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POLICY BRIEF



WOMEN'S POLITICAL PARTICIPATION: THE KEY TO ACTION ON DOMESTIC VIOLENCE

LESSONS FROM A COMPARISON OF MEXICO AND GHANA

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This brief was developed based on the Comparative Evidence Paper [Women's Political Representation as Key to Implementing Domestic Violence Laws: An Analysis of Ghana and Mexico](#). That document was authored by an inter-regional team of researchers, based on regional evidence, as well as original data collection and analysis on a particular research topic. All ELLA publications can be found in the [programme website](#).

Women's Political Participation: the Key to Action on Domestic Violence – Lessons from a Comparison of Mexico and Ghana

Summary

What makes the implementation of a law on domestic violence possible in some countries but not in others? This policy brief aims to explore key factors that secure the implementation of policies to tackle domestic violence. Two cases that shared a common background, and followed a similar pathway to the enactment of domestic violence legislation in 2007, were Mexico and Ghana. Comparing these two cases sheds light on the role that women play in decision-making spaces and their role in turning laws into action. The Mexican case illustrates how female parliamentarians translated their formal representation into a substantive representation that took advantage of their positions of power leading to action that addressed domestic violence.

Policy recommendations:

- Promoting women's political participation should be included as a state response to guarantee women's rights. This could be achieved through different mechanisms including legal reforms, agreements among political parties, or the adoption of affirmative actions such as quotas aiming to increase the formal representation as an initial step to raising the awareness around gender issues.
- Fostering leadership among female parliamentarians should be a priority among political parties so that they can assume key positions in relevant institutions and work for the advancement of gender issues. Universities offering innovative and specialized training for female parliamentarians are key to strengthening this leadership and recognition among their male peers.
- Finding a common agenda, developing strong alliances, and building a gender identity among female parliamentarians, regardless of their political parties, that can contribute to the creation of a "women's pact" that increases their influence in the advancement and implementation of women friendly policies.

Addressing violence against women through global public policy agendas increased in the 1990s

In regions such as Latin America and Africa, countries from the global south adopted international treaties on women's rights to show their political commitment with the human rights principles that were at the base of the new global architecture of the post-Cold War world. This new paradigm, and the alliances built with the international network on human rights, provided feminist and women's groups with a great opportunity to demand the effective exercise of their

citizenship and the fulfilment of their rights, including their political participation in the public sphere, the elimination of their situation of exclusion and the recognition of gender-based violence as a matter

of human rights (Sagot 2008). Both the international context and local women's and human rights movements put pressure on the state to provide responses to this matter either by including women's political participation in the public agenda, through the transition to democracy that these regions underwent during the 90s, or in other cases, by enacting specific laws to address gender issues, such as domestic violence laws. Before 1993, only 10 countries in the world had domestic violence legislation. This has since grown to over a hundred countries, many of which are newly emerging democracies with growing regard for the human rights of their citizens. Despite these waves of reforms that enacted laws acknowledging different forms of violence against women, including domestic violence, the situation in which women are living has not improved. According to a 2014 report by the World Health Organization, at least one-in-three women have experienced physical or sexual violence in their lifetime at the hands of an intimate partner. In Africa, at least 36% of women have experienced this, while the corresponding figure in Latin America is 30%.

Mexico and Ghana passed laws on domestic violence, but diverged when it came to enacting policies

Both countries emerged from periods of authoritarian rule in the early part of this century. Mexico elected Vicente Fox in early 2000 after seven decades of rule under the Institutional Revolutionary Party (Partido Revolucionario Institucional - PRI) and Ghana elected John Agyekum Kufuor in late 2000 after almost two decades under the leadership of Jerry John Rawlings. Both countries had experienced the negative effects of neo-liberalism in previous decades; Ghana was reeling under the structural adjustment reforms of the 1980s and Mexico, the North American Free Trade Agreement (NAFTA) of the 1990s. In response, civil society groups advocating for the interests of citizens emerged and at the same time the new democratic governments began to pay closer attention to the rights of their citizens.

This political context framed the state responses to address gender issues, especially violence against women, with Mexico's enactment of the Law on Domestic Violence in 2007. From that point, the trajectories followed by Mexico and Ghana to enable the implementation of these laws became divergent. While Mexico undertook an institutional transformation to address gender issues and violence against women, and budgets to enable the implementation of the General Law on Women's Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia), Ghana has a limited response that focuses on the creation of a Domestic Violence Secretariat within the Ministry of Gender, Children and Social Protection in charge of implementing the Law.

Why is the implementation of women friendly policies possible in some countries and not in others with similar contexts?

Analysing both countries shows that Mexico's success in the implementation of its Law on Domestic Violence is the result of female parliamentarians in decision-making spaces that transformed their formal representation into a substantive representation through a "women's pact" which was key to operationalize the law's implementation. The full research report is published under the following title: *Women's Political Representation as Key to Implementing Domestic Violence Laws: An Analysis of Ghana and Mexico* produced by Fundar, a civil society organisation based in Mexico, and CEGENSA, a research centre based at the University of Ghana.

So why are some countries more effective at turning domestic violence laws into policy action?

Literature has largely discussed whether increasing women's formal representation has been a strategic way to influence policy outcomes for the advancement of women's rights (Wang 2013; Barnes and Burchard 2012; Franceschet and Piscopo 2008; Childs 2004). The mechanisms and forms to increase women's political participation remain a key issue in countries that undertook major electoral reforms to democratise their political systems. In the global south, different mechanisms were explored, such as affirmative actions and quotas, to overcome women's exclusion from the political arena as mandated in the international and regional treaties. Some studies have demonstrated that increasing representation of women in the political sphere between 25% and 35%, reaching the critical mass, will achieve true gender parity and might reduce gender gaps in women's and men's representation in the public agenda (Barnes and Burchard 2012). Other authors, such as Zetterberg (2009), however, finds no evidence that the adoption of quotas alone could influence women's political engagement, and weak evidence that quotas might influence women's political participation.

Translating this descriptive representation into a substantive representation -that is, women taking on leadership roles to drive forward government action- will send the message in the political arena that women's issues, such as education, health care and welfare, are equally important as other issues, and therefore will create incentives for women's legislators to invest time debating and pushing for the legislation to pass (Barnes and Burchard 2012). A key aspect is the presence of women with gender consciousness among these elite spaces since they share a similar history of discrimination and exclusion from the public space. In some cases, this factor might contribute to strengthening the political engagement with their constituencies because they are expected to act on behalf of women. (Mansbridge 1999; Childs 2004; Franceschet and Piscopo 2008; Schwindt-Bayer 2010). In other cases, this gender consciousness among female parliamentarians works as a key element for taking advantage of their positions of power and working together, regardless if they represent a critical mass, or overcoming partisan politics to push for the advancement and the implementation of women friendly policies.

The process of enactment and implementation of the General Law on Women's Access to a Life Free of Violence in 2007 in Mexico took place in a context where about a quarter of the members of the Mexican Parliament were female. Regardless, these women entered into a pact to join together to address issues of concern to women. They accomplished the major feat of pushing for gender budgeting, which ensures that the Mexican state allocates resources to enable the implementation of women friendly laws.

The effective political participation of women is key to addressing violence against women

The passing of the General Law on Women's Access to a Life Free of Violence in Mexico took place in a context where female representation in Parliament increased due to major electoral reforms to democratise the political system and address the political demands from minorities (Carpizo 1999).¹ This openness of the political system was taken by the Mexican government as a political opportunity to reaffirm its commitment to the fulfilment of women's rights established in regional and international treaties. These reforms included affirmative actions to increase women's political participation and mandated that "neither sex could account for more than 70% of candidates from any political party." As a result, when the election took place in 1994, women's parliamentary representation increased from 8% to 14% (CEAMEG 2008). Subsequent legal reforms strengthened requirements for political parties to comply with gender equality (Medina Espino 2010) so that for the first time in its history, during the 59th Legislature (2003-2006), when the issues of gender equity and addressing violence against women were on the public agenda, women's representation in the Chamber of Deputies was 25%, and 22% in the Senate.

These institutional transformations resulted in the increasing of women's formal representation, which was crucial for raising the awareness of gender issues as a public issue. The Special Commission on Gender and Equality Issues (first named as Special Committee on Issues among Gender) was created in 1997 in the legislature due to the first election that included women and transformed into an Ordinary Commission with the mandate of ruling legislative initiatives. In 2005, a Research Centre for Studies for the Advancement of Women was created to support female parliamentarians' work.²

Furthermore, parliamentarians had a renewed feminist advocacy for a political agenda on gender issues. For instance, Marcela Lagarde, a renowned feminist, created and led the "Special Commission on Femicides" in the Chamber of Representatives. The main mandate of this special commission was to elaborate a diagnosis of femicides nationwide, showing the extent of what she called "femicide violence" and translating this concept into legal terms. As a result, this type of violence, along with other types of violence identified by women's rights movements and the Inter-American Convention for the Prevention, Sanction and Elimination of Violence against Women, were then included in the draft of the 2007 legislation proposed by Lagarde. At the end of 2006, when the 59th legislature was coming to the end of its term, these different mechanisms, which were established to make gender issues more visible, led to the passing of new regulations, such as the 2006 Law for Equality between Women and Men (Ley General para la Igualdad entre Mujeres y Hombres). The General Law on Women's Access to a Life Free of Violence was presented but discussions around the law had to be deferred to the next legislature, making its destiny uncertain.

Building a women's pact in Parliament was a vital step

Women's formal representation remained high during the 60th Legislature (2006-2009), representing 26% in the Chamber of Deputies and 22.6% in the Senate. Furthermore, they held

¹Reforms were made to the National Constitution in 1990 including the enactment of a Federal Code for Electoral Institutions and Processes (Código Federal de Instituciones y Procedimientos Electorales - COFIPE).

²http://www3.diputados.gob.mx/camara/001_diputados/006_centros_de_estudio/05_centro_de_estudios_para_el_adelanto_de_las_mujeres_y_la_equidad_de_genero

elite political spaces in key legislative commissions: Chairwoman of the Gender and Equity Commission, Secretary of the Budget Commission, and at the Political Coordination Board (formed by one representative of each political party that discusses and negotiates the legislative agenda that leads the Chamber of Deputies and the Senate). The access of female parliamentarians to these strategic commissions was supported by their background and experience in promoting women's rights before being elected as representatives. For instance, Maricela Contreras, who was the former Chairwoman of the Gender and Equity Commission, was a renowned feminist that devoted her work to gender issues for ten years in different political spaces at the Democratic Revolutionary Party (Partido de la Revolución Democrática – PRD), the local Congress of Mexico City, etc.³ She also participated in an innovative programme at the Latin American School of Social Sciences (Facultad Latinoamericana de Ciencias Sociales - FLACSO) on gender-based budgets⁴.

Female parliamentarians took advantage of their elite political positions and transformed their participation into a substantive representation to fully operationalize women's rights. This substantive representation was translated into the establishment of a “women's pact”, which included the female parliamentarians' agreement to adopt any law that would benefit women's causes, regardless of their political parties. The “women's pact” plays a fundamental role in guaranteeing the future implementation of the Law by ensuring budget allocations from the government.

The Commission for Gender Equality, working jointly with the Budget Commission, advocated to incorporate the gender perspective into the federal budget. It recommended the allocation of 200 million Pesos (approximately 10.5 million US Dollars) to address domestic violence issues. However, the recommendation was not taken on board, and the Commission for Gender Equality, in collaboration with the Budget Commission, applied more pressure by setting meetings with every Secretary of State and agreed on specific actions and programmes.⁵ The Commission also organised inter-institutional working groups, which included participation from the National Institute for Women (Instituto Nacional de las Mujeres - INMUJERES) and key state institutions to analyse the budget for the implementation of the General Law on Women's Access to a Life Free of Violence. The political leadership of the Commission of Gender and Equity succeeded in the creation of two new funds in 2008; one for promoting gender equality and non-violence and the other for mainstreaming gender into public institutions and policies. The allocation of public resources was included in a special annex on gender equality in the federal budget and ensures the provision of resources through programmes. Between 2008 and 2012, state allocations for the provision of protection services tripled over a four-year period, passing from seven hundred and eleven thousand dollars to two thousand two hundred and fifteen dollars.

Conclusions

³ Interview with Senator Martha Tagle conducted on February 2nd, 2017.

⁴ Interview with Representative Maricela Contreras conducted on February 2nd, 2017.

⁵ Interview with Elsa Conde Rodríguez conducted on March 16th, 2016.

The analysis of the Mexican experience in the passing and implementation of the General Law on Women's Access to a Life Free of Violence offers interesting lessons aimed at identifying factors that contribute to the implementation of women's friendly policies against violence. The "women's pact" is a good example of how female parliamentarians can take advantage of their formal representation even if they do not reach critical mass as discussed in the literature. To that extent, it is crucial to promote women's access to the legislature and go beyond its mere inclusion in any legislative commission. Their inclusion in elite political spaces among the legislature where they can create, promote, and implement women friendly policies is critical to really advance the women's rights agenda and monitor state responses to address gender issues.

The Pact also showed them the importance of holding strategic positions in the legislature, such as the presidency of commissions, as well as the importance of not fighting among themselves to hold these positions, but instead to create solidarity and a gender consciousness that allowed them to strengthen their position and influence for the advancement of the gender equality agenda.

References and useful resources

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ELLA Programme

This brief was developed as part of the [ELLA Programme](#). ELLA, which stands for Evidence and Lessons from Latin America, is a south-south knowledge and exchange programme that mixes research, exchange and learning to inspire development policies and practices that are grounded in evidence about what works in varied country contexts. The programme has been designed and is coordinated by [Practical Action Consulting \(PAC\) Latin America](#), in line with the objectives agreed with the funder, the [UK Department for International Development \(DFID\)](#), [UK Aid](#). The [Institute for Development Studies \(IDS\)](#), [Sussex University, UK](#), supports on research design, methods and outputs. For other ELLA publications and knowledge products go to ella.practicalaction.org/

