sexual abuse? Does it include physical abuse? These questions are important in asking because domestic abuse comes in multiple forms that may be direct such as physical abuse, or indirect such as financial abuse, which can limit the mobility and autonomy of a woman. Domestic violence is important in understanding because those who are victims of domestic violence can face both physical and mental health problems, which harm both individuals and society by placing a financial burden on society (Richards and Haglund 2015, p. 14). Burdens include healthcare costs, social costs such as provision of public services, and judicial costs (Richards and Haglund 2015, p. 14). Additionally, violence that one experiences during childhood presents a higher risk for violence later in their life, which influences violence and health problems within families (Richards and Haglund 2014, p. 14). It is important to note that within any country 20-50 percent of women have experienced physical domestic abuse (Richards and Haglund 2015, p. 15). This makes domestic violence a widespread problem that should be addressed through legislation. Therefore, domestic violence is important to study both

for the benefit of individuals but also for the benefit of society as domestic violence can place many burdens upon a society.

In regard to Gender Violence, I first created a chart measuring the strength of the rape laws within a country. There is no cross-national database of global rape laws, so I used a variety of databases that both catalogue and analyze rape laws in order to create Table 4. Primarily using the country profiles from Social Institutions & Gender Index (SIGI), I used their data gathered in the section titled, “Restricted Physical Integrity,” as it discussed what laws rape and marital rape are criminalized, and how the laws punish offenders. In the case where the law was not listed under this category for a country, I utilized other resources. A good resource is the Global Resource & Information Directory (GRID) as their country profiles include the section of the Penal Code criminalizing rape and marital rape. Finding information regarding marital rape proved to be difficult so I also used a report titled, “Violence Against Women in Latin America,” published by the Organization of American States. This report had a table in which it listed Latin American countries that criminalize marital rape explicitly and listed under which section of the Penal Code marital rape was criminalized. Through a combination of these sources, I created Table 4 which assigns scores regarding rape laws to countries (See Table 4).

Table 4. Rape Laws in Latin America

| Country            | Gender Quota | Law Addressing Rape  | Is there a law? | Criminal Sanctions? | Statutory Rape Law? | Marital Rape Law  | Criminal Sanctions? | TOTAL |
|--------------------|--------------|--|-----------------|---------------------|---------------------|---|---------------------|-------|
| Argentina          | 1991         | 1999 Law 25,087  | 1               | 1                   | 1                   | 1999 Law 25,087   | 1                   | 5     |
| Bolivia            | 1997         | 1999 Law on Protection for Victims of Crimes against Sexual Freedom, No. 2033                    | 1               | 1                   | 1                   | 2013 Comprehensive Law to Guarantee Women a Life Free from Violence in Bolivia, No. 348 | 1                   | 5     |
| Brazil             | 1997         | 2006 Maria de Penha  | 1               | 1                   | 1                   | 2006 Maria de Penha   | 1                   | 5     |
| Chile              | NO QUOTA     | 1999 Law 19617   | 1               | 1                   | 1                   | 1999 Law 19617  | 1                   | 5     |
| Colombia           | 2011         | 2000 Act 599 (reformed in July 2008 with Act 1236)   | 1               | 1                   | 1                   | 1996 Law 294  | 1                   | 5     |
| Costa Rica         | 1997         | 1970 Law 4573  | 1               | 1                   | 1                   | 1970 Law 4573   | 1                   | 5     |
| Dominican Republic | 2000         | 1997 Act 24  | 1               | 1                   | 1                   | 1997 Act 24   | 1                   | 5     |
| Ecuador            | 1997         | 1995 Law 103   | 1               | 1                   | 1                   | 1995 Law 103  | 1                   | 5     |
| El Salvador        | 2013         | 1998 Articles 158-162 of Penal Code  | 1               | 1                   | 1                   | 0 <sup>a</sup>  | 0                   | 3     |
| Guatemala          | NO QUOTA     | 2008 Law against Femicide and Other Forms of Violence against Women                              | 1               | 1                   | 1                   | 2008 Law against Femicide and Other Forms of Violence against Women                     | 1                   | 5     |
| Haiti              | 2012         | 2005 Decree Modifying Offences of Sexual Aggression and Eliminating Discrimination against Women | 1               | 1                   | 1                   | 0   | 0                   | 3     |
| Honduras           | 2000         | 1997 Article 140 of Penal Code   | 1               | 1                   | 1                   | 1997 Article 140 of Penal Code  | 1                   | 5     |
| Mexico             | 2002         | 1935 Article 264 of Penal Code   | 1               | 1                   | 1                   | 2005 Supreme Court Decision   | 1                   | 5     |
| Nicaragua          | 2000         | 2012 Comprehensive Violence Against Women, No. 779   | 1               | 1                   | 1                   | 0   | 0                   | 3     |
| Panama             | 1997         | Article 174 of Penal Code  | 1               | 1                   | 1                   | Article 171/90 Penal Code   | 1                   | 5     |
| Paraguay           | 1996         | Article 174 of Penal Code  | 1               | 1                   | 1                   | 1   | 1                   | 5     |
| Peru               | 1997         | 1991 Article 170 of Penal Code   | 1               | 1                   | 1                   | 1   | 1                   | 5     |
| Uruguay            | 2009         | Article 272  | 1               | 1                   | 1                   | 0   | 0                   | 3     |
| Venezuela          | NO QUOTA     | 2007 Organic Law on the Right of Women to Be Free from Violence                                  | 1               | 0 <sup>b</sup>      | 1                   | 2007 Organic Law on the Right of Women to Be Free from Violence                         | 1                   | 5     |

<sup>a</sup> Penal code may apply to marital rape by definition, but does not explicitly cite marital rape

<sup>b</sup> Venezuelan Penal Code still includes the excusing of rape, prostitution, or "offenses against modesty" by marrying the victim (Article 395)

Source: (SIGI 2015)  
(GRID 2015)

The other two sections of gender violence are sexual harassment, which is represented in Table 5, and domestic violence, which is represented in Table 6. To create these two tables, I used the World Bank's database entitled, "Women, Business and the Law: Creating Economic Opportunities for Women." In this database there is a section regarding protecting women from violence, which has data collected from 100 countries. The data is comprehensive in that it collects information regarding laws, regulations and institutions that deal with violence against women. They have two categories, sexual harassment and domestic violence. The details they look at regarding these two categories were the exact details I examine, which are organized in Table 5 and Table 6.

| Table 5. Sexual Harrassment Laws in Latin America |                   |  |                     |  |                |                |             |
|---|-------------------|--|---------------------|--|----------------|----------------|-------------|
| Country   | Gender Quota Year | Law Addressing   | Criminal Sanctions? | In Education?                              | In Employment? | Public Spaces? | Total Score |
| Argentina   | 1991              | 2009 Law 26.485  | 0                   | 1 (Law of National Education, Article 141) | 0              | 0              | 2           |
| Bolivia   | 1997              | 2013 Law 248   | 1                   | 1  | 1              | 0              | 4           |
| Brazil  | 1997              | 2009 Article 216A of Penal Code  | 1                   | 0  | 1              | 0              | 3           |
| Chile   | NO QUOTA          | Law 20.005 / Article 2 and Tit.IV of Penal Code  | 0                   | 0  | 1              | 0              | 2           |
| Colombia  | 2011              | 2000 Art 210A of Penal Code  | 1                   | 0  | 1              | 0              | 3           |
| Costa Rica  | 1997              | 1995 Law Against Harassment or sexual harassment in employment and teaching                    | 0                   | 1  | 1              | 0              | 3           |
| Dominican Republic                                | 2000              | 1997 Act 25 of Penal Code  | 1                   | 1  | 1              | 0              | 4           |
| Ecuador   | 1997              | 2005 Article 511-A of Penal Code   | 1                   | 1  | 1              | 1              | 5           |
| El Salvador                                       | 2013              | 1997 Article 165 of Penal Code   | 1                   | 1  | 1              | 0              | 4           |
| Guatemala   | NO QUOTA          | 0  | 0                   | 0  | 0              | 0              | 0           |
| Haiti   | 2012              | 0  | 0                   | 0  | 0              | 0              | 0           |
| Honduras  | 2000              | 2000 Law of Equal Opportunities for Women  | 1                   | 1  | 1              | 0              | 4           |
| Mexico  | 2002              | 1991 Article 259 of Penal Code/ 2007 General law on access by women to a life free of violence | 1                   | 1  | 1              | 0              | 4           |
| Nicaragua   | 2000              | 2012 Law 779 Integral Law against violence towards women/ Article 133 of Penal Code            | 1                   | 1  | 1              | 0              | 4           |
| Panama  | 1997              | 2005 Law 44 /1971 Article 127 of Work Code   | 0                   | 0  | 1              | 0              | 2           |
| Paraguay  | 1996              | Article 133 of Penal Code  | 1                   | 0  | 1              | 0              | 3           |
| Peru  | 1997              | Law 27942 on the Prevention and Punishment of Sexual Harassment                                | 0                   | 1  | 1              | 0              | 3           |
| Uruguay   | 2009              | 2009 Law 18.561  | 0                   | 1  | 1              | 0              | 3           |
| Venezuela   | NO QUOTA          | 2007 Organic law on the right of women to a life free of violence                              | 1                   | 1  | 1              | 0              | 4           |

Source: (World Bank Group 2015)

Table 6. Domestic Violence Laws in Latin America

| Country            | Gender Quota Year | Law Addressing Domestic Violence  | Include emotional abuse? | financial abuse? | sexual abuse? | physical abuse? | Total |
|--------------------|-------------------|---|--------------------------|------------------|---------------|-----------------|-------|
| Argentina          | 1991              | 2009 Law 26.485/ 1994 Law 24.417  | 1                        | 1                | 1             | 1               | 5     |
| Bolivia            | 1997              | 1995 Law 1674 Against Family or Domestic Violence   | 1                        | 1                | 1             | 1               | 5     |
| Brazil             | 1997              | 2006 Law 11.340 Maria de Penha  | 1                        | 1                | 1             | 1               | 5     |
| Chile              | NO QUOTA          | 2005 Law of IntraFamily Violence  | 1                        | 0                | 0             | 1               | 3     |
| Colombia           | 2011              | 1996 Law 294/ 2008 Law 1256   | 1                        | 1                | 1             | 1               | 5     |
| Costa Rica         | 1997              | 1996 Law Against Domestic Violence 7586   | 1                        | 1                | 1             | 1               | 5     |
| Dominican Republic | 2000              | 1997 Law 24-97 on IntraFamily Violence  | 1                        | 1                | 1             | 1               | 5     |
| Ecuador            | 1997              | 1995 Law 1674 Against Family or Domestic Violence   | 1                        | 0                | 1             | 1               | 4     |
| El Salvador        | 2013              | 1996 Law Against IntraFamily Violence   | 1                        | 0                | 1             | 1               | 4     |
| Guatemala          | NO QUOTA          | 2008 Law Against Femicide or Other Forms of Violence Against Women/ 1996 Law to Prevent, Erradicate and Punish IntraFamily Violence | 1                        | 1                | 1             | 1               | 5     |
| Haiti              | 2012              | 0   | 0                        | 0                | 0             | 0               | 0     |
| Honduras           | 2000              | 2006 Law Against Domestic Violence With Reforms   | 1                        | 1                | 1             | 1               | 5     |
| MEXICO             | 2002              | 2007 General Law on access by women to a life free of violence  | 1                        | 1                | 1             | 1               | 5     |
| Nicaragua          | 2000              | 2012 Law 779 Integral Law against violence towards women  | 1                        | 1                | 1             | 1               | 5     |
| Panama             | 1997              | 2001 Law 38 of 2001   | 1                        | 1                | 1             | 1               | 5     |
| Paraguay           | 1996              | 2000 Law 1600 Against Domestic Violence   | 1                        | 0                | 1             | 1               | 4     |
| Peru               | 1997              | 1997 Protection from Family Violence Law 26260  | 1                        | 0                | 0             | 1               | 3     |
| Uruguay            | 2009              | 2002 Law 17.514 of Domestic Violence  | 1                        | 1                | 1             | 1               | 5     |
| Venezuela          | NO QUOTA          | 2007 Organic law on the right of women to a life free of violence   | 1                        | 1                | 1             | 1               | 5     |

Source: (World Bank Group 2015)

## II. Results

I combined the three separate measures of gender violence to create a comprehensive indicator that incorporated the final scores from rape, sexual harassment, and domestic violence. As each category had a possibility of being out of five total points, the best score a country could receive in regard to strength of gender violence laws was a 15. The totals and comparisons can be seen in Table 7. From Table 7, some conclusions can be drawn. Overall, rape laws tended to be the strongest law, while sexual harassment tended to be the weakest law. Haiti received the lowest overall score of a three. A 14 was the highest score any country received, and six countries received it.

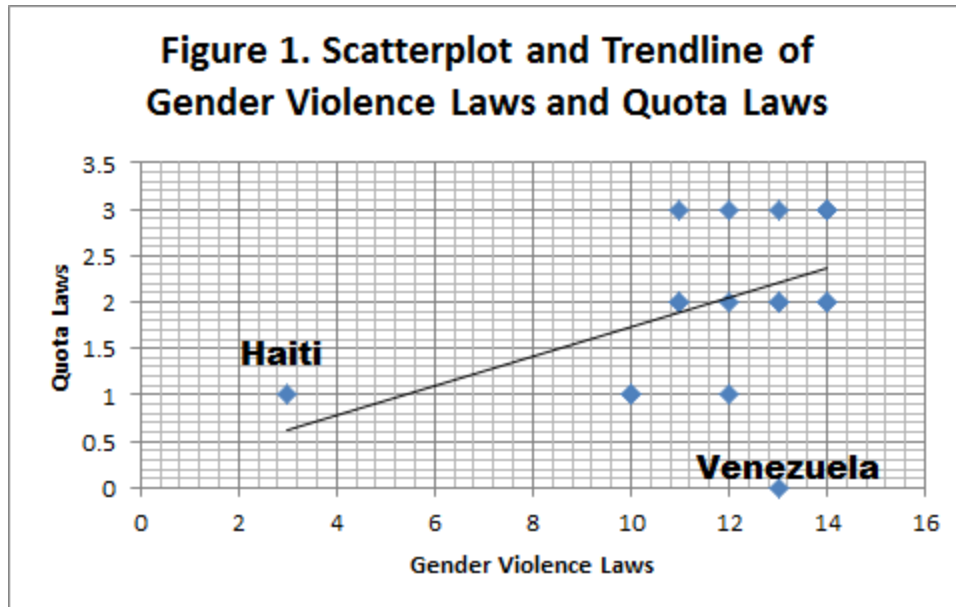
| <b>Country</b>     | <b>Gender Quota Year</b> | <b>Rape Total</b> | <b>Domestic Violence Total</b> | <b>Sexual Harrassment Total</b> | <b>Total/15</b> |
|--------------------|--------------------------|-------------------|--------------------------------|---------------------------------|-----------------|
| Argentina          | 1991                     | 5                 | 5                              | 2                               | 12              |
| Bolivia            | 1997                     | 5                 | 5                              | 4                               | 14              |
| Brazil             | 1997                     | 5                 | 5                              | 3                               | 13              |
| Chile              | NO QUOTA                 | 5                 | 3                              | 2                               | 10              |
| Colombia           | 2011                     | 5                 | 5                              | 3                               | 13              |
| Costa Rica         | 1997                     | 5                 | 5                              | 3                               | 13              |
| Dominican Republic | 2000                     | 5                 | 5                              | 4                               | 14              |
| Ecuador            | 1997                     | 5                 | 4                              | 5                               | 14              |
| El Salvador        | 2013                     | 3                 | 4                              | 4                               | 11              |
| Guatemala          | NO QUOTA                 | 5                 | 5                              | 0                               | 10              |
| Haiti              | 2012                     | 3                 | 0                              | 0                               | 3               |
| Honduras           | 2000                     | 5                 | 5                              | 4                               | 14              |
| Mexico             | 2002                     | 5                 | 5                              | 4                               | 14              |
| Nicaragua          | 2000                     | 3                 | 5                              | 4                               | 14              |
| Panama             | 1997                     | 5                 | 5                              | 2                               | 12              |
| Paraguay           | 1996                     | 5                 | 4                              | 3                               | 12              |
| Peru               | 1997                     | 5                 | 3                              | 3                               | 11              |
| Uruguay            | 2009                     | 3                 | 5                              | 3                               | 11              |
| Venezuela          | NO QUOTA                 | 4                 | 5                              | 4                               | 13              |

In Table 8, the overall scores for gender violence laws and quota strength are compared. Between the two datasets, the correlation coefficient is 0.45. From the positive correlation coefficient I conclude that there is a relationship between gender violence laws and gender quotas in Latin America. While the relationship is not especially strong, there is nonetheless a relationship. The relationship is likely also affected by other variables within individual countries as well, which would be important to examine further in future research.

| <b>Table 8. Totals Comparison</b> |                        |              |
|-----------------------------------|------------------------|--------------|
| <b>Country</b>                    | <b>Gender Violence</b> | <b>Quota</b> |
| <b>Argentina</b>                  | 12                     | 3            |
| <b>Bolivia</b>                    | 14                     | 3            |
| <b>Brazil</b>                     | 13                     | 2            |
| <b>Chile</b>                      | 10                     | 1            |
| <b>Colombia</b>                   | 13                     | 2            |
| <b>Costa Rica</b>                 | 13                     | 3            |
| <b>Dominican Republic</b>         | 14                     | 3            |
| <b>Ecuador</b>                    | 14                     | 3            |
| <b>El Salvador</b>                | 11                     | 2            |
| <b>Guatemala</b>                  | 10                     | 1            |
| <b>Haiti</b>                      | 3                      | 1            |
| <b>Honduras</b>                   | 14                     | 2            |
| <b>Mexico</b>                     | 14                     | 3            |
| <b>Nicaragua</b>                  | 14                     | 2            |
| <b>Panama</b>                     | 12                     | 1            |
| <b>Paraguay</b>                   | 12                     | 2            |
| <b>Peru</b>                       | 11                     | 2            |
| <b>Uruguay</b>                    | 11                     | 3            |
| <b>Venezuela</b>                  | 13                     | 0            |

Correlation Coefficient: 0.449





As seen in Figure 1, there is a trend that as gender quotas strengthen, gender violence laws also strengthen. The regression line in the scatterplot shows the positive relationship between gender violence and gender quotas. Two interesting countries to examine in Figure 1 are Haiti and Venezuela. Haiti lies at the bottom of the regression line, with a score of three for gender violence and a score of one for quota strength. Haiti thus received both the lowest score for each category, as they have little protections for women under their laws. They received a zero for both their domestic violence and sexual harassment totals, and only received a three in their rape law total. They received a one in the gender quota strength because while they do have 30% reserved seats, they have no sanctions or placement rules. As noted, Haiti did amend their Constitution in 2012 to include the 30% quota but elections have not been held since. During their next round of elections, it will be important to watch and see if they improve from 4% of their legislature being composed of women.

Venezuela has no gender quotas, which gave them a 0 on their gender quota score. However, they received a 13 on the gender violence index. Interestingly, Uruguay received a

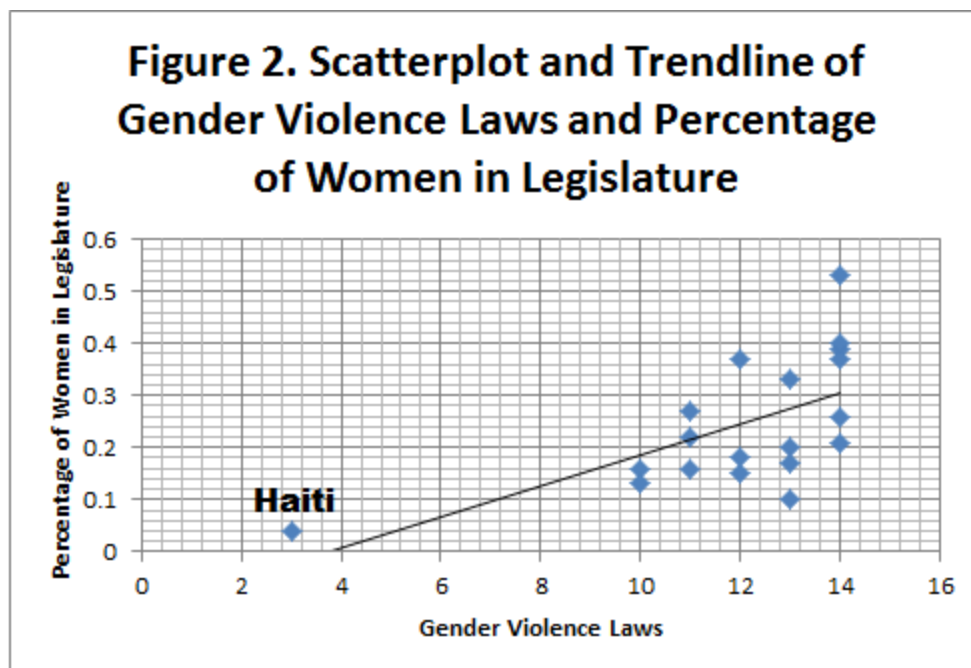
three on their quota strength, and only an 11 on their gender violence law strength, which ranks Venezuela above them for having stronger gender violence laws. It would be interesting if, in later research, the strength of Venezuela's gender violence laws could be examined in further details to understand what factors play a role in pushing gender violence legislation.

In Table 9 I compared the gender violence laws to the actual percentage of women in the legislature. There is a positive, strong relationship between the two data sets. The correlation coefficient is 0.61, which is stronger than the relationship between gender violence laws and gender quotas. This shows that the larger number of women in the legislature, the more likely a country is to have stronger gender violence laws.

| <b>Country</b>            | <b>Gender Violence</b> | <b>% in Legislature</b> |
|---------------------------|------------------------|-------------------------|
| <b>Argentina</b>          | 12                     | 0.37                    |
| <b>Bolivia</b>            | 14                     | 0.53                    |
| <b>Brazil</b>             | 13                     | 0.1                     |
| <b>Chile</b>              | 10                     | 0.16                    |
| <b>Colombia</b>           | 13                     | 0.2                     |
| <b>Costa Rica</b>         | 13                     | 0.33                    |
| <b>Dominican Republic</b> | 14                     | 0.21                    |
| <b>Ecuador</b>            | 14                     | 0.39                    |
| <b>El Salvador</b>        | 11                     | 0.27                    |
| <b>Guatemala</b>          | 10                     | 0.13                    |
| <b>Haiti</b>              | 3                      | 0.04                    |
| <b>Honduras</b>           | 14                     | 0.26                    |
| <b>Mexico</b>             | 14                     | 0.37                    |
| <b>Nicaragua</b>          | 14                     | 0.4                     |
| <b>Panama</b>             | 12                     | 0.15                    |
| <b>Paraguay</b>           | 12                     | 0.18                    |
| <b>Peru</b>               | 11                     | 0.22                    |
| <b>Uruguay</b>            | 11                     | 0.16                    |
| <b>Venezuela</b>          | 13                     | 0.17                    |

Correlation Coefficient: 0.61

Figure 2 shows the relationship between gender violence laws and the percentage of women in the legislature. The regression line shows a positive relationship and a trend between gender violence laws and gender quotas. The more women that are in a legislature, the more likely they are to have stronger gender violence laws. Once again, the outlier is Haiti who received a three in the gender violence index, and whose legislature is composed of only 4% women.

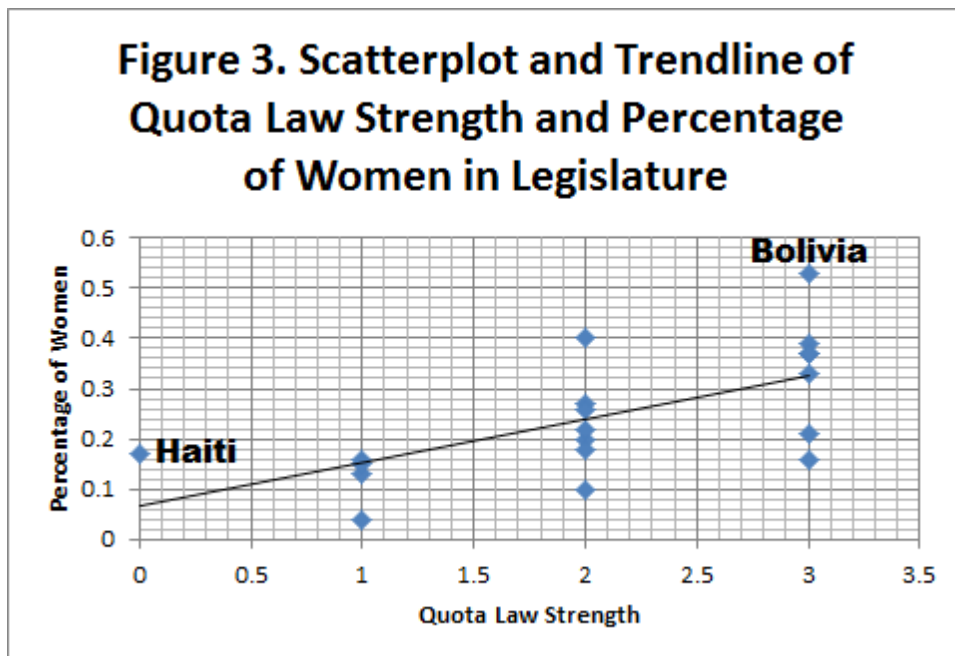


In Table 10 I compared gender quota strength to the actual percentage of women in the legislature. There is also a positive relationship between gender quotas and percentage of women in the legislature, with a correlation coefficient of 0.63. Figure 3 shows a positive relationship between the two with the regression line. As in the previous two figures, Haiti remains an outlier on the lower end, while Bolivia does exceedingly well. Bolivia has a quota strength of 3, and 53% of their legislature is women. The correlation coefficient and regression line show that the

stronger a quota law, the more likely a country is to have a larger number of women in their legislature.

| Table 10. Quota Totals v. Percentage of Women in Legislature |             |                           |
|--|-------------|---------------------------|
| Country  | Quota Total | % of Women in Legislature |
| Argentina  | 3           | 0.37                      |
| Bolivia  | 3           | 0.53                      |
| Brazil   | 2           | 0.1                       |
| Chile  | 1           | 0.16                      |
| Colombia   | 2           | 0.2                       |
| Costa Rica   | 3           | 0.33                      |
| Dominican Republic   | 3           | 0.21                      |
| Ecuador  | 3           | 0.39                      |
| El Salvador  | 2           | 0.27                      |
| Guatemala  | 1           | 0.13                      |
| Haiti  | 1           | 0.04                      |
| Honduras   | 2           | 0.26                      |
| Mexico   | 3           | 0.37                      |
| Nicaragua  | 2           | 0.4                       |
| Panama   | 1           | 0.15                      |
| Paraguay   | 2           | 0.18                      |
| Peru   | 2           | 0.22                      |
| Uruguay  | 3           | 0.16                      |
| Venezuela  | 0           | 0.17                      |

Correlation Coefficient: 0.63



### III. *History of Gender Violence Legislation in Latin America*

There are a few important variations in current and historical laws throughout Latin America. In Table 4 regarding rape, Venezuela lost a point for “rape sanctions” as a rapist can be exonerated if he/she marries the victim, according to Article 395 of their Penal Code (Inter-American Commission on Human Rights, Chapter VI). While Venezuela is now the only country in Latin America to still uphold this law, as recently as 1997 14 countries in Latin America had similar laws (Sims 1997). Included in the 14 countries were many countries in Latin America which now have gender quota laws and strict gender violence laws. While rape exoneration law was enforced in Costa Rica, a rapist could be exonerated if he simply expressed interest in marrying his victim (Sims 1997). Many impoverished women face pressure to marry their rapists as a raped woman is often seen as ‘damaged’, but her family still wants her to marry. Believing they have no other choice, they are forced to marry their attackers as they are told this is the only way to restore their honor as no other man will want a ‘damaged’ wife (Sims 1997). This clearly limits the autonomy of women, and lessens the severity of rape within a society.

In regard to spousal rape, in most countries it is doubly criminalized because family ties are considered an aggravator in the crime (Social Institutions & Gender Index). However, this was not the case until recently. For example, when the marital rape law in Colombia was first enacted, there was a lesser punishment for marital rape than there was for rape generally (World Organization Against Torture, p. 173). However, today in Colombia there is a stricter punishment for rape if there are family ties between attacker and victim. This is an important change in Colombian law, as attackers cannot receive lesser sentences for the same crime simply because they already knew the victim.

Gender Violence Laws in Latin America have come a long way from the laws of the past. Perhaps one of the most unclear is that of *rapto de seducción* (abduction by seduction) and *estupro* (interpreted both as elopement and abduction by seduction). Rapto and estupro existed to protect the honor of the girl's family (particularly the patriarch who had authority over her) when she ran off to be married (Sloan 2011, p. 63). It seems that this law was to protect virginal girls, but the underlying notion was to protect her family's honor when she was dishonorable (Sloan 2011, p. 63). Rapto and Estupro were seen in Mexico's Penal Code of 1871, and were ambiguous so that it could be applied per situation (Sloan 2011, p. 63). It did not matter if she had consented, but rather if the father had consented. If the couple married after, the crime was dismissed. In the unlikely case that the perpetrator was convicted, they were often asked to pay a sum to restore the victim's honor (Sloan 2011, p. 64). During the time the Penal Code was written, women were seen as property rather than as individuals. While today legislation has changed, there is still a long way to go to make women equal under the law.

#### IV. *Conclusions*

In sum, these findings show that gender quotas do matter and that they make an impact on gender violence legislation. While the direct relationship between gender violence legislation and gender quotas is not especially strong (with a correlation coefficient of 0.45), there is nonetheless an effect of gender quotas on gender violence legislation. There are outliers, like Venezuela, who have strong gender violence laws and no gender quotas. However, most of the countries follow the general trend that stronger gender quotas lead to stronger gender violence legislation.

Additionally, there is a strong relationship between the percentage of women in the legislature and strong gender quotas. This shows that it is crucial to have strong quota laws in order for them to become effective, and that strong quota laws are a successful mechanism to

increase the number of women in the legislature. There was also a strong relationship between a higher percentage of women in the legislature and stronger gender violence laws. This relationship demonstrates that the presence of women in a legislature helps to influence stronger gender violence laws. In conclusion, strong gender quotas are important because they help to elect a larger number of women to the legislature. Once women are elected, legislatures are more likely to implement gender violence legislation. With a higher number of women in the legislature, gender violence legislation is more likely to be strong and comprehensive.

## Chapter 4 – Case Study: Argentina and Chile

### I. *Introduction*

Argentina and Chile endured a similar political history throughout most of the 20<sup>th</sup> century. After experiences with democracy after the Second World War, both countries suffered coups followed by brutal military dictatorships during most of the 1970s and 1980s. Transitioning to democracies in the 1990s, they are now some of the region's strongest democracies. Since the beginning of the 2000s, they have both become part of the region's turn to the Left. In terms of the history of women's political engagement, they also faced similar histories. In the 1940s both countries passed women's suffrage, with Argentina in 1947 and Chile in 1949 (Gray 2003, p. 52). However, after women gained the right to vote they did not mobilize again until the 1970's when they organized into movements in opposition to the military regimes (Gray 2003, p. 52). Today, both countries are stable democracies with women presidents, Cristina Fernández de Kirchner of Argentina and Michelle Bachelet of Chile, and have similar levels of women in politics, except in their legislatures (Gray 2003, p. 71).

These similar histories, gender cultures, and experience with bureaucratic authoritarianism make them a good case of comparison when examining gender quotas and gender violence legislation. It is important to understand the effect that gender quotas have on their legislature and legislation as the legislature directly affects women citizens by creating laws that protect (or do not protect) them. By comparing Chile, which has no gender quota, with Argentina, which has the world's longest implemented gender quota, the differences in their gender violence scores can be examined. Chile received a 10 on the gender violence index, while Argentina scored higher on the index with a 12. From this, the two can be compared to see if a difference in gender quota legislation makes a difference in gender violence legislation.



## II. *Argentine Political History*

Military officers recognized the need for strong leadership in Argentina as World War II spread. The military sought to reform Argentine politics, and in 1944 the military decreed the end of political parties. As Argentine politics transformed, there were two main actors involved: the military and labor (Skidmore, Smith, and Green 2010, p. 258). A colonel in the army, Juan Perón, was first imprisoned in 1945 due to his growing power, and was later released and won the presidential elections in 1946, after campaigning on a nationalist and populist front. After fighting with both the church and the military, the military presented Perón with an ultimatum to face civil war or to resign. Perón chose to resign and sought asylum (Skidmore, Smith, and Green 2010, p. 259).

After Perón's overthrow, the military filled the executive with military members and outlawed Perón's party and executed Peronist leaders. After years of political uncertainty, a military coup in 1966 implemented bureaucratic-authoritarianism (Skidmore, Smith, and Green 2010, p. 265). Political violence grew immensely under this regime, and elections in 1973 restored the Peronists to power. The military soon resumed power after a coup in March of 1976. Wanting to once again implement a bureaucratic-authoritarianism regime, the military began one of the most notoriously brutal dictatorships of the 21<sup>st</sup> century. The government launched the Dirty War against leftist opposition, arresting subversives and 'disappearing' somewhere between 10,000 and 20,000 people (Skidmore, Smith, and Green 2010, p. 269).

Years of political tension and repression combined with Argentina's military failure in the Falkland Islands led to a promise of elections in 1983 by military general Reynaldo Bignone. In a surprise victory, Radical Party leader Raúl Alfonsín won the presidential election and his party gained control of the Chamber of Deputies (Skidmore, Smith, and Green 2010, p. 271). The

transition to democracy faced multiple problems, however. The new regime's commitment to prosecuting human rights crimes was important in securing Alfonsín's election, but it proved difficult to prosecute military members. The military responded in revolt in 1987, and the ongoing prosecutions were quieted. Additionally, the new government faced a massive foreign debt of \$50 billion that caused inflation to increase drastically (Skidmore, Smith, and Green 2010, p. 272). In the 1989 elections, the Peronists won power once again, marking the first time in 70 years that an opposition party had won. The election of 1989 also marked the beginning of Argentina's true transition to democracy in the 1990's (Skidmore, Smith, and Green 2010, p. 273).

### III. *Chilean Political History*

The years following World War II in Chile were characterized by highly competitive elections in an extremely democratic system. In these following years, Chile struggled with a lack of popular participation and a poor economy. These factors led to the election of socialist Salvador Allende in 1970. Allende's three years in office were significant not just in Chile, but in all of Latin America. Although he won the election by a slim margin, Allende sought radical change through legal means (Skidmore, Smith, and Green 2010, p. 296). However, the new, inexperienced government began to inefficiently run large sectors of the government, causing the Chilean economy to fall apart. The political tensions began to escalate with massive protests occurring by mid-1972 (Skidmore, Smith, and Green 2010, p. 298). Along with the political tensions came class tensions, as Allende's left was supported by the urban working class, while the right-wing opposition came from an upper class that was united by family ties and interests (Skidmore, Smith, and Green 2010, p. 301). On September 11, 1973, a military coup overthrew Allende's government, killing at least 2,000 supporters of the Allende government. This was the

most violent military intervention in South America during the 20<sup>th</sup> century (Skidmore, Smith, and Green 2010, p. 300).

The new military government, ran by a junta of generals, imposed an authoritarian regime on Chile that destroyed Chile's political system. Augusto Pinochet achieved supreme authority in the junta, creating a personalized dictatorship rather than an institutionalized authoritarian regime that the government had hoped for (Skidmore, Smith, and Green 2010, p. 302). The Pinochet regime used brutal repression to quiet labor unrest and popular protest, becoming known for its human rights violations. In response to international pressure, Pinochet opened up the government (having security of constitutionally remaining army commander-in-chief until 1998) to a presidential election in 1989 (Skidmore, Smith, and Green 2010, p. 303). Patricio Aylwin of the Christian Democratic Party won the election. However, like Argentina, Chile faced difficulties in transitioning to democracy.

The strong army was still headed by Pinochet, and they army also still had a strong hold in the judicial branch. Moreover, the Senate was dominated by the right-wing, and the country faced terrorism from both the left and the right. Like Argentina, Chile faced the issue of what to do about past human rights abuses, as the government was concerned about heightened tensions between civilians and the military (Skidmore, Smith, and Green 2010, p. 304). In 1998, Pinochet stepped down as army chief, but remained a senator-for-life, as did many other members of the military, making it difficult to break the strength of the right-wing in the legislature. Chile most recently made strides away from Pinochet-era government through constitutional reforms of 2005 which reduced the strength of the executive branch while strengthening more democratic institutions (Skidmore, Smith, and Green 2010, p. 305).

#### IV. *Gender Quotas in Argentina*

Argentina has a long history of gender quotas. The Peronist party used gender quotas for legislative elections in the 1950s. In 1951, 29 women won seats in Parliament, then composing 18% of all seats. At the time, this was one of the highest percentages of women in Parliament in the world (Gray 2003, p. 59). By 1993, women were 50.8% of all registered voters and 47.7% of party members. However, until the 1991 quota law was implemented, women were extremely underrepresented in political decision making in Argentina. From 1983 to 1991 only 4% of legislators were women (Gray 2003, p. 59).

Argentina's gender quota (Ley de Cupo) was implemented in 1991, making it the first country to legally mandate quotas. The quota bill was introduced by a female senator from the Radical Civic Union, and soon after a coalition of women from different parties introduced a bill to the lower house (Franceschet and Piscopo 2012, p. 45). The passing of the law was successful largely due to the solidarity and collective action of women (Gray 2003, p. 60). The bill passed through the senate with an almost unanimous vote, mostly due to the fact that senators did not believe it would pass through the lower house. The victory in the senate led to greater mobilization by women, who attended the legislative debate. After President Carlos Menem lent his support, the bill was passed in late 1990 (Franceschet and Piscopo 2012, p. 45). Afterwards, the National Women's Council and the President's Cabinet of Women Advisors created a campaign that informed the public about the legal requirements in preparation of the 1993 elections (Gray 2003, p. 60).

By 2000, the quota was extended to all elections and all seats a party was renewing (The Quota Project 2015). The quota requires 30% of party lists to be women, and women have to be placed so that they have real chances of being elected (The Quota Project 2015). Argentina uses

a list proportional representation system in their elections, meaning that voters vote for a party and the party receives seats in proportion to their overall share of the votes that they received. This system facilitates the implementation of gender quotas, as women can be systematically placed so that they receive seats. However, this also means that women can be systematically placed so they receive no seats. In Argentina, there are placement mandates that instruct that a woman must be alternated after two men on the list. If a party only has one or two seats to renew, a woman must be in the top two candidates. If a party fails to abide by the rules, the list will be rejected by an electoral judge. The judge then notifies the party that they need to change their candidate order within 48 hours. If they still do not abide within 48 hours, the Court will place women into the appropriate spots on the list (The Quota Project 2015).

Besides legislative races, there are also gender quotas implemented at other levels of government. Party positions are mandated by Article 37 of the Constitution. The Constitution says that there must be equality of opportunity for men and women for elective and political party positions. However, there is not a percentage mandate and there are no sanctions. Requirements for quotas are included in many provincial laws and also in the constitution of Buenos Aires City. Additionally, the Justicialist Party (Partido Justicialista), the largest party in Parliament and the party of the President, has a national statute that says all levels of the party and electoral lists must respect the representation of women. The exact percentages are mandated by provincial party statutes, and percentages vary between 30 and 50% (The Quota Project 2015).

Gender quotas in Argentina have been successful in increasing the percentage of women in the legislature. Currently, 37% of the seats in the legislature are held by women, which is above the 30% mandate. Regarding scores, Argentina received a 3 (out of 3 possible points) for

quota strength. The fact that the percentage of women in the legislature is above the mandated quota is attributed to the success of the quota laws.

#### V. *Gender Quotas in Chile*

Before Pinochet's military coup in 1973, Chile was one of the most stable democracies in Latin America, and also had one of the region's largest numbers of women in the legislature (Gray 2003, p. 63). During the military junta government, Chilean politics dramatically changed due to the policy of state terrorism. The transition from the junta government was a negotiation between elites and Pinochet, and thus had many barriers that limited change and democracy (Gray 2003, p. 63). By 1990 political parties began to emerge once again and Chilean women militants of the opposition helped to address gender issues within party platforms and national policy, and even went so far as presenting a list of women candidates for the 1989 parliamentary elections (Gray 2003, p. 66). While Argentina was implementing party quotas in 1991, Chile was just beginning its transition to democracy and parties were just beginning to reemerge after the dictatorship (Gray 2003, p. 66).

Chile's electoral system is unique, and was constructed by Pinochet during the dictatorship. The binomial majoritarian electoral system mandates all seats to be elected from two-member districts. Each parliamentary constituency has two seats, and the party presents a list of two candidates. The winning candidate takes one of the seats, and typically the runner-up takes the other. This system has kept out small parties, and has preserved the presence of Pinochet's party by over representing the rightist coalition (The Economist 2015). Today, there are only 19 women in the 120 person legislature, thus making women only 16% of the legislature.

In April 2014, President Michelle Bachelet signed an electoral reform bill that will create quotas in the national legislature and transform the electoral system. First introduced in 2007, and failing to garner support until 2014, the new law increases the number of seats in Parliament from 158 to 205, and will change the electoral system from binomial majoritarian to proportional representation. The new law includes quota mandates that no more than 60% of a party list can be candidates of the same sex, therefore guaranteeing 40% of candidates to be women (The Economist 2015). New elections implementing the quota will not take place until 2017. Interestingly, during the four elections between 2017 and 2029 there will be a monetary award to parties who women are elected from (Cámara de Diputados de Chile 2014).

While there was no national quota until 2014, some parties implemented quotas. The Party for Democracy (Partido por la Democracia) and Socialist Party of Chile (Partido Socialista de Chile) have quota provisions that neither men nor women should be represented on an electoral list by more than 60% (The Quota Project 2015). Additionally, the Socialist Party has a provision that neither men nor women will hold more than 70% of seats in Parliament (The Quota Project 2015). Lastly, the Christian Democratic Party (Partido Demócrata Cristiano) has a provision of 20% women on electoral lists (The Quota Project 2015). However, all of these provisions are weakly enforced and not always followed in practice. This makes them largely symbolic and ineffective.

The average percentage of women in parties is at 49% in Chile, and women account for the highest percentages in right-wing parties (Gray 2003, p. 65). Within political parties, women have often formed women's sections to promote their interests, with the result of them often being segregated and excluded within the party (Gray 2003, p. 65). Men tend to have clear advantages for participation within the parties, as women are impeded by domestic

responsibilities, little resources or political training, and self-exclusion, which make it difficult for them to become fully involved (Gray 2003, p.65). While the percentage of women in the national legislature is low, it has been gradually increasing since the transition to democracy.

#### VI. *Gender Violence Legislation in Argentina*

In the analysis regarding gender violence legislation, Argentina scored a 5 (out of 5) in both rape laws and domestic violence laws. However, they did poorly concerning sexual harassment laws, receiving a 2 out of 5 possible points. Interestingly, all of their laws regarding gender violence have been implemented after the creation of gender quotas. In total, Argentina received a 12 out of 15 possible points.

Argentina's law on rape, Law 25,087, was passed in 1999; eight years after gender quotas had been in place. The definition of rape within the law includes marital rape (and more specifically marital rape is addressed in Law 26,485). However, the rape law is flawed in that harsher punishments are enacted only when violence is found to be a "crime against sexual integrity" (Social Institutions & Gender Index). In this sense, a crime against sexual integrity is a sexual act that violates a person's physical integrity and autonomy. However, this definition is up for interpretation. Additionally, victims need to present proof of sexual injury as a result of rape to convict the perpetrator (Social Institutions & Gender Index). The combination of the need of proof with the fear of further violence and social stigma makes rape an underreported crime in Argentina.

Argentina has two laws regarding domestic violence, both passed after the implementation of gender quotas. In 1994, Argentina passed Law 24,417 (Protection against Family Violence Law), and later amended and expanded it in 2009 with Law 26,485(Comprehensive Protection Act to Prevent, Punish and Eradicate Violence against



Women in Areas Where They Develop Their Relationships) (Social Institutions & Gender Index). The more recent law expands the previously vague definition of domestic violence that the prior law had. Domestic violence, however, still remains a misdemeanor that is prosecuted in civil court instead of criminal court. Like the rape law, domestic violence is only punishable by up to 20 years in prison if the crime involves a “crime against sexual integrity” (Social Institutions & Gender Index). In Argentina, there is a National Council of Women (CNM) and Office of Domestic Violence that oversees the proceedings of domestic violence cases. Unfortunately, the CNM has weak leadership and organization and lacks in human and financial resources to push more thorough policies, as it receives little funding from the national government (Social Institutions & Gender Index).

Argentina’s law on rape, Law 26, 485, also covers sexual harassment in Article 5, Section 3. Sexual harassment is defined in their penal code as any type of violation of woman where her sexual decision making is hindered. It is included with marital rape, threats, coercion, forced prostitution, exploitation, slavery, trafficking and sexual abuse, making it a comprehensive law (Social Institutions & Gender Index). However, there are no criminal sanctions for sexual harassment specifically within the criminal code. Additionally, there is no legislation on sexual harassment in employment or public spaces, but there is legislation regarding sexual harassment in education in the Law of National Education (Social Institutions & Gender Index).

## VII. *Gender Violence Legislation in Chile*

Chile scored a 10 (out of 15 possible points) in the gender violence index, which gave it one of the lower scores out of all countries in Latin America. Chile received the same score as Guatemala and scored higher than only Haiti, making it tied for the second lowest score. Chile

received a 5 out of 5 possible points for the strength of rape laws, a 3 out of 5 possible points for domestic violence laws, and a 2 out of 5 possible points for sexual harassment laws.

Chile's law on rape (Law 19617) was passed in 1999, which is the same year Argentina passed theirs. The 1999 law modified the penal code by replacing 'women' with 'person' regarding sexual violence. Marital rape was also added to the penal code with Law 19617. Additionally, the punishment was increased when the victim was younger than 12, has a disability, or is in a vulnerable situation (Social Institutions & Gender Index). To help combat rape (and other forms of sexual violence), Chile has also created a Special Unit on Violent Sexual Crimes. The special unit appoints prosecutors who routinely receive training on sexual violence (Social Institutions & Gender Index).

Chile's law addressing domestic violence, the Intra-Family Violence Law (Law 20.066), was implemented in 2005. The law defines domestic violence as abuse that affects the life of anyone who is the spouse of, or cohabited with, the perpetrator. A harsher punishment is applied if the victim of abuse is a minor or has disabilities (Social Institutions & Gender Index). However, the law does not address financial or sexual abuse of a partner, thus resulting in Chile receiving a 3 out of 5 possible points for domestic violence. The law also allows The National Women's Service (SERNAM) to sponsor lawsuits for domestic violence crimes (Social Institutions & Gender Index). It is important to note that women specific policy, such as the Intra-Family violence law, is subject to low budgets. Law 20.066 has been noted to be stripped of its effectiveness by lack of money allotted by the government for implementation of the law (Haas 2010, p. 60). While the law already receives only a 3 out of 5 possible points, it is further weakened by lack of funding.

Also implemented in 2005, Law 20005 (Law that Defines and Punishes Sexual Harassment) addresses sexual harassment in employment. According to this law, employees can make written complaints directly to the Labor Department who can then dismiss the perpetrator without compensation. Employers also must, under this law, have procedures for addressing sexual harassment complaints if they have over ten employees. Sexual harassment is defined as inappropriate sexual requests or behaviors that do not have the consent of the other party, and that may hinder the victim's work situation or future career opportunities (Social Institutions & Gender Index). Chile received only 2 out of 5 in the category of sexual harassment because it does not address sexual harassment in public or in education and there is no sanction for sexual harassment (World Bank Group). The Library for the National Congress of Chile offers online audio and video guides that explain the law and the resources available to victims of sexual harassment (Social Institutions & Gender Index).

#### VIII. *Legislative Politics in Argentina*

Argentina's gender quota makes a significant impression on legislative politics. During the process of passing the quota law, supporters used the slogan, "With few women in politics, it's the women who change. With many women in politics, politics change," (Franceschet and Piscopo 2012, p. 45) and that certainly proves to be the case. As the number of women in office grew after the implementation of quotas, so did the rate of women's rights bills. Women's rights bills composed 1.8% of bills between 1983 and 2007 (Htun, Lacalle and Micozzi 2013, p. 106). While this number is seemingly low, they grew at a slightly higher rate than the overall number of bills did during this period (Htun, Lacalle and Micozzi 2013, p.106). Thus, the growth of number of women in office corresponded with the growth of women's rights bills. However, it is contradictory that as the total number of proposed bills increase, the likelihood that a women's

bill will not be passed decreased. The approval rate during this period was approximately 18% of women's rights bills, opposed to 28% of other bills (Htun, Lacalle and Micozzi 2013, p. 106).

Looking at who is most likely to propose women's rights bills in Argentina, women legislators tended to be more active (Htun, Lacalle and Micozzi 2013, p. 110). Women legislators were more likely to propose legislation as the number of women legislators increased. However, regardless of gender, radical party members have a higher likelihood of submitting women's rights bills (Htun, Lacalle and Micozzi 2013, p. 110). Additionally, in order for women's rights bills to be most effective, there cannot be a large gap in number of women between the Senate and the lower chamber (Htun, Lacalle and Micozzi 2013, p. 115). However, the increase of proposed bills (especially by women legislators) shows that the presence of women in the legislature is extremely influential on the decision making of legislators. The presence of women raises awareness to women's issues, as well as allows for more space in the legislative agenda for women's issues (Htun, Lacalle and Micozzi 2013, p. 115).

However, the issue still remains that women's issues bills have become less likely to pass. A large problem in Argentine politics is the idea of 'quota women'. Due to the quotas, all women legislators are assigned this derogatory term, which diminishes their value in the legislature. The presence of quotas has made passage less likely, because women's positions are viewed as unearned (Htun, Lacalle and Micozzi 2013, p. 115). In this context, men legislators are working even harder to reduce the influence of women. To do so, they minimize their influence by placing women into less important committees and preventing their bills from reaching the floor for debate (Htun, Lacalle and Micozzi 2013, p. 115). Thus, gender quotas have been both beneficial and detrimental to women in Argentina's legislature. While there are more

bills being proposed and more influence from women, there is also less likelihood that their bills will be passed or even debated.

### IX. *Legislative Politics in Chile*

In Chile, policy supporting the expansion of women's rights (including protection from gender violence) is generally divided along party lines rather than by the gender of legislators. Parties from the left are more likely to support these policies. The Socialist Party (Partido Socialista de Chile) and The Party for Democracy (Partido por la Democracia) are the only two parties to officially support equal rights for women in their platforms (Haas 2010, p. 67). Most opposed to the expansion of women's rights is The Independent Democratic Union (Unión Demócrata Independiente). In 2002, both the Christian Democrat Party (Partido Demócrata Cristiano) and the National Renewal Party (Renovación Nacional) lost seats, which decreased the number of allies of women's issues policies outside of the Left (Haas 2010, p. 65). Interestingly, the growing attention of women's issues in Congress occurred during this time; during both the Bachelet administration and an increase in seats held by the Left. The attention is attributed to the continued pressure on the party by feminist party members (Haas 2010, p. 65). As the Left gained power through increased seats, the Independent Democratic Union has become more staunchly opposed to their women's rights policies, making it difficult to come to an inter-party agreement to pass new policy (Haas 2010, p. 65).

In the context of Chile, the presence of leftist parties with feminist party members seems to be most important for pursuing women's interests. Support for women's rights legislation is supported more by men representatives on the left than women's representatives on the right (Haas 2010, p. 67). In all women's rights bills from 1990 to 2008, with a few exceptions such as the 1995 divorce bill, representatives from leftist parties have been the ones to propose and lobby

for bills. Importantly, the Left has acted as a united body in support of women's issues bills (Haas 2010 p. 67). Feminist representatives must be the ones to propose legislation, and they are the ones who must garner support from the rest of the party (Haas 2010, p. 68). In Chile, the incumbency rate is extremely high. As the number of women in Congress is extremely low, the women who hold elected office become expert legislators as they spend a longer time in office (Haas 2010, p. 73). In this respect, having a larger amount of women from the left seems to be important in proposing and promoting women's issues legislation in Chile.

In regard to adopting and proposing legislation, it is important to note the influence of The National Women's Service (SERNAM) in Chile's legislature. SERNAM receives greater financial and congressional resources than feminist members of Congress do, partially because they are part of the executive branch. Being a part of this branch, they have access to committee debates and are more likely to address the full Chamber or Senate (Haas 2010, p. 60). However, while they receive greater resources than members of Congress do, they still receive a low level of funding in comparison to other government ministries, which symbolizes its lack of importance to the Chilean government (Haas 2010, p. 60).

Due to their resources, they write technically superior, complex bills on policy regarding women than members of Congress. They are able to employ women's labor and health experts, as well as lawyers who can draft and lobby for bills (Haas 2010, p. 60). These resources benefit their bills, as they have a greater success rate than feminist representatives in passing policy. Between 1990 and 2008, SERNAM proposed nine bills, and eight of them passed. This is in comparison to the Congress as a whole, which proposed 53 bills regarding the expansion of women's rights, but passed only nine (Haas 2010, p. 62). Oftentimes members of Congress co-sponsor bills with SERNAM. However, working with SERNAM comes at a price. For example,

in the passage of Law 20.066 (Law on Intra-Family Violence), SERNAM insisted on reframing the domestic violence bill to define domestic violence more conservatively than the original bill had (Haas 2010, p. 62). Thus, part of the weakness of the definition of domestic violence (Chile received only a 3 out of 5 on this) is due to the change by SERNAM.

#### X. *Conclusion*

Between Chile and Argentina there are substantial differences to their legislatures. Their transitions to democracy made a difference in their current electoral systems. As Chile has used a binomial majoritarian electoral system since their transition to democracy, they have been unable to foster the growth of minority parties, or the growth of women legislators. However, since their new electoral law passed, they will be changing to a proportional representation system, which is easier to mandate gender quotas. As 37% of Argentina's legislature is women, it surpasses their mandate of 30%, which demonstrates that their national electoral gender quota is an effective system in increasing the number of women in the legislature. At Chile's current standing of women as 16% of the legislature, the future quota law will be interesting to examine during the upcoming elections to see if the percentage of women in government drastically changes with the combination of the new electoral law and the new gender quota of 40%.

In Argentina, while they do have a larger number of women and a larger number of women's issues being proposed in their legislature, they are faced with the problem of marginalization of women legislators. This affects their ability to make any considerable changes with regards to gender violence. This could, in part, explain the paradox of their lower score of 12 out of 15 possible points on the gender violence index, but their 3 on the gender quota strength index. Yet, the presence of women has proven to be important as women's issues are brought to light and into conversation. Currently in Chile, parties seem to make more of a

difference than women legislators. While change and proposals are coming from leftist parties, it is crucial that they also have feminist party members to initiate the support of the Left. However, the current issue is that as support for women's issues from the Left strengthen, so does the opposition from the Right. In the upcoming years, Chile will be a country to watch to for signs of change in support of women's rights as the presence of women in the legislature increases.



## Chapter 5 – Conclusions

The use of gender quotas in legislative politics has become widespread and nearly universal in Latin America. By analyzing gender violence legislation and its relationship with gender quotas, this paper has found that gender quotas are meaningful and significant to women citizens in Latin America. While the current literature is inconclusive on what impact gender quotas have, this paper has found a positive relationship between the strength of gender quotas and the strength of gender violence legislation. Therefore, the answer to the central question is yes, countries with legislative quotas produce more rigorous gender violence laws. Not only is there a relationship between gender quotas and gender violence legislation, but there is also a strong relationship between gender quotas and the number of women in the legislature.

Additionally, there is a strong relationship between the number of women in the legislature and the strength of gender violence laws. From this, I conclude that gender quotas do improve the legal status of women, because as gender quotas strengthen, and as the number of women in the legislature increase, they are more likely to have legal protection from gender violence.

Furthermore, there are conditions under which gender quotas are more effective. The research found that the stronger the gender quota, the more likely the country is to have more rigorous gender violence laws. Therefore, a country must not only have a quota, but also have placement mandates and sanctions. If a party is not punished for operating outside of electoral rules, they are unlikely to abide by them. Likewise, there must be placement mandates in the gender quota legislation. Placement mandates assure that a woman will be placed on list so that she has real chances of winning a seat. Without mandates, a party can place women in seats that they will likely never win. Thus, gender quota laws must be rigid to be effective.

In the case of Argentina, the presence of women in the legislature has an influence on what legislation is being proposed. By introducing women into political discourse, women's issues are more likely to be included in the legislative agenda and within discussion. While fewer women's issues bills are being passed as the number of women increase, it is still important that women's issues are being addressed at all. This is in comparison to Chile, which has no gender quotas and has a smaller percentage of women in the legislature. Chile's tradition of strong party politics makes party ideology more important than gender in the case of introducing women's rights bills. However, it will be important to further study the effects of Chile's new electoral law that will change its electoral system and also implement gender quotas. Looking to the future, it would be beneficial to study voting trends within the legislature to determine if the introduction of more women changes voting trends, or if the number of women's rights legislation increases throughout the next decade.

While representation will never be entirely perfect, gender quotas are an important way to represent a large portion of a country's constituency. It can be difficult for women to break ceilings within the rigid hierarchy of parties, and gender quotas are a mechanism that can help them do so. By giving women a greater chance at seats, a country is also giving a greater chance for change and promotion of women's issues. By better protecting women under the law, it both legally and symbolically sends a message that women are equal, important citizens.

Gender violence is also an issue that is deeply entrenched within individual societies. By changing the power dynamics of gender violence, it enables women to gain both better control of their lives and independence. By recognizing that better representation of women in the legislature leads to better gender violence laws, real change can happen within the power dynamics of a society.

Looking forward, the impact of gender quotas can be further studied in many ways. To gain a more comprehensive understanding of their impact, it would be important to not only just look at legislation and percentage of women in their legislature. Specifically, studying the effect of women's movements and sentiments at the time legislation is passed would help to shed light on if women legislators or feminist constituents are the ones pushing women's issues bills. While also looking at electoral politics, a further study on parties and their effects and ideology would be key in understanding why legislation may or may not garner support. Lastly, when looking specifically at gender violence legislation, examining the amount of funding a bill receives for implementation would be important in understanding how important a bill is symbolically, and also why a bill may vary in strength once implemented.

This work is important in demonstrating how gender quotas can provide better legal standing for women citizens. While gender quotas are widespread in Latin America, they are also gaining support across the world. By looking at data that shows the benefits of gender quotas, other nations who are looking to gain better representation of women in their legislature can find successful electoral models to use. As proven in this paper, having gender quotas is advantageous for a nation's women.

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