



Argentina sees “Gender equality Act in political domains” enshrined in law

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The Argentine Congress passed the GENDER EQUALITY IN POLITICAL DOMAINS bill and made it into law under the national jurisdiction. Thus, as of 2019 at least 50 per cent of electoral lists must be comprised of women.

The regulation was passed by a majority of 165 votes in favour, 4 votes against and 2 abstentions in the Congress. The bill had already been passed by the Senate and had received a favourable ruling from the Congress’ Constitutional Affairs, Justice, and Family, Woman, Child & Adolescence Committees on 13/9/2017.

Foremost among the articles of the recently passed Gender Equality Act is Article 1, which stipulates that in order to be valid, "the lists of candidates running for election as senators, congressmen/women and Mercosur parliamentarians must alternate women and men from the first candidate to the last replacement candidate."

Furthermore, the new Act contains a series of modifications to the Organic Law of Political Parties, including most notably:

- Art. 6: states that one of the substantial conditions required in order for a party to exist is the "stable and functioning organisation regulated by the articles of incorporation, in accordance with the internal democratic method, through periodic elections of party authorities and bodies, in the way set out by each party, respecting gender equality, without the requirement to strictly adhere to the principle of alternation";
- Art. 7, states that "the articles of incorporation constitute the fundamental law of the party which govern the party’s powers, rights and obligations and to which its authorities and affiliates must absolutely modify their actions, respecting gender equality in accessing party positions";
- Art. 8: incorporates causes for the termination of a party politician: "The violation of gender equality in the elections of party authorities and bodies, upon notice to the party authorities to adjust to the principle" and invites "political parties to modify their statutes or articles of incorporation".

This regulatory step forward continues the trajectory that Argentina has traditionally sustained in promoting the political participation of women, being the world’s first country to pass a Quota Act for elective posts in the National Congress, in 1991 (Act 24.012). This ruling stipulated a minimum 30% quota for women in posts to be elected and in positions where there was a possibility of being elected. As a result of this, women’s participation increased

from an average of 5% to 35% in both houses. This has an impact not only in quantitative terms, but also in qualitative terms, as attested by the quality and output of legislative work.

The passing of the Gender Equality Act for elective posts at the national level reflects the progress being made at the regional level. Seven provincial legislatures have already passed their own equality laws, with the most recent cases (2016) being the Provinces of Buenos Aires, Salta, Chubut and Neuquén, who joined Rio Negro (2002), Santiago del Estero and Cordoba (2000).

It must be noted that the significant regulatory framework that Argentina has managed to develop is carried within constitutional orders such as that which sets out positive measures to guarantee real equality of opportunities between men and women in terms of access to elective and party posts (art. 37 CN), and that which entrusts the Congress with legislating and promoting positive measures to guarantee real equality of opportunity and treatment, in particular with regard to children, women, the elderly and people with disabilities (art. 75. inc 23 CN).

Furthermore, it should not go without mention that the Convention on the Eradication of all forms of Discrimination against Women (CEDAW) has a constitutional hierarchy, and that this Convention stipulates in article 4.1 that the adoption of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination.

It is important to note that according to the Inter-American Commission of Women of the OAS, gender equality applied to electoral candidacies is the policy that has proved most effective in terms of increasing the number of women elected in the lower houses. In the majority of countries that have passed equality legislation between men and women in candidacies for popular election, a significant increase is reported in the representation of women, with unprecedented percentages of women occupying posts in regional parliaments, the majority of which see figures exceeding 40%.

Meanwhile, the 2011 United Nations General Assembly resolution on the participation of women in politics (A/RES/66/130) stresses the crucial importance of this participation in all contexts and calls on UN Member States to examine the various different effects of their electoral systems on the political participation of women and their representation in elective bodies and to modify and reform these systems.

Lastly, it is important to bear in mind that according to a recent Inter-Parliamentary Union (IPU) report, growth in the number of women parliamentarians globally remains slow (under 1%), with the average participation rates for women in national parliaments increasing only from 22.6% in 2015 to 23.3% in 2016, which shows a continued significant gender imbalance. Martin Chungong, Secretary General of the IPU, has stated that "equality of representation in positions of power is a vital prerequisite to having a truly effective and responsible democracy".

The aforementioned report can be found at:

[https://www.ipu.org/resources/publications/infographics/2017-03/women-in-politics-2017?utm_source=Inter-Parliamentary Union %28IPU%29&utm_campaign=550dedbec7-EMAIL_CAMPAIGN_2017_02_23&utm_medium=email&utm_term=0_d1ccee59b3-550dedbec7-258891957](https://www.ipu.org/resources/publications/infographics/2017-03/women-in-politics-2017?utm_source=Inter-Parliamentary%20Union%20&utm_campaign=550dedbec7-EMAIL_CAMPAIGN_2017_02_23&utm_medium=email&utm_term=0_d1ccee59b3-550dedbec7-258891957)

Following the entry into force of the Gender Equality Act in the political domain Argentina will be making a significant contribution to the field and will be helping build a fairer world.