

# POLITICS, POWER + GENDER JUSTICE IN THE ANGLOPHONE CARIBBEAN



Women's Understandings of Politics, Experiences of Political Contestation and the Possibilities for Gender Transformation

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## Getting to One-Third? Creating Legislative Access for Women to Political Space in Guyana

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## List of Acronyms

APNU	A Partnership for National Unity (Guyana)
CARICOM	Caribbean Community
CEDAW	Convention on the Elimination of Discrimination Against Women
CIM	Inter-American Commission on Women
CIWIL	Caribbean Institute for Women in Leadership
CRC	Constitution Reform Commission (Guyana)
GIC	Gender Integration Committee (Belize)
ICCPR	International Covenant on Civil and Political Rights
IDEA	International Institute for Democracy and Electoral Assistance
IDRC	International Development Research Centre
IGDS	Institute for Gender and Development Studies
List PR	List Proportional Representation
MDG	Millenium Development Goal
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OC	Oversight Committee (Guyana)
PNC	People's National Congress (Guyana)
PPP/C	People's Progressive Party/Civic (Guyana)
PSSC	Parliamentary Special Select Committee (Guyana)
PUP	People's United Party (Belize)
The Network	Network of NGOs of Trinidad and Tobago for the Advancement of Women
UN	United Nations
UWI	University of West Indies
WAMM	Women's Affairs Ministers Meeting
WEDO	Women's Environment and Development Organisation
WPA	Working People's Alliance (Guyana)

## Preface

This chapter is one of several outputs of a research project undertaken between 2011 and 2014 by the Institute for Gender and Development Studies (IGDS) at the University of West Indies (UWI), St. Augustine campus. Titled *Politics, Power and Gender Justice in the Anglophone Caribbean: Women's Understandings of Politics, Experiences of Political Contestation and the Possibilities for Gender Transformation*, the project was spearheaded by IGDS in partnership with the International Development Research Centre (IDRC) and led by Principal Investigator, Gabrielle Jamela Hosein, with the support of Lead Researcher, Jane Parpart.

Additional technical feedback was provided by Project Advisory Team members including Rawwida Baksh, Eudine Barriteau, Cynthia Barrow-Giles, Patricia Mohammed, and Linnette Vassell. Feedback and support from Francisco Con-Montiel, from the International Development Research Centre (IDRC), also contributed to the project outputs. Support from the staff at IGDS, St. Augustine, and especially Tisha Nickenig for project coordination and management, and Kathryn Chan for graphic design and layout, deserve particular recognition.

The project examined four strategies to promote democratic governance, women's rights and gender equality in the Anglophone Caribbean. First, women's political leadership was explored for the extent to which it creates greater governmental will and capacity to more actively and effectively transforms gender relations both within and outside of the state. Second, quota systems were assessed for their impact on effective women's participation and leadership in representative government. Third, the usefulness of national gender policy documents for promoting gender equality was evaluated. Finally, the impact of feminist movement building on women's capacity to be effective transformational leaders within democratic political life was investigated.

Each of these strategies has expanded the spaces for realizing women's rights and gender equality, created greater capacity (among women and men) to achieve transformed gender relations, and shifted the gender ideologies that present resistances to women's effective political participation and leadership. Together, they reflect a core set of historical struggles waged across the Anglophone Caribbean. This project therefore sought to document the history of struggle in five Caribbean nations. It focused on specific countries where these struggles appear to have been won. Trinidad and Tobago provided an appropriate case study for examining the impact of women's contemporary political leadership, Guyana for exploring the impact of quota systems, Dominica and Jamaica for exploring the formulation and impact of national gender policies, and the Caribbean Institute for Women in Leadership (CIWiL) for evaluating the impact of feminist advocacy on women's rights, effectiveness and representation in democratic governance in St. Lucia. These cases thus investigate four global strategies for

advancing democratic governance, women's rights and gender equality. They offer insights into transnational, regional and national alliances between states, international organizations, NGOs and feminist movements, and demonstrate the relevance of national case studies for understanding regional and global experiences. Indeed, the project's comparative, historical and case study approach shows that both regional and national case studies are essential if we are to understand how democracy, the state and politics offer opportunities for and resistances to renegotiating gender relations in different twenty-first century contexts. For a more comprehensive summary of the project's conceptual framework, methodologies and findings please refer to the Introduction by Gabrielle Jamela Hosein and Jane Parpart, available at IDRC and IGDS, UWI, St. Augustine. The following is a list of related chapters produced by the project:

- "Women's Political Leadership in Trinidad and Tobago, Understandings, Experiences and Negotiations" by Aleah N. Ranjitsingh
- "National Gender Policies in the English Speaking Caribbean" by Deborah McFee;
- "The Patriarchal State and the Development of Gender Policy in Jamaica" by Maziki Thame and Dhanaraj Thakur;
- "Feminist/Womanist Advocacy Toward Transformational Leadership in the Anglophone Caribbean: The Interplay of Individual and Collective Agency" by Shirley Campbell;
- "Crossing over the Barriers: A Historical Journey of Women's Political Leadership in the Anglophone Caribbean" by Beverly Shirley;
- "Advancing Gender Justice? The Opportunities, Resistances, and Limitations of Guyana's Quota System" by Iman Khan
- "Masculinities and the Practice of Dominica's National Gender Policy" by Ramona Biholar;
- "Enactments, Contestations, and Possibilities of Women's Transformational Leadership in the Anglophone Caribbean" by Denise Blackstock

## Executive Summary

Gender quotas are used as a tool to increase women's political participation. Unsurprisingly, quota adoption was seen as an important means to ensure women's access to political space in Guyana. Consequently, after a period of extensive constitutional reform in the late 1990--early 2000s, Guyana's revised constitution set out enabling provisions that address three main issues as they relate to women's representation: extraction of women's names from the list; the minimum proportion of female candidates to be placed on a party's list; and the maximum proportion of geographical constituencies in which a party may contest in which its lists have no female candidate. The Parliament of Guyana then enacted the Elections Laws (Amendment) Act, No 15 of 2000 to provide specificity to the provisions. It is through this piece of legislation that Guyana adopted a candidate quota in 2000 to ensure that there is a minimum of one-third female candidates included on each electoral list. This chapter examines the establishment of the electoral gender quota system in Guyana, the only country in the Anglophone Caribbean to have taken such a measure. The focus here is specific to the *process* involved *prior* to the establishment of the quota system; the struggles and resistances in getting to "yes" constitute the heart of the chapter.

Guyana presents an interesting case study for quota adoption. Guyana's adoption of the gender quota was a function of key national and international developments: Beijing; mobilization of the local women's movement; and extensive constitutional reform. While it is accepted that experiences in neighbouring countries can influence a nation to press for domestic quota reform, this does not hold true for Guyana. The wave of quota adoption across Latin America had absolutely no bearing whatsoever on Guyana's decision to adopt its legislative quota. Although the Beijing Conference was significant in this regard, it is really Guyana's unique sociopolitical history that lay the foundation for adopting the quota. From 1964-1992, Guyana experienced a period of non-democratic governance. The Guyanese people interviewed for this chapter articulated a very rights-oriented mind-set, given their own personal experiences during this period. Guyana falls into that category of countries, which are only now able to shape a democratic framework, having emerged from a period of non-democratic governance. The consolidation of a democratic framework and the recognition that women represented a group that had to be addressed specifically explain the early adoption of the quota in terms of Guyana's return to democracy and its first round of constitutional reform in this new era of "inclusive governance".

Getting to “yes” was not easy. The gender quota was one of many issues being addressed during the constitutional reform process, so it was not given singular focus. In addition, the matter faced institutional and ideational (religious and cultural) resistance such that women really had to lobby just to have the matter heard. In the beginning, the discussion revolved around a 50:50 ratio of women to men. A suggestion of no more than 60 or less than 40 of either gender met with fierce opposition, such that the inclusion of such a provision in the constitution was considered a “forensic nightmare”. In the end, the recommendations of one-third or 60:40 were, in fact, ultimately put forward; however, one-third is what was eventually placed in the law.

Unlike the situation in other countries, Guyanese proponents of the quota system were few. The general public did not get involved and it was a network of only a few interested women who pushed for the quota. Now that the quota has been legislated, the issue of extraction of women off the list remains. While one-third women are named on each list, there is no guarantee that one-third women will be appointed to serve, as it is not mandated by law. Currently, the system operates on the basis of asking the individual parties to honour the intent of the law---not just placing one-third women on the electoral list, but extracting at least one-third as well. The women’s movement seems somewhat de-energized on the issue of extraction and notes that younger Guyanese women are not interested in the struggle. Nevertheless, even though there is widespread disillusionment among those in Guyana who engaged in the struggle for the quota with respect to extraction, they achieved the feminization of the party lists, which is a critical step towards the feminization of parliament.

In effect, the quota becomes a safeguard, a legal tool until such time as these responses become systematic and systemic. This is precisely the objective of establishing such special temporary measures, such that they will eventually no longer be special or temporary, but natural and pervasive. Certain structural changes may be necessary, though, to assist women with child care, for example, while they become involved in political life.

Quota adoption and implementation is not a case of one size fits all; what has worked in one country may not work in another. The success of any quota system is country-specific and, therefore, highly contextual. This is very important to note for any country wishing to institute an electoral gender quota. Encouraging younger women is equally important, as are training and education in the areas of women’s rights and politics. Women have to be prepared to fight and stand up for themselves; the veterans must also be prepared to nurture the young ones.

Lessons from the Guyanese Experience:

- Guyana’s situation is unique, as the transition to democracy and subsequent constitutional reform process created an entry point for discussions on the adoption of a quota system;



- Constitutional reform generally provides an opening for the discussion on quota adoption;
- Quota adoption may also be approached outside of general constitutional reform;
- Quota adoption differs from country to country, therefore, the successes and failures of one country are not necessarily transferable, but may provide important lessons in another country's approach;
- The advocacy movement is crucial to the adoption of an electoral gender quota, as neither government nor civil society may view moves towards gender equality or increased political participation of women as necessary;
- Poor interest on the part of the general public on the topic of gender quotas is certainly no reason for the advocacy movement to abandon the cause;
- While cross-party caucuses of women to address quotas may be desirable, it is important to remember that party politics will usually always supersede. This does not mean that they should not be encouraged; an informal caucus may still have its view heard and will raise consciousness on the issue;
- The law must be clear and unambiguous as it relates to candidate lists and extraction;
- In addition to including a candidate quota in the law, a placement mandate must be included to ensure that a minimum number of women also makes it into parliament;
- The placement mandate must be included in the law simultaneously with the quota, as there may be little motivation or room to push for the placement mandate after the quota is adopted. While legislating a placement mandate should ensure compliance, it may be met with resistance by some parties and party members leading to the need of sensitivity training. It is important that the law is not drafted in a way as to create a ceiling of women to be included. Guyana's law is written in a way to create a floor of one third, thereby making allowances for greater nomination of women on the candidate lists;
- Adoption of a quota law is not sufficient; the government must commit the necessary financial and human resources to ensure that it is properly implemented;
- Simply because a quota law has been adopted does not necessarily translate into substantive representation on the part of those women who have entered into parliament. It is not always reasonable, in some cases not even desirable, to have women seek a women's agenda;
- Quotas should not seek to place women simply because they are women; they must also meet certain eligibility criteria. Tokenism should not be permitted;

- Training and education of women on politics and women's rights are important to encourage women to enter into politics;
- Support systems must be established to cater for women who have family obligations and wish to be politically active;
- Education and raising awareness on gender equality should begin in pre-school to eliminate socio-culturally acceptable practices of gender discrimination;
- Institutional and ideational resistances to electoral gender quotas are inevitable in developing countries;
- The process of quota adoption is not quick or easy; advocates must, therefore, be patient and persistent.

## 1.0 Introduction<sup>2</sup>

Female underrepresentation in parliament, a worldwide phenomenon, symbolises a serious “democratic deficit.”<sup>3</sup> On average, only about 20% of women hold seats in lower houses of parliament around the world.<sup>4</sup> Electoral gender quotas, meant to correct this deficit, are inherently controversial. Nevertheless, approximately fifty-nine countries around the world have adopted gender quotas over the last twenty years,<sup>5</sup> with Argentina leading the way since 1991.<sup>6</sup> While quota systems represent a means to an end – women’s political empowerment – both the means and the end differ according to the socio-political contexts of the country involved.

### 1.1 Organization of Chapter; Ontology; Methodology

A number of people in Guyana view quota adoption as an important means to ensure women’s access to political space. Consequently, this chapter seeks to examine the establishment of the electoral gender quota system in Guyana, the only country in the Anglophone Caribbean that took such a measure thus far. The chapter will specifically focus on the *process* involved in adoption of the quota, including the struggles and resistances involved *prior* to the establishment of the quota system. It will introduce important concepts, such as gender quotas and types, and discuss some issues surrounding gender quota implementation. It will also review activity at the global and regional levels for promoting quotas. This discussion will then provide the framework for presenting data on Guyana,<sup>7</sup> such as a review of the socio-political background that preceded the adoption of a quota system, the country’s electoral system, the choice of quota system types, and the challenges involved in legislating such a change in the country. The final section of the chapter will examine and question the political gains made after gender quota establishment.

The ontological approach used in this paper is derived from feminist legal theory and feminist critical theory. Combining feminist legal theory, which exposes the male bias of law, with feminist critical theory, which offers a space that women can “emancipate” themselves, allows a comprehensive process of reflection *and* emancipation. The combination of the two

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<sup>2</sup> The author wishes to thank the many people who helped her in the data gathering stage, including everyone who so kindly afforded her the opportunity to interview them. Many thanks to Dr. Rawwida Baksh for her comments in the early stages of writing, as well as to others who were present at our first meeting and provided useful comments. In particular, the author wishes to express her profound gratitude to Justice Roxane George and Dr. Rupert Roopnaraine, both of Guyana, for taking the time to review Section 5 of the paper and providing very useful comments. All comments received have helped greatly in making the paper much more comprehensive.

<sup>3</sup> Phillips, “Democracy and Representation: Or, Why Should it Matter Who Our Representatives Are?,” in Phillips, *Feminism and Politics*, 228.

<sup>4</sup> Inter-Parliamentary Union, “Women in National Parliaments.” Correct as at 30 September 2012.

<sup>5</sup> See Dahlerup, “Gender Quotas – Controversial But Trendy.”; Quota Project, “Global Database of Quotas for Women.”

<sup>6</sup> See Araújo and García, “Latin America,” 83 and Pande and Ford, “Gender Quotas and Female Leadership,” 9.

<sup>7</sup> Very little information, if any, is available via written record; most of the data on Guyana for this chapter was obtained through personal interviews. Overall, the gender quota did not seem to garner public debate.

theories is also useful in the examination of rights issues. They can “rescue” the idea of women’s rights by exposing biased normative assumptions and politicised knowledge claims.<sup>8</sup> The establishment of a gender quota is a means of bestowing specific political rights onto a disadvantaged sex, hence the idea of rescuing rights.<sup>9</sup>

The methodology employed in this chapter relies on a largely qualitative approach and focuses on a case study research method, which is “an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used.”<sup>10</sup> As such, this chapter uses primary and secondary sources of information. Primary data was gathered from semi-structured interviews with approximately twelve to fifteen people from government, judiciary, academia and civil society in Guyana, as well as parliamentary documents, constitutional and legislative provisions, and newspaper articles. Secondary sources of data included journal articles, textbooks, Websites, and reports.

## **2.0 The International and Regional Framework for Quotas Systems**

### **2.1 International Instruments**

As early as 1952, the international community recognised women’s underprivileged political status and ratified the Convention on the Political Rights of Women in an attempt to rectify the gender imbalance.<sup>11</sup> Articles I-III call for women’s equal entitlement to vote; eligibility for election; and entitlement to hold public office and exercise public functions. Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966 reflects these rights as well,<sup>12</sup> but they are not gender specific.

The unchanged status of women in politics thirteen years later led the international community to reiterate these measures in Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),<sup>13</sup> including a sub-article that discusses women’s participation in nongovernmental organisations and associations concerned with the public and political life of the country. Article 3 of CEDAW promotes the use of legislative measures to ensure women’s equality with men, while Article 4 encourages the adoption of special temporary measures, such as quotas, to fast track the achievement of equality.<sup>14</sup> Interestingly, the preambular clauses recognise the need for change in the traditional societal

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<sup>8</sup> Persadie, *A Critical Analysis*, 2-3.

<sup>9</sup> While the gender quota laws in Guyana are inherently biased against women, honour systems seem to somewhat mitigate against this challenge.

<sup>10</sup> Yin, *Case Study Research*, 23.

<sup>11</sup> United Nations (UN), “Convention on the Political Rights of Women,” December 1952.

<sup>12</sup> UN OHCHR, “International Covenant on Civil and Political Rights,” December 1966.

<sup>13</sup> Division for the Advancement of Women, “Convention on the Elimination of All Forms of Discrimination Against Women,” December 18, 1979.

<sup>14</sup> These two measures have been combined where legislative quotas are enforced.

roles held by men and women as necessary to achieve equality between the sexes, noting that tradition and culture have historically been used as a means of keeping women in inferior positions.<sup>15</sup> Despite these efforts, the status quo persisted globally through 1995. A review of the Nairobi Forward-Looking Strategies of 1985 was grim: “The main trend for the foreseeable future is the continuing lack of equitable participation by women in political decision-making.”<sup>16</sup> Consequently, at the Fourth World Conference on Women in Beijing, women again called for political equality between the sexes. The Beijing Declaration restated the need for women’s full participation in the decision-making process and access to power.<sup>17</sup> The Declaration’s Platform for Action identified twelve critical areas to advance women’s equality, one of which was dedicated to *Women in Power and Decision Making*. The strategic objectives in this section called for governments to “take measures to ensure women’s equal access to and full participation in power structures and decision-making”<sup>18</sup> and “increase women’s capacity to participate in decision-making and leadership.”<sup>19</sup> The objectives requested that governments set “specific targets and implement measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action...”<sup>20</sup> and “take positive action to build a *critical mass* of women leaders, executives and managers in strategic decision-making positions.”<sup>21</sup> Overall, the Beijing Declaration represented a turning point for many women’s groups globally in pursuing political access and equality, as it legitimised affirmative action measures for women in politics. The proliferation of quota adoption across the globe occurred in the post-Beijing era after women’s groups were invigorated to pursue more political access, representation and equality for women.

One of the eight goals for realisation by 2015 identified at the United Nations (UN) Summit on the Millennium Development Goals (MDG) in 2000 was the promotion of gender equality and the empowerment of women. The goal was identified as an important step towards achieving gender equality.<sup>22</sup> In its 2010 MDG review, the UN recognised that “women are slowly gaining political power, mainly thanks to quotas and special measures”<sup>23</sup> and reaffirmed its commitment to

*Taking action to improve the numbers and active participation of women in all political...decision-making processes, including by investing in women’s leadership in local decision-making structures and processes, encouraging appropriate legislative*

<sup>15</sup> Discussions on cultural relativism often feature in this regard. See discussion on women’s rights as human rights in Persadie, *A Critical Analysis*, 48-55.

<sup>16</sup> UN ECOSOC, “Monitoring the Implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women,” Para. 19, 4.

<sup>17</sup> UN Women, “Beijing Declaration and Platform for Action,” principle 13.

<sup>18</sup> *Ibid.*, 81.

<sup>19</sup> *Ibid.*, 83.

<sup>20</sup> *Ibid.*, 81.

<sup>21</sup> *Ibid.*, 82.

<sup>22</sup> World Bank, “Millennium Development Goals.”

<sup>23</sup> UN General Assembly, “Millennium Development Goals: Fact Sheet, Goal 3.”

*action and creating an even playing field for men and women in political and Government institutions...*<sup>24</sup>

While the MDG review seems to offer promise, it is not clear whether access to political space has led to substantive changes in how countries address women's issues.

## **2.2 Regional Instruments**

### **2.2.1 The Charter for Civil Society for the Caribbean Community**

Regionally, the two main documents that address the political and civil rights of women include the Charter for Civil Society for the Caribbean Community (the Charter)<sup>25</sup> and the Inter-American Convention on the Granting of Political Rights to Women,<sup>26</sup> drafted by the Caribbean Community (CARICOM) and the Organisation of American States (OAS) respectively. The Charter was developed in 1997 as a follow-up to a 1992 recommendation adopted to create such an instrument.<sup>27</sup> It deals with rights, governance, freedoms and sustainable development.

Three Articles address women's rights either separately or jointly with other categories as they relate to political activity, but there is no specific focus on the adoption of gender quotas. Article XII addresses women's rights generally, indicating women's equal rights with men in various spheres of life.

*For the promotion of policies and measures aimed at strengthening gender equality, all women have equal rights with men in the political, civil, economic, social and cultural spheres. Such rights shall include the right: (a) to be elected or appointed to Public Office and to be eligible for appointment to positions of decision-making bodies at all levels of their society...*<sup>28</sup>

Article V ensures equality before the law and, more interestingly, provides for the adoption of "special measures" to advance previously disadvantaged non-gender-specific communities:...3. *No person shall be favoured or discriminated against by reason of age, colour, creed, disability, ethnicity, gender, language, place of birth or origin, political opinion, race, religion or social class. 4. A law shall be deemed not to be contrary to paragraph 3 if such law provides for special measures for the sole purpose of furthering the development and advancement of hitherto disadvantaged communities or sections of the population to enable them to develop and realise their potential to the fullest.*<sup>29</sup>

<sup>24</sup> UN General Assembly, "Keeping the Promise," 19.

<sup>25</sup> CARICOM Secretariat, "Charter for Civil Society for the Caribbean Community."

<sup>26</sup> OAS, "Inter-American Convention on the Granting of Political Rights to Women."

<sup>27</sup> CARICOM Secretariat, "Charter for Civil Society for the Caribbean Community."

<sup>28</sup> Ibid., Article XII.

<sup>29</sup> CARICOM Secretariat, "Charter for Civil Society for the Caribbean Community," Article V.

Article VI makes a non-gender-specific reference to the right to make one self-available for political office: “3. Every person shall have the right to: (f) make himself or herself available for nomination for and election to any public office for which he or she qualifies.”<sup>30</sup>

While there is no specific reference to the adoption of gender quota systems, it can be inferred that it is acceptable from a combined reading of Articles V and XII. It is noteworthy, however, that Article V specifically includes qualification as a condition for nomination and election into public office, but it does not elaborate on what this entails. This vagueness in language could affect the implementation of any special temporary measure that seeks to nominate and/or elect a female into public office.

### **2.2.2 Inter-American Convention on the Granting of Political Rights to Women<sup>31</sup>**

The OAS Inter-American Commission on Women (CIM), “the first inter-governmental agency established to ensure recognition of human rights of women,”<sup>32</sup> brought the issue of women’s political rights to the fore in 1948 when it drafted the Inter-American Convention on the Granting of Political Rights to Women. In Article 1, participating parties resolved that “the right to vote and to be elected to national office shall not be denied or abridged by reason of sex”,<sup>33</sup> as women have the right to equal treatment to men. The convention entered into force in 1954 for country parties that submitted an instrument of ratification. St Kitts and Nevis was the only country in the Anglophone Caribbean to sign the convention. No country submitted an instrument of ratification to give effect to it.

In 2000, history repeated itself. The Inter-American Program on the Promotion of Women’s Human Rights stated the following specific objective:

*....4. Women’s full and equal participation in political life in their countries and in decision-making at all levels.”<sup>34</sup>*

In 2009, the rhetoric continued. The Fifth Summit of the Americas, held in Trinidad and Tobago, produced the Declaration of the Commitment of Port of Spain.<sup>35</sup> It was noted under the heading of “Promoting Human Prosperity” that women’s political participation is important.

*....11. We will encourage the full and equal participation of women in the political life and decision-making structures of our countries at all levels through laws and public policies that promote respect for women’s human rights and fundamental freedoms, as well as gender equality, equity and parity.”<sup>36</sup>*

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<sup>30</sup> Ibid., Article VI.

<sup>31</sup> OAS, “Inter-American Convention on the Granting of Political Rights to Women.”

<sup>32</sup> Ibid., “CIM Mission and Mandate.”

<sup>33</sup> Ibid., “Inter-American Convention,” Article 1.

<sup>34</sup> Ibid., “Inter-American Program on the Promotion of Women’s Human Rights and Gender Equity and Equality.”

<sup>35</sup> Ibid., “Declaration of Commitment of Port of Spain.”

<sup>36</sup> OAS, “Declaration of Commitment of Port of Spain,” 4.

The above-mentioned “laws and public policies” have yet to reveal themselves. These declarations, commitments, statements and programmes all ring hollow if there is no action to support their implementation in a meaningful manner at the national level. Specific examples from Trinidad and Tobago can be cited to reveal the inaction that plagues the advancement of the women in political leadership throughout the region. In July 2012, at another OAS/CIM meeting addressing “Women’s Full Citizenship for Democracy”, the Honourable Minister of Gender, Youth and Child Development made a statement on behalf of the Honourable Kamla Persad Bissessar, Prime Minister of the Republic of Trinidad and Tobago, lauding the many “bold and concrete steps”<sup>37</sup> taken by the government. Minister Coudray noted:

*The Government is committed to working through this Division [Gender Affairs] to mainstream gender equality in all its policies, programmes and projects, and to create the environment which will facilitate greater and equal participation of women in political leadership and decision-making. As leaders, politicians and policy-makers we are fully aware that without policy and implementation of those policies, our best efforts may yield very little.*<sup>38</sup>

Nevertheless, despite the historic election of a first female Prime Minister in 2010, the 1948 Inter-American Convention on the Granting of Political Rights remains unratified, the national gender policy is still “draft” and no “concrete” measures exist to ensure women’s political participation.

## 2.3 The Inherent Challenges with These Instruments

Besides the continued placatory and vague statements made in these international and regional instruments, another issue is that in some common law countries (like Trinidad and Tobago), international and regional law instruments are not automatically applicable in domestic law, as they must first be enacted by a country’s Parliament and no real mandate exists to force countries to do so. This loophole removes the State’s obligations towards nationals in its territory and under its jurisdiction.<sup>39</sup> The Honourable Madame Justice Désirée Bernard, Judge of the Caribbean Court of Justice, noted convention implementation and enforceability present difficulties depending on the relationship between a State’s international obligations and its domestic laws.<sup>40</sup>

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<sup>37</sup> Coudray, “Presentation,” 3.

<sup>38</sup> Ibid., 2.

<sup>39</sup> See discussions on monism and dualism where monists assert that international law automatically becomes part of domestic law, while dualists assert that international law and domestic law are two discrete systems of law. It appears that dualism is more widespread in countries of the common law tradition. See for example, Connelly, “Ireland and the European Convention;” Kirby, “The Growing Rapprochement Between International and National Law;” Dupuy, “Dionisio Anzilotti and the Law of International Responsibility of States,” 140; Toope, “Inside and Out: The Stories of International Law and Domestic Law.” See also summary of the Convener on Article 4 of the Bangalore Principles, which deals with the domestic application of human rights norms in common law jurisdictions.

<sup>40</sup> Bernard, “The Promotion and Enforcement of Women’s Human Rights within the Judicial Systems of the Caribbean,” 2.



*According to monist theory, in international law, treaties ratified by a state for the protection of the human person automatically become part of the municipal law of that state. The dualist theory, on the other hand, advocates separation of international law from municipal law, and international obligations of a state are not automatically incorporated into its municipal law, which is supreme. For international treaties to be enforceable in the domestic court system of a state they have to be specifically legislated or adopted into the municipal law.... In countries where a treaty or convention is not incorporated into the domestic law its enforceability depends in large measure on the integrity and commitment of the particular state in honouring its international obligations and undertakings by enacting the necessary legislation to ensure enforceability in its municipal courts. Most of the countries within the English-speaking Caribbean and which inherited the English common law and systems of government adopted the practice of the United Kingdom which followed the dualist theory; hence in our Region international treaties are not automatically incorporated into domestic law upon ratification, and separate legislation and enactment of statutes are required to ensure enforceability in the municipal courts of the state.<sup>41</sup>*

This situation creates obvious difficulties and reflects the problems inherent in relying exclusively on international and regional legal instruments to effect change in jurisdictions where domestic law is supreme.

### 3.0 What are Gender Quotas in Politics?

Gender quotas represent practical means for achieving the democratic ideal of inclusion,<sup>42</sup> but what are they? They are legal or voluntary mechanisms that identify a minimum number or percentage of women that must constitute the membership of a named body. For the purposes of this paper, such membership refers to electoral candidate lists, parliament, or political parties.<sup>43</sup> The percentage for gender quotas seems to range from 30% to 50%. Sometimes, bodies adopt or promote the 60/40 rule, where no gender should have more than 60% or less than 40% representation. Corporate board gender quotas are a more recent phenomenon than political quotas, but engender just as much debate.<sup>44</sup> The focus of this paper, however, is whether political quotas are an effective means of including women in the political process.

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<sup>41</sup> Ibid., 2–3. Emphasis added. Guyana, however, provides a conditional exception to the rule as a 2003 constitutional amendment allows for automatic incorporation of human rights provisions of international legal instruments upon ratification through section 154A(1): “Subject to paragraphs (3) and (6), every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties, and such rights shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons and shall be enforceable in the manner hereinafter prescribed.” The Fourth Schedule includes ICCPR and CEDAW among seven international instruments contained therein.

<sup>42</sup> Kittilson, “In Support of Gender Quotas,” 644.

<sup>43</sup> See Dahlerup, “About Quotas.”

<sup>44</sup> See Pande and Ford, “Gender Quotas and Female Leadership.” These have come about only within the last five to ten years and concern membership on State boards. While the discussion seems alive within developed countries, it has extended to developing countries as well. See for example, Collinder, “Paper Recommends Board Quotas for Jamaican Women;” Kowlessar, “Gender Equity in the Boardroom [Trinidad].” It was also discussed at the policy level in Guyana in the early 1990s.

Gender quotas are seen as an “effective mechanism for improving women’s numerical representation,”<sup>45</sup> as “they represent a shared agreement that women have often received short shrift in the nomination process, and an admission that a concerted effort should be made to get more women elected.”<sup>46</sup>

The Nordic experience, however, shows that formal quota systems are not always necessary to ensure female political involvement. The Nordic region became well known for its (relatively) high and consistent levels of female representation, but this came about over a period of approximately seventy years *without* the implementation of any legal quota system.<sup>47</sup> Instead, an evolving, favourable socioeconomic environment and critical acts of interest groups facilitated the very gradual increase in female political representation throughout the region.

The five countries that comprise the Nordic region have among the highest proportion of female representation in the world,<sup>48</sup> and all five have relatively low levels of political gender bias.<sup>49</sup> None of these countries, however, have legislative quotas. Iceland, Norway, and Sweden have voluntary party quotas (not all parties adopted them). Denmark and Finland have no quotas at all. Yet, all five countries rank within the top 15 countries in the world for their high female parliamentary representation. Sweden, for example, began this process in the 1970s.<sup>50</sup> Friedenvall notes:

*....no constitutional clause or electoral law requires any specific level of representation for women in elected bodies. Rather, the increase can be attributed to sustained pressure by political parties and women’s groups within parties and in society. Also, some political parties, although not all, have introduced voluntary party quotas. However, these measures were introduced from the late 1980s when the proportion of women parliamentarians already exceeded 30 per cent. The take-off in the increase in women’s representation occurred in the 1970s, before any voluntary party quotas were adopted. It was not until 1993 that the Social Democratic Party adopted the ‘zipper’ system, by which women and men alternate on the electoral lists.*<sup>51</sup>

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<sup>45</sup> Kittilson, “In Support of Gender Quotas,” 638.

<sup>46</sup> Ibid., 638-9.

<sup>47</sup> Dahlerup and Friedenvall, “Quotas as a ‘Fast Track,’” 2.

<sup>48</sup> See Table 1 below.

<sup>49</sup> Cleary, “Gender Quotas in Europe and Latin America,” 13.

<sup>50</sup> Friedenvall, “Sweden: Small Steps, Big Consequences,” 100.

<sup>51</sup> Ibid.

**Table 1. Women in parliament in Nordic countries<sup>52</sup>**

World Rank	Country	% of Women
4	Sweden	44.7%
7	Finland	42.5%
10	Iceland	39.7%
11	Norway	39.6%
13	Denmark	39.1%

Dubbed the “incremental track,”<sup>53</sup> this particular route is not the model that other countries should emulate, as such gradual change will leave much to be desired for the need of an immediate increase in the political representation of women. While it may have worked in the Nordic Region, as Dahlerup and Friedenvall note, “impatience of women worldwide is growing;”<sup>54</sup> today’s women simply will not allow for such evolutionary political change. Moreover, most other countries do not have such a facilitating socio-political environment as the Nordic region. Revolutionary change, in the form of legal quotas, has the potential to provide more immediate relief. Moreover, “given the pervasively gendered nature of politics in many countries, only the equivalent of an exogenous shock could loosen the hold of longtime norms associating politics with men.”<sup>55</sup>

### **3.1 Quota Types across the World: Legal Quotas and Policy-Based Quotas**

Quotas are often classified as voluntary party quotas, legislative quotas and reserved seats. The difference between reserved seats and legislative quotas, however, is so nuanced that it might be better to have only two typologies, namely policy-based or voluntary quotas (party quotas), and legal or mandatory quotas where the latter is divided into two groups: a minimum number of legislators (reserved seats) and a minimum number of female candidates (candidate quotas).<sup>56</sup> This is preferable, as reserved seats and legislative quotas are, in fact, legal quotas, whether constitutional or legislative,<sup>57</sup> and so should fall under one umbrella and be differentiated by their effect as stated above.

<sup>52</sup> Inter-Parliamentary Union, “Women in National Parliaments.” Correct as of September 30, 2012.

<sup>53</sup> So named by Dahlerup.

<sup>54</sup> See Dahlerup and Friedenvall, “Quotas as a ‘Fast Track,’” 21.

<sup>55</sup> Baldez, “The Pros and Cons,” 104.

<sup>56</sup> A similar distinction is noted by Larserud and Taphorn in *Designing for Equality*, 8 as well as by Dahlerup and Friedenvall in “Quotas as a ‘Fast Track,’” 8. Dahlerup makes a two-dimensional distinction based on mandate (legal or voluntary) and the level of the electoral process targeted by the quota system. See “Gender Quotas,” 325. Dahlerup also differentiates quotas on the basis of candidates or reserved seats. See “Increasing Women’s Political Representation,” 142.

<sup>57</sup> A subtle distinction may sometimes be made between constitutional and other law even though they may both be termed “legislative.” Here, the term “legal” is used to encompass both.

### 3.1.1 Legal Quotas

Legal quotas mandate all political parties, without exception, to institute quotas either with respect to the number of women candidates named on the electoral list or the number of seats to be allocated to women.

#### A. Candidate Quotas

Candidate quotas require political parties to ensure that a minimum number of female candidates are included on the electoral list. Thirty-seven countries have adopted candidate quotas,<sup>58</sup> the highest number of any quota type at the national level. However, many of these countries exploit a loophole in this quota system, ensuring that parties meet the requisite minimum number of women on their candidate lists, but do not guarantee that even a minimum number will make it into Parliament. To overcome this obstacle, more attention must be paid to the “minutiae”<sup>59</sup> of instances when countries effectively implement quotas to ensure that a percentage of women on political party candidate lists actually get elected. Many parties may place women at the bottom of the nomination list<sup>60</sup> in unwinnable seats (or in unsecure seats in majority-voting systems), for instance, unless the law is drafted in such a way as to ensure nomination *and* election. Even sanctions for non-compliance do not provide the necessary impetus to ensure compliance, as exemplified in France.<sup>61</sup> Placement mandates, or “double quotas,”<sup>62</sup> could be a feature of the quota law to ensure enforceability.<sup>63</sup> Iraq and Argentina, for example, have placement mandates as part of their quota laws,<sup>64</sup> which specifically prescribe the ranking of women with respect to men. In some instances, rank-order rules, such as the ‘zipper system’ ensure that every other name is a woman’s.<sup>65</sup> In other cases, parties may use ceilings to ensure that a minimum number of women candidates feature on the upper part of the nomination list.

#### B. Reserved Seats

Reserved seats are less popular than candidate quotas, perhaps because they “guarantee women’s presence by exclusively allocating a specific number of parliamentary seats for women.”<sup>66</sup> Currently, only twenty-two countries have assured reserved seats for

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<sup>58</sup> See Table 2 below.

<sup>59</sup> Krook, *Quotas for Women in Politics*, 204.

<sup>60</sup> This refers to countries with electoral systems based on proportional representation.

<sup>61</sup> Kittilson, “In Support of Gender Quotas,” 639. See also Sineau, “France,” 83-94 and “The French Experience,” 128.

<sup>62</sup> Dahlerup, “About Quotas.” Dahlerup notes, “The concept of “double quota” is sometimes used about a quota system that not only requires a certain percentage of *women* on the electoral list, but also prevents that the women candidates are just placed on the bottom of the list with little chance to be elected. Argentina and Belgium are examples of countries with legal requirement of double quotas. “Placement mandates” or rules about the rank order of candidates, especially at the top of the list, are other terms for the same phenomena.”

<sup>63</sup> See Dahlerup, “Increasing Women’s Political Representation,” 150.

<sup>64</sup> *Ibid.*, 151.

<sup>65</sup> Larserud and Taphorn, *Designing for Equality*, 8.

<sup>66</sup> Mendez, “Engaging in the Quota Debate,” 17.

women.<sup>67</sup> While the seats are guaranteed, it seems to give rise to an initial notion that elected women are tokens. In other words, parties place women in positions of power but many view them as illegitimately holding power, and thus they often lack power or autonomy to act. The constitutionally-reserved seats in India's *panchayat* system led to such an issue when it was first introduced.

*...the quota originally intended to create space for women instead created a vacuum generating a force of suction that pulled into politics all the women standing on the brim of the political arena. Many of them were political activists in their own right, while others were close relatives of shrewd male politicians who were prompt enough to step aside and push them forward. This led to the phenomenon of proxy women representatives in local bodies and made women's quotas appear as a form of state-sponsored feminism.*<sup>68</sup>

However, while this may have been the initial perception, the situation has since changed very significantly. Women elected into the system now address matters that strike at the heart of gender rights issues, proving their competence to hold positions of power. As noted by Kudva,

*Elected women representatives most often pursued basic infrastructure needs: water, electricity, roads, community structures for childcare, schools and health centers, and housing. They also focused on helping people, especially women, get access to services and subsidies promised by the state, including getting ration cards for government subsidized food supplies and funds for installing smokeless chulhas (earthen ovens) in kitchens or obtaining dairy cows. They were often interested in ensuring that the subsidies reach targeted groups (frequently members of adivasi or dalit communities, or disabled persons), and that contractors provided services without waste or corruption. The main impact of elected women representatives seems to be on increased effectiveness in implementing various government programs and schemes. Women's actions are thus creating incipient structures of accountability.*<sup>69</sup>

Women in *panchayats* have also been instrumental in instituting anti-alcohol measures in certain villages.<sup>70</sup> The relationship between alcohol consumption and gender-based violence against men and women is well known.. This case study suggests that while reserved seats may eventually lead to elected women's ability to act and achieve greater gender equity, newly implemented legal gender quotas may meet with resistance, and not always be well-received. Moreover, the allocation of reserved seats can lead to inadvertent ceilings for women's political participation as parties do not feel obligated to further increase the number of

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<sup>67</sup> Inter-Parliamentary Union database. See Table 2.

<sup>68</sup> Nanivadekar, "Are Quotas a Good Idea?," 123. Kudva, "Engineering Elections," 452 also addresses the issue of elected women acting as proxies for their male relatives when they form the "*beti-biwi-bahu* brigade" (daughter, wife, daughter-in-law).

<sup>69</sup> Kudva, "Engineering Elections," 456.

<sup>70</sup> See Nanivadekar, "Are Quotas a Good Idea?," 124 and Kudva, "Engineering Elections," 456.

women elected from the minimum legally required.<sup>71</sup> Despite these possible barriers, this quota type has also worked exceedingly well in Rwanda where women now occupy 64% of the seats in the lower house of Parliament,<sup>72</sup> the highest percentage in the world. This high level of women's political participation in Rwanda largely resulted from a favourable post-conflict environment where there was a serious demographic imbalance favouring women and, therefore, a disruption of traditional gender roles, and a mobilisation of the women's movement to get women into political power.<sup>73</sup> A similar situation occurred in post-apartheid South Africa.<sup>74</sup>

### **3.1.2 Policy-Based Quotas**

Policy-based quotas do not have legal force. Individual political parties institute them voluntarily.

#### **A. Party Quotas**

Individual political parties adopt party quotas voluntarily and write them into their party constitutions. They essentially “commit the party to aim for a certain proportion of women among its candidates to political office.”<sup>75</sup> Left-leaning parties in Western Europe initially adopted them, and this practice has since spread across the globe to parties of varying political orientations. Sometimes, parties incorporate them into their constitutions even when their country adopts legal quotas. Enforcement, of course, is highly dependent on a party's will. A successful example is the African National Congress, which adopted a 30% voluntary party quota in 1994, the year South Africa transitioned from apartheid to democracy. This success for women was due in large part to the party's commitment to gender equity, and its adoption of an informal placement mandate of a woman candidate in every third slot on the party nomination list.<sup>76</sup> Currently, women account for 45% of the seats in the lower house, and South Africa sits in fifth place in the world ranking on the percentage of women in Parliament.<sup>77</sup> Noteworthy in this case study is that despite the force of law, the will of party leadership ensured enforcement of the voluntary quota measure, as well as further measures to promote gender equality.

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<sup>71</sup> See Mendez, “Engaging in the Quota Debate,” 17.

<sup>72</sup> Inter-Parliamentary Union, “Women in National Parliaments.” Correct as at January 01, 2014.

<sup>73</sup> See Mendez, “Engaging in the Quota Debate,” 18.

<sup>74</sup> Britton, “South Africa,” 118-122.

<sup>75</sup> Krook, *Quotas for Women in Politics*, 7.

<sup>76</sup> Mendez, “Engaging in the Quota Debate,” 12; Britton, “South Africa,” 118.

<sup>77</sup> Inter-Parliamentary Union, “Women in National Parliaments.” Correct as of January 01, 2014.

**Table 2: Quota systems adopted in countries throughout the world<sup>78</sup>**

	Legal Quotas		Policy-based Quotas
	Candidate Quotas	Reserved Seats	Party Quotas <sup>79</sup>
1	Albania	Afghanistan	Argentina
2	Angola	Bangladesh	Bolivia
3	Argentina	Burundi	Costa Rica
4	Armenia	China	France
5	Belgium	Djibouti	Greece
6	Bolivia	Eritrea	Italy
7	Bosnia and Herzegovina	India	Kenya
8	Brazil	Jordan	Korea, Republic of
9	Burkina Faso	Kenya	Mexico
10	Colombia	Kyrgyzstan	Namibia
11	Costa Rica	Lesotho	Niger
12	Dominican Republic	Niger	Paraguay
13	East Timor	Pakistan	Philippines
14	Ecuador	Philippines	Slovenia
15	Egypt	Rwanda	South Africa
16	France	Senegal	Spain
17	Guyana	Sierra Leone	Uruguay
18	Honduras	Somalia	
19	Indonesia	South Sudan	
20	Iraq	Sudan	
21	Korea, Republic of	Tanzania	
22	Macedonia	Uganda	
23	Mauritania		
24	Mexico		
25	Nepal		
26	Panama		
27	Paraguay		
28	Peru		
29	Poland		
30	Portugal		
31	Senegal		
32	Serbia		
33	Slovenia		
34	Spain		
35	Tunisia		
36	Uruguay		
37	Uzbekistan		

<sup>78</sup> Information available from Inter-Parliamentary Union database. Updated November 30, 2011.

<sup>79</sup> This is not reflective of the number of parties that actually have adopted this quota.

## 3.2 Gender Quotas and Critical Mass

Gender quotas are intimately tied to the concept of “critical mass.” Critical mass refers to the minimum number of female legislators – usually about 30% – required to feminise political processes and outcomes.<sup>80</sup>

Originally, the term *critical mass* was borrowed from nuclear physics, where it refers to the quantity needed to start a chain reaction, an *irreversible turning point*, or a takeoff into a new situation or process. By analogy, it is said that a qualitative shift will take place when women exceed a proportion of about 30% in an organization. In this way, the move from a small to a large minority is significant. *Thus numbers, or rather percentages, count.*<sup>81</sup>

Thirty percent is the “UN-designated “critical mass” required to maintain the impetus towards 50/50 female/male representation.”<sup>82</sup> The question that arises, as with gender quotas, is whether there actually is a causal link between numerical presence and substantive representation.<sup>83</sup> One study found that the “legislative behaviour of women politicians often did not match their expressed interest in women’s issues.”<sup>84</sup> While legislative changes may not be pursued as pronounced on political platforms, however, policy issues may receive attention. Dahlerup makes the point that “there is enough evidence to conclude that women politicians all over the world tend to be more active than their male colleagues when it comes to placing equality policy on the political agenda.”<sup>85</sup> It is important to note, however, that while policy usually directs the legislative agenda, elected women may pursue policy rather than legislation as they may be more comfortable pursuing non-binding statements on women’s issues as a means of placating interest groups while not offending their colleagues in parliament.

In a 1995 review of women’s status in power and decision-making structures, as a result of countries’ implementation of the Beijing Platform for Action, Women’s Environment and Development Organisation (WEDO) confirmed that critical mass supports substantive representation. “When women are represented in critical mass in policy-making bodies, their perspectives and experiences are more likely to be taken into account and their concerns given higher priority.”<sup>86</sup> This finding was made despite the “deeply rooted patriarchal structures...societal attitudes... [and] systemic barriers to women’s full and equal participation in government.”<sup>87</sup>

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<sup>80</sup> See Grey, “Numbers and Beyond,” 497.

<sup>81</sup> Dahlerup, “The Story of the Theory,” 512. Emphasis in the original.

<sup>82</sup> WEDO, “Beijing Betrayed,” 17. France has *parité*, but it has not worked as contemplated. See Sineau, “France,” 83-94.

<sup>83</sup> See Grey, “Numbers and Beyond,” 495 and generally Tremblay, “The Substantive Representation,” and Dahlerup, “The Story of the Theory.”

<sup>84</sup> Grey, “Numbers and Beyond,” 497.

<sup>85</sup> Dahlerup, “The Story of the Theory,” 518.

<sup>86</sup> WEDO, “Beijing Betrayed,” 18.

<sup>87</sup> WEDO, “Beijing Betrayed,” 17.



Despite this analysis, it is worth examining whether the issue is perhaps less “critical mass” and more “critical acts”<sup>88</sup> based on similar ideational perspectives in a supportive environment. The section below discusses this descriptive (mass) versus substantive (acts) representation debate. This is not to say that quotas are not required, as women’s numerical presence can provide a safer space for negotiating women’s interests and being heard. The concept of critical mass would also provide the basis for arguing that gender quotas are necessary to feminise politics numerically, initially, and substantively, serendipitously.<sup>89</sup>

### 3.3 Descriptive Versus Substantive Representation

Descriptive representation is necessarily reflective of the population as a whole, such that, since women constitute about 50% of the total population, they should have 50% representation in Parliament. Substantive representation, however, refers to the acts of the elected, regardless of number.<sup>90</sup> In the case of gender, does numerical representation automatically equate to substantive representation? Even though a woman may gain access to politics because of an instituted quota system, there is no guarantee that she will pursue the gender agenda or that she should or that she should be expected to do so.<sup>91</sup> Krook makes the point that the relationship between descriptive and substantive representation of women “overlooks the fact that these measures are not feminist quotas but gender quotas—and more properly speaking, sex quotas—that seek merely to increase the number of women in political decision making, separate from any obligations to change policy outcomes.”<sup>92</sup> The expectation, of course, is that women politicians will pursue women’s interests. Nanivadekar asks, however, whether elected women owe a primary loyalty to the cause of women only.<sup>93</sup> If women pursue too myopic an agenda, they may very well face further marginalisation in an already very exclusionary arena into which they demanded entry.

### 3.4 Getting to Yes in Establishing Quotas

It is easy to obtain data on the number of countries that have established quotas, however, the struggles and resistances involved in achieving those victories are not always known, or are taken for granted. The issue is usually exacerbated by systemic, practical and normative gender-biased institutions existing in any country-context.<sup>94</sup> Argentina, for example,

<sup>88</sup> See Dahlerup, “The Story of the Theory,” 513, who eschews “mass” for “acts.”

<sup>89</sup> See for example, Childs and Krook, “Should Feminists Give Up on Critical Mass.”

<sup>90</sup> See Tremblay, “The Substantive Representation,” 503.

<sup>91</sup> Similar studies on the gendered nature of law and whether female lawyers and judges will represent female interests have been conducted. See Persadie, *A Critical Analysis*, 13-18.

<sup>92</sup> Krook, “Gender Quotas,” 111.

<sup>93</sup> Nanivadekar, “Are Quotas a Good Idea?,” 123.

<sup>94</sup> See Krook, *Quotas for Women in Politics*, chapter 3 and also Shvedova, “Obstacles to Women’s Participation in Parliament,” 33-50.

is hailed for having opened the quota-adoption door in Latin America in 1991 when it passed the *Ley de Cupos* and was the first country in the world to adopt a legal (candidate) quota.<sup>95</sup> The adoption of a quota law, however, depended greatly on the tenacity of women's groups pressuring the government to do so. Along with forming strong lobbying networks, they strategically used national, regional and international data that supported quotas in their arguments to support the adoption of a law in their own country.<sup>96</sup> The adoption of a quota law was really the combined result of Argentina's return to democracy in 1983, cross-party mobilisation of women in Parliament, and the general mobilisation by Argentinian women who adopted historical, linguistic and ideological affinities with women in Europe and Latin America to help promote the quota agenda.<sup>97</sup>

Previously considered men's territory, political space became an arena that Argentinian women chose to enter based on information they received about women's right to political access and participation globally. Women in the country created a cross-party network to press for a gender quota law in 1989. Female parliamentarians, inspired by these developments, took up the cause and drafted two bills, the first of which was not supported. The second bill was not addressed until 1990, but women's groups, including a cross-party network<sup>98</sup> of women, used this time to lobby other women to work together and to convince their male colleagues to vote in favour of the bill. During the bill debate, some male senators dismissed the motion as "demagogic, high-handed, and anti-democratic."<sup>99</sup> Yet, what followed was a somewhat happy accident. An overwhelming majority of parliamentarians approved the bill in a near-silent vote, as most senators believed it would be rejected or lapse before any further debate in the lower house took place. The approval led to further mobilisation of women around the country, with a public awareness campaign featuring media personalities, and extensive lobbying across the country that resulted in the then president of the country, Carlos Menem, pledging his support.

In the days preceding the lower house debate on the quota bill in 1991, feminist mobilisation and lobbying increased even more. Women's groups sent individual letters to parliamentarians requesting that they support the bill, and women "descended on the Capital from all over the country to conduct a "vigil for the quota" until the bill became law" at 4 p.m.<sup>100</sup> The sheer number of women and their perseverance seemed to influence some parliamentarians to vote in favour.<sup>101</sup> Nevertheless, it was the president's intervention at 2 a.m. telling parliamentarians to vote in favour of the bill that signalled a dramatic shift in the situation.

<sup>95</sup> Krook, *Quotas for Women in Politics*, 163. Krook details the struggles of six countries in her work on pre- and post-quota adoption. See Sacchet, "Beyond Numbers," for an exposition of the uphill battle faced by the women's movement in Brazil.

<sup>96</sup> Krook details the process in *Quotas for Women in Politics*, 161-81. Their ability to pressure the government is questionable, as had they not had the support of the President (despite his motives), it is not clear whether they would have succeeded. See also Lubertino's insider account of the struggle to establish the quota system in Argentina: "Pioneering Quotas," 32-34.

<sup>97</sup> Lubertino, "Pioneering Quotas," 32.

<sup>98</sup> Krook, *Quotas for Women in Politics*, 168.

<sup>99</sup> Ibid.

<sup>100</sup> Krook, *Quotas for Women in Politics*, 169.

<sup>101</sup> This presents an interesting twist to Phillip's notion of the politics of presence or even of critical mass. See, for example, Bacchi, "Arguing for and Against Quotas," 36.

Interestingly, the outnumbered parliamentarians acquiesced to the vote due to their discomfort in opposing the measure any further. At 3 a.m., parliament passed the measure.

It should be noted that implementation of the law represented yet another challenge. Argentinian women faced a fifteen-year battle for institutional and attitudinal reforms. In particular, they faced a decade-long struggle to ensure that the 30% female candidate requirement of the quota law translated into the election of at least 30% female representatives.<sup>102</sup> It was only in October 2001 that the quota law was properly implemented by the inclusion of a placement mandate for women.<sup>103</sup> It was largely through the relentless efforts of women's groups and individuals – and, crucially, the support of those in power – that these measures were implemented.

In Uganda, it was also the women's movement that exerted pressure on the government to institute legal measures to ensure women's political participation through one-third reserved seats (which, it has been suggested, was a show of tokenism for their role in the struggle towards democracy). Cultural and financial issues, however, continue to keep women out of the political arena.<sup>104</sup> Similarly, South African women demanded formal recognition and participation in politics due to their role in the antiapartheid conflict which had the effect of disrupting traditional gender roles.<sup>105</sup> South Africa saw the adoption of a legislated candidate quota of 50%. It should be noted again that a very strong network of women groups existed in these countries that guided women political candidates on how to get elected in the post-conflict era. In the case of France, however, where parity was legislated, women *within* the various political parties pushed for increased women's representation with little input from women's groups.<sup>106</sup> Nevertheless, it appears that apathy, history, religion and political conservatism conspired to keep women *la deuxième sexe* until 2007, when Sarkozy named a record number of women in his cabinet.<sup>107</sup> All of these case studies reveal that the adoption of quota laws occurred largely because of the unwavering efforts and determination of women, in tandem with support by those in power.

### 3.5 Electoral Gender Quotas: Yes or No?

With the proliferation of gender quotas over the last twenty years, the more prominent issues surrounding the debate should be addressed. Needless to say, the opposing camps are seriously divided on the implementation of gender quotas in politics. Remarkably, opponents include members of both sexes. In 1997, Spain's General Secretary of Social Affairs of the first conservative People's Party government, Amalia Gómez,

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<sup>102</sup> Krook, *Quotas for Women in Politics*, 180.

<sup>103</sup> *Ibid.*, 178.

<sup>104</sup> Bauer, "Uganda," 36-38.

<sup>105</sup> Britton, "South Africa," 118-122.

<sup>106</sup> Krook, *Quotas for Women in Politics*, 183.

<sup>107</sup> See Sineau, "France," 90-93 and Krook, *Quotas for Women in Politics*, 200.

derogatively dubbed it “the wonderbra quota.” The government later explained away the statement as “descriptive” rather than pejorative, and as meaning that the quota system did not necessarily cater for merit but simply numbers.<sup>108</sup> Whatever the motive for making the statement, the issues of merit and competence are important in the quota debate. According to Mansbridge, “In the United States, the very word “quota” implies the negation of merit, individual worth, and fair competition, as well as the intervention of the state in individual freedom.”<sup>109</sup> Positive discrimination or affirmative action, regardless of the wrongs it may attempt to correct, is “politically untenable;”<sup>110</sup> the idea that a fixed percentage of seats must be set aside with no reference to merit or competence is unthinkable, not to mention undemocratic.<sup>111</sup> Krook makes the point that gender quotas may delegitimise *all* female politicians as political actors, including those who enter office on the basis of merit.<sup>112</sup>

Uncritically accepting merit as the acceptable criterion for political access often overlooks “the many ways in which such criteria systematically privilege certain groups over others, often in arbitrary ways.”<sup>113</sup> Is it only competent men who enter politics?

While quotas increase women’s representation in politics, do women represent all women’s issues? It is argued that “bringing in the perspectives of women to the decision-making process enhances the chances for real change,”<sup>114</sup> however, women do not constitute a homogenous, unified group with similar challenges. It is likely that

*educated, middle-class, dominant-ethnicity women...are most likely to be elected in systems engineered to represent only gender proportionally [and] will represent “women’s” issues primarily through their own experiences, which, although in some ways like, will also be unlike those of women who do not share their class or ethnic/racial background.*<sup>115</sup>

Some non-gender quotas may include ethnic minorities to allow for greater diversity of representation. Nevertheless, for these very reasons, the heterogeneous nature of women as a group can pose challenges when attempting to formulate a collective legislative agenda.<sup>116</sup>

“Sex” (or “gender”) is not a category of political representation on par with other recognized group identities.”<sup>117</sup> Nevertheless, legislative quotas “aim to change normative institutions by revising the meanings of equality and representation underlying processes of candidate selection to permit positive action, foster more equal results, and recognise “sex” as a political identity.”<sup>118</sup> Moreover, in addressing only one dimension of inequality at a time,

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<sup>108</sup> See *El País*.

<sup>109</sup> Mansbridge, “Quota Problems,” 629.

<sup>110</sup> Baldez, “The Pros and Cons,” 103.

<sup>111</sup> See Araújo and García, “Latin America,” 92.

<sup>112</sup> Krook, “Gender Quotas,” p. 111.

<sup>113</sup> *Ibid.*

<sup>114</sup> Kittilson, “In Support of Gender Quotas,” 642.

<sup>115</sup> Mansbridge, “Quota Problems,” 634.

<sup>116</sup> Childs and Krook, “Should Feminists Give Up On Critical Mass,” 525.

<sup>117</sup> Krook, *Quotas for Women in Politics*, 31. See also Krook, “Gender Quotas,” 110-11 and “Candidate Gender Quotas,” 378.

<sup>118</sup> Krook, *Quotas for Women in Politics*, 161.

such as sex, quotas may reinforce within-group inequalities.<sup>119</sup> Ethnicity, though, is considered a relevant category of political representation, as “women and men belong to all political parties; members of ethnic groups, by contrast, frequently belong to one only.”<sup>120</sup> In differentiating between the two, Htun makes the point that, in including gender and ethnicity as political categories, quotas are better for gender while reserved seats suit ethnic groupings.

Quotas can positively influence women’s access to political space, but they have the potential to be treated as a ceiling for the nomination of women candidates. For example, a quota stipulating that 30% of candidates should be women is unlikely to result in a higher percentage being nominated, and thereby in effect sets a ceiling to women’s political representation.<sup>121</sup> Strong wording, for example, sometimes inadvertently establishes a ceiling for women’s representation if elites interpret positions not designated for women as seats or districts reserved for men.<sup>122</sup> Jones makes the case for quotas as a positive means of addressing gender imbalance:

*Quotas are a good idea in instances where women are significantly underrepresented in proportion to their presence in the general population (i.e., approximately 50%). This significant underrepresentation constitutes a very strong signal that there are cultural, economic, institutional, and/or societal factors that combine to unfairly limit women’s access to equal representation in public office. And in virtually all instances, the only method that will redress this underrepresentation in the short or medium term is the adoption of effective gender quotas.*<sup>123</sup>

Furthermore, where there are more women, it creates the critical legislative mass for representatives to consult with each other,<sup>124</sup> allowing for substantive representation.

In addition to increasing women’s political representation, quotas are useful strategic political tools to give a party a competitive advantage; they mesh with existing or emerging notions of equality and representation, such as with left-leaning parties that work towards social equality and countries in transition to democracy. They also allow countries to follow international norms.<sup>125</sup> Quotas are a form of compensation for historical injustice suffered by identifiable groups – in this case women – and represent evidence of society’s commitment to redress that injustice. Ultimately, they indicate that “underrepresentation of marginal groups is not a statement of the groups’ poor performance but of the system’s poor performance at creating a level playing field.”<sup>126</sup> According to Dahlerup, women’s experiences are needed in political life because election is about representation, not just educational qualifications. Dahlerup continues that women are just as qualified as men, but male-dominated

<sup>119</sup> Hughes, “Intersectionality, Quotas,” 1.

<sup>120</sup> Htun, “Is Gender Like Ethnicity?” 439.

<sup>121</sup> Larsrud and Taphorn, *Designing for Equality*, 19. See also Bauer, “Uganda,” 34.

<sup>122</sup> Krook, “Candidate Gender Quotas,” 380.

<sup>123</sup> Jones, “The Desirability of Gender Quotas,” 646.

<sup>124</sup> Mansbridge, “Quota Problems,” 626.

<sup>125</sup> Krook, *Quotas for Women in Politics*, 9–10. See also Krook, “Candidate Gender Quotas” and “Reforming Representation.”

<sup>126</sup> Nanivadekar, “Are Quotas a Good Idea?,” 119.

political systems minimize women's qualifications. Quotas, therefore, can contribute to a process of democratisation by making the nomination process more transparent and formalised.<sup>127</sup>

Despite these valid points, quotas alone are not enough. They are but a “single policy...a lonely policy, a voice in the wilderness.”<sup>128</sup> Sheer numbers are insufficient; women members must be able to articulate their positions and intervene in the deliberations of a male-dominated body.<sup>129</sup> The socio-political environment will also help determine whether a quota will be successful or not. “Gender quotas may bring more women into the political arena—but the dynamics of the process remain the same. In this respect, gender quotas reinforce the status quo, at least theoretically.”<sup>130</sup> In the case of France, for example, the first post-quota national elections of 2002 brought few gains. Women still held only 12% of the seats in the French National Assembly, as most of the major parties violated either the spirit or the letter of the new law, nominating women to unwinnable seats, or simply ignoring the new law and accepting the financial penalty.<sup>131</sup> What is the point of equality in theory (policy and law) without equality in practice (representation)?

## 4.0 Political Gender Quotas in the Caribbean

Compared to Latin America, gender quotas have not quite made their way to the Anglophone Caribbean. The number of female parliamentarian representatives is slim in the region. Table 3 illustrates that apart from Trinidad and Tobago, Grenada, and Guyana, the only English-speaking country in the Caribbean that has instituted a gender quota, figures fall between 20% to as low as 3.1% in the lower house. Even when both houses are taken into account, figures still fall below 20%.

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<sup>127</sup> Dahlerup, “About Quotas.”

<sup>128</sup> Quoted in Tamale, *When Hens Begin to Crow*, 25.

<sup>129</sup> Kudva, “Engineering Elections,” 455.

<sup>130</sup> Baldez, “The Pros and Cons,” 106.

<sup>131</sup> Kittilson, “In Support of Gender Quotas,” 639. See also Sineau, “France,” 83-94 and “The French Experience.”

**Table 3: Women representation in national parliaments in the independent Anglophone Caribbean**

World Rank	Country	Lower or Single House			Upper House or Senate			TOTAL
		Seats*	Women	% Women	Seats*	Women	% Women	Both Houses
28	Grenada	15	5	33.3%	13	2	15.4%	25%
32	Guyana	65 <sup>+</sup>	21	32.3%	---	---	---	32.3%
37	Trinidad and Tobago	42	12	28.6%	31	6	19.4%	24.6%
87	Barbados	30	5	16.6%	21	6	28.6	21.5%
82	Saint Lucia	18	3	16.7%	11	2	18.2%	17.2%
96	Bahamas	38	5	13.2%	16	4	25.0%	16.6%
104	Saint Vincent and the Grenadines	23	3	13.4%	---	---	---	13%
105	Dominica	31	4	12.9%	---	---	---	12.9%
100	Jamaica	63	8	12.7%	21	6	28.6%	16.6%
117	Antigua and Barbuda	19	2	10.5%	17	5	29.4%	19.4%
130	Saint Kitts and Nevis	15	1	6.7%	---	---	---	6.7%
139	Belize	32	1	3.1%	13	5	38.5%	13.3%

\* Figures correspond to the number of seats filled in country parliaments on January 01, 2014).<sup>132</sup>

<sup>+</sup> Corrected to reflect the number of elected members.

## 4.1 The Anglophone Caribbean: Jamaica, The Bahamas, Trinidad and Tobago and Belize

### 4.1.1 Jamaica

In 2010, Jamaica introduced a measure to address women's poor representation in politics. The government published its national gender policy indicating that it would adopt "temporary special measures to accelerate de facto equality between men and women...and [this] shall not be considered discriminatory."<sup>133</sup> This aligns with the country's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women. The policy addresses women's representation not only in Parliament but also on state boards. According to the *National Policy for Gender Equality*,

<sup>132</sup> Table extracted from Inter-Parliamentary Union Database, "Women in National Parliaments." The last column was added by the author.

<sup>133</sup> The Bureau of Women's Affairs, *National Policy For Gender Equality*, 22

*...the GOJ [Government of Jamaica] shall use TSMs [Temporary Special Measures], such as legislated gender quotas, to address the lack of proportional representation of women in Parliament. Such a measure could require a thirty percent (30%) minimum distribution of women among persons appointed to the Senate and the board of public bodies.*<sup>134</sup>

51% Coalition: Development and Empowerment through Equity, a newly-formed local alliance of women's organisations and individuals advocating the implementation of a gender quota, welcomed this pronouncement. The goal of 51% Coalition is for "no gender to have more than 60 percent and no less than 40 percent of seats in the Senate or on boards."<sup>135</sup> The Coalition would also like to see women sitting on private-sector boards. Recognizing women's critical role in national development drives, the organization made the point that "quotas are central to the conversation about economic development, and to recognizing gender equality as smart economics."<sup>136</sup>

#### **4.1.2 The Bahamas**

The Bahamas has also brought up the issue of gender quotas, but not as specifically as Jamaica. The government's lone female cabinet Minister indicated the need for "stronger female presence, particularly in top tier positions" and that she would "support the exploration of a temporary gender quota in The Bahamas."<sup>137</sup> The issue, however, is not that simple. Women's inclusion in political leadership appears to require "substantial systematic reform,"<sup>138</sup> such as access to campaign financing. Women currently have poor access to campaign financing. If "electorate financing [is] tied to a quota system"<sup>139</sup> this can possibly increase women's political participation. While the need for reform is perhaps true of many countries, the situation is compounded in the Bahamas by the fact that the women's movement may not be as engaged as it should be to push the agenda.<sup>140</sup>

#### **4.1.3 Trinidad and Tobago**

The International Institute for Democracy and Electoral Assistance (IDEA), which provides information on democracy and elections worldwide, incorrectly states on their Website that Trinidad and Tobago lobbied for the implementation of a gender quota in Parliament. The Website states:

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<sup>134</sup> The Bureau of Women's Affairs, *National Policy For Gender Equality*, 22. The introduction of such measures is inherently controversial and is being discussed in the UK on the basis of research conducted showing that "gender diversity on boards results in better corporate performance on every measure." See Watson, "Quotas aren't the best way to get more women into board rooms." See also, Branson, "Women on Boards: The Way Forward."

<sup>135</sup> Forbes, "The Power of Jamaica's 51%."

<sup>136</sup> UN Women Caribbean, "Quotas for Women's Transformational Leadership and Participation in Jamaica."

<sup>137</sup> Murphy, "Exploration of a Temporary Gender Quota in the Bahamas."

<sup>138</sup> Parker, "Gender Quotas: Do They Work?," paraphrasing Cynthia Giles-Barrow.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid, quoting Minister Butler-Turner.



*In 2000 Independent Senator Diana Mahabir-Wyatt filed a motion in the Senate calling on the government to pass legislation to ensure that all political parties be required to select as many women as men as candidates for national elections. It was unsuccessful.*<sup>141</sup>

During a 2012 interview for this chapter on her role in this matter, however, Ms. Mahabir-Wyatt indicated she was not involved in such an undertaking.<sup>142</sup> Neither can any such reference be found in the *Hansard* records. Ms. Mahabir-Wyatt did note, however, that while it was an item on the international agenda at the time and the government was talking about it, it was “just taken for granted that the most qualified people would get there on their own steam.”<sup>143</sup> In addition, she noted the majority of parliamentarians had no desire to change the *status quo*, where men held positions of power. During informal discussions about the topic with fellow members of Parliament at the time, Ms. Mahabir-Wyatt stated they had general “disbelief that we would even consider it” and that “it was a non-issue, because it was almost a joke.”<sup>144</sup> She did indicate, however, that she worked tirelessly for Parliament to pass the *Counting Unremunerated Work Act*, Ch. 19:09 in 1996 to ensure that the unremunerated work of women (and men) was quantified separately in monetary terms and recorded in national statistics. The National Union of Domestic Workers, founded by the late Clotil Walcott, spearheaded the initiative and worked with Ms. Mahabir-Wyatt to introduce the bill to Parliament.<sup>145</sup>

Hazel Brown, Coordinator of the Network of NGOs of Trinidad and Tobago for the Advancement of Women (The Network) confirmed that no one in the country ever took the quota issue to Parliament.<sup>146</sup> She did note that in 1996, Ministers at the fifth Commonwealth Women’s Affairs Ministers Meeting (WAMM) agreed that all countries in the Commonwealth should aim for women to hold 30 percent of decision-making positions in the political, public and private sectors by 2005.<sup>147</sup> The target, however, was never quite met in Trinidad and Tobago.<sup>148</sup> Table 3 outlines that women’s representation in Parliament in January 2014 was 28.6%, the highest it has ever been in the country. To address this quota issue, The Network joined the 50/50 campaign in 2000, which is when WEDO first initiated the movement lobbying towards women’s equal participation and representation in governments around the world.<sup>149</sup>

In July 2012, the Honourable Kamla Persad Bissessar, Prime Minister of the Republic of Trinidad and Tobago, promoted the adoption of gender quotas at a regional forum. In a

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<sup>141</sup> IDEA, Unified Database.

<sup>142</sup> Diana Mahabir-Wyatt, (Chair of the Coalition Against Domestic Violence and Board Member for the Caribbean Centre for Human Rights). Interview with author on February 22, 2012 in Port of Spain, Trinidad. She is, in fact, *not* an advocate of the implementation of gender quotas as she strongly believes that people should be chosen for positions on the basis of competence, skills and experience for any given position, regardless of gender.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> International Labour Office, *Decent Work for Domestic Workers*, 80.

<sup>146</sup> Hazel Brown, (Coordinator, Network of NGOs of Trinidad and Tobago for the Advancement of Women). Telephone interview with author on September 14, 2012 in Port of Spain, Trinidad.

<sup>147</sup> Commonwealth The, “Previous WAMMs.”

<sup>148</sup> See the Inter-Parliamentary Union Database.

<sup>149</sup> WEDO, “50/50 Campaign.”

presentation to the OAS Inter-American Commission on Women (CIM) on the challenges confronting women's equality in Latin America and the Caribbean,<sup>150</sup> she made the following recommendation:

**Recommendation 2:** *Adopt effective agenda [sic] quotas....Gender quotas are a key tool to increase the number of women in office if they are implemented fully. They need to specify a moderately high proportion of women, 30 to 40 percent. I think in Trinidad and Tobago, we have 26 to 27 percent, so we still have some ways to go to reach. And this is not the maximum, this is the minimum.... There should be 30 to 40 percent women represented on party ballots. Mandate that women must be placed in electoral positions and ballots and include strong enforcement mechanisms as well.*<sup>151</sup>

This was not mere repetition of the rhetoric. It was a very specific statement and positive recommendation on the implementation *and enforcement* of gender quotas in politics in Trinidad and Tobago. No prime minister of Trinidad and Tobago has ever made such a statement. A glimmer of hope, perhaps? While work toward gender equity is occurring in Trinidad and Tobago; it is unclear whether such a definite and legal step will be taken, especially during her term in government.

#### **4.1.4 Belize**

In its 2002 *National Gender Policy*, the government of Belize recognised that that the introduction of temporary measures, such as gender quotas, may become necessary “to overcome the deeply entrenched barriers to [gender-based] equality.”<sup>152</sup> The government also pointed out that inequality could also affect ethnicity, race and disability. What is interesting about the Belizean approach is that the policy requested a cost-benefit analysis of implementing a quota system prior to taking action. The analysis was intended to “ensure absolute benefits to the traditionally disadvantaged population (in the present case: the female), as well as net benefits to the whole population (female and male) (at least to the extent that the benefits will outweigh any costs).”<sup>153</sup> Cost-benefit analyses often accompany the process of determining whether or not to implement a gender quota, but it is unusual for the request to be stated in the actual policy.

Of the approximate 215 commitments that the National Gender Policy noted that the government should honor, commitment 193 directed the Women's Department to consult with a Gender Integration Committee (GIC), and to forward advice to the government on the

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<sup>150</sup> See the OAS/CIM, *La democracia de ciudadanía*. Author's translation.

<sup>151</sup> Persad Bissessar, “Los Desafíos del Sistema,” 70. Emphasis added.

<sup>152</sup> Johnson, *National Gender Policy: Belize*, 5.

<sup>153</sup> Johnson, *National Gender Policy: Belize*, 5.

merit of setting quotas for the appointment of ministry heads and departmental directors.<sup>154</sup> This approach is, *prima facie*, very objective and level-headed.

The policy addresses gender equity (not equality) in employment opportunities,<sup>155</sup> and power and decision-making.<sup>156</sup> With respect to the latter, the policy states that “there has not been uniform consensus about the merit of setting quotas.”<sup>157</sup> The document notes:

*....If a major motivation for women to be more politically involved has been a desire to ‘make a difference’, or to inject some different perspectives and priorities into policy decision-making, the experience has been rather equivocal. Across the English-speaking Caribbean, the entry of women into political office has often been perceived as leaving the status quo unchanged, likely due to the pervasive nature of party politics.*<sup>158</sup>

While this may be true, women still should have the opportunity to prove or disprove such a perception. Ensuring equality of opportunity by implementing a quota system as a temporary measure can assist. It should be noted that a male consultant prepared the gender policy document, which may account for the fascinating cost-benefit analysis recommendation prior to determining whether a quota should be implemented to be included as part of the policy document.

In 2010, the National Women’s Commission published a situational analysis of gender issues in Belize. This action suggests that the population was gaining awareness of women’s political participation at the highest levels of government.<sup>159</sup> While the report recognized the need to introduce special temporary measures to increase women’s political participation in the country,<sup>160</sup> it reported that the cost-benefit analysis of a gender quota that the government requested in the original gender policy document did not merit implementation.

*....A Political Reform Commission was established in 1999. It spent one year reviewing all aspects of Belize’s governance system and made 103 recommendations for political reform. Included in their review was the recommendation to implement special temporary measures to increase women’s political participation. The Commission could not reach a consensus on this issue and it was therefore not recommended. The Report states, “The majority of the Commission does not recommend that a quota system for the appointment of women to public bodies be enacted for Belize.”*

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<sup>154</sup> Ibid., 106.

<sup>155</sup> Ibid., 42.

<sup>156</sup> Ibid., 64.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Catzim-Sanchez, *National Gender Policy*, 75.

<sup>160</sup> Ibid., 74.

It is not clear how “the Commission could not reach a consensus” equates to “the majority of the Commission does not recommend.” This seems an extraordinary leap in reasoning. Despite this, the Women’s Agenda of the People’s United Party (PUP), advocated that women in Belize should hold at least 30% of public office positions. As a result, the government appointed women to senior public offices, including appointments such as senators, CEOs of government ministries, directors of government departments and executive directors of quasi-government bodies. This trend continues across Belize’s government administrations.<sup>161</sup>

Firstly, it is not clear how “[t]he Commission could not reach a consensus” equates to “[t]he majority of the Commission does not recommend.” This seems an extraordinary leap in reasoning. Secondly, in the following paragraph, one should note that there is no mention of the Lower House, which comprises *elected* members of Parliament; women are appointed to senior public offices, presumably by the Government, but there is no measure to ensure that they are at least considered for election into Parliament. Appointing women thus seems to be a somewhat placatory move. While women now enjoy increased access to positions of leadership, they continue to be largely excluded from positions of political power and real decision-making. Thirdly, and perhaps most importantly, this means that the quota discussion has been dismissed; whether it will be open for discussion at any point in the future remains to be seen.

## **4.2 The Non-Anglophone Caribbean: Haiti and the Dominican Republic**

While the focus of this chapter is on the Anglophone Caribbean, it is interesting to note briefly what takes place in other independent Caribbean countries.

### **4.2.1 Haiti**

Haiti recently adopted a constitutional gender quota. In 2011, the country’s parliament amended two articles of the Constitution to ensure that a minimum of 30% women served in the public service and within political parties. Article 17.1 ensures that there is a 30% minimum of women “in all elected and appointed positions at the national level, in particular in the public service. Article 30.1.1. requires political parties to introduce measures to enforce the minimum 30% quota for women within various structures of political parties.”<sup>162</sup> It should be noted that the Socialist Party had a voluntary gender quota of 25%, but the party seems to be no longer active in politics.<sup>163</sup> In her reflections on the adoption of the gender quota, the former Minister for Culture and Communication of Haiti eloquently commented that “the quota is therefore a

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<sup>161</sup> Ibid. Emphasis added.

<sup>162</sup> Lassègue, “Towards a female quota.”

<sup>163</sup> Quota Project, “Haiti.”

safeguard, an instrument, a legal tool until such time as these responses become systematic and we are no longer constrained to refer to them because we are obliged by law to do so.”<sup>164</sup> This is precisely the objective of establishing such special temporary measures, such that they will eventually no longer be special or temporary, but natural and pervasive. Unfortunately, women represent only 4% of the Haitian Parliament today,<sup>165</sup> marking a clear distinction between quota adoption and implementation.

#### **4.2.2 The Dominican Republic**

In the Dominican Republic, which has a similar electoral system to Guyana, women seem to fare better than Haiti. They currently account for 21% of Parliament,<sup>166</sup> although this falls short of the 33% legislative requirement.<sup>167</sup> The country’s quota system began in 1997 “where Law 275 imposed a 25 percent quota for women among candidates for elective positions.”<sup>168</sup> Reports indicate that after the country’s 1998 elections, however,

political party leaders negotiated with the Central Electoral Commission to guarantee that women’s political national representation would not be less than 25 percent, or 45 of the 179 total number of seats for both houses of parliament, independent of electoral classification. The decision, in effect, removed the burden for each individual party to guarantee 25 percent women among their parliamentary delegations since there was no longer anything compelling the parties to do so.<sup>169</sup>

Amendments to the Dominican Republic’s electoral code in 2000 increased the requirement that women must hold 33% of seats in both houses of parliament, and added a placement mandate.<sup>170</sup> In addition, Parliament introduced a 50% gender quota at the municipal level.<sup>171</sup> Some political parties adopted 33% party quotas despite the agreement they made with the Central Electoral Commission mentioned above.<sup>172</sup> In 2002, however, parliament removed the quota requirement for the Senate.<sup>173</sup>

### **4.3 Women in Positions of Political Power in the Caribbean**

Based on the review above, the number of women in leadership positions across the Caribbean remains abysmally low, even where quotas were legislated. Of the twelve countries listed in Table 3 above, only two have female prime ministers: Jamaica and Trinidad and Tobago. Regardless, this situation has not advanced women’s political power in these countries

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<sup>164</sup> Lassègue, “Towards a female quota.”

<sup>165</sup> Quota Project, “Countries by Region.”

<sup>166</sup> Ibid.

<sup>167</sup> Parker, “Gender Quotas.”

<sup>168</sup> Ibid.

<sup>169</sup> Quota Project, “Dominican Republic.”

<sup>170</sup> Schwindt-Bayer, “Making Quotas Work,” 9.

<sup>171</sup> Parker, “Gender Quotas.”

<sup>172</sup> Krook, “Gender Quotas in Parliament,” 9.

<sup>173</sup> Quota Project, “Dominican Republic.”

or advanced measures to attempt to do so, such as instituting quotas that assure a minimum number of women hold positions of political power.

## 5.0 Getting to One-Third? The Quota System in Guyana

Guyana is geophysically a part of South America but shares cultural similarities with the Anglophone Caribbean. It holds a brutal political history – “an interrupted democratic period”<sup>174</sup> – but now enjoys political freedoms associated with newly-democratic countries. A period of extensive constitutional reform in the late 1990s – early 2000s included the adoption of a gender quota system, for which an electoral law provides specificity. After the latest election on November 28, 2011, Guyana now boasts 31.3% women in its National Assembly,<sup>175</sup> just under 2% shy of what the law requires. This section will briefly review the electoral system in Guyana, and the need for constitutional reform; examine the process undertaken and influences in moving towards quota adoption, including the socio-political context at the time of the quota adoption; and examine the actual legislative framework Parliament established to institute the quota.

### 5.1 The Electoral System in Guyana

In 1964 Guyana’s electoral system switched to List Proportional Representation (List PR), which according to many writers, offers more favourable conditions for electing women than majoritarian electoral systems.<sup>176</sup> Under List PR, each party presents a list of candidates for a multi-member electoral district, voters vote for a party, and parties receive seats in proportion to their overall share of the vote.<sup>177</sup> The National Assembly, a unicameral legislature, comprises sixty-five directly elected members.<sup>178</sup> Twenty-five members are elected at the regional/geographic constituency level. Each of these ten regions has representatives proportional to its respective population. Contesting national parties supply lists, known as the “national top-up list,” to elect the other forty members. This “top-up list” attempts to ensure a very high degree of proportionality.<sup>179</sup> Along with geographical considerations, the lists consider

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<sup>174</sup> Jocelyn Dow, (co-founder Red Thread; former President WEDO). Interview with author January 9, 2012 in Georgetown, Guyana.

<sup>175</sup> Inter-Parliamentary Union, “Women in Parliament.” This percentage seems to have been worked out of 67 to “correspond to the number of seats currently filled in Parliament,” meaning that non-elected members were included. The percentage of women in parliament based on 65 seats is 32.3%, which is even closer to the ideal of one-third. See Table 7 below.

<sup>176</sup> Many authors agree that this is the case. See, for example, the various contributions in Tremblay, *Women and Legislative Representation*; Tremblay, “The Substantive Representation;” Mansbridge, “Quota Problems;” Nanivadekar, “Are Quotas a Good Idea?;” Larserud and Taphorn, *Designing for Equality*; Krook, “Candidate Gender Quotas.” This seems to be due to the consistently higher district magnitudes available under this electoral system. Matland, “Enhancing Women’s Political Participation,” 101.

<sup>177</sup> Larserud and Taphorn, *Designing for Equality*, 23.

<sup>178</sup> Guyana Elections Commission, “About Guyana.” There is an “overhang” provision that allows for one extra member in the event of a special situation arising that affects proportionality.

<sup>179</sup> It should be noted that the regional list for the geographical seats are party lists also. The regional election has so far been held along with the national election. The ballot paper has two sections – one for regional and the other for national elections

gender, ethnicity, religion, and age to ensure the list has a proper balance of candidates. Failing to ensure such representativeness can be political suicide.<sup>180</sup> Region 4, the most densely populated, includes the capital Georgetown, which explains the high allotment shown in Table 4. While a country can have open or closed List PR systems, the List PR system in Guyana is closed. Ordinarily, in a closed List PR system, the party pre-determines the ranking of candidates on the list and voters elect candidates in the order in which they appear so they have an idea about the individual for whom they vote. In Guyana, however, parties do not pre-determine candidate ranking on their lists. Therefore, the electorate selects a party without knowing which candidates the party will select to hold seats in Parliament. Even though candidate names on the list appear in alphabetical order, this does not determine the candidates who will be selected to sit in parliament.<sup>181</sup> In addition, the largest remainder system using the “Hare Quota” is used to determine the allocation of geographic and gender seats to parties in the National Assembly.<sup>182</sup> Table 4: Number of seats allotted per region<sup>183</sup>

Region	1	2	3	4	5	6	7	8	9	10	Total
Seats	2	2	3	7	2	3	2	1	1	2	25

## 5.2 Constitutional Reform: Towards the Adoption of a Legislative Gender Quota

Adoption of the gender quota in Guyana resulted from key national and international developments, specifically the 1995 Fourth World Conference on Women in Beijing, mobilisation of the local women’s movement,<sup>184</sup> and extensive constitutional reform. Krook notes that other country quota campaigns also reference international commitments and experiences in neighbouring countries as contributors to domestic quota reforms.<sup>185</sup> Interestingly, while Krook points out geographic patterns with respect to the types of quotas that countries adopt and when they adopt them,<sup>186</sup> Guyana does not follow such patterns. The wave of quota adoption across Latin America had absolutely no influence on Guyana’s decision to adopt its legislative quota. The 1995 Beijing Conference, however, seemed to be a

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but in each half an elector merely marks an “X” next to the name of the party. Written comments received from Roxane George, December 1, 2012.

<sup>180</sup> Gail Teixeira, (Presidential Advisor on Governance). Interview with author on September 21, 2012, in Georgetown, Guyana. By way of example, Amerindians account for 10% of the population; they have 6 members, of a total of 65, in Parliament.

<sup>181</sup> The alphabetical listing was introduced in 1968. It should be noted that s 160(3)(a)(ii) of the revised Constitution now contains an enabling provision to mandate prioritised lists, which would give voters an idea of who they are voting for. This, however, depends largely on the political will of those in power to legislate. As expected, this matter came to the fore in the recent elections. See “Voters Should Know Likely MPs Before Polls.” See Appendix for the full text of this provision.

<sup>182</sup> See section 11A (1) of the *Representation of the People Act*, Cap. 1:03. The Hare Quota System or the simple quota = voters/seats. If there are one hundred voters and five seats, the quota is twenty and all one hundred ballots are needed to elect five representatives. See Accurate Democracy, “Seat and Quotas.” For an explanation of the Hare Quota using the Largest Remainder, see Clayton, “Explanation of How to Allocate Seats.”

<sup>183</sup> Table extracted from Guyana Elections Commission, “Elections in Guyana.”

<sup>184</sup> “Women’s movement” is used very loosely here, as will be discussed later on.

<sup>185</sup> Krook, “Gender Quotas,” 114.

<sup>186</sup> Krook, *Quotas for Women in Politics*, 27.

significant influence,<sup>187</sup> as was the case with many other countries mentioned earlier in this chapter.

The imperative to adopt a gender quota in Guyana lies in the country's political history and the very rights-oriented mind-set of those affected during the period. The first set of interviews conducted in Guyana for this chapter revealed people with a very strong sense of rights, stemming from what many claim was a twenty-eight year period of non-democratic rule in the country between 1964-1992. This sentiment was further confirmed on a subsequent visit to the country to conduct more research for this chapter. One writer characterised Guyana during the period of non-democratic rule as a "Leviathan state."

*The one-party governance had sacrificed the fundamentals of the democratic state, viz., constitutionalism and its constitutive elements (the rule of law, separation of power and free and fair elections), for autocratic rule. It failed to substitute comparable institutions in their place in order to realise accountability of the government.*<sup>188</sup>

Some argue, however, that democracy was always present in Guyana. This raises the question: what is democracy? Democracy has many definitions and, as James noted above, the constitution and its derivative elements help to define it. "Liberal definitions emphasize civil, political, property and minority rights. They also place increased, explicit emphasis on institutional checks and balances, accountability to citizens, and equality with respect to representation and participation."<sup>189</sup> At a 2005 UN World Summit, governments agreed "that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives."<sup>190</sup> The actual elements of democracy are noteworthy.

The core 'procedural' elements of democratic governance are often not contested: there needs to be both competition and popular participation in the determination of government itself. This yields a 'procedural' conception of democracy about which there is significant consensus in terms of the minimal conditions that would have to obtain in order for the basic governing institutions and practices of a state to be considered democratic. Competition, or "contestation," occurs most publicly in the form of multi-party elections, which presuppose freedom of expression and association, and a party and electoral system in order to determine government on the basis of a peaceful, public expression of options and differences. Popular participation gives meaning to the notion of 'popular sovereignty' or collective self-determination, and hinges crucially on the right to vote.<sup>191</sup>

Considering the definitions proposed above, elements of democracy include:

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<sup>187</sup> This was made emphatically clear by all respondents.

<sup>188</sup> James, *The Constitution of Guyana*, 30.

<sup>189</sup> Elements of Democratic Governance, 5.

<sup>190</sup> United Nations, "Guidance Note," 2.

<sup>191</sup> Elements of Democratic Governance, 4.



1. a political system that chooses and replaces the government through free and fair elections;
2. the active participation of the people, as citizens, and in politics and civic life;
3. protection of all citizen's human rights; and
4. all laws and procedures apply equally to all citizens.<sup>192</sup>

Accounts of Guyana's political history suggest that during the twenty-eight year period, violent and deadly expressions of difference replaced peaceful public expressions, and citizens experienced an extremely stymied ability to participate in free and fair elections, which was evidenced by repeated allegations of vote-rigging and voter intimidation. Free and fair elections, and the rule of law must exist to support the right to vote. Otherwise, that right is violated. For the purpose of this chapter, the twenty-eight year period between 1964-1992 will be characterised as democracy perverted or interrupted, where a charade of democracy underpinned authoritarian rule.

Similar to other countries in transition to democracy, which have experienced intense liberation struggles, such as South Africa, Rwanda, Uganda and countries across Latin America, Guyana witnessed the role of women catapult because of political experiences and tragedies.<sup>193</sup> The struggle became more than getting women into politics, but more about getting women to undertake a role as significant actors in the changes and dynamics of those political environments. Moreover, viewing the adoption of a gender quota as merely a woman's issue loses the rationale for why these changes continue to take place in many countries. Guyana, having emerged from a period of non-democratic governance, falls into the category of countries that are only now able to shape a democratic framework. The consolidation of a democratic framework and the recognition that this was a group that had to be addressed specifically (just as Amerindians, for example, had to be) explain the early adoption of the quota in terms of Guyana's return to democracy and its first round of constitutional reform in this new era of "inclusive governance".<sup>194</sup>

### **5.2.1 The Socio-Political Context of Change in Guyana**

For the twenty-eight year period preceding 1992 when Guyana returned to democracy, the majority of Guyanese were subjugated to political, economic, social and psychological suppression in a variety of ways.<sup>195</sup> Violence during campaigns, elections and post-elections consistently marred free elections in the country. The violence usually occurred along ethnic and political divisions<sup>196</sup> between the two main political parties: the People's Progressive

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<sup>192</sup> "What is Democracy?"

<sup>193</sup> Teixeira, interview Table 6 reflects this significant change in the number of women in Parliament.

<sup>194</sup> The PPP/C Party equated inclusive governance with democracy. This is specifically attributed to then President Bharath Jagdeo. See James, *The Constitution of Guyana*, 32.

<sup>195</sup> WPO, "WPO Lauds PPP Achievements." This statement is, of course, open to discussion, as it may be deemed to be politically biased.

<sup>196</sup> See for example, Chaubey, Mawson and Kuris, "Cooling Ethnic Conflict Over a Heated Election: Guyana, 2001-2006."

Party/Civic (PPP/C) and the People's National Congress (PNC). Historically, ethnic groups are strongly aligned to political parties in Guyana, where the PPP was the Indo-Guyanese party and the PNC was the Afro-Guyanese party.<sup>197</sup> This ethnic divide, as well as political violence, predate Guyana's independence.<sup>198</sup> Assassinations of key political figures,<sup>199</sup> journalists,<sup>200</sup> riots, and detentions, ordinary citizen killings and torture<sup>201</sup> characterised Guyana's politically-charged, highly-polarised environment. In addition, James noted,

*The law enforcement bodies at times, particularly during the Burnham period, exploited the criminal code and other legislation by prosecuting demonstrators for offences existing in the statute law such as "conduct likely to promote a breach of the peace", "threatening behaviour", "uttering abusive words", "obstruction of the police", even sedition or treason.*<sup>202</sup>

As might be noted, such vague "legal" terms are open to individual interpretation and have the potential for abuse (as seems to be the case in Guyana) or to be unenforced. Violence characterised the second free election in Guyana in 1997, immediately preceding the constitutional reform process. According to Roopnaraine, "The 1997 election came and there was complete chaos."<sup>203</sup> Similar to most Guyana elections, people made claims of electoral fraud. The Commonwealth elections observer group noted several shortcomings in the electoral process, the most important of which revolved around the preparation and issuing of voter identification cards and the tallying process.<sup>204</sup> It took four days before the Government declared the PPP the winner, even though all the votes were not counted.<sup>205</sup> The PNC rejected these results and refused to take their seats in the National Assembly (Parliament). Georgetown experienced unrest and the streets became dangerous. Ethnic tension and violence escalated.<sup>206</sup>

As a result, CARICOM sent a mission to Guyana to resolve the issues surrounding the election,<sup>207</sup> dispatching three of their most prominent citizens--"three knights of the realm,"---Sir Sridath Ramphal, Sir Alistair McIntyre and Sir Henry Forde---to meet with various representatives of the Guyanese people and receive evidence at Herdmanston Lodge in Georgetown. CARICOM eventually brokered an agreement between the two main political parties, which resulted in the Herdmanston Accord. This agreement provided a Menu of

<sup>197</sup> Spencer, *A Dream Deferred*, 46.

<sup>198</sup> For more, see Merrill, *Guyana: A Country Study*.

<sup>199</sup> Ibid.

<sup>200</sup> Chaubey, Mawson and Kuris, "Cooling Ethnic Conflict Over a Heated Election: Guyana, 2001-2006."

<sup>201</sup> These may not have all been political, though there have been claims in this regard. Written comments received from Roxane George on December 1, 2012.

<sup>202</sup> James, *The Constitution of Guyana*, 34.

<sup>203</sup> Rupert Roopnaraine, (Leader of the WPA; Vice Chairman of the APNU). Interview with author, January 10, 2012, Georgetown, Guyana. Unless otherwise noted, this history leading up to the establishment of the Constitutional Reform Commission is provided by Roopnaraine.

<sup>204</sup> The Commonwealth Secretariat, *The General and Regional Elections in Guyana*, 31-32.

<sup>205</sup> Ibid., 28. The decision to declare the PPP the winner was based on a projection of votes already counted.

<sup>206</sup> Parris, *An Annotated Handbook*, 30.

<sup>207</sup> Guyana Elections Commission, "About Guyana."

Measures which included “a political arrangement, whereby the PPP would concede to reducing their term from five years to three years.” This conciliatory measure was meant to facilitate the PNC’s agreement to cease the unrest, and accept their place in parliament as the opposition party for the following three years until the next elections. The Menu of Measures also stated the parties should discuss their issues; the former Attorney General of Barbados, Maurice King QC, presided over this discussion as a CARICOM facilitator.<sup>208</sup>

Another very important measure introduced was that a two-stage audit of the election process would be conducted, including a numerical audit and a forensic audit of the entire electoral system.<sup>209</sup> Justice Ulric Cross (retired judge from Trinidad and Tobago) conducted the numerical audit, but not the forensic audit. When he released his report, he stated a “remarkable thing”: his audit confirmed that the votes in the boxes that he counted were the same as the results that were issued, but it was beyond his remit to say whether those votes, the ballot papers in the boxes, had been put there lawfully or not. This, of course, inflamed the political tensions.

Perhaps one of the most important measures emanating from the Herdmanston Accord was that it specifically called for a legally-established Constitution Reform Commission (CRC)<sup>210</sup> with a wide mandate and broad-based membership, which would be required to consult with civil society at large over an eighteen-month period.<sup>211</sup> The tasks of the CRC included:<sup>212</sup>

1. *Publication about the establishment of the CRC and information to the public on requirements for their participation;*
2. *Scheduling of public hearings and acceptance of written (and oral) evidence;*<sup>213</sup>
3. *Establishment of sub-committees to deal with defined subject areas so that all categories crucial for inclusion in, or alteration of, the Constitution would be adequately discussed;*
4. *Engagement of experts;*
5. *Discussion by the plenary of recommendations of the sub-committees; and*
6. *Preparation of the report to the National Assembly, based on documentation and additional research.*

Using these guidelines, the CRC spent the next eighteen months reforming the 1980 Constitution. This was important because the Parliament sprung the Constitution on the population in a fraudulent referendum. International observers adjudged it to be, in fact, very fraudulent. The 1980 Constitution concentrated power to an executive President, bestowing on him “virtual imperial powers,”<sup>214</sup> and ensured the then President’s control over the PNC and, in

<sup>208</sup> Stabroek News, “PPP/Civic, PNC to State Position on Retention of CARICOM Facilitator.”

<sup>209</sup> See Caribbean Community, “Herdmanston Accord,” item 1.

<sup>210</sup> Established through the *Constitution Reform Commission Act*, Cap. 1:14

<sup>211</sup> See Caribbean Community, “Herdmanston Accord,” item 4.

<sup>212</sup> Adapted from Parris, *An Annotated Handbook*, 43.

<sup>213</sup> Based on Parris’ account, this was certainly as inclusive as it could have gotten but eleven were dogged by various problems and had to be cancelled and re-scheduled. See Parris, *An Annotated Handbook*, 51.

<sup>214</sup> Spencer, *A Dream Deferred*, 51.

turn, the party's control over the people.<sup>215</sup> For these reasons, all political parties unanimously agreed, in 1992, to the need to reform the extremely controversial document.<sup>216</sup> Constitutional reform actually first appeared on the legislative agenda in 1991 but the person who brought the motion to Parliament did not receive the required support from the PPP opposition party.<sup>217</sup> It reappeared as an issue again during the 1992 elections and in 1994 Parliament appointed a Special Select Committee to address it. The committee, however, never completed its work prior to the constitutionally due elections of 1997. The elections, therefore, were held under the 1980 Constitution.<sup>218</sup>

Unfortunately, after dutifully signing the Herdmanston Accord,<sup>219</sup> the PNC did not live up to their side of the bargain. As a result, in July 1998 Desmond Hoyte, leader of the PNC, and Janet Jagan, leader of the PPP who won the 1997 elections, met in St Lucia to hold discussions on the matter. The two leaders signed another document, the St Lucia Agreement,<sup>220</sup> which essentially reiterated the Herdmanston analysis and measures. Despite six months being lost, the CRC was finally appointed in January 1999.<sup>221</sup> Due to all the time lost, however, the CRC only had six months to complete all the tasks that the Herdmanston Accord and St. Lucia Agreement outlined to meet the legislative deadline of July 18, 1999. It was within this restructured framework, on the heels of Beijing, that the gender quota was introduced into Guyana. It is generally held that countries undergoing major constitutional and legal reform have a greater window of opportunity to introduce quota laws than in established regimes.<sup>222</sup> The very strong rights-oriented mind-set of the political actors in Guyana at the time also provided support for this move. Red Thread, a local non-governmental organisation (NGO), recognised the “unparalleled opportunity” presented by the constitutional reform process and ensured that its concerns related to the lack of women’s participation in politics were heard.<sup>223</sup> Gender quotas were viewed as a legitimising tool in the eyes of the international community, as “the inclusion of women has become a sign of democracy and modernity,”<sup>224</sup> especially since Beijing.<sup>225</sup> On this new-found path to democracy, Guyana deemed it important, therefore, to include such measures in its general governance restructuring.

<sup>215</sup> Merrill, *Guyana: A Country Study*.

<sup>216</sup> It has been stated that, despite the extensive reform process, many of the disliked provisions remain. Written comments received from Roxane George, December 1, 2012.

<sup>217</sup> Parris, *An Annotated Handbook*, 28.

<sup>218</sup> Ibid.

<sup>219</sup> Signed in Guyana on January 17, 1998.

<sup>220</sup> Signed in Castries on July 2, 1998. It is interesting to note that neither the Herdmanston Accord nor the St Lucia Agreement mentioned women with respect to how either should unfold. The Accord, however, particularly referred to other groups, such as “the youth and other social partners”, but did not specifically mention women as one such partner. Amended from written comments received from Roxane George, December 1, 2012.

<sup>221</sup> Similar exercises conducted in South Africa, Uganda and Papua New Guinea took three years to complete. Parris, *An Annotated Handbook*, 71.

<sup>222</sup> Peters and Suter, “Representation, Discrimination and Democracy,” 178.

<sup>223</sup> Red Thread, “Advance Notes,” 2. The NGO was actually permitted to make a special oral presentation to the CRC.

<sup>224</sup> Dahlerup, “Gender Quotas,” 323.

<sup>225</sup> See Sacchet, “Beyond Numbers,” 340.

While the post-1997 period concretised the push for a gender quota, the views of rights-minded persons on this issue germinated in 1985.<sup>226</sup> Not only was 1985 the end of the UN Decade for Women, but it was also an election year in Guyana. Moreover, 1985 signalled the promulgation of the Nairobi Forward-Looking Strategies, which called for the empowerment of women in all spheres. Guyana had a strong presence at this and other conferences, especially from the PNC. This involvement influenced the number of women that the party selected for its list of candidates to sit in Parliament, as well as to be ministers.<sup>227</sup> There was also a strong Guyanese presence at Beijing, which preceded the constitutional reform activity by only a couple of years. The issue of women's representation, was, therefore, very alive in the minds of those who attended.

### **5.2.2 Sites of Resistance: The CRC**

While the contagion effect throughout Latin America had no bearing on Guyana's decision to adopt a gender quota, the struggle to achieve it was certainly similar. As noted by Sahoye-Shury, the women's movement in Guyana struggled to increase women's political participation over the last fifty years.<sup>228</sup> Only three women held seats on the twenty-member CRC.<sup>230</sup> This representation, in fact, only resulted due to the struggle of approximately fifteen women who interrupted a Parliament meeting and made three presentations on the need to increase women's political participation. To avoid a repeat presentation, the CRC invited the group to nominate a woman to sit on the Committee.<sup>229</sup> The mandate of this one woman, Anande Trotman-Joseph, nominated by the Guyana Association of Women Lawyers, the National Commission of Women, and a small group of women interested in advancing the issue, was to ensure that amendments considered by the CRC for recommendation for adoption by the National Assembly addressed a wide spectrum of women's rights, which would become justiciable and enforceable.<sup>230</sup> Although Trotman-Joseph's mandate was to lobby for a 50:50 ratio of men to women, most commissioners showed resistance to this suggestion. In fact, all political parties seemed to have a chauvinistic initial response, arguing against the 50:50 recommendation because Guyana already had existing legislation that protected women. Some proposed a constitutional provision of a ratio of 60:40 men to women or vice versa. The majority of CRC commissioners did not view this favourably either, and a four-member sub-committee report stated, "I have indicated my firm objection to any such course of action [60:40

<sup>226</sup> Written comments received from Roxane George on December 1, 2012.

<sup>227</sup> McAlmont, "Six Decades," 3-4.

<sup>228</sup> Davis, "Fifty/Fifty," 11. There are several accounts of women's struggle which began in 1946: see for example McAlmont, "Six Decades," Parts 1 and 2 and Teixeira, "History."

<sup>229</sup> Hazel Halley Burnett, (former Head of the Women's Affairs Bureau). Interview with author on January 9, 2012 in Georgetown, Guyana. While this provides a fantastic graphic, it has not been substantiated by any other interviewee and may have happened at the previous attempt at constitutional reform.

<sup>230</sup> Anande Trotman-Joseph, (former Commissioner). Interview with author on January 28, 2012.

gender ratio]....The entrenchment of quotas or ratios in a constitution is not found in any part of the world. *Such institutionalised reverse discrimination will be a forensic nightmare.*"<sup>231</sup>

Trotman-Joseph reported this to the women's movement who then decided on a more incremental strategy to advance a structural approach to quota recommendations. Professor Kathleen Mahoney, who had just come from working on the South African constitutional process, addressed the CRC. Special provisions were made for the input of local and foreign subject-matter experts. These experts held briefing sessions with various CRC sub-committees and conducted one-on-one sessions with individual commissioners.<sup>232</sup> Professor Mahoney's specialisations included gender equality, constitutional law and international human rights.<sup>233</sup> While the commissioners listened and reacted fairly well to what she said, some still displayed attitudinal resistance, which made the intervention that much more important to ensure that experiences and lessons learned from other countries' constitutional reforms, as they related to the inclusion of women's rights, were understood. Unsurprisingly, a network of women in Guyana also helped promote the quota issue. However, this "network" was really a select few, and overall there was little solidarity among Guyanese women on the issue. The general public was not involved in the process.<sup>234</sup> The overall consensus was that the average voter did not care about how many women were on political party candidate lists, and that the issue really only mattered to middle-class and active working-class women.<sup>235</sup> While the major political parties each had their own women's arms, this network comprised a "very informal, ad hoc cross-party caucus that shared an interest in having more women officially included in political leadership."<sup>236</sup>

Prior to the 2011 elections, efforts were consistently made to encourage cross-party caucusing. One of the key mandates of the Canadian International Development Agency's Canada/Caribbean Gender Equality Programme in Guyana was to focus on women in decision-making roles at the domestic (household), community and national levels.<sup>237</sup> The program was successfully administered by country coordinators in their respective Caribbean jurisdictions, including Jamaica, Barbados (who also worked with the OECS), Suriname and Trinidad and Tobago. Vanda Radzik administered the Guyana Program, which was operationalised by a Gender Fund aimed at bringing together different party women candidates to attend a sensitisation workshop.<sup>238</sup> Outcomes of the workshop included mission and vision statements for the program in Guyana, as well as a declarative statement that lobbied for party

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<sup>231</sup> Persaud, "Addendum," 8. Emphasis added.

<sup>232</sup> Parris, *An Annotated Handbook*, 60.

<sup>233</sup> *Ibid.*, 62.

<sup>234</sup> Andaiye, (co-founder of Red Thread), Interview with author on January 5<sup>th</sup> and 8<sup>th</sup> 2012, in Georgetown, Guyana.

<sup>235</sup> Dow, interview

<sup>236</sup> Roxane George, (Puisne Judge). Interview with author on September 21, 2012 in Georgetown, Guyana.

<sup>237</sup> Vanda Radzik, (co-founder, Red Thread; Member, Woman and Gender Equality Commission) interview with author on January 10 2012 in Georgetown, Guyana.

<sup>238</sup> While no date was given, it is presumed that this was prior to the 1997 election, as the law was in place for the 2001 election and the lobby was for one-third on the lists and not in Parliament.

lists to include 33.3% women candidates. All party candidates signed the list on the eve of the election. Despite this nonpartisan effort, party interests superceded gender matters once they entered Parliament to debate and vote. After the quota was adopted in 2000, few women attempted to establish and advance this cross-party caucus when they gathered on a national holiday (the weather was poor and so was the turn-out) to talk about the current electoral system. Many of the women who were targeted to be part of the caucus were already on their party lists, but did not really know how they had gotten there or about the electoral system.<sup>239</sup>

The Gender Fund provided support and resources to work towards the development of a caucus as a logical outcome of the increased number of women in Parliament in Guyana, and after the numerous attempts in the country at collective “common-grounding.” The idea was that the caucus would be able to carry forward and fulfill campaign promises, many of which were across party lines. Despite these efforts, no Parliament ever wanted a cross-party women’s caucus, and no party ever championed the cause. No formal cross-party caucus or inter-party committee to address gender issues was therefore ever formed.<sup>240</sup> Unofficial cross-party networks did develop to promote the gender quota, as previously mentioned.

Once Trotman-Joseph notified the network that she was making submissions about the gender quota to the CRC in 1999, the women’s network in Guyana offered their support by showing up at Parliament debates, listening, and lobbying. In addition, the network facilitated public hearings on various women’s issues, including the gender quota, related to the gender quota throughout Guyana to raise awareness of the issue and obtain feedback. The CRC, as mandated, invited public comments through advertisements in the media.<sup>241</sup> The network capitalised on this offer and made formal written and oral submissions about gender equality “because the methodology of the CRC took into account the frequency and gravamen of submissions.”<sup>242</sup> These submissions were very important to ensure that the issue of gender equality and quotas were taken into consideration, as this was the only chance that the public had to incorporate its views. Even after the formal period of scheduled public hearings, several persons and organisations indicated that they wished to make extended oral submissions or presentations related to their written submission that focussed on gender equality. The CRC scheduled eight special public hearings as a result.<sup>243</sup>

Eventually, the CRC prioritised the quota matter and voted to determine whether they should forward the issue to Parliament. Seventeen of the twenty commissioners voted in favour

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<sup>239</sup> Written comments (on the post-quota adoption attempt at establishing the caucus) received from Roxane George on December 1, 2012.

<sup>240</sup> Regarding why the cross-party caucus never materialized, it is safe to surmise that the answer lies in parliamentary politics and the need to maintain solidarity on positions adopted by parties.

<sup>241</sup> Deborah Backer, (Attorney at Law, Acting Chief Whip of the PNC, Deputy Speaker of the House). Interview with author on January 6, 2012 in Georgetown, Guyana.

<sup>242</sup> Trotman-Joseph, interview with author on January 28, 2012.

<sup>243</sup> Parris, *An Annotated Handbook*, 52.

of the 50:50 quota recommendation.<sup>244</sup> The CRC wrote up its report, containing approximately 174 recommendations, including the 50:50 quota recommendation.<sup>245</sup> The report represented a distillation of some 4,601 recommendations the CRC received during the public hearing period.<sup>246</sup>

### **5.2.3 Sites of Resistance: Parliament**

Parliament represented the second site of resistance in Guyana against the gender quota. The CRC presented their report to the National Assembly, which convened a Parliamentary Special Select Committee (PSSC) to filter the recommendations, and an Oversight Committee (OC) to turn the CRC report language into constitutional language. During the process, some recommendations were diluted and the “struggle over words violated the recommendations.”<sup>247</sup> The issue of why parliament should accept “token” women arose. A parliamentarian committee raised legal and logical arguments, namely that women already had everything they needed in law.<sup>248</sup> At the time, the Commonwealth position was that women should hold 30% of Parliament seats, therefore, the recommendation of a 50:50 ratio was idealistic in the context of Guyanese politics. Nevertheless, political parties’ strong women’s arms and the high visibility of politically and academically-minded women did not allow the issue to disappear.

A helpful chance encounter occurred when a member of the UN Human Rights Committee, Brian Burdekin, an Australian law professor specializing in national human rights institutions, offered expertise to the PSSC on general human rights issues. Due to a time clash, he was present at the same time women advocates were lobbying to advance the 50:50 quota ratio.<sup>249</sup> While he spoke in general terms to the PSSC about the increasing trend of governments to advance citizens’ human rights, he inadvertently, and fortuitously, championed the group’s cause because women’s rights are human rights. The argument that the level of women’s participation in decision-making, especially at the highest level, is a human rights issue was also forcefully reiterated at Beijing.<sup>250</sup>

During an oral submission to the PSSC, women advocates for the 50:50 quota focused on the wording of the one-third provision,<sup>251</sup> lobbying that it create a floor and not a ceiling for

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<sup>244</sup> Two of the persons who voted against it were legal practitioners. One was the head of the bar association, and the other represented the Hindu community. The third opponent was a member of the opposition, who was influenced by the opposing member of the Hindu community. He argued that religious and cultural concerns were involved, and tried to argue that women had everything they needed in law (See Persaud’s statement above).

<sup>245</sup> Roopnaraine, interview with author on January 10, 2012 in Georgetown, Guyana.

<sup>246</sup> Parris, *An Annotated Handbook*, 52. It should be noted that recommendations were counted individually, even where the contributor repeated it. Moreover, not all public submissions received a sufficient level of attention. Parris, *An Annotated Handbook*, 74.

<sup>247</sup> Ibid.

<sup>248</sup> Trotman-Joseph, interview with author on January 28, 2012.

<sup>249</sup> Roxane George, (Puisne Judge), interview with author on January 7, 2012 in Georgetown, Guyana.

<sup>250</sup> “Submission by the Delegation,” 3.

<sup>251</sup> See section 5.2.5 below for text of recommendations (3) and (4).



women's representation in parliament. They also focused on the fact that political party candidate lists are alphabetised (unranked); the need to ensure that the proportion of women candidates increase from one to 50% by the year 2010 (this has not materialized); and the fact that ensuring one-third of candidates were women on party lists did not guarantee one-third women's participation in parliament.<sup>252</sup> The delegation further urged the OC to be faithful to the CRC's recommendations, which recognised that women must be adequately represented in parliament.<sup>253</sup> This presentation was necessary mainly because the OC did not like the wording by the CRC's drafters. Women delegates fighting for the quota presented data from the UN and international conferences to illustrate that ensuring women's equal representation in politics was an international standard and Guyana should not allow itself to fall behind these standards. After the presentation, certain OC members raised the question of how one could be sure competent women would be elected, which outraged women who argued that there was no guarantee that competent men enter politics either. This second round of resistance resulted in Hazel Halley Burnett mobilising women to "descend onto the parliament,"<sup>254</sup> and sit in the parliament public gallery to offer moral support to the women delegates attempting to advance the 50:50 quota law. The action resulted in restraining male parliamentarians' urge to resist. Burnett also briefly presented to the OC urging again for the committee to honour its international commitments and take into account the Platform for Action that resulted from the 1994 Women's Conference in Beijing. She reminded OC members specifically of paragraph 117 of the Platform for Action, to which governments – including the government of Guyana – committed themselves. Paragraphs 117 a. and 177 a. *bis* read:<sup>255</sup>

*....Provide equal opportunities and favourable conditions for women of all ages and backgrounds on equal terms with men by encouraging their entry into politics and their participation at all levels;....Encourage the nomination of more women candidates, including, inter alia, through political parties, quotas or measureable goals, or other appropriate means for election to parliaments and other legislative structures, to increase their share and contribution in the formulation of public policy.*

One view was that the women advancing the quota cause were talking gibberish and the issue did not matter to them. OC members held consultations because their agency and donors required them,<sup>256</sup> and they did not want to simply dismiss well-known people coming before them. Despite this assessment, Rupert Roopnaraine---political leader of the WPA, member of the OC and supporter of the gender quota---indicated that the presentation was very well received. An unprecedented representation of women's organisations argued that the OC ensure that women are extracted off the electoral lists to reflect adequate seats in the National

<sup>252</sup> "Submission by the Delegation," 2.

<sup>253</sup> *Ibid.*, 3.

<sup>254</sup> This is very similar to the Argentinian account.

<sup>255</sup> "Presentation by Ms. Hazel Halley-Burnett."

<sup>256</sup> Andaiye.

Assembly.<sup>257</sup> As one activist noted, “Why would we have wasted our time, effort and intelligence to only have women put on the list? That is not what was intended. The point of it is that from the list you get into the House.”<sup>258</sup> Ultimately, the women delegates arguing for the 50:50 quota law were only partially successful, in that, the OC ensured one-third women candidates were placed on the electoral list, but no law required a placement mandate to ensure that one-third women got into the National Assembly. Despite this, the role of a unified women’s movement and the physical presence of women lobbying the quota cause proved crucial to this partial success. “At every step of the way, if there were no women to speak about women’s issues, they would have gotten lost.”<sup>259</sup>

### **5.2.4 Sites of Resistance: Culture and Race**

The ideologies that permeated the CRC and parliament are important to note when discussing sites of resistance to the adoption of the gender quota in Guyana. Overall, “no public view” existed on the quota issue.<sup>260</sup> The intersection of gender with class and ethnicity/race determines the manner and impact of women’s political participation, mirroring a process of exclusion experienced by other marginalised groups.<sup>261</sup>

Moreover, “race trumps gender, sometimes even trumps class.”<sup>262</sup> Many of the interviewees for this chapter agreed that election issues were based on race and party politics and little else. According to one respondent, “the electoral system is based on ethnic manipulation.”<sup>263</sup>

The cultural arguments surrounding the quota debate seem to have been based on the racial divided. The PPP (whose members and representatives are largely of Indian descent), for example, argued that in their communities women were reluctant to come forward and do political work.<sup>264</sup> Moreover, PPP women politicians were reluctant to offer support in the public gallery when women’s groups were making presentations about the quota. “Indian women had to persuade their men to let them come out.”<sup>265</sup> “While Black women are accustomed to working and fighting for certain rights and putting their spouses out, Indian men saw Indian women as child-bearers and carers with no place in politics.”<sup>266</sup> Further, “creeping conservatism pervading religious communities” affected the extent of freedom and independence women perceived they had.<sup>267</sup> Beyond perception, conservatism favoured patriarchy in practice. President Cheddi Jaggan thought that women’s role was to look after the children, not as the

<sup>257</sup> Roopnaraine, “National Assembly Debate,” 58/56.

<sup>258</sup> Radzik.

<sup>259</sup> George.

<sup>260</sup> Andaiye.

<sup>261</sup> Kudva, “Engineering Elections,” 447.

<sup>262</sup> Kudva, “Engineering Elections,” 447.

<sup>263</sup> Mike McCormack, (co-president of the Guyana Human Rights Association). Interview with author, January 10, 2012 in Georgetown, Guyana.

<sup>264</sup> Roopnaraine.

<sup>265</sup> Magda Pollard, (Member, Women and Gender Equality Commission). Interview with author, January 9, 2012 in Georgetown, Guyana.

<sup>266</sup> Halley Burnett.

<sup>267</sup> McCormack.

backbone of the party (Halley Burnett, interview). Nevertheless, he eventually pledged his support for the quota

The PPP's lack of interest in electoral reform generally seems to be directly related to the British government suspending the constitution and ousting the PPP government in 1953 due to American concerns of the party's leftist policies,<sup>268</sup> as well as the British government's fear of losing lucrative revenues from sugar and minerals.<sup>269</sup> It has been argued that this "foreign intervention, and a desire to see Guyana reach independence under a leader favorable to western powers, generated an acrimonious struggle dividing the nation along racial lines" prior to the country's independence.<sup>270</sup> Even the imposition of List PR in Guyana was a thinly-veiled attempt to oust the PPP government "by reducing the advantage of Indian superiority of numbers."<sup>271</sup> While these events may account for party conservatism, they do not account for individual or ethnic conservatism, although party and ethnicity could be equated in this particular case.

At the CRC level, religious and cultural ideologies also presented a foundation for resistance to the gender quota. As mentioned above, 17 of 20 commissioners voted for the 50:50 quota recommendation. One of three commissioners who voted against it represented the Hindu community. His argument was that women already had everything they needed in law<sup>272</sup> ---a statement that seemed largely based on religious and cultural conservative beliefs that prevail throughout the Hindu community.

Outside of political leadership, Indian women today barely participate in decision-making processes in Guyana, even in community meetings.<sup>273</sup> The Administrator of the Women's Affairs Bureau, who conducts meetings across the country in different communities, asked the Hindu community for a possible explanation for the visible absence of Indian women at community gatherings. The response? "Because of their husbands." The Administrator noted that culture and religion account for this conservative approach and observed similar behaviour within the Muslim community. It appears, therefore, that women's culture and religion present issues with their participation in public fora, whether such fora are politically-oriented or not.

### **5.2.5 The Recommendations that Went Forward**

As mentioned above, the CRC received approximately 4,601 recommendations during the public hearing period.<sup>274</sup> Among the forty three recommendations that the CRC received

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<sup>268</sup> Roopnaraine. See also Merrill, *Guyana: A Country Study*.

<sup>269</sup> Spencer, *A Dream Deferred*, 44.

<sup>270</sup> *Ibid.*, 9.

<sup>271</sup> *Ibid.*, 46.

<sup>272</sup> Trotman-Joseph.

<sup>273</sup> Hymawattie Lagan, (Administrator, Women's Affairs Bureau; Member, Women and Gender Equality Commission). Interview with author September 24 2012 in Georgetown, Guyana.

<sup>274</sup> Parris, *An Annotated Handbook*, 52. It should be noted that recommendations were counted individually, even where the contributor repeated it. Moreover, not all public submissions received a sufficient level of attention. Parris, *An Annotated Handbook*, 74.

related to women rights were suggestions for changes to constitutional provisions, including a mandatory provision to ensure and encourage women's participation in decision-making at all levels. The recommendations stated that the provision should provide for a) one-third ratio of inclusion of women or b) a 60:40 ratio of inclusion of women and men.<sup>275</sup> While the CRC report submitted to the National Assembly recognised these concerns, the section of the report that outlined specific recommendations only made general, discretionary statements concerning women's participation in public decision-making and the inclusion of gender representativeness in the electoral system.<sup>276</sup> The recommendations stated:

*....3) There should be an enshrined general principle which encourages women's participation in public decision-making so that national decisions which affect women significantly can be informed by them. Parliament should be required to take measures designed to increase women's participation in the various processes and fora of decision-making in society, including the National Assembly itself, to a level that takes into account the proportion that women form of the society.....4) The Constitutional provisions on the electoral systems, including electoral lists, should be informed by the inclusion of requirements for gender, as well as geographical, representativeness.*<sup>277</sup>

A letter sent to the OC Chairman noted that recommendation 4) refers to the fact that a mechanism should be put in place that allows the entire electoral system to reflect a gender balance, not just the electoral candidate party lists.<sup>278</sup> This was supported by recommendation 3) which suggested that political participation and decision-making by women take into account the proportion of women that form society. The law as it is currently drafted makes reference only to the proportion of women included on electoral party lists.

The final OC report included similar non-specific language.<sup>279</sup> The recommendations of one-third or 60:40 were not ultimately put forward in any specific terms. "The Commission was not persuaded that specific percentages should be set as targets but felt that as more women are exposed to public life, the greater would be their participation."<sup>280</sup> This raises the question as to how women could be exposed to public life. Moreover, the decision to use such non-committal language contradicts the rationale for including recommendations concerning gender equality in the first place, as stated by Professor Mahoney:

No country in the world treats its women as well as its men. Systemic and widespread inequality and discrimination, often embedded in the national laws of countries, creates

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<sup>275</sup> Report of Subcommittee, 12.

<sup>276</sup> CRC, "Report," 194. Under "Constitution Reform Commission"

<sup>277</sup> CRC, "Report," 194.

<sup>278</sup> George, "Observations on Gender Rights," 1.

<sup>279</sup> OC, "Final Report," 14-15.

<sup>280</sup> Stabroek News, "Bolstered Women's Input in Decision Making Recommended," 16.

double jeopardy and double standards for women from all social classes, cultures, and races, in all societies.<sup>281</sup>

### 5.3 The Legislative Framework for the Gender Quota System

Section 29 of the *Constitution* enshrines the notion of equality of the sexes in all spheres of political, economic and social life.<sup>282</sup> Yet, specific measures still should be taken to ensure that *de facto* equality matches the *de jure* provisions for political participation. In this regard, the revised *Constitution* contains enabling provisions in section 160(3) that address three main issues related to women's representation: extraction of women's names from the political party lists; the minimum proportion of female candidates to be placed on a party's list; and the maximum proportion of geographical constituencies in which a party may contest in which its lists have no female candidate. Parliament passed the *Elections Laws (Amendment) Act*, No 15 of 2000 to provide specificity to these provisions.

Sections 11B(5) and (6) of the *Elections Laws (Amendment) Act* mandate that the national top-up list contain a minimum of one-third women and that the regional lists contain a total of one-third women for the geographical constituencies in which the party contests. Subsection (7) mandates that the maximum proportion of geographical constituencies that a party may contest in which its lists have no female candidate cannot exceed twenty percent. Subsection (8) deals with the contentious issue of extraction. It is crafted in such a way that extraction of one-third women off the list is discretionary and not mandatory, despite the use of mandatory language. Therefore, the latter provides no guarantee that one-third women will hold seats in Parliament.<sup>283</sup> To compound the matter, the representative of the list has full and unfettered power of extraction pursuant to subsection (9) with no reference to gender.

Guyana, therefore, has the only legal quota system in the English-speaking Caribbean. It ensures that all parties nominate one-third female candidates – which is sanctioned by sections 14(1) and 17(1) that address “defective” lists (lists not meeting the one-third requirement must be revised to be accepted). Parliament, however, has no obligation to translate that one-third into representation. This presents a technical loophole, which can be exploited.<sup>284</sup>

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<sup>281</sup> Parris, *An Annotated Handbook*, 182.

<sup>282</sup> See Appendix A for the full text of the provisions cited in this section.

<sup>283</sup> See Appendix A. The issue of extraction was raised again in reference to supporting Deborah Backer to the position of speaker. See Guyana Association of Women Lawyers, “Statement.”

<sup>284</sup> Mexico has adopted a creative way of avoiding adherence to the quota system by holding “primaries” where parties that chose their candidates via “direct election” are exempt from the gender quota. See Baldez, “The Pros and the Cons,” 106-7 and Krook, “Gender Quotas,” 116.

### 5.3.1 Issues Arising

#### A. Extraction

Radzik, as well as numerous others, noted the unfortunate loophole in the law in the 2001 elections, which immediately followed the revision of Guyana's constitution. While one-third of the candidates on parties' lists in the 2001 elections were women, one-third women were not appointed to Parliament.<sup>285</sup> Various women recognised that they "blew it,"<sup>286</sup> "blundered,"<sup>287</sup> and "made a mistake in...the niceties of the law."<sup>288</sup> They recognised their mistake in not seeking clarification on what one-third women on the list meant in practice. This was one of the concerns raised by the Red Thread delegation at their oral presentation to the OC. The statement was even made that, "The leader of the CRC...did not give good advice on the extraction matter."<sup>289</sup> Unfortunately, the system is structured in such a way that it does not require any accountability outside the party. The party system is too strong, and civil society, and within it, the women's movement, is too weak.<sup>290</sup>

When women's organisations argued before the OC the case for extraction off the list, it engendered a debate within the CRC as to whether the issue of extraction should also be enshrined in the constitution or in law.<sup>291</sup> The agreement was that this was an incremental issue, so the first step would be to get parties to comply with the requirement that one-third women candidates must be placed on the list to be eligible to contest the elections, otherwise the list would be "defective" and rejected. Given that the process focused on constitutional reform at all levels, there was an attempt to reach consensus. The incremental approach was felt to be a better one as Guyana is a multiparty country and some of the smaller parties would require time to evolve. As such, it was not until the 2006 election that political parties sought to place more women on their lists.

The system currently operates on the basis of asking individual parties to honour the intent of the law (not just placing one-third women on the electoral list, but extracting at least one-third as well). Prior to the 2011 elections, the Women and Gender Equality Commission, established as part of the constitutional reforms, invited party leaders to ask them what they were doing for women and to express to them what they expected. The parties answered twelve questions; six of them and their responses are included in Table 5 below.<sup>292</sup> Some parties did not answer the questions at all, or their answers did not even seem to match the

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<sup>285</sup> Davis, "Fifty/Fifty," 8.

<sup>286</sup> Andaiye.

<sup>287</sup> Chanderpal.

<sup>288</sup> Pollard.

<sup>289</sup> Ibid.

<sup>290</sup> Andaiye.

<sup>291</sup> Teixeira.

<sup>292</sup> Information for Table 5 was taken from Women and Gender Equality Commission, "First Annual Report", Appendix 3 D, 38-50.

question asked. For example, the answer the PPP/C offered to question one does not actually discuss the party's policy on gender equality and inclusion, but identifies a method which it employs to achieve it. The PPP/C response to question six also seems evasive, as the question asks about national elections, but the response focuses on local government elections, which have not taken place since 1994.<sup>293</sup> The PPP/C provides yet another indirect answer to question ten, which asks about parties' intentions of proposing new laws or amendments to existing laws related to gender equality and development.

One question, which is not included in Table 5, that the Women and Gender Equality Commission asked all parties in 2011 was: "Did you actually place more than 35%, 40% or 50% [of women candidates] on any of your lists, although your party was only required to place at least 30%? ALL PARTIES, except the PPP/C – YES."<sup>294</sup> While this author is not attacking the PPP/C for its responses, it is noteworthy that their answers align with the fact that they are the party that had the smallest percentage of women political representation in Guyana (see Table 6 below). During the 2011 questioning by the Women and Gender Equality Commission, one of the commissioners noted her disappointment of the party responses on the subject of women and gender, especially by the women party members.<sup>295</sup>

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<sup>293</sup> See, for example, Urling, "Local Government Elections Need To Be Held Without Undue Delay."

<sup>294</sup> Women and Gender Equality Commission, "First Annual Report", 44.

<sup>295</sup> Radzik.

**Table 5: Political parties' responses to questions posed by the Women and Gender Equality Commission**

<b>Question 1: What is specifically stated in your party's main policy documents in relation to gender equality and involvement of women in the development process?</b>	
AFC	The AFC stated that they recognised that greater gender equality and empowerment were essential to eradicating poverty in Guyana since significant inequality in gender responsibility, opportunity and influences still exists.
GAP/ROAR	Stated unequivocally that women have to be integrally involved in the development process.
PNC/R	The PNC/R-1G proffered that women's development was very intertwined with country development and the two should never be separated.
PPP/C	The PPP/C purported that through the Women's Progressive Organisation, women were trained to take on leadership positions using the methodology of participatory democracy.
<b>Question 4: In previous national and general elections, did your party experience difficulties in obtaining the quota of 30 % of women on your slate for any of the required levels?</b>	
AFC	No issue
GAP/ROAR	No issue
PNC/R	No issue
PPP/C	PPP/C's representative said that it was difficult to get the required 33% of women in some areas but in totality the party was trying to get the required 33% in parliament.
<b>Question 6: Will your party support a move to increase the required percentage of women on party elections lists for the current up-coming election? If so, by what percentage?</b>	
AFC	--
GAP/ROAR	The leadership must firstly, be based on competency, then gender.
PNC/R	--
PPP/C	The participation of women would be improved at the level of the community through the local government elections
<b>Question 9: What will your objectives be to having a higher percentage? Can you share with us your proposed policies and programmes in relation to women?</b>	
AFC	Its policy was to ensure that the women have an adequate voice in the party. They were currently working on councillors across the country to have a gender balance and an open platform for women to have a voice with training for both boys and girls.
GAP/ROAR	Working on the training in values for young females and males.
PNC/R	Conscious of the many issues affecting women, but noted that it was difficult to address these as an opposition party because of the lack of finances. The party therefore depended on the government to address these issues with suitable programmes.
PPP/C	The party focused on economic development for women and training in the use of advanced technology. The party will borrow from Brazil's Social Policy to give cash to parents on the condition that they send their children to school. The General Secretary alluded to the government's housing development programme, which aimed at providing one house per family to improve family relationships. The funds from the LCDs will go directly to women and the family.
<b>Question 10: Does your party intend to propose any new laws or amendments to existing laws on gender equality and development?</b>	



AFC	--
GAP/ROAR	The party will propose laws related to allowances or lack thereof for citizens who cared for children.
PNC/R	Priorities are for 1) safety of women and children, 2) education (to get children back to school), and 3) jobs.
PPP/C	Started training the Guyana police force to counsel victims of domestic violence.

Table 6 shows consistently high levels of women being extracted from all party lists. The traditionally Indian party, the PPP/C, shows much lower numbers of women, consistent across the period and with the responses noted in Table 5 above. Culture may have a role in explaining these figures, which are the lowest of any party. It is interesting to note, nevertheless, that the PPP/C's electoral list comprised 36% women,<sup>296</sup> 3% more than required by law.

**Table 6: Percentage of women extracted off the list per party in elections held since the implementation of the gender quota<sup>297</sup>**

Party	% of Women Representatives		
	2001	2006	2011
Alliance For Change	N/A*	40%	42.9%
A Partnership for National Unity	N/A*	N/A*	34.6%
Guyana Action Party / Working People's Alliance	100%	N/A*	N/A*
People's National Congress/Reform	37%	31.8%	N/A*
Peoples' Progressive Party/Civic	23.5%	27.7%	25.8%

\*In some cases, the parties/coalitions were not yet formed or ceased to be in existence in that particular form for the year in question, hence the "N/A"

When compared to Table 7 below, the figures in Table 6 for the period post-quota adoption indicate promise.

<sup>296</sup> Vote PPP/C, "PPP/C Lists of Candidates 2011 Represent Youth, Experience, Commitment, Competence, Vision and All Segments of Society."

<sup>297</sup> 2011 percentages collated by author from Parliament of the Cooperative Republic of Guyana, "The Members of Parliament." Note the percentage of the PPP/C and the comments made on culture above. 2006 percentages collated by author from Parliament, "The Official Gazette, 06 September 2006". 2001 percentages collated by author from Parliament, "The Official Gazette, 19 April 2001".

**Table 7: Number and percentage of women holding seats in parliament for the period 1992-2011<sup>298</sup>**

Year of elections held in Guyana	Total # of seats in parliament	# of women holding seats in parliament	% of women holding seats in parliament
1992	65	10	15.4%
1997	65	12	18.5%
2001	65	12	18.5%
2006	65	20	30.7%
2011	65	21	32.3%

Table 7 suggests that the number of women in parliament steadily increased (apart from 1997 and 2001 which remained static) even before the gender quota was adopted in 2000. The ten-point jump between 2001 and 2006 is statistically significant, not only because it approached the one-third percentage of women that those promoting the quota hoped would be in parliament, but also because it aligns with the explanation provided above about countries with similar political histories catapulting women into leadership positions. The situation seems enhanced when combined with Guyana's process of constitutional reform. Extraction of women off of party candidate lists into actual parliament seats, therefore, does not seem to pose that much of a challenge generally, based on Tables 5-7. What happens at the party level, however, suggests that there is still some way to go before the original intent of the quota law is honoured. Whether or when this may occur is not clear. If the trend of more women holding seats in parliament each election year continues, the number of women in parliament after the next election, which is constitutionally due in 2016, should exceed one-third.

Such issues do not arise on the Amerindian village councils, as women have been elected as *Toshaos* (captain of the villages) for hundreds of years.<sup>299</sup> This population is way ahead of the rest of Guyana in terms of positive attitudes toward women holding leadership positions. Currently, the chairperson of the National *Toshaos* Council is a woman, representing some 150 Amerindian village councils. The Minister of Amerindian Affairs and the Minister of Foreign Affairs are both Amerindian women as well, suggesting Amerindian women are well integrated into the national election process.

## **B. Prioritisation of the List**

Prioritisation of the list goes hand in hand with extraction. Currently, Guyana's lists are closed but non-prioritised (parties can choose candidates regardless of their place on the list).

<sup>298</sup> Figures for 1992 and 1997 taken from Teixeira, "Draft Introduction for Commonwealth Parliamentary Meeting;" figures for 2001, 2006 and 2011 taken from Inter-Parliamentary Union (and corrected to reflect the correct total number of seats in parliament for 2006 and 2011, which were stated as 69 and 67 respectively. These higher figures included non-elected members of parliament which skews the data), "Women in National Parliaments." Correct as of September 30, 2012.

<sup>299</sup> Teixeira.

If the enabling provision of the *Constitution* were strengthened by an *Elections Laws (Amendment) Act*, this law has the potential to ensure that women will be chosen from the list using some manner of rank-order system, such as the ‘zipper system’ or a ceiling to ensure that a minimum number of women candidates features on the upper part of the list. While the quota law includes a recommendation for implementation of a rank-order system, no party acquiesced as they were not “comfortable” with such a move.<sup>300</sup> In fact, three elections have passed since the adoption of the quota law with no extraction requirement, and no one has moved to address the issue, which suggests a lack of political will to change the status quo of a limited number of women holding seats in parliament.

### C. Substantive Representation

Does a gender quota ensure that parliament addresses women’s issues? The answer is no, at least in Guyana’s experience. Most interview respondents for this chapter agreed that once elected women politicians become self-serving and more concerned with power than with the women’s agenda. Quite often, the more vocal women act as “guard-dogs” for their parties in parliament.<sup>301</sup> Women politicians often hold “soft” positions. Parties nurture them to think that if they want to get ahead politically this is what they must do. The ones that speak out are marginalised,<sup>302</sup> even if they come into positions of power, many do not seem to be gender conscious. Education Minister Priya Manickchand, for example, began her career with widespread consultations on the issue of changing the law with respect to violence against women and was able to provoke public response on the issue. In 2008, Manickchand spearheaded a nationwide “Stamp It Out” campaign to deal with violence against women and children.<sup>303</sup> During her time as Minister of Human Services and Social Security, many noted she had “the kind of empathetic personality required to advance the women’s agenda. She demonstrated heart and had her hand on the pulse where women and children’s issues were concerned.”<sup>304</sup> She seems since, however, to have become “partyocratised”<sup>305</sup> such that this consultative behaviour waned over time.

Some progressive women (and men) feel the issue of parliamentary representation of women is disdainful. They perceive the women’s agenda as subversive. In fact, pockets of women in the country did not agree with instituting the gender quota. One middle-class woman said that every time the women’s movement goes out to fight for something, it creates more

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<sup>300</sup> Backer.

<sup>301</sup> Andaiye.

<sup>302</sup> Indranie Chandepal, (Member of Parliament; Chair of the Woman and Gender Equality Commission), interview with author, January 10, 2012 in Georgetown, Guyana.

<sup>303</sup> GINA, “Collective Effort Required to Break Cycle of Violence.”

<sup>304</sup> Stabroek staff, “Politics and Gender.”

<sup>305</sup> Andaiye.

pressure (responsibility) for women (to assume both traditional and new roles). Unfortunately, not all women see women's advancement in the same light.<sup>306</sup>

Overall, women in parliament are not really doing justice to women's issues, but how can the women's movement unite them to do so? The cross-party caucus on women's issues never materialised in an official manner, despite mechanisms available to facilitate this. This would have been useful, as these women are already members of political parties and would be able to raise issues of importance to women with their party leaders. While the major parties have long-standing women's arms that do address such issues, it might work better if the various arms came together to promote the issues jointly. Party politics, however, determine which matters parties prioritise. In the absence of a formal cross-party mechanism, women's organisations can still request the Women and Gender Commission to take up women's issues.<sup>307</sup> As a constitutionally established commission, however, it should be able to do this already.<sup>308</sup> In addition, women's NGOs, as well as other interest groups, can and should push for change where women political representatives are not seeking their best interests. NGOs in the country have in fact been responsible for legislative gains for the advancement of women's issues since the quota law was implemented in Guyana. The *Sexual Offences Act*, 2010, was enacted after much agitation by women's and other rights groups, such as the Guyana Human Rights Association.<sup>309</sup> These groups were instrumental in commenting on the provisions of the act.<sup>310</sup> Currently, women's groups in Guyana are educating persons, particularly women, about how the act works. Red Thread, for instance, produced a first draft of a "household guide," which presents a simplified version of the act to assist grassroots women to understand their rights thereunder.<sup>311</sup> In addition, in December 2010, Help & Shelter Inc., an NGO established in 1995 to address all types of violence, especially domestic violence and child abuse, coordinated a presentation for the general public to explain the Act in more simplified terms.<sup>312</sup>

While rights groups were instrumental in lobbying for the enactment of this piece of legislation, however, it is not clear what role women parliamentarians played in the process. Other pieces of legislation that directly address women's rights that women's groups in Guyana helped advance were enacted prior to the adoption of the gender quota and thus not directly attributable to increased women's presence in Parliament (See Appendix B for examples).

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<sup>306</sup> Halley Burnett.

<sup>307</sup> Ibid.

<sup>308</sup> Written comments received from Roxane George, December 1, 2012.

<sup>309</sup> See for example, Stabroek Staff, "Failure to Pass Sexual Offences Bill Biggest Disappointment Affecting Women."

<sup>310</sup> Lagan.

<sup>311</sup> Rockcliffe, "Red Thread Produces 'household guide'." Red Thread produced a similar guide for the *Domestic Violence Act*.

<sup>312</sup> See George, "Sexual Offence Act 2010 (Guyana)." A major complaint about the legislation is the lack of implementation since its enactment. Serious constitutional issues were not taken into account during the consultation process and drafting of the act such that it has "failed to deliver justice to sexual offence survivors... [and] would have already resulted in the withdrawal of some sexual offences cases" allowing some accused persons to go free.

Between 1989 and 1991 CARICOM introduced a package of model legislation in six critical areas related to women's issues,<sup>313</sup> which may have provided the foundation for some of these pieces of enacted legislation, especially given their year of enactment. The six issues that the model legislation package covered included citizenship, domestic violence, equal pay, inheritance, sexual harassment, and sexual offences. In 1991, CARICOM drafted additional model legislation that addressed equal opportunity and treatment in employment and maintenance.<sup>314</sup> Since legislation was enacted in Guyana concerning such issues shortly after CARICOM drafted the model legislation, it is reasonable to surmise that CARICOM's efforts were highly influential in the process. No women parliamentarians, however, attempted to rectify the various flaws in this legislation to advance women's issues, suggesting again that increasing women's seats in parliament does not necessarily equate to advancing women's issues in the country.

In stark contrast, Indian women who were elected into the *panchayat* system due to the gender quota seemed to translate into substantive increased representation of women's issues. How does one account for the differences in the *panchayats* and parliaments? It may be that the *panchayat* represents a town/village, while parliament represents the nation. Implementation of decisions at the lower local level may be simpler and less bureaucratic than at the national level. Another possible explanation may be that because legislation in Guyana meets women's basic needs, women politicians do not deem additional legal rights as pressing and do not address them with the same vigor as women politicians at the local level. While these conclusions are merely speculative, they provide potential explanations for the glaring difference.

#### **D. Challenging the System**

Some say that there is no incentive to lobby for making it mandatory that parties select one-third of women off their candidate lists to hold seats in Parliament, because current women representatives do not seek women's interests. Roopnaraine notes that just because desired outcomes have not resulted from the quota law thus far, it is not a good enough reason to give up the fight to promote mechanisms that would assist in advancing women's issues in the country. He believes that civil society should keep trying to empower women, sensitise women parliamentarians about women's issues and to keep challenging the status quo. The philosophy is that the more women who hold seats in parliament does positively influence change in governmental institutional culture.<sup>315</sup>

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<sup>313</sup> CARICOM, "Model Legislation on Issues affecting Women."

<sup>314</sup> Ibid.

<sup>315</sup> McCormack.

Many remain disappointed, despite the steady increase in women in parliament since 1992 and the apparent intent by most of the political parties to honour the desired outcome of the quota law. It appears that many take for granted the struggle to legally adopt the quota law. It is likely necessary at this point to start another movement to influence women in parliament to push for a one-third extraction as a legally-binding measure. These women politicians, however, need to push it for themselves, know how to lobby to get it done, and have like-minded men on their side who will be vocal about it.<sup>316</sup>

One barrier is that young women take their gained rights for granted and do not see the need to fight further. Practical hindrances to women's entry into political life include their roles as wives, mothers and caregivers, a lack of adequate training and political savvy, lack of finances, lack of support, and the widespread perception that politics is "dirty and ugly."<sup>317</sup> Women generally need education on all these issues.

The Guyana Women's Leadership Institute plays a very important role in educating and training women for all leadership positions, not just political ones. The organisation's mission statement is to "develop, promote and support women and girls as leaders and decision makers through education and training in order to facilitate equal access and full participation in leadership and decision-making processes throughout the Guyanese society."<sup>318</sup>

The major role of the Guyana Women's Leadership Institute continues to be women's empowerment. It focuses on leadership training at two broad levels:

- *Personal leadership – building women's self-esteem and self-confidence, motivating them to have a greater appreciation of themselves, and developing interpersonal skills.*
- *Public leadership – building women's self-confidence to prepare them for effective participation in public life and decision-making, increased participation in civic life, and to take advantage of opportunities to empower them economically.*

Currently, the Institute's program targets primarily grassroots women to prepare them for active participation in political, social and economic spectrums. The multifaceted curricula address areas such as leadership and decision-making, women's legal status, the economy, small business management and women's health. Recently, the organisation has begun to take their programs into rural locations to also educate women in these geographic areas.<sup>319</sup>

In relation to political leadership, the institute prepares women to be candidates at all political levels, including neighbourhood democratic councils (village), regional democratic councils (local government), and parliament (national).<sup>320</sup> The Women's Affairs Bureau complements these services by holding seminars on leadership and gender equity issues for

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<sup>316</sup> George.

<sup>317</sup> See Pargass, "Representation of Women in Parliaments of the Caribbean," 6 and Myers, "Perception of Women's Political Participation in Guyana."

<sup>318</sup> Ministry of Labour, "Guyana Women's Leadership Institute."

<sup>319</sup> OAS, "National Report: Guyana," 4.

<sup>320</sup> Lagan.

women throughout the country.<sup>321</sup> These can be, and are, used as mechanisms to groom young women and help them understand the importance of equal and full participation in decision-making processes and leadership. They may help to reinvigorate the “extraction” cause, even though Table 6 above seems to suggest that the majority of political parties adhere to gender quotas.

In 2002, the Guyana Association of Women Lawyers, in collaboration with the Organisation of American States, also sponsored training for women aspiring to be in, or who are in politics. The training, which was well received, addressed issues related to leadership, how to handle the media, budgeting (including the importance of gender budgeting), grooming and deportment, and public speaking.<sup>322</sup>

## **E. Implementation**

Implementation strategies are lacking. Lack of resources affects proper implementation. The Women and Gender Equality Commission, for example, was only operationalized in 2010, ten years after the constitutional reform provided for the establishment of the commission.<sup>323</sup> One former CRC commissioner noted that it was highly disappointing that it took so long for the actual operationalization of the commission, as this was indicative of a lack of political will and chauvinistic reluctance to really institutionalize the amended provisions. The revised *Sexual Offences Act* also has not been properly implemented due to inherent legal/constitutional oversights.

## **6.0 Conclusion: Is the Struggle Worth It?**

On the balance, yes. Even though there is widespread disillusionment among those in Guyana who engaged in the struggle for the quota with respect to extraction and substantive representation, as party interests usually eclipse women’s issues, they achieved the feminisation of the party lists. This should be seen as a critical step forward which must be complemented by further lobbying and dialogue towards the “feminisation of parliament.”<sup>324</sup> The Women and Gender Equality Commission has begun such dialogue at an informal level with political parties, requesting that they honour the intent of the legislative measure. Deeply gendered cultural perspectives have thwarted this vision, however, as the PPP/C has not ever met the one-third minimum in the National Assembly since the adoption of the quota law. It should be noted that gendered and cultural resistance come from men and women and present a very real challenge, despite Guyana’s history of female political leadership and strong

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<sup>321</sup> United States, Department of State, “Country Reports,” 14.

<sup>322</sup> Written comments received from Roxane George December 1, 2012.

<sup>323</sup> See Women and Gender Equality Commission, “First Annual Report.”

<sup>324</sup> See generally Tremblay, “Introduction.”

women's arms within the two main political parties. Conservative women express apathy and irritation by the gains of the women's movement as they relate to political representation.

Although quotas are ostensibly designed to promote diversity and inclusiveness, the quota policies today rarely challenge majority men's dominance of national legislatures.<sup>325</sup> Numbers alone are insufficient. One writer questions whether quota strategies are too focussed on attaining power and increasing women's numerical count within structures characterized by inequality.<sup>326</sup> This becomes a tautological argument, as numbers are indeed required to effect institutional and structural changes. Attempting to chip away at male dominance and structural inequalities from the outside will be of little value. Moreover, once inside, and on condition that women representatives are willing to pursue women's issues, women can become agents of real and effective change. Ideational change, of course, must complement numerical increases,<sup>327</sup> which requires constant sensitisation and education of both sexes, preferably from very young, to root out deeply gendered and prevailing notions of political representation. This will eventually create the enabling environment necessary, as resistance would be less pervasive.

Are quotas an acceptable means of including women in the political process? Based on the socio-political contexts of any given country (apart from the Nordic countries), quotas may very well be the only way that women may grace the halls of parliament. They are tools towards women's empowerment that must not be squandered once they are obtained. Deeply gendered and patriarchal attitudes are likely to keep women out of leadership positions. Double quotas may be necessary, in fact, due to deeply gendered and patriarchal attitudes that will continue to keep women out of leadership positions. As seen in the case of the PPP/C, the single quota has not led to one-third women actually holding seats in parliament. As the former Minister for Culture and Communication of Haiti eloquently commented, "the quota is therefore a safeguard, an instrument, a legal tool until such time as these responses become systematic and we are no longer constrained to refer to them because we are obliged by law to do so."<sup>328</sup> The objective of establishing special temporary measures is that they will eventually no longer be special or temporary, but natural and pervasive. Certain structural changes may be necessary, however, to assist women with child care, for example, while they become involved in political life.

Quota adoption and implementation is not a case of one size fits all; what has worked in one country may not work in another. The success of any quota system is country-specific and, therefore, highly contextual. While ensuring that one-third of candidates extracted from party lists for seats in parliament are women may be a concessionary tactic and downward

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<sup>325</sup> Hughes, "Intersectionality, Quotas," 1. This statement is made in reference to minority women's representation in national legislatures but applies equally here.

<sup>326</sup> Clarke, "Moving Towards Gender Equality," 7.

<sup>327</sup> See Kittilson, "In Support of Gender Quotas."

<sup>328</sup> Lassègue, "Towards a Female Quota."



compromise from ensuring 60:40 percentages or parity, it is one step forward. The struggle falls to the women's movement. Usually, this type of struggle requires the support of at least one well-placed elite man to promote the cause,<sup>329</sup> as illustrated in the examples provided earlier, as well as political will to move the issue forward. It is important to note the distinction between the legislature and the executive to appreciate the notion of political will. While women legislators can influence the legislative agenda, it is the executive that makes the decisions as to what is placed on the legislative agenda in the first place and then determines whether and how such law will be implemented. Therefore, while the minimum number of women may be elected *and* placed in parliament, the number of women who form part of the Executive may be key to advancing women's issues.<sup>330</sup> Regardless, moving the extraction issue forward entails reinvigorating the movement or passing the baton on to younger women. The latter will need strong role models to emulate and to help them understand the importance of the battle they must wage. Women have to be prepared to fight and stand up for themselves; the veterans must also be prepared to nurture the young ones.<sup>331</sup> The Guyana's Women Leadership Institute, as well as other organisations, plays a critical role in this process which is supplemented by the activities of the Women's Affairs Bureau.

*The extent of women's formal participation in politics is an important marker for women's empowerment. The premise is that increasing women's participation in political processes, as both voters and candidates, will change the nature and functioning of public institutions, which will ultimately influence future development decisions and create a more equitable, gender-responsive and humane society.*<sup>332</sup>

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<sup>329</sup> Krook, *Quotas for Women in Politics*, 22 and Krook, "Candidate Gender Quotas," 370.

<sup>330</sup> The role of the executive in pursuing women's issues might be the subject of further research.

<sup>331</sup> Chanderpal.

<sup>332</sup> Kudva, "Engineering Elections," 446.

## Appendix A

### ***Constitution of the Cooperative Republic of Guyana, Cap. 1:01.***

**29.** (1) Women and men have equal rights and the same legal status in all spheres of political, economic and social life. All forms of discrimination against women on the basis of their sex are illegal.

**160.** (3) Subject to the provisions of this Constitution, Parliament may make provision - (a)(ii) for the manner in which lists of candidates shall be prepared, including the provision in a list of the names of a sufficient number of candidates to enable any vacancies to be filled under subparagraph (vii), and which manner shall allow voters to be sure which individuals they are electing to the National Assembly.

(v) for the extraction from the lists and declaration of names of the candidates who have been elected, and for such provision for extraction to take into account the proportion that women form of the electorate;

(b) (iii) for the minimum number or proportion of female candidates on a party's list for geographical constituencies taken individually or together;

(iv) for the maximum percentage or the number of geographical constituencies a party can contest in which its lists contain no female candidate.

*Representation of the People Act, Cap. 1:03, amended by Elections Laws (Amendment) Act, No 15 of 2000*

**11. B** (5) The total number of females on each party's national top-up list shall be at least one-third of the total number of persons on that list.

(6) The total number of females on any party's lists for geographical constituencies, taken together, shall be at least one-third of the total number of persons on those lists taken together for the geographical constituencies in which that party is contesting.

(7) There shall be no more than twenty percent of the number of geographical constituencies in which a party is contesting for which the party's geographical constituency list contains no female.

(8) In the extraction from the list declaration of names of the candidates who have been elected account shall be taken –

- (i) of the total number of females on each party's national top-up lists and the lists for geographical constituencies, taken together, being at least one-third of the number of persons on those lists as mentioned in paragraphs (5), (6) and (7); and
  - (ii) of the proportion that women formed of the electorate.
- (9) The order in which a party states the names of candidates on its lists shall be as the party deems fits.

**14.** (1) If it appears to the Commission that a list of candidates is defective, that is to say, that its list or its submission does not comply in all respects with the requirements of section 11(1), (2), (3), (4), (5) or section 11B...the Chief Election Officer shall so inform the representative and the deputy representative of the list, specifying the defects...

**15.** The representative and the deputy representative of a list of candidates, or either of them, may...submit to the Chief Election Officer corrections of any defects in the list...

**17.** (1) ...no list of candidates shall be valid unless it has been approved by the Commission...

## Appendix B

The *Medical Termination of Pregnancy Act* 1995 resulted from a well-coordinated effort of women across political, social and ethnic divides. Like the *Sexual Offences Act*, however, issues remain with implementation. While abortions are now legal in Guyana, women still die from unsafe abortions executed by unlicensed practitioners, which is a direct consequence of the government not enforcing the act. As a result, women's rights activists continue to lobby the government to do so.<sup>333</sup>

Other important pieces of legislation that seek to advance women's rights that were enacted prior to the institution of the gender quota include:

- *Domestic Violence Act, No 18 of 1996*, which provides protection to victims of domestic violence;
- *Prevention of Discrimination Act, No 26 of 1997*, which recognizes women's rights to equal opportunity and treatment in any employment or occupation by stipulating that discrimination on the grounds of sex, indigenous population, social origin, economic status, family responsibilities, pregnancy and marital status is prohibited. It also prohibits acts of sexual harassment of any employee by an employer, managerial employee or co-worker.
- *Children Born out of Wedlock (Removal of Discrimination Act), No. 12 of 1983* removes legal discrimination against children born out of wedlock so that they are given equal treatment to children born between married couples.
- *Equal Rights Act, No 19 of 1990*, which recognizes women's and men's rights as equal, and makes provisions for them to have the same legal status in all spheres of political, economic and social life.
- *Termination of Employment and Severance Pay Act, No.19 of 1997*, which makes provisions that remove discrimination against pregnant women such that they cannot be terminated simply due to pregnancy.
- *Married Persons (Property) (Amendment) Act, No. 20 of 1991*, which provides for the division of property of married persons, and recognizes common law unions and the division of property among them.<sup>334</sup>

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<sup>333</sup> Newswatch Guyana, "Women's Rights Activists Call for Enforcement of the Medical Termination Act of Guyana."

<sup>334</sup> See "Guyana's Response."

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