THE CHALLENGES OF ACHIEVING GENDER PARITY.
POLITICAL GENDER VIOLENCE IN BOLIVIA AND ECUADOR

Nélida Archenti
Universidad de Buenos Aires
Argentina
archenti@gmail.com

Laura Albaine
Universidad de Buenos Aires
CONICET
Argentina
lauraalbaine@yahoo.com.ar

Prepared for presentation at XXII World Congress of the International Political Science Association, 8-12 July 2012, Madrid, España.
Introduction

Recent constitutional reforms adopted in Bolivia (2009) and Ecuador (2008) created a new type of state based on plurinationality and interculturality through the establishment of new institutions and territories, and give priority to the inclusion of social sectors that traditionally have been left out of the political scene. For that purpose both countries set up a type of democracy that combine mechanisms of representative democracy, participative direct democracy and communitarian democracy, establishing new ways of citizens’ participation and electoral rules. Indigenous peoples and women’s movements have become active participants in these processes.

One of the most significant aspects in relation to indigenous peoples has been the autonomous status in Bolivia and the territorial rights guaranteed by the constitution of Ecuador by means of the so called “Circunscripciones Territoriales Indígenas y Pluriculturales”\(^1\). Women’s organizations, on their part, achieved the inclusion of gender political parity in the constitution, thus making these countries, together with Costa Rica, the States in Latin America with the most advanced norms promoting political participation of women.

Nevertheless, the coexistence of rights recognition linked to the indigenous people’s identity, and gender political parity, have generated some tensions in a democracy capable of guaranteeing, in a formal plane, cultural diversity through interculturality and gender equality by means of parity. Moreover, parity has aggravated the exercise of cultural practices against women who compete to obtain posts of representation, giving place to the phenomenon called gender-based harassment and political violence.

This research aims to analyze the factors that impact on the efficacy of the parity norms in both countries, framed by the coexistence of representative democracy, communitarian democracy, and the prevalence of a patriarchal culture that tends to hinder the inclusion of women in the electoral political scene. It is a descriptive study structured in five sections: the first section describes the characteristics adopted by gender parity in Bolivia and Ecuador in the framework of representative democracy; the second analyzes the identity rights recognized to the indigenous peoples; the third examines the interaction between communitarian democracy and gender parity: the fourth refers the problems of gender-based harassment and political violence in both countries, and the fifth studies the impact of political parity on women’s political performance. Lastly, some reflections are presented as conclusion.

I. Gender political parity in representative democracy

The new political constitutions of Bolivia (2009) and Ecuador (2008) set up political parity in place of the gender quotas that had established a minimum percentage of women in candidate lists in both countries since 1997. This principle was adopted to regulate different aspects of the democratic system of representation, and the design in terms of gender, of the lists of candidates for

\(^1\) Indigenous and pluricultural territorial districts
the legislative branch in the framework of the organization of representative democracy.

Ecuador was pioneer in Latin America in including gender parity in a constitutional text\(^2\), instituting that “the State shall promote parity representation of women and men in posts of nomination or designation in public office, in instances of direction and decision, and in political parties and movements. In candidacies in multi-person elections alternate sequential participation shall be respected”. (Art. 65).

Besides, this constitution included an article which allowed the electoral authorities to apply penalties for misdemeanors, violations or offenses against these provisions (Art. 15). Nevertheless this rule is weak in comparison to quota laws that institute penalties in case of non-compliance. Thus, in several Latin American countries gender quota laws stipulate that lists that do not comply with the requirements shall not be admitted.

The dispositions of Art. 65 of the Constitution of Ecuador were incorporated into the new Electoral Organic Law, “Democracy Code” (2009). Also, this law established that a person who has exerted gender violence, or failed to comply with the payment of alimony for children cannot be a candidate, thus demanding an ethical conduct for the politicians; and that in case of a tie between a woman and a man the seat shall be assigned to the woman. (Art. 165).

In Bolivia the Political Constitution of the Plurinational State adopted the principle of gender parity for the election of Assembly members and the designation of national cabinet members. Thus, Art. 172, Section 22 of this corpus established that the Executive Branch must “appoint the women and men Ministers of State, respecting plurinational character and gender equality in the composition of the ministerial cabinet”. This rule expressing the political will to incorporate into the highest levels of government groups that have been discriminated, led to the appointing of a parity ministerial cabinet on the inauguration of Evo Morales Ayma’s second mandate (2010-2015). Nevertheless according to data of the Gender Observatory of the Bolivian Women’s Coordinating Entity, in January 2012 only 35% of the posts were held by women\(^3\). Also, regarding political parties and citizen’s organizations, this new statute\(^4\) decrees that the internal election of its authorities and candidates shall be regulated and controlled by the Plurinational Electoral Office, which shall guarantee equal participation of men and women.

\(^2\) The first country in the region to apply gender political parity was Venezuela. The measure was implemented in two opportunities through resolutions of the National Electoral Court. In 2005, through Resolution No. 050401-179 for the election of national, municipal and parochial bodies; and in 2008 by means of Resolution No. 080721-658 in regional elections.


\(^4\) Art. 210 Section II
In the case of the legislative Branch, Law no.4021 (Transition Electoral Regime, 2009), established that multimember and one-member lists of national and local levels of government must alternate candidates of each sex all along the list, both for the main candidates and for their substitutes; but it did not provide for sanctions to the political parties that failed to comply. On the other hand, it established an exception to the application of gender parity in the case of the election of representative from special districts and for the ballot in the case of indigenous nations and peoples¹, through a clause that ruled that they must be set up respecting their own norms and procedures ⁵. Thus, under this legal framework, for the national elections of December 2009, in the indigenous special districts the relation between main and substitute candidates turned out to be completely unfavorable to women, since only one of the 18 women candidates was proposed main holders representatives, and was not elected⁶.

More recently, Law no. 026 – Electoral Regime (2010) incorporated three aspects that are critical to ensure gender parity. On the one hand Article 11, “Equivalence of conditions” improves the position mandate by specifying that for the election of single name posts gender parity must be expressed in main and substitutes candidates and that in the total of main candidates of all such districts 50% must be women, thus reducing the possibility that political parties appoint women only for substitute candidacies. Secondly, it solves the tension between gender parity and indigenous peoples'customs by establishing that candidate lists of this social group—made up according to the group’s own norms and procedures—must respect parity and alternate placing of both sexes (Art. 11, Section C). Finally, Article 107 establishes that lists that fail to comply with parity and alternate placing shall not be admitted.

In both countries the norms about gender parity force indigenous peoples to compete for representation posts complying with the parity principle granted by liberal representative democracy, subordinating their own uses and customs. This fact brings into light some of the tensions that emerge in the building of parity intercultural democracy. According to Epsy Campbell ⁷ (2007) parity devoid of an intercultural perspective does not achieve its aims since it merely disguises cultural and racial asymmetries present in the society, taking for granted a false universality that assumes that all women are in the same situation and all men have the same privileges. In Bolivia special districts guarantee interculturality even though the participation of indigenous peoples is based on the principles of liberal democracy, including the incorporation of political gender parity. In Ecuador there is no specific institutional design aiming at ensuring the political inclusion of these social groups.

¹ The Bolivian Constitution, as well as many other legal documents, employs frequently the set phrase: naciones y pueblos indígena originario campesinos, as well as some slight variants. In the present article we shall translate it throughout as “indigenous rural nations and peoples”. Among other English translations that have been used for the set phrase indígena originario campesino we find “indigenous-originary-peasant”.  
(Translator’s Note)
² Article 9, “On Equality of Opportunities between Men and Women”
ogenesis sobre-la-onu/mecanismos-de-proteccion/mecanismo-de-expertos-sobre-los-derechos-de-los-pueblos-indigenas-3/participacion-de-mujeres-indigenas-en-procesos-electorales/.
Consulted on April 19, 2012
Table 1: Bolivia and Ecuador. Norms about gender parity framed on representative democracy

<table>
<thead>
<tr>
<th>Level of application</th>
<th>Bolivia</th>
<th>Ecuador</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministerial cabinet, multimember posts, one-member representatives, representatives of special districts and lists of indigenous nations and peoples</td>
<td>Posts of nomination and appointment in public office, political parties and movements, and multimember lists</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Placing Mandates</th>
<th>Bolivia</th>
<th>Ecuador</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes (including one-member posts)</td>
<td>Yes (only for multimember lists)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Penalties for non-compliance</th>
<th>Bolivia</th>
<th>Ecuador</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes (weak)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Elaborated by the authors, based on data of the political constitution and Law No. 026 of Bolivia; and the political constitution and the Democracy Code of Ecuador.

II. Rights of indigenous peoples

According to data of the Population Division of CEPAL (CELADE), Bolivia is the country with highest percentage of indigenous population in Latin America, (62.2%), followed by Guatemala (41%), Peru (25%), Panamá (10.1%), Honduras (7%), Ecuador (6.8%)\(^7\) and Mexico (6.5%). In Bolivia and Ecuador, the new political constitutions recognize the indigenous peoples as subjects of political, social, and economic rights, thus complying with Agreement No. 169 of the International Labor Organization (ILO), (1989)\(^8\)- simultaneously incorporating their right to free determination.

The Bolivian laws define indigenous rural autonomy as “self-government of indigenous rural nations and peoples, whose populations share their own territory, culture, history, languages, and juridical, political, social and economic organization or institutions” (Art. 289); and establishes that these peoples shall

---

\(^7\) The data on indigenous population in Ecuador of the 2002 census (6.8 %, according to CELADE: Population Division of CEPAL, Fondo Indígena) contrast with value given by indigenous organizations. According to them the value can be as high as 45 % of the total population. Del Popolo and Oyarce (2005) affirm that this last figure does not have in principle a concrete empirical basis. Besides, other sources like the cost of living home surveys give results similar to that of the census. Nevertheless, an underestimation cannot be ruled out, derived among other this of the bias in the questioning, which included categories corresponding to ethnical and race preference criteria.

\(^8\) The ILO agreement was ratified by the Plurinational State of Bolivia in 1991 and by Ecuador in 1998.
be governed according to their norms, institutions, authorities and procedures which shall be formulated in their own statutes (Arts. 290, 292, and 296).\(^9\)

In Ecuador, the Political constitution of the Plurinational State establishes that “ancestral, indigenous, Afro-Ecuadorian, and Montubio peoples can constitute territorial districts for the preservation of their culture. Laws shall regulate their conformation. Communes that have collective land property are acknowledged as having an ancestral form of territorial organization” (Art. 60). These districts take the character of special regimes exercising the competence of autonomous territorial government under the principles of interculturality, plurinationality, and collective rights.

In both countries, in order to regulate national decentralization and also guarantee the well functioning of indigenous autonomies, specific laws were passed. In Bolivia, the Framework of Autonomies and Decentralization Law – No. 031 (July 19 2010) states, in Title IV, Chapter II about Statutes and Organic Charts of the autonomous territorial units that “the statute and organic chart are subordinated to the Political Constitution of the State and in relation to the autonomic legislation it has preeminence” (Article 60). In Ecuador, the Organic Code for Territorial Organization, Autonomy and Decentralization (COOTAD, 2010) establishes that territorial indigenous districts must be ruled by the Constitution, international instruments and their constituting statutes, for the full exercise of the collective rights; in particular the principles of interculturality and plurinationality as well as their uses and customs are applied (Art. 93).

According to Colpari (2011), through these institutional designs it is possible to recognize that in these two countries plurinationality is not identically understood. In Bolivia it stands for recognizing the existence of indigenous rural nations and peoples and the consolidation of their territories through autonomy; in Ecuador on the other hand the priority is on respecting the forms of indigenous organization guaranteeing rights and duties in the style of neoliberal multiculturalism, but they are recognized only in a level of marked subordination to the State.

III. Communitarian Democracy and gender parity

The constitutional recognition of indigenous rural autonomy in Bolivia and Ecuador brought into evidence some tensions between the different identities that are being reaffirmed within the new states, and the homogeneity derived from the rights that liberal democracy establishes. The case of women evidences a tension between the normative progress reached through gender political parity in the framework of liberal democracy, and the rights recognized to preserve the indigenous cultural traditions, in a communitarian democracy framework.

---

In Bolivia, Law 026 – Electoral Regime (June 30, 2010) establishes that “communitarian democracy is exercised by means of self-government, deliberation, qualitative representation and the exercise of collective rights, according to norms and procedures proper to the indigenous rural nations and peoples” (Art. 10). The law does not mention gender parity for the election of the authorities of autonomous governments, this measure being confined to the level of representative democracy. However, the Framework Law establishes that the form of government of autonomous territorial entities is democratic, participative, representative and communitarian wherever it is practiced, with gender equality (Section 11). These norms are in tension with values and customs of some indigenous peoples referred to the relation between the sexes. By way of example, the practices of the Aymará culture do not accord with the principle of gender equality since only men can participate of public life.

In Ecuador the Law of Citizen participation\(^\text{10}\) establishes that citizen participation in all aspects of public interest is a right that must be exercised through the mechanisms of representative, direct, and communitarian democracy; at the same time it determines that the exercise of citizen participation and social organization must be ruled by the principles of the Constitution and by those established by this norm in Article 4, among which gender parity is included. This parity is understood as “proportional participation of women and men in the instances, mechanisms and instruments defined by the present Law; as well as in the social control of State institutions, to which end affirmative action measures shall be applied for the promotion of real and elective participation of women in this field”. However, the same law establishes in Art. 30 that this principle shall not be applied in cases “…where exclusive women’s or men’s organizations are the issue, or for those groups where there are not enough members of one gender to enable the parity integration of their board. For the case of communes, communities, indigenous peoples and nationalities, Afro-Ecuadorian and Montubio peoples, their own organizational forms shall be respected and strengthened, as well as the exercise and representation of their authorities, with gender equality, developed in conformity with their own internal procedures and norms, as long as they are not contrary to the Constitution and the law”. The exception of the organizations where there are not enough members of both sexes opens a legal door for those political leaders who choose not to apply parity. Also, forcing communes, communities, indigenous peoples and nationalities, Afro-Ecuadorian and Montubio peoples to incorporate gender equality through their own procedures and internal norms as long as they do not conflict with the Constitution leaves a scant margin for action to the indigenous peoples being induced to adopt the gender parity principle.

IV. Patriarchal culture. Harassment and gender-based political violence.

Latin American politics evidences dissociation between the practices oriented to women’s political participation and progress made in the formal plane to incorporate women as subject of political rights. Party leaders keep

\(^{10}\) Published in the Supplement of the R.O. 175, 20/4/2010
rejecting the inclusion of women in the political electoral scene (Archenti 2011, Archenti and Tula 2008, Krook 2009). In some countries, gender-based political violence associated to increased participation of women in the electoral race was added to domestic gender violence characteristic of the region. This phenomenon is expressed through the exaltation of patriarchal practices against political women, giving relevance to the phenomenon known as gender-based harassment and political violence. This preoccupation was included in the Quito Consensus (2007), which urged States to “adopt legislative measures and institutional reforms to prevent, punish, and eradicate political and administrative harassment against women who attain posts of decision through election or by designation, both in the national and local levels, as well as in political parties and movements”.

Bolivia and Ecuador are interesting cases for the analysis of gender-based political violence. On the one hand, because this problem coexists with gender parity, the most advanced legislation in the region for the promotion of the participation of women. On the other hand, because the establishment of the new plurinational and intercultural States has brought to light diverse tensions inside civil society. These tensions point to the absence of significant changes in the sociopolitical culture linked to women’s political participation.

The Bolivian Constitution establishes that the State punishes all forms of discrimination by reason of sex (Art. 14) and that all persons—in particular women—have the right to be free from physical, sexual, or psychological violence, both in the family and in society (Art. 15). According to the Ecuadorian constitutional text “a life free of violence in both the public and the private sphere is recognized and guaranteed to all persons. The State shall adopt the measures necessary to prevent, eliminate, and punish all forms of violence, especially that exercised against women, girls, boys and adolescents, adult persons of age, handicapped persons, and against any person in a disadvantaged or vulnerable situation; identical measures shall be taken against violence, slavery, and sexual exploitation” (Art. 66 Section 3).

According to a study carried out by the Association of Women Council Members of Bolivia, from the year 2000 to the present 4000 cases of gender-based harassment and political violence have been recorded but only 1000 were reported. In Ecuador the Association of Municipalist Women, (AMUME) revealed several testimonies of female council members whose political career progress was hampered by different types of physical and psychological violence.

Gender-based harassment and political violence comprise acts of violence such as forcing elected women to resign their seats, forbidding them to express their stands, defamation, harassment through the media, insults, calumny, sexual violence, physical aggressions, economic domination in the domestic and political spheres, and the persecution of family members and followers. These problems have led civil society organizations in Bolivia and Ecuador to

---

According to a report of the Economic Commission for Latin America and the Caribbean (CEPAL), 40% of the women of the region are victims of physical violence, while 60% suffers from psychological violence (CEPAL, 2009).
promote a series of measures aiming at eradication of this phenomenon. ACOBOL presented in year 2001 a law Project against Political Harassment with the purpose of guaranteeing the exercise of political rights of women as elector and eligible, and punishing individual or collective conducts characterized as gender-based harassment and political violence. This initiative, presented again in 2006 (Law Project No. 422/07) was approved in general, although with some observations. In order to promote the approval of the project, meetings of representative from several committees of the Chamber of Deputies, the Union of parliamentary Women of Bolivia and the Association of Women Council Members of Bolivia and the Committee for the Promotion of the Law Against Gender-based Political Violence were held. In 2008, through the initiative of the Vice-ministry of Gender and Generational Affairs of the Justice Ministry, the new proposal was submitted to women authorities and leaders of social organizations of the nine departments that compose Bolivia. In this proposal key aspects like the punishment of those who exercise political harassment were defined; besides, the National Electoral Court was named as the authority with competence on the matter. The project was updated, and once a consensus was reached it was presented again in the new period of President Evo Morales Ayma (2010-2015).

In the present year the murder of Juana Quispe Apaza, Council member in the municipality of Ancoraimes de La Paz, presumably by reason of gender and politics, has speeded up the treatment of the law project promoted by ACOBOL. As a result, on April 12, 2012 Law Project no. 026/2012-2013 - Against Harassment and Political Violence towards Women, was unanimously approved by the Chamber of Deputies and sent to the Senate for treatment. This initiative specifies 17 acts of harassment and/or political violence against women and establishes various administrative and penal sanctions. Among the former, it defines written reprimands and salary deductions up to 15 days; among the latter it punishes with penalties from two to five years of confinement in the case of political harassment and from three to eight years of imprisonment in the case of political violence. Finally the Senate unanimously approved the project last May 12th; which was enacted on May 28th by the Executive.

The Association of Municipalist Women of Ecuador (AMUME), together with ACOBOL, signed an agreement in 2008 to coordinate actions in the

12 Political harassment is defined as “the act or acts of pressure, persecution, pestering, or threats, performed by a person or group of persons, directly or through third parties, against women candidates, elected, designed or in the exercise of political public office, or against their families, with the purpose of shortening, suspending, hindering or restricting the functions pertaining to their post, to induce or force them to perform and action or incur in an omission against their will, while carrying out their functions or exercising their rights” (Art. 7). Article 17 establishes a proposal of reform of the Penal Code prescribing that “(Political harassment against women). Whoever performs acts of pressure, persecution, pestering and/or threats against a woman and/or her family members, during or after the electoral process, elected, appointed or in the exercise of political public office, impedes the exercise of her political right, shall be punished with confinement form two (2) to five (5) years” (Art. 270bis, Penal Code) and also that “Whoever performs acts and/or physical, psychological or sexual aggressions against women candidates, elected, appointed or in the exercise of political public office and/or against her family members, to shorten, suspend and impede the exercise of political public office, shall be punished with confinement from three (3) to eight (8) years” (Art. 270ter, Penal Code).
struggle against eradication of gender-based harassment and political violence. Both organizations agree to promote effective political participation of women in the local sphere. Within this framework, AMUME drew up a bill—similar to the one presented by ACOBOL—that was proposed on November 30, 2007 before an audience of 100 municipal women council members and representatives of civil society.

On December 14, 2011, this project was presented to the National legislative Assembly by Legislator Lurdes Tibán with the name of Organic Law against Gender-based Discrimination, Harassment and Political Violence.\textsuperscript{13}

V. Impact of parity in the framework of representative democracy

In Bolivia and Ecuador the implementation of gender parity broadened the institutional opportunities for women to accede to the Legislative Branch. In the first of these countries this function is exercised by the bi-chamber Plurinational Legislative Assembly, composed of a Chamber of Deputies (130 representatives) and a Senate (36 senators). The seats of the former are distributed proportionally, according to population, among the 9 departments that constitute the Bolivian Plurinational State (La Paz, Santa Cruz, Cochabamba, Potosí, Chuquisaca, Oruro, Tarija, Beni, and Pando). In each of these departments one half of the deputies is elected directly in one-member districts, and the other half in multimember districts, the distribution of seats being determined by the Electoral Court on the basis of number of inhabitants of each department. As a consequence, 70 representatives are elected in one-member districts by a plurality formula, and 53 in multimember districts, through a proportional system. The seven remaining seats are elected by plurality formula in special districts in representation of the indigenous rural peoples. These political territorial divisions, according to article 146 of the Constitution of the State, are established in rural areas and in those departments in which these social groups constitute a minority. In this sense, all departments except Potosí and Chuquisaca have this type of representation. All members of the Legislative are elected for a period of five (5) years and may be reelected.

In Ecuador, the Legislative Branch consists of a one-chamber National Assembly composed of a hundred and twenty four (124) members: fifteen (15) of them are elected in a single national district; one hundred and three (103) in multimember districts distributed in the twenty four (24) provinces in the following manner: in each province two deputies for each department plus one

\textsuperscript{13} Political harassment is defined as “any reiterated act of persecution or pressure, overt or disguised, directed against women politicians to demand of them a conduct or a show of will contrary to the free exercise of their political rights” (Article 4 Section III). Also, several kinds of violence against women politicians are typified: 1) Physical violence understood as any action that is rough, violent, or uses force aimed at overcoming the resistance of political women to force them to adopt conducts contrary or repugnant to their convictions, or to the regular, reasonable, or just exercise of their political behavior; 2) Psychological political violence: any action or omission that intends to cause or causes damage, pain, emotional disturbance, psychological alteration or decrease of self-esteem of political women with the purpose of attacking their political stand or silencing their voice; 3) Verbal political violence: any attack by means of offensive words, screams, despises, insults, name-calling, words that imply double meanings, sarcastic comments, mockery or innuendo, that expose political women publicly, with the purpose of minimizing their political actions.
for every two hundred thousand inhabitants or fraction greater than a hundred and fifty thousand\textsuperscript{14}.

Lastly, there are three districts reserved for foreign countries (one for Europe, Asia, and Oceania, one for the United States and Canada, and one for Latin America and the Caribbean), which elect six representatives (two for each district). The National Assembly is renewed completely every four (4) years, and its members may be reelected only once (no matter if the terms are consecutive or not). For all these elections an open list is used, in which the voter indicates his/her preference for the candidates on one single ballot or on several ballots. The number of seats assigned is determined using a proportional formula, and the order is established according to the votes obtained by each candidate, in strict decreasing order.

\textbf{Table 2: National Legislative Branch. Institutional aspects. Bolivia and Ecuador.}

\begin{tabular}{|c|c|c|c|c|c|c|c|}
\hline
\textbf{Type of District} & \textbf{Composition of the Legislative} & \textbf{No. of seats} & \textbf{Renewal} & \textbf{Mandate in years} & \textbf{Reelection} & \textbf{Electoral formula} & \textbf{Type of list} \\
\hline
\textbf{Bolivia} & C. of Deputies & One-member Deputies & 70 & Total & 5 & Yes & Plurality & Closed and blocked \\
& & Multimember Deputies & 53 & & 5 & Yes & Proportional & Closed and blocked \\
& & Special District & 7 & & 5 & Yes & Plurality & Closed and blocked \\
\hline
\textbf{C. of Senators} & Senators & 36 & Total & 5 & Yes & Proportional & Closed and blocked \\
\hline
\textbf{Ecuador} & National Assembly & Province Deputies & 103 & Total & 4 & Yes & Proportional & Open \\
& & National Deputies & 15 & & & Proportional & Open \\
& & Deputies for Districts from Foreign Countries & 6 & & & Proportional & Open \\
\hline
\end{tabular}

\textsuperscript{14} The Organic Electoral and Political Organizations Law establishes that “electoral districts that elect between eight and twelve representatives shall be subdivided into two districts; those that elect between thirteen and up to eighteen representatives shall be divided in three, and those that surpass eighteen representatives shall be divided in four districts” (Art. 150)
Both in Bolivia and in Ecuador political gender parity was applied for the first time in general elections held in 2009. As a result, in Bolivia women won 23.07% (30 out of 130)\(^\text{15}\) of the Chamber of Deputies seats; whereas in Ecuador the value for the National Assembly was 32.25% (40 out of 124). The impact of the parity rules is conditioned by certain elements of the electoral system that tend to promote or to decrease their efficacy. Comparative studies on the relationship between electoral systems and access of women to legislative chambers in different countries indicate that the more favorable institutional arrangements are those based on proportional systems with high magnitude multimember districts and closed and blocked lists. (Rule 1987, Jones 2000, Matland 2002, Htun y Jones 2002, Jiménez Polanco 2003, Archenti and Tula 2008, 2007a, 2007b). The analysis of the electoral results of 2009 in Bolivia and Ecuador corroborates the theory.

Table 3: Bolivia. Winners according to sex. 2009 elections.

<table>
<thead>
<tr>
<th>Elective post</th>
<th>Main holder</th>
<th></th>
<th></th>
<th>Substitute posts(*)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women</td>
<td>Men</td>
<td>Total</td>
<td>Women</td>
<td>Men</td>
<td>Total</td>
</tr>
<tr>
<td>Deputies (multimember)</td>
<td>24</td>
<td>95.28</td>
<td>29</td>
<td>54.71</td>
<td>53</td>
<td>100</td>
</tr>
<tr>
<td>Deputies (one-member)</td>
<td>6</td>
<td>8.57</td>
<td>64</td>
<td>91.42</td>
<td>70</td>
<td>100</td>
</tr>
<tr>
<td>Deputies (Special districts)</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>100</td>
<td>7</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Elaborated by the authors, based on data of the National Electoral Court of the Plurinational State of Bolivia.

(*): The difference between main holders and substitute posts is due to the fact that the departments of Potosí and Santa Cruz did not present substitute candidates for the multimember lists, and Chuquisaca and Tarija did not present them for the one-member posts.

In Bolivia, the higher success of women was shown in the election of deputies in multimember lists (45.28%). As this election combines a proportional system with high magnitude multimember districts and closed and blocked lists, a more satisfactory result was reached in terms of gender parity. On the contrary, the electoral results of one-member lists, as well as special districts, show the low or absent impact of gender parity rules in less favorable institutional contexts. In the first case women only won 8.57% (6 out of 70) of the contested seats, while in special districts the value descended to zero. In both cases the strategies that political parties deploy in order to comply

\(^{15}\) The value rises to 27.71 % (46 out of 166) if the seats in the Chamber of Senators won by women are included.
minimally with the prescriptions of gender affirmative actions are visible. The asymmetry between the seats obtained by women and men in these categories for main office holders and their substitutes shows that political parties tend to place women as substitute candidates, and men for the main posts. Thus, while in one-member elections men won 91.42% of the main holder posts, women won 91.2% of substitute posts. The same phenomenon occurred in the special districts, where men won 100% of main posts and women 100% of substitute posts. Thus, in the case of one-member lists it is possible to verify the negative incidence of plurality formula and of low district magnitude on the efficacy of parity.

In Ecuador an open list electoral system is in force. Electors arrange the candidates on one list or several lists in the order of their preference. With this type of list, the parity system based on ballots designed with an equal number of male and female candidates with alternate placing has no effect on the choices made by the electors. For that reason, the open list system does not favor the efficacy of gender political parity rules. By way of example, Table 4 presents the order of preference assigned by voters in 2009 election, for the fifteen (15) national assembly members. Of the eighteen lists presented, only six (6) won seats: Movimiento Patria Altiva Soberana (MPAIS); Partido Sociedad Patriótica 21 de enero (PSP); Partido Social Cristiano (PSC); Partido Renovador Institucional Acción Nacional (PRIAN); Partido Roldosista Ecuatoriano (PRE) and Movimiento Democrático Popular (MDP). When we analyze the order of preference we detect that in no list did a woman obtain the first place. Also, it can be seen how the voters’ preferences altered the parity system since in all cases, with the exception of PSC, the resulting configuration did not respect the alternate positioning of the sexes. On the other hand, on list MPAIS all women that won seats obtained the last positions. This fact shows that elements of the electoral system unfavorable to the implementation of gender political parity, such as open lists, together with patriarchal cultural conditions, tend to lay obstacles to the access of women to posts of representation.

Table 4: Bolivia. Order of preference of the electors
National Deputies. Year 2009

<table>
<thead>
<tr>
<th>Nº</th>
<th>MPAIS</th>
<th>PSP</th>
<th>PSC</th>
<th>PRIAN</th>
<th>PRE</th>
<th>MDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>2</td>
<td>M</td>
<td>M</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>M</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Posts won</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: Albaine (2010).
Also the data indicates that the greater success of women was obtained in the election of national assembly members (40%, 6 out of 15 posts contested) while the percentage is smaller (31.06%) in the case of province assembly members. This fact is due to the different MD size of the twenty four (24) subnational districts. According to Nohlen (1994) multimember districts can be classified as small when they have between two and five representatives, medium between six and ten; and large, for more than ten. There is consensus that under five seats one gets a plurality election, between six and ten proportionality starts to have effect, and with more than ten the effects of proportionality are more marked. That is to say, the lower the district magnitude is, the less will be the effect of proportionality, and the less the opportunities of the minority forces to obtain a seat. Also, the higher the district magnitude, the higher shall be the incentive for the political parties to incorporate women on the ballot.

Table 5: Ecuador. Type of seats won by each sex. Legislative elections 2009

<table>
<thead>
<tr>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD</td>
<td>No.</td>
</tr>
<tr>
<td>National members</td>
<td>15</td>
</tr>
<tr>
<td>Province members</td>
<td>103</td>
</tr>
<tr>
<td>Representatives of foreign countries</td>
<td>6</td>
</tr>
</tbody>
</table>

Source: Elaborated by the authors, based on data from the National Electoral Council of Ecuador.

Table 6: Ecuador. Seats obtained by each sex in Multimember districts. Province members (2009)

<table>
<thead>
<tr>
<th>Province / District</th>
<th>No. of Representatives</th>
<th>MD size*</th>
<th>Elected women</th>
<th>Elected men</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Azuay</td>
<td>5</td>
<td>2</td>
<td>40</td>
<td>9</td>
</tr>
<tr>
<td>Bolivar</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Cañar</td>
<td>3</td>
<td>1</td>
<td>33.3</td>
<td>2</td>
</tr>
<tr>
<td>Carchi</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Cotopaxi</td>
<td>4</td>
<td>1</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>Chimborazo</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>El Oro</td>
<td>4</td>
<td>1</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>Esmeraldas</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Guayas</td>
<td>17</td>
<td>9</td>
<td>52.94</td>
<td>8</td>
</tr>
<tr>
<td>Imbabura</td>
<td>3</td>
<td>1</td>
<td>33.3</td>
<td>2</td>
</tr>
<tr>
<td>Province</td>
<td>Size</td>
<td>S</td>
<td>M</td>
<td>L</td>
</tr>
<tr>
<td>-----------------</td>
<td>------</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Loja</td>
<td>4</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Los Ríos</td>
<td>5</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manabí</td>
<td>8</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morona Santiago</td>
<td>2</td>
<td>S</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Napo</td>
<td>2</td>
<td>S</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Pastaza</td>
<td>2</td>
<td>S</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pichincha</td>
<td>12</td>
<td>L</td>
<td>4</td>
<td>33.33</td>
</tr>
<tr>
<td>Tungurahua</td>
<td>4</td>
<td>S</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Zamora</td>
<td>2</td>
<td>S</td>
<td>1</td>
<td>50%</td>
</tr>
<tr>
<td>Chinchipe</td>
<td>2</td>
<td>S</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Galápagos</td>
<td>2</td>
<td>S</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sucumbios</td>
<td>2</td>
<td>S</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Orellana</td>
<td>2</td>
<td>S</td>
<td>1</td>
<td>50%</td>
</tr>
<tr>
<td>Sto. Dgo.</td>
<td>3</td>
<td>S</td>
<td>1</td>
<td>33.33</td>
</tr>
<tr>
<td>Tsachilas</td>
<td>3</td>
<td>S</td>
<td>1</td>
<td>33.33</td>
</tr>
<tr>
<td>Santa Elena</td>
<td>3</td>
<td>S</td>
<td>1</td>
<td>33.33</td>
</tr>
</tbody>
</table>

Source: Elaborated by the authors, based on data from the National Electoral Council of Ecuador.

* S= small, M= medium, L= large, according to Nohlen classification

Conclusions

Bolivia, Ecuador and Costa Rica are the pioneering countries in Latin America to replace gender quotas by gender parity norms. The first two show some relevant specific traits in comparison to Costa Rica, since on the one hand they have already applied political gender parity (2009) and, on the other hand, both of them have created plurinational and intercultural states through constitutional reforms.

Gender affirmative actions established by law, always involve a cultural break, insofar as the legal obligation to incorporate women on the ballots exerts violence on the political culture, customs and special interests. Gender rules efficacy is called into question by aforementioned tensions, specially if their effects are effectively curtailed or if they are not properly enforced.

A common obstacle to the effective application of gender affirmative actions that occur in most of Latin American countries is the normative collision within electoral systems, when the electoral system itself turns into an obstacle for the gender norm it includes.

In Bolivia and Ecuador the adoption of gender political parity is framed in the creation of a plurinational state. However, this state presents specific modalities in each country. Whereas in Bolivia indigenous rural nations and peoples are recognized as autonomous, in Ecuador the rights and principles of the indigenous peoples are respected, but the priority of the State is maintained.
Different tensions are revealed within these normative-institutional frameworks:

a) Socio-cultural difficulties for the application of gender affirmative action. Affirmative action in politics—quota laws initially and later gender parity norms—expressed by law always creates some form of cultural break.

b) Those generated by the conditionings that the electoral system imposes on gender affirmative actions, and preclude the parity expressed on the lists from showing in the seats.

c) In the face of a normative conflict in the construction of the plurinational state the rules of representative democracy expressed in the constitution and the laws tend to prevail. Although the prevalence of political parity reveals the relevance of the defense of women’ rights, it also puts into question the principle of interculturality.

d) Feminine presence improvement, as a result of gender parity principle application in electoral contests, being as it is framed by the persistence of patriarchal cultural practices, has given place to the growth of political violence against women oriented to lay obstacles in their career and their access to public office.

Within this general framework, the construction of gender parity in the context of plurinationality and interculturality creates new challenges to its efficacy, both in terms of cultural clash and in the tensions that develop from the coexistence of a representative democracy that establishes norms of gender equality, and communitarian political regimes where inequality between sexes prevails.

The result of this complexity is expressed in an interlacing of norms and customs where the recognition of all identities and rights constitutes a difficult problem.

**Bibliography**


Escalante Herrera, Ana Cecilia y Nineth Mendéz Aguiar (2010): “Experiencias de acoso político hacia las mujeres que ocupan puestos de elección popular en el nivel local de gobierno”. San José: INAMU.


