



Quotas and Democracy in Peru

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The Rationale and Political Significance of the Quota Mechanism

Some have sought to defend quotas as a ‘different way of women engaging in politics’ based on characteristics or values attributed to or more rooted in them than in men, such as honesty, sensitivity, impartiality altruism and generosity.

After a decade of authoritarian government in which political women played a key role in dismantling democratic institutions, it is clear that this argument cannot be sustained. The history of political women in Peru shows us that they are not more honest, more sensitive, or more disinterested than men, although this does not mean that their conduct is identical to that of men. Interestingly, for example, women have defended the cause of their political leader with the vehemence he has demanded, and their loyalty has been maintained even after his fall. (Whether , erotic, or other types of relationships have entered into play is an issue that remains to be studied.)

Clearly the argument about the supposed ‘virtues of women’ is no longer upheld, which does not mean that quotas or some other affirmative action mechanism does not have a theoretical foundation.

Three main reasons justify and validate quotas: rights, democracy and development.

First, it has not been possible to exercise women’s right to be elected to positions of power due to a

series of obstacles, among them prejudices regarding the capacity of women to manage public affairs and the barriers that they face in their own political parties. Nonetheless, and even though this right was recognized in 1955, it was not until 1979, through the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), that an international instrument first addressed the need for states to accelerate the processes of women's inclusion and participation in politics through the quota mechanism, as a temporary measure until equality is attained. Since then, the need to create mechanisms so that women can exercise this right effectively has been reiterated progressively, and at the 1995 World Conference on Women in Beijing, China, exercising this right was proposed as a strategic objective for achieving equity and development. Since 1995, most of the Latin American countries have adopted quotas. Of course, the enjoyment of these rights leads us to the argument concerning equity. There cannot be a just or equitable society without the participation of women in positions of formal power, and without men and women having equal opportunities.

The second argument has to do with representative democracy and with the consolidation, in the second half of the twentieth century, of the view of democracy as *the* political system. Nowadays, one even hears talk of democracy as a human right. This process of validating democracy as the best political system, to which all human beings have a right because it is the only one capable of helping to bring about the establishment of a state open to the development of full human potential, has been accompanied by debates and analyses regarding, for example: what is democracy? How should it work? How can the diverse interests of different individuals be represented? What are the adequate mechanisms or what should they be?

Historically, women have not been represented in the formal power structure as a specific segment of the population, for it was assumed that what was 'good for the gander' was also 'good for the goose', that is, from a male-centred perspective, what is good for males is also good for females. Nonetheless, the contributions of, and the research by, many women have cast light on the needs, problems and interests that are particular to women and merit that women have their own representation. What are those interests and problems that are particular to women? What can women represent that men cannot represent? For instance: the exercise of sexual and reproductive rights affects each sex differently; maternal mortality concerns only women—the same can be said of early pregnancy; and the lag in the enjoyment by women of economic and social rights. All of these points paint a picture in which women have less education, lower incomes, and less access to property rights than men, to mention just some areas. Nonetheless, the main problem is men's inability to perceive the differences and their effects. Experience shows that men are not sensitive to the demands, needs or suffering of women. In Peru, we have many examples, but I will cite only one. The Criminal Code contained a provision that cleared all rapists of criminal liability (in the case of gang rape) if one of them married the woman who was assaulted. This provision remained on the criminal statutes for over 70 years in Peru, and no legislator ever questioned it. It was a woman (Beatriz Moreno) who proposed its elimination, and when it appeared that the proposal was going to gain a positive response from all of the male members of Congress, the 'war of the sexes' broke out. Thanks to the pressure brought to bear in the Peruvian and international press—due, among other factors, to pressure applied by women—this anachronistic and abusive legal provision was repealed.

So, having women in power makes it possible to address women's grievances and, in that sense, is a democratizing element, broadly speaking. Nonetheless, the question arises as to the nature of the representation. Is it possible that a group of women can represent all women? Yes, but it requires the existence of a system of political representation, which, in turn, is derived from a solid party system that enjoys legitimacy, and that operates openly and democratically. It also requires a

strengthened civil society, present and engaging, as well as mechanisms of accountability, and institutional channels for citizen participation, none of which, unfortunately, we have in Peru or in many other countries of Latin America.

We must also analyse the nature of the political representation. What are we talking about when we ask ourselves whether women in politics represent us? Should women in politics represent all groups of women? First, political representation is not a mirror that reflects the identities of each and every social group; nor is it a mandate for the representative to do what the constituent desires or expresses. Yet, while the representative (female or male) must be autonomous in relation to his or her constituents, he or she must, above all, have a skill for 'reading' or 'interpreting' the will of the voters, and act accordingly. And to interpret this will, channels and mechanisms are needed to ensure the direct participation of citizens in matters of state. Representation and participation go hand-in-hand.

Moreover, who do the women in power represent? All women? To whom are they accountable? It is possible that they represent some groups of urban women, including some rural women, others from the popular sectors, and others from professional middle sectors, but it would be hard for any one woman to represent all women. Do women feel represented today when witnessing a persistent campaign against the implementation of sexual and reproductive rights? Probably not. Nonetheless, the lack of representation that women experience is not limited to women. It has to do with the crisis of representation within the Peruvian political system, which became more acute in the late 1980s, and came to a head in the early 1990s. This situation has a particularly strong impact on women, as women's 'big time debut in politics', so to speak, occurred precisely in the context of the terrible crisis of representation that affects all political actors equally, and which no doubt benefited the authoritarian regime in power during those years.

It is true, therefore, that women's presence is a democratizing element to the extent that the representation of women's interests is more faithful than when there were no women present in the organs of power. And, although it is not perfect, it is a foundation without which it will not be possible to build a better system of political representation, nor, in the long run, to establish an equitable political system.

Third, the contribution of women is necessary to achieve development. Since 1995, the United Nations (through the Commission that evaluates the legal status of women) has advised the member states on the need to ensure that at least 30 percent of all decision-making positions be held by women as a *sine qua non* for attaining development. The question thus arises: why does having women in decision-making positions contribute to development? Answer: because women, due to the sexual division of labour, hold positions in society and in the labour market that shape particular ways of seeing the world and of proposing solutions. The multilateral development banks (the World Bank and the Inter-American Development Bank (IDB)) provide the most visible examples of women's contribution to development. Various studies describe how, in the case of an investment in the infrastructure of a given community (water, electricity, roads), women's contribution has yielded better results. Simply put: economic investment results in a better return if women participate in the planning and implementation of development projects.

Given this situation, it was affirmed that, in many cases, the implementation of the quota system failed because it promoted the participation of authoritarian women, not democratic women. The quota is a mechanism for gaining access solely and exclusively to a given space or office. In the case

of education, it promotes access for racial minorities, and likewise in the case of employment. The mechanism—which is neutral—cannot be responsible for the capture of power by women who in many cases have been considered to be ‘counter-models’. The only ones responsible for this are the political organizations and the voters. The efficacy of quotas in regard to the representation of women is not unrelated to the parties’ institutional structures and the *clubes electorales* that come together only at election time, to get candidates elected to public office.¹ The quota mechanism cannot impede the participation of, or access for, women ‘outsiders’, who might be authoritarian or poorly qualified; rather, as in the case of men, it is precisely the crisis of representation that facilitates the election of such persons. The quota mechanism cannot be blamed at all for the failings of the political system; fundamentally, it is a mechanism for promoting human rights, because it seeks, in an especially accelerated manner, to overcome the problems generated by the structural discrimination found in all societies (mainly on grounds of race, sex and religion).

What is the Value-Added to Politics from the Presence of Women on the Official Scene?

When, in 1990, Peruvian feminists first pressed for the adoption of the quota mechanism, it was assumed that it would be adopted in the context of continued democratization. Nonetheless, paradoxically, it was in the context of a formal democracy called into question since 1992, and mounting authoritarianism beginning that same year, that many women became drawn into the spheres of power and began to take up some of the issues on the agenda of the women’s movement. To cite just some examples, we have the law that recognizes grassroots women’s organizations, the set of laws and policies on family violence, amendments to the Criminal Code on the crime of rape, amendments to the Civil Code to facilitate the recognition of children, and the very issue of quotas for political participation, not to mention the creation of the Ministry of Women’s Affairs, which had been a specific demand of women since 1990, and of the Office of the Special Ombudswoman for Women (Defensoría Especializada de la Mujer), and the Women’s Committee of the national Congress. While the post of Ombudswoman was not a direct creation of the regime of President Alberto Fujimori, the Defensoría del Pueblo (Office of the Human Rights Ombudsman) was, as it was established as part of the 1993 Constitution, adopted to give legitimacy to his regime. It is an institution that did not exist before that time in Peruvian law. At the same time, though, other measures were introduced that represented significant material rollbacks for women, such as the elimination of legal protection in the workplace, increasing unemployment, particularly in the formal sector, and the reduced availability of free services, in a context of adjustment, deregulation and flexibility that impoverished the population, forced it to live off public charity,² and subjugated it politically.

In other words, while significant strides were made at the legal and institutional levels—albeit focused on a just a few rights—the fragility of civil society persisted and worsened, particularly affecting women, weakening the effective capacity of the vast majority of Peruvians, including women, to participate in political processes and to benefit from institutional gains.

Hence, the inevitable question is: have these strides made been for naught, in an authoritarian context, without citizen participation, taking advantage of vertical clientelist relations, and often subjugating the social organizations? Apparently not. Even with all of the contradictions and weaknesses, any democratizing reform does have value unto itself, which goes beyond the survival of whoever advocated it. The authoritarian regime is now a thing of the past, yet the laws and the institutions remain. It is a responsibility of everyone, in particular the political class, to make them democratic.

The laws, independent of how they were defined and who defined them, to the extent that they expand and improve 'citizenship', are contributing to democracy. Citizenship has a normative component via which relations between the state and civil society—and in the case we are looking at, women—are institutionalized. We have a series of rights institutionalized; even though they cannot be fully enjoyed, they can be used, strengthening the consciousness of women and contributing to their empowerment as citizens. For example, Andean women are trying to get—physically and materially—the text of Peru's Law against Family Violence, to raise it up in opposition to their possible assailants. Similarly, electing at least one woman on the board of directors of a peasant community in Puno, out of fear that the law requires that community to do so, is another significant gain. The presence of women—even illiterate women—in the rural municipal governments, first gives visibility to the women (they have begun to 'exist' in certain communities), and, second, focuses attention on their problems. As a result, more *defensorías* are being established (as required by law) to address the problems of violence.

These expressions indicate that, in effect, women's citizenship is expanding, to the extent that the law enables them to turn around centuries of exclusion. And it has been possible to secure many of these laws (they can be called gains to the degree that they have responded to the pressures and demands of the women's movements) thanks to the horizontal alliances among the women in Congress that changed the correlation of forces: from a political party coordinate, there was a shift to a gender coordinate. Still, however, many of the gains were due to the authoritarian support of Fujimori.

In the face of this situation came the question: did Fujimori do all of this because of his sensitivity to women's issues? The same would have to be asked in regard to whether the dictator Manuel Odría was being 'gender –sensitive' when he recognized women's right to vote, whether the dictator Juan Velazco was sensitive to gender issues when he recognized the property rights of women concubines—when he prohibited mention of the legal situation of children born out of wedlock—or whether President Alan García was sensitive to women's issues when he created insurance for housewives, or the family allotment, or women's police stations. The intent of the laws, measures or policies cannot be examined or evaluated independent of the political project of each individual ruler.

The question should be, then, whether the measure is invalidated by the fact that it results from a political calculation more than from a desire to expand democracy. It seems not. All of these men have moved on, yet the measures have stayed, and with each of these measures, citizenship has been expanded, and all Peruvians have benefited.

What does Democracy Contribute to Women's Rights? What do Women Stand to Gain?

After the fall of the Fujimori regime, a democratic government came to power, put there by the social and political forces that fought the dictatorship, as the regime underwent international attrition, beset by accusations of drug trafficking and widespread corruption.

Of the broad array of candidates for president, the one who appeared most open to democracy succeeded in bringing these forces together behind him. Accordingly, Peru now has a democratic government that makes it possible to breathe the air of freedom, and to enjoy openness to criticism and, in general, a willingness to engage in dialogue with the majority of social and political actors.

Human rights are a key issue, and a matter of concern for the political authorities. Peru is undertaking to respect the recommendations of the international agencies on these points, and all branches of government are undertaking to ensure that any organ—domestic or foreign—does not question their decisions due to a potential violation of human rights. We can basically affirm that the current government respects human rights.

One must then inquire, whether in this situation, women are better off, in the same position, or worse off than before. Following the logic according to which greater democracy begets further development of democratic rights and, therefore, greater openness for groups traditionally excluded or marginalized, we should now expect to have more and better women in power. Reality has shown, though, that, in the case of women's rights and the rights of the marginalized generally, nothing will be given away for free. The present government is characterized by an 'anti-gender' policy. Those who have been or are close to the centres of political decision-making have been and are witnesses to the fact that the terms 'gender', 'sexual rights', 'reproductive rights', and others, such as 'civil society', are not looked upon favourably or accepted by those in power today. Sexual freedom is perceived as a threat. We have no more women in the executive branch that we did in the past regime; the family planning policy has halted implementation of new services previously approved; the confrontation between the public health authorities and organized women is taking on an increasingly shrill tone; and, finally, the woman elected to Congress with the highest vote, and who should preside over parliament, has been on the verge of being expelled from the government party, and the likelihood that her right to preside over the leading branch of government—the legislature—will be respected is very remote, if not null.

One sees, therefore, that a democratic regime does not necessarily ensure greater rights for women. In other words, Peru has had experiences that have allowed us to analyse and facilitate the gains of democracy, the role of civil society, of the parties, of the state and its relationship with the political regime, and with progress in terms of rights and living conditions for citizens. In the course of 12 years, Peru has experienced the paradox of moving from a regime with more rights for women/less democracy/less human rights to one with more democracy/fewer rights for women/fewer spaces of power.

This experience has shown how in formally democratic regimes but with a weak civil society, the openness of the state is decisive for securing rights. And that openness largely depends on the characteristics of who is in control of the executive. In a presidential regime, as one finds in most Latin American countries, the executive and the president, in particular, signify and practically embody the character and quality of democracy. Civil society reflects, experiences and proposes, but putting its proposals into practice will largely depend on who holds power, mainly in the executive, from where the resources of the state are administered. It is clear that the development of one democratic factor or component does not guarantee progress; only the collective and general growth of the political parties and citizens will guarantee men and women respect for their rights and the rule of equity.

The ideal is that any measure aimed at improving the situation of the population or relationships among individuals, and between them and the state, be adopted through dialogue and open debate. A democracy should not only allow this but encourage it, because it contributes not only to the improvement of things, but also, and most importantly, to the establishment of values and priorities, what Amartya Sen has described as the 'creative force of democracy'. In other words, an ongoing process—that never ends—is needed, of collective growth and consolidation of democracy based

on dialogue, debate and negotiation between the various social actors, the political class and the state—a process that guarantees individual freedom.

Once Again the Women ‘are late to the table’

One final thought: women have come late to the state’s public spaces where decision-making takes place. Greater participation in power is being advocated in a context in which the sovereignty of nation-states is considerably diminished, since it is not exactly within these that the policies are decided upon that will affect the lives of nationals; rather, inter-governmental organizations, transnational interest groups, and non-governmental organizations are important actors. Women have come late to the circulation of political power, that is, political representation.

Finally, in the debate, it should be borne in mind that the same ethical and democratic standards are not always applied to men and women. There is more protest of women in power who are authoritarian, unprofessional or dishonest than there is of men with the same qualities.

Notes

¹ Definition used by Giovanni Sartori in *Parties and Party Systems*. Cambridge: Cambridge University Press, 1976.

² By the end of the Fujimori government, some ten million Peruvians were receiving some kind of food assistance from the state.