



# REGULATORY FRAMEWORK TO CONSOLIDATE PARITY DEMOCRACY





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## FOREWORD

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*In its 29<sup>th</sup> Session celebrated on October 19 and 20 of 2013, the Latin American Parliament's General Assembly passed the Resolution on women's political participation, which determined to "reaffirm the commitment towards substantive equality for women and men, promoting a Framework Law that would recognize parity as one of the key drivers of democracy and whose objective is to achieve equality in power, decision-making and the social and political representation mechanisms to eliminate structural exclusion of women".*

*In 2014, within the framework of the debates promoted by the PARLATINO on the occasion of the 50<sup>th</sup> Anniversary commemoration of its constitution, the Latin American Parliament, in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the National Forum of Women from Political Parties (FONAMUPP), celebrated on December 4 and 5 of 2014, the "Parliamentary Meeting: Women, Parity Democracy", in its permanent headquarters in Panama, sponsored by UN Women, the Electoral Tribunal of Panama and the Inter-American Development Bank, with UN Women's technical assistance throughout the process.*

*The 173 participants at the Meeting consisted of parliamentarians, magistrates from Electoral Tribunals and representatives from several Government institutions, as well as women from political networks of 16 countries within the region (Argentina, Bolivia, Brazil, Colombia, Cuba, Curacao, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Saint Martin, Uruguay and Venezuela), representatives from 11 international and/or regional organizations (Latin American Parliament, UN Women, UNDP, UNFPA, the Resident Coordinator of the United Nations System in Panama, CIM/OAS, IDEA International, Inter-American Development Bank, Ibero-American General Secretariat, Ibero-American Union of Municipalists, ParlAmericas), women political science experts and gender specialists from the region.*

*The objective of the Parliamentary Meeting was to advance towards Parity Democracy and equality in outcomes in Latin America and the Caribbean, as a goal to transform gender relations in all dimensions, both public and private, by promoting and developing the rights embodied in the international and regional human rights frameworks that guarantee women's political participation, free from any form of discrimination, on equal terms and with the same opportunities as men, in public office and in decision-making at all levels, from the local to the country and international agendas. This objective is fully consistent with the regional stance emanating from the Quito Consensus of 2007.*

*The discussions focused on the five strategic areas for intervention (identified in the "Guide for the Political Empowerment of Women: Framework for Strategic Action in Latin America and the Caribbean, 2014-17", published by UN Women in 2014):*

- i. Parity representation as an ultimate goal.*
- ii. The responsibility of public institutions with gender equality as a result.*
- iii. The strengthening of women's leaderships.*
- iv. The commitment of political parties with substantive equality and parity.*
- v. Fighting against stereotypes and discrimination, in media and ICTs, political harassment and violence.*

*The meeting concluded with Recommendations for each area and a Political Declaration with a strong commitment to move forward in the elaboration of a Regulatory Framework on Parity Democracy, which includes several agreements for action:*

- 1. Exhort member States to adopt legislative and any other measures necessary to achieve effective parity representation between men and women in public office in State authorities and institutions, at all levels, as well as affirmative action measures that ensure ethnic and racial participation of indigenous peoples and populations of African descent, women with disabilities and women suffering other types of social exclusion, as a decisive condition for democracy;*
- 2. Exhort the States to make sure the mechanisms, institutions, legislation, budgets and public policies accompany the comprehensive strategy for the promotion of gender equality and the empowerment of women within the framework of Human Rights;*
- 3. Urge political parties, which represent key vehicles for women's political empowerment, to guarantee and implement the principles of parity in all their dimensions – organizational, electoral and programmatic – and to promote women's full political participation and empowerment;*
- 4. Follow-up on the Recommendations issued from this Parliamentary Meeting aimed at launching a regional discussion capable of steering a drafting process for guidelines on Parity Democracy that could eventually help guide the creation of a Regulatory Framework that would be submitted for approval by the Latin American Parliament;*

*In compliance with that commitment, with the resolute impetus of the President of PARLATINO, Senator Blanca Alcalá (Mexico), and the contributions of the members of the Equity, Childhood and Youth Commission, a Regulatory Framework has been adopted to consolidate Parity Democracy. The PARLATINO recognizes the technical and political support provided by the UN Women Regional Office for the Americas and the Caribbean, Irune Aguirrezabal (project coordinator), and by the group of prestigious and renowned women jurists and political experts from the region – Line Bareiro, Erika Brockmann Quiroga, Blanca Olivia Peña Molina, Nielsen Pérez and María Inés Tula.*



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## PREAMBLE

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Since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, the Fourth World Conference on Women, held in Beijing, China, in 1995 and the adoption of the Millennium Development Goals, whose objective 3 sought to “promote gender equality and empower women”, the countries of Latin America and the Caribbean have achieved fundamental progress in guaranteeing the rights of women and in advancing gender equality in the political and electoral arena. These advancements have taken place in a context characterized by significant political, economic, social and demographic reforms.

The region has spearheaded the establishment of conventions and a regulatory framework for the acceleration of public policies that promote the rights of women and gender equality. We highlight the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem Do Para), and the Regional Conferences on Women in Latin America and the Caribbean – Quito (2007), Brasilia (2010), Dominican Republic (2014) – as well as the Conference on Population and Development held in Montevideo (2013), which have contributed to the achievement of very significant normative progress embodied in the so-called regional Consensus. The Consensus of Quito represented a great advancement in the region by recognizing that “parity is one of the key driving forces of democracy, that its aim is to achieve equality in the exercise of power, in decision-making, in mechanisms of social and political participation and representation, in diverse types of family relations, and in social, economic, and cultural relations, and that it constitutes a goal for the eradication of women’s structural exclusion”.

In order to achieve Parity Democracy in the region, it is now necessary to identify the remaining challenges, with the full and active participation of all women, in their diversity, as a precondition for good governance and to achieve substantive equality or a results-based equality in all spheres of development.

Notwithstanding this recognition to the normative commitments made by Member States of PARLATINO with gender equality and the rights of women to political participation, their practical implementation, in society and in women’s reality, is still far from satisfactory.

Available evidence offers a contrasting diagnostic of both light and shadows. It is imperative to recognize that every day, more Latin American and Caribbean women occupy positions of power and participate in political decision-making. As of January 2015, in Latin America and the Caribbean, five women led their respective countries in Argentina, Brazil, Chile, Jamaica and Trinidad and Tobago. The region also has the largest percentage of women ministers, with 22.9% in comparison to 16.75% worldwide (except Nordic countries). According to data from the Inter-Parliamentary Union, in the legislative branch, the region of the Americas had five women that preside over legislative assemblies and surpasses the global ranking of parliamentary women by 4 points, with 26.3% compared to the world average of 22%.

Several studies reflect the three determining factors that explain such advances in the region:

- (1) The feminist movements and the networks of women politicians have joined forces to exert influence over their parliaments and governments through the formation of women parliamentarian

caucuses, networks of women municipal authorities and other women politician movements that, rising above party and ideological differences, have wagered on reaching consensus and making the gender agenda a common cause, contributing to raise awareness among the public opinion.

- (2) The normative and institutional frameworks have been driving the acceleration of public policies that promote women's rights and gender equality, with a strong regional commitment expressed through the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the impetus from the Consensus of the Regional Conferences on Women.
- (3) The inclusion of affirmative action measures – especially through the adoption of gender quotas in the legislation of several countries – and the commitment towards parity (50-50) in recent years. La inclusión de acciones afirmativas -sobre todo mediante la adopción de cuotas de género en las legislaciones de diversos países- y en los últimos años la apuesta por medidas que conduzcan a la paridad (50-50).

However, progress is not homogeneous; there are great disparities among countries, between groups (in particular indigenous women and women of African descent, rural women and women with some sort of disability), as well as between different levels of governance, with a very uneven and as of yet insufficient presence of women at the sub-national and local levels. Data from 2012 shows that the percentage of women mayors and town councilwomen was below 10% and 25% respectively. Another concern is the political harassment and violence that many women suffer and the fact that only Bolivia has drafted comprehensive legislation to prevent and eradicate such phenomenon, which is an ever growing concern in the region.

The balance cannot be satisfactory. The political participation of women is still far from the objective of effective parity. Women don't participate in the decisions about the future of their societies on equal terms with men.

Persisting structural factors in the region still impede or limit women's full exercise of their political rights. This is reflected in the cultural attitudes based on patriarchal models, sexist stereotypes and the traditional roles of men and women, in the deficiencies in women's political and economic empowerment or in the dramatic data on gender violence. Likewise, a visible sexist bias is observed in the media or in problems with reconciling work and family life (that affect mostly women), among others. States must assume responsibility since they are lawfully bound, by their own constitutional mandates and by different international instruments, to respect, protect and promote the rights of women.

For years, in light of extreme deficiencies in women's participation and representation in public life and politics, the focus to promote women's participation has been on increasing their presence. Progress has been made, and it continues to be absolutely necessary. Undoubtedly, the quantitative and qualitative presence of women in areas of decision-making has been key in modifying the very structural elements that exclude them, thus contributing to putting an end to the spiral of discrimination and gender inequality. It is therefore a precondition for the public agenda – and public policy – to include new dimensions and perspectives, to become more integrating, inclusive and more legitimate, by representing the interests of all society 50/50.

The proposal to advance towards Parity Democracy entails an additional step forward. It places the democratic system at the center of transformations. It represents a model of democracy in which parity

and substantive equality are the backbone of an inclusive State. But, moreover, its implementation and consolidation implies an evolution towards equitable relations in terms of gender, as well as of ethnicity, socioeconomic status and other relations for the equal enjoyment of rights.

It is a comprehensive concept that transcends mere politics. This is not a women's issue, not even a gender issue, but rather an opportunity to decide on the model of State that we want for our region.

Therefore, we advocate that the construction of substantive, results-based equality, and of parity, implies a cross-party and cross-sectoral commitment, which requires resolute political will and adequate financial resources for such a comprehensive and long-term objective that permeates all of civil society, public institutions, businesses, media and stakeholders.

The implementation of Parity Democracy demands reforms in three ample chapters:

- i. Firstly, the Regulatory Framework identifies as the foundation for change, an inclusive State model that should assume its responsibility towards gender equality and women's empowerment, establishing all the necessary guarantees for women and men to enjoy the same opportunities and conditions of equality in the political, economic, social, cultural and civil spheres. Bearing in mind, the diversity of human beings and the historical discrimination against women, States are urged to remove, through the adoption of special measures, all elements that translate into flagrant de facto inequality despite the formal recognition of the principle of equality.
- ii. The second foundation is Parity in all State powers – legislative, judicial and executive –, throughout the entire State structure, as well as its gradual transfer throughout society. Parity constitutes a goal for inclusive States as an explicit recognition of the fact that humanity is composed of a 50/50 representation of women and men.
- iii. The third foundation is a true transformation towards a parity model with respect to power relations and dynamics of political parties and organizations. The Political Parties, political movements and independent candidatures are decisive instruments of a democratic system that promote transformations in society and that guarantee representative parity and the effective consolidation of the principle of substantive equality. They must create the appropriate conditions in their three dimensions – organizational, electoral and programmatic – but also financially, so the political environment will no longer act as a bottle neck for the political empowerment of women, but instead become the platform to drive and defend it.

Under the aforementioned premises, PARLATINO sanctions this Regulatory Framework on Parity Democracy, structured in five titles. Preliminary Title: Parity Democracy as a State goal. Title II: Parity Democracy, inclusive and responsible State. Title III. Parity Democracy. Parity Representation. Title IV. Parity Democracy. Political Parties, political movements and independent candidatures. Title V. Final Provisions. The Preliminary Title and the Final Provisions feature the objective, aims and content of the Regulatory Framework, the principles and core ideas that govern it, its scope of application as well as the guidelines for its implementation.

The timely adoption of this Regulatory Framework coincides with the recent approval of the new Global Agenda for Development, “Transforming our world: the 2030 Agenda for Sustainable Development”, which succeeded in prioritizing gender equality and the empowerment of women and girls with the inclusion of a specific goal in the 2030 Agenda, as well as the inclusion of gender dimensions in all of the other Sustainable Development Goals. The gender indicators that will be integrated in all goals will be precise and extremely effective tools to monitor the implementation of this Framework Norm through the implementation of the Sustainable Development Goals.

The approval of this Regulatory Framework places PARLATINO at the forefront of democracies by making a strong and decisive commitment to the achievement of gender equality, parity and the empowerment of women and girls in Latin America and the Caribbean. It aspires to become the point of reference and guidelines that will help States achieve a more just and inclusive society, a society characterized by parity democracy.

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## PRELIMINARY TITLE PARITY DEMOCRACY AS A STATE GOAL

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### CHAPTER I

#### Founding elements of the Regulatory Framework

##### ARTICLE 1. Aim and purpose.

- a. The present Framework aims to serve as guidance to the Latin American and Caribbean Parliament (PARLATINO) Member States in the adoption of institutional and/or political measures that promote and guarantee the gradual consolidation of Parity Democracy as a goal in the region. Such standard will be in accordance with the progress achieved by the States of Latin America and the Caribbean to undertake substantive equality and the empowerment of women in the framework of international law and the Regional Consensus adopted by the States at the Regional Conference on Women.
- b. In addition, it fulfills a pedagogical and awareness-raising role on gender issues among public authorities and throughout society. It drives Parity Democracy as an end to which States aspire as guarantors of the rule of law, as do citizens for their enjoyment and use. As it aspires to become a model in Latin America and the Caribbean, its promotion in political and parliamentary debate fora will meet the commitment adopted by States in the international, hemispheric, regional, sub-regional and national levels.

##### ARTICLE 2. Scope of application.

- a. It comprises all authorities and/or bodies of public institutions, in accordance with the constitutional system of each State.
- b. It will be applied throughout the entire structure and territorial organization of the State, including at the national and sub-national levels, without prejudice to the degree of decentralization of the political and administrative organization of the constitutionally and legally recognized States.

### CHAPTER II

#### Definition and Conceptual Framework

**ARTICLE 3. Definition.** For the purposes of the present framework, Parity Democracy is understood as a model of democracy in which substantive equality and parity between men and women are at the center of the transformations undertaken by an inclusive and responsible State.

Its objectives are:

- a. The establishment of a new social contract and form of organizing society through which all structural exclusion is eradicated, in particular, towards women and girls.
  - b. A new social balance between men and women based on joint responsibility between men and women in all spheres of life.
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Its implementation and consolidation implies an evolution towards equitable gender relations, as well as other relations for the equal enjoyment and use of rights, in terms of ethnicity (indigenous and of African descent), LGBT, disability, socioeconomic status, among others.

**ARTICLE 4.** Conceptual elements guiding this Regulatory Framework.

- 4.1 Democracy: Political regime and form of government whose essential elements consist of popular sovereignty, a plural party system, political movements and organizations, equality between men and women, and it is founded on the principles of inclusion, equality, non-discrimination and universality, as well as the separation and independence of State powers. Democracy is also a system of coexistence, including tolerance and respect for differences.
- 4.2 Substantive equality: The recognition of differentiated conditions and aspirations to achieve the equal exercise of rights and opportunities. It demands the application of specific actions to correct de facto discrimination or disadvantages and to remove asymmetries derived from differences, whether based on gender, age ethnic origin or others that engender discriminatory effects on rights, benefits, obligations and opportunities, in the private or public sphere. It is intimately interrelated with:
  - a. The principle of equality: means that different people have the same value and must therefore enjoy the same rights and obligations. Its achievement implies that different mechanisms might be necessary to access the same rights.
  - b. Equality in opportunities: it is the absence of any and all barriers to social, economic, legal and political participation in order to position individuals on an equal footing.
  - c. Equality in treatment: it is the absence of discrimination for whatever reason. It is expressed in the legal system and observed in the interpretation and application of the law.
  - d. Equality of outcomes: it is the culmination of legal and substantive equality, both in qualitative as well as quantitative terms, making it effective in practice and not based solely on the notion of procedural justice. Its obtainment is achieved through unequal treatment and therefore requires the establishment of temporary special measures to achieve substantive equality, the foundation to which parity democracy aspires in all levels of society.
- 4.3 Parity: A democratizing measure that implies the balanced participation of women and men in all decision-making processes at the public and private levels. It is understood as a goal to which public authorities aspire as the foundation of their democratic legitimacy, and by means of the State's impetus, should also constitute an aspiration of the private sector, academia, civil society, etc.

Parity in Political Representation redefines the conception of political power as a space that must be shared among men and women as a premise of the universal human condition, which is justified by a balanced demographic presence composed of 50% women and 50% men, and therefore is understood as 50/50. Parity constitutes the cause and effect of gender equality, which legitimizes the social and political order of Parity Democracy. As a result, sexual difference has the same importance that territorial differences and the differences in ideology or political association.

## CHAPTER III

### About the Guiding Principles of the Regulatory Framework

#### ARTICLE 5. Guiding principles:

- a. An inclusive State responsible with Parity Democracy.
- b. Equality in treatment without discrimination.
- c. Parity culture, overcoming patriarchal culture, and the elimination of gender stereotypes.
- d. Freedom of action and autonomy, which implies eliminating all forms of violence, including political harassment and political violence.
- e. Equality of Opportunities and Outcomes, as a logical culmination of substantive or de facto equality.
- f. Interculturality, through the recognition, expression and coexistence of ethnic-cultural (in particular, indigenous populations and populations of African descent), institutional, religious and linguistic diversity in conditions of equality and respect.
- g. Political and ideological pluralism.
- h. Gender mainstreaming in both public and private institutions.
- i. Empowerment of women as a process of self-consciousness of women's rights and their enjoyment with autonomy and self-determination to make decisions about their environment.

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## TITLE II

### PARITY DEMOCRACY: INCLUSIVE AND RESPONSIBLE STATE

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## CHAPTER I

### Definition, Guarantees and Guidelines

**ARTICLE 6.** The inclusive and responsible State with Parity Democracy guarantees the practical efficiency of substantive equality and gender parity in addition to ensuring the rights derived thereof. It commits to adopt all measures of prevention, protection and dissemination conducive to this purpose in all spheres, in particular in the political, social, economic, legal and cultural spheres, for which it is bound to establish a normative and institutional framework that includes the necessary budgetary allocations to ensure the effectiveness of Parity Democracy.

**ARTICLE 7.** The inclusive and responsible State will safeguard the guiding principles that form the basis of Parity Democracy. The State is responsible for promoting, preventing, protecting and disseminating, through its institutions and regulations for comprehensive plans and policies, among others, the following directives:

- a. The Principle of equality and non-discrimination. The State recognizes the universality, indivisibility, interdependency and inalienability of the human rights and of the progress towards

substantive equality achieved through international standards in the field of the promotion, protection and exercise of women's human rights, equality and gender parity.

- b. Eliminate stereotypes and prejudices on the basis of gender, race, ethnicity, age, disability, or any other bias having an impact on mentalities, culture and patriarchal symbolism, including through measures aimed at modifying behavior patterns by means of continuous education and training in values based on substantive equality.
- c. The prevention and eradication of gender violence.
- d. Encourage and support public policies that promote the reconciliation of family and work life, as well as the joint responsibility of men and women in all spheres, both public and private. The sexual division of labor is regarded as a structural factor of the economic inequalities and injustices that affect women in the family, work, political and community spheres and that, in addition, contributes to the devaluation and lack of retribution for the economic contributions of women.
- e. The respect, protection and inclusion of ethnic-racial diversity. It is necessary to implement public policies and special temporary measures for women of African descent and indigenous women that ensure their participation, on an equal footing, in the political, economic, social and cultural spheres of the region.
- f. Guarantee equal conditions for access and opportunities at all levels of education and training, to ITCs, employment and professional development.
- g. Prevent, protect and inform about sexual and reproductive healthcare and services to avoid unwanted pregnancies, in particular, with comprehensive policies addressing adolescent girls.
- h. Implement temporary special measures in favor of women, such as quota laws and/or regulations, meant to accelerate the objective of substantive equality in different areas.
- i. The prevention and eradication of political harassment and violence directed at women, a growing phenomenon in the region. Legal measures, comprehensive plans and institutional reforms, among others, are necessary to prevent, sanction and eradicate it at all territorial levels and within all State authorities. Political parties and organizations must accept responsibility to prevent and eradicate this phenomenon.
- j. Recognize, promote and disseminate the role of women leader networks, parliamentary women caucuses, networks of women from political parties and of regional/municipal authorities, women electoral magistrates, women judges and prosecutors-, civil women movements and feminist movements, inter alia. Foster measures to strengthen their advocacy role, facilitate spaces for interinstitutional dialogue, support continuous training and promote the participation of young women in politics.



## CHAPTER II

### Articulating the Responsibility of Inclusive States with Parity Democracy

**ARTICLE 8.** The commitment of Inclusive States with Parity Democracy is understood as a State policy which shall be applied throughout the entire territorial structure, compelling the executive, legislative, judicial and electoral authorities.

**ARTICLE 9.** The public authorities must adopt the necessary measures to adjust the legislation, institutions, normative frameworks and provision of services to achieve parity and substantive equality. The actions aimed at developing concrete and specific policies are complemented with policies that include cross-cutting gender considerations. These instruments define and guide the priorities, leverage public and private actors as well as resources to achieve the proposed goals. The fiscal policy and the definition of the budget will be adapted to the purposes of Parity Democracy.

**ARTICLE 10.** The public authorities must create and strengthen, within their institutions, the specific mechanisms to implement and effectively and efficiently comply with the gender equality policy, whose denomination should be “Mechanisms for gender equality and the empowerment of women”. These mechanisms must be based on a law and/or regulation that includes a budget, functional autonomy and a binding mandate. They may take the form of a Ministry, Department or Institute for Women or gender issues. The government must coordinate and ensure the drafting, implementation and compliance of the State policy on gender equality and the empowerment of women.

**ARTICLE 11.** It is the public authorities’ responsibility to create and monitor gender analysis tools with the objective of identifying, systematizing, analyzing and evaluating the subsequent inclusion of issues in plans, actions and programs. Some prominent analytical tools include:

- a. Statistics disaggregated by sex for the monitoring and follow-up of the effective implementation of the Sustainable Development Goals.
- b. The surveys that allow to observe the state of the art in gender relations and their evolution.
- c. The cost-benefit analysis on the different living conditions of women and men.
- d. The research that allows to identify new fields and perspectives.
- e. The monitoring, follow-up and evaluation of policies.
- f. The creation of Observatories for Gender Equality.

**ARTICLE 12.** The executive branch will ensure a ministerial cabinet composed of men and women in parity, as well as in the other senior positions and throughout the administration at all territorial levels. Parity will be applied with both qualitative as well as quantitative criteria, aspiring towards a distribution of portfolios in all areas, which implies a parity distribution in “productive or reproductive” portfolios.

**ARTICLE 13.** The legislative branch, through its representative, legislative and regulatory role, is poised as a key player in the implementation of Parity Democracy. Parliaments shall adopt measures aimed at promoting it, such as:

- a. The creation of a Commission on Gender Equality and Empowerment of Women, with the same structure, roles, competences and own resources as other commissions, aimed at promoting legal drafts with a gender perspective and that encourages the effective observance of Parity Democracy throughout the parliament.
- b. Parity representation in the Parliament, among the presidencies of parliamentary commissions/committees, and within those.
- c. The formation of a cross-party “women caucus”.

**ARTICLE 14.** The judicial branch shall:

- a. Promote access to Justice based on the respect and observance of gender equality. The strengthening of the Rule of Law must be built upon with resources aimed at achieving gender equality, whether through specific legal reforms, directed legal assistance, one-stop shops to reduce case abandonment along the justice chain and training for judges, prosecutors and lawyers, along with the follow-up of their rulings.
- b. Ensure and promote parity composition at all levels.

**ARTICLE 15.** The electoral management bodies shall respect and protect the political and electoral rights addressing the guiding concepts and principles of Parity Democracy. Thus, they shall:

- a. Ensure parity in their composition.
- b. Ensure the effective observance of parity and temporary special measures.
- c. Apply electoral justice based on the respect for the principle of substantive equality.
- d. Disseminate the case law and sentences.

### CHAPTER III

#### Commitment by the Media and ITCs with Parity Democracy

**ARTICLE 16.** In a Parity Democracy, the role of the media, both private and public, and the social networks is vital in order to integrate and disseminate the principles that form the basis of substantive equality in their contents, policies and structures.

**ARTICLE 17.** The State must guarantee:

- a. Equal participation of citizens in the information and knowledge society through access to computing tools with the objective of designing actions for the construction of a technological culture free from stereotypes.
- b. The respect of gender equality and non-discrimination in the information and advertising content circulating through the media and social networks.
- c. Equal access for men and women to advertising space in mass media during electoral campaigns.

- d. An Audiovisual Authority, regulated by law, must oversee compliance with substantive equality, guaranteeing that the media and social media respect, protect and disseminate gender equality in their programming, contents, advertising, policies and structures. The Authority's role will include supervision, control and sanctioning for failure to comply.
- e. Exercise good governance and open government through inclusive participation, transparency and the citizenry's collaboration, without discrimination. Open government practices are part of a new political culture based on the principles of transparency, accountability and permanent dialogue with the citizenry, through the ICTs.

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## TÍTULO III DEMOCRACIA PARITARIA: REPRESENTACION PARITARIA

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### CHAPTER I Parity and the Electoral System

ARTICLE 18. Parity in political representation responds to the principle of equality in political and electoral law. It is expressed in legal and normative provisions of electoral regimes and systems whose official lists include 50% of candidatures for each sex, both for incumbent and deputy offices. It is expressed in equal opportunity conditions for men and women in the party electoral offer and in possibilities to access representation. It incorporates two structural criteria (position mandates) in the party lists: vertical and horizontal parity. These criteria are applicable both in closed and in open lists, in single member and/or multimember offices.

- a. Vertical parity: In multimember lists, women and men candidatures should be presented in alternating and sequential (one and one) positions throughout and in descending order, both for incumbent as well as deputy offices. In the case of uninominal lists, parity is achieved through the incorporation of deputy candidatures of the opposite sex to the incumbent's office.
- b. Horizontal parity: Equal participation of women and men as heads of the party lists (in the first ranks). When the same political party and/or coalition presents itself simultaneously in various electoral districts, women and men should be heading the candidature in parity.

The historical or rotation variable shall be considered for both vertical and horizontal parity in heading the multimember and single party lists. This relates to the immediate gender alternation between one electoral period and another. If the list was headed by a man, a woman must head the next period, and vice versa.

**ARTICLE 19.** The electoral system refers to the process whereby the votes are translated into office.

- a. The electoral system is composed of:
  - i. The magnitude or size of the district, which refers to the number of offices at stake in an election in a given territory or constituency;

- ii. The voting ballot structure or the type of lists, whether closed or open lists;
- iii. The electoral formula, which can be by majority or proportional.
  - i. The legal barrier or basis from which political parties, social movements and/or independent candidatures access the distribution of office.
- b. All of these components combined in their different variations produce diverse effects on access to representation. For a more effective application of parity, it is necessary that:
  - i. Whatever the magnitude of the district contemplated in the legislation, a parity distribution (vertical and horizontal) is established in the candidatures for both incumbent and deputy offices, even when districts of different sizes are combined (mixed, segmented and/or parallel systems);
  - ii. The voting ballots or types of lists, whether closed or open, shall include the criterion of vertical parity in their composition. In both cases, the inclusion of gender parity in the lists renders the positions for equal access to representation before society visible, natural and routinely.

## CHAPTER II

### Parity and Temporary Special Measures. Compatibilities

#### ARTICLE 20. Temporary special measures.

- a. Compatibility and definition of temporary special measures:
  - i. Parity is the goal, and is understood as a definitive measure. Public authorities should look at parity as an aspiration to achieve a balanced representation of men and women in all decision-making processes, an aim that must also permeate the private sector and society as a whole.
  - ii. Temporary special measures, such as gender quotas, seek to eliminate existing disadvantages by incorporating a differential treatment during a period of time established in legislations and norms. By including a minimum percentage of women, these measures seek to increase their presence in all fields and to accelerate equality between men and women in decision-making.
  - iii. Since the measure is temporary, and the objective is to reach representative parity, the States may gradually adopt quotas to progressively increase the initial percentage until 50% equal gender composition is reached. From the moment the State commits to its implementation, it shall organize a timeframe with due dates and follow-ups that shall not exceed 10 (ten) years.
- b. Like parity, gender quotas reach their utmost effectiveness when:
  - i. The norms mandate political parties to incorporate a minimum percentage of women in their lists;

- ii. A position mandate is included;
- iii. They are combined with large-magnitude districts and closed and blocked lists
- iv. There are sanctions against non-compliance. Only the lists that present candidatures with the quota established by law shall be officially recognized. The legislation will sanction with non-validation when the lists don't include them. Compliance in the creation of a list is mandatory regardless of the internal selection process of candidates used by political parties, movements, coalitions and/or independent candidatures. When the resignation or death of a candidate is due to fraudulent actions, political harassment or violence, the legislation should contemplate his/her replacement with a person of the same sex.

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## TITLE IV

### PARITY DEMOCRACY. POLITICAL PARTIES, POLITICAL MOVEMENTS AND INDEPENDENT CANDIDATURES

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#### ARTICLE 21. Applicable norms

- a. Member States shall establish a normative and regulatory framework favorable to parity democracy applicable to political organizations, including political parties, movements and/or independent candidatures, in accordance with what is recognized in their Constitution and law.
- b. The statutes and regulations of political parties, organizations and independent candidatures shall respect, protect and disseminate the conceptual framework and principles of Parity Democracy in all dimensions – organizational, electoral, programmatic and financial – of their operation.

### CHAPTER I

#### Organizational Dimension

ARTICLE 22. Statutory framework. The statutes and regulations of legally constituted political organizations shall contemplate the constitution and composition of organic structures that respect and promote substantive equality. They are concerned with:

- a. Guaranteeing the free and equal political participation of men and women, as well as parity in the composition of all internal management authorities, both in the institutional hierarchy as well as in decision-making, including the bodies responsible for overseeing the ethical performance at all hierarchic, functional and territorial levels.
- b. Encourage the creation of a mechanism for gender equality and the empowerment of women, ensuring its functional and budgetary autonomy with the following roles and objectives:
  - i. Design and disseminate informative documents with a gender perspective, with special attention to the issues of political harassment and violence;

- ii. Ensure gender mainstreaming in all executing units of the organization;
  - iii. Internal reporting and sanctioning capacity for non-compliance with the parity lists according to the verticality and horizontality guiding criteria.
- c. Provide transparent information and be accountable to electoral management bodies with respect to their commitments in terms of gender equality and parity.

## CHAPTER II

### Electoral Dimension

**ARTICLE 23.** Electoral competition regime and conditions. Legally constituted political organizations must ensure that all candidature selection processes (by designation or election) both for party office (management, control and representative authorities) and representative public office, use parity lists in their guiding criteria. Therefore, they will be concerned with:

- a. Identifying and eradicating restrictions to the political participation of women, ensuring the full exercise of their political rights to vote and be elected in positions as representatives, in freely designated hierarchical positions, and other political responsibility offices.
- b. Promoting and ensuring equal conditions of electoral competition among men and women in cross-party election processes, in primary elections and in processes prior to the definition of candidature lists for elected representative office, among others:
  - i. Constitute mechanisms of ethical control and transparency relative to the use of material and financial resources in selective and elective processes for positions of responsibility both internal and external.
  - ii. Prioritize financial support for women candidates.
  - iii. Promote selection measures for women candidates that guarantee their election.
  - iv. Include women in districts and constituencies where a deficit in the participation and presence of women exists.
  - v. Promote the leadership of women with political experience in traditionally masculine decision-making and responsibility areas.
- c. Adopt measures for the prevention and sanction of acts of political harassment and violence towards women, both during campaigns as well as during their mandates in political administration.
- d. Safeguard the integrity of candidatures by prohibiting, among others, the presentation of candidatures by individuals convicted for gender violence, political harassment or violence towards women or for non-compliance with obligations relative to family allowances.

## CHAPTER III

### Functional and Programmatic Dimension

**ARTICLE 24.** Government platforms and programs. The programs of parties, political organizations and independent candidatures must respect and guarantee gender equality and parity democracy. To that end, they shall adopt the following measures:

- a. The construction, discussion and development of electoral programs must be the object of inclusive, participative and parity-ensuring processes.
- b. Ensure the institutionalized participation of the party mechanism for gender equality and the empowerment of women in the processes for the creation, review, socialization and validation of the parity foundation for the government program proposal, regardless of the level of territorial representation and organization involved.

**ARTICLE 25.** Political education and training obligations of parties, political organizations and independent candidatures:

- a. An ethical commitment with gender equality which shall be embodied in a lifelong training process to instruct the members and management staff on the guiding principles set out in Art. 5.
- b. Elaborate an annual training plan to identify and recognize the differentiated impact that social, economic, legal, electoral, political and cultural conditions have on men and women.
- c. The educational and training processes shall respond to programming based on parity that ensures equal benefits and access for political men and women thereto, without prejudice of temporary special measures that might require women to reduce the existing gaps. To this end, training activities shall take into consideration:
  - i. Guarantee the allocation of financial resources in favor of women networks for capacity exchange, the financing of training activities and incentive policies linked to the strengthening of capacities.
  - ii. Training for women shall consider diverse areas such as: public administration, budgeting, public speaking, political marketing, social network management, electoral systems, conflict resolution and transformation or negotiation.

Measures to prevent political violence and harassment towards women, as well as specific training to enable women to face political harassment and violence or any other type of gender discrimination.

**ARTICLE 26.** About operations. Party organizations and independent candidatures shall adopt operating norms in accordance with the aims of parity democracy, including the calendar and schedule of sessions and meetings, and the social services or provisions that guarantee the reconciliation of work and family life, as well as shared responsibility between men and women. The presence of a mechanism for the advancement of women shall be promoted in every process of operative planning and its tasks of extension and advocacy to other organic and functional authorities of the organization shall be facilitated.

## CHAPTER IV

### Parity and Financing in Politics

**ARTICLE 27.** Political financing allows for the maintenance of political parties and movements and independent candidatures both in their daily, ordinary activity as well as in electoral periods.

**ARTICLE 28.** The rules of internal distribution of public funding must be equitable and transparent in their specification and detail in order to limit party leaders' discretionary allocation of campaign funds among the different candidates.

**ARTICLE 29.** Public resources allocated to institutional and permanent maintenance must guarantee:

- a. Continuous training of the management staff and members in values and principles based on gender equality.
- b. Training for women leaders, without it being considered a discriminatory requirement to run for office;
- c. The promotion of active participation of women in politics through oriented policies and actions.

Parties, political organizations and independent candidatures have the duty and responsibility of ensuring equity in participation through the building of the necessary potentialities to participate in politics.

**ARTICLE 30.** The public resources allocated in electoral campaigns must favor a system of advance payments or installments against reimbursement in order to favor equal access to the necessary resources to compete. They must guarantee:

- a. Direct allocations to women that compensate inequities with respect to other accepted forms of financing or private fundraising during the electoral campaign;
- b. An equal participation percentage between men and women in free political propaganda space in radio and television allowing for equal visibility of candidatures (especially in the case of single party candidatures and open lists).

**ARTICLE 31.** Legislation on financing in politics shall include effective control and sanction mechanisms for non-compliance.



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## TITLE V FINAL PROVISIONS

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**FIRST.** Implementation, enactment and follow-up of the framework.

- a. The PARLATINO, and through it the parliaments of Member States, shall promote a process of progressive implementation of the dispositions in the present Regulatory Framework on Parity Democracy, in full respect to the sovereignty of the States.
- b. To that end, the Governing Board of PARLATINO, through its Vice Presidents, is entrusted with the dissemination and awareness-raising for its implementation by the appropriate structures of the Member States. A process of legislative debates shall be developed in each country in dialogue with the corresponding national agents in a timeframe no greater than 10 (ten) years since the commitment for its adoption.
- c. The PARLATINO entrusts the United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN) the planning of activities aimed at the dissemination and legislative adaptation in Member States, as well as the systematization, monitoring and evaluation of the implementation process of the Regulatory Framework, in coordination with other agencies of the UNS as well as other regional or national organizations specialized on the issue.

**SECOND.** Dissemination and awareness-raising.

- a. The PARLATINO will promote measures for awareness-raising and the dissemination of the content, aim and scope of the present regulatory framework in regional or sub-regional fora and entities for discussion and integration of the Americas, participating and promoting debates and horizontal dialogue, emphasizing, among others, the following:
- b. Deliberating fora of the region such as the Central American Parliament (PARLACEN), the South American Parliament (PARLASUR), the Andes and Amazon Parliament, the Indigenous Parliament.
- c. Organizations of the region: OAS/CIM, CELAC, SEGIB, UNASUR, MERCOSUR, CAN, CARICOM.
- d. Civil society, prioritizing women politician networks and associations at the international, regional and sub-regional levels, (ParIAmericas, COPA, Ibero-American Network of Municipalities for Gender Equality), with the aim of disseminating and expanding knowledge on the objectives and range of the present norm.





