



The Implementation of Gender Quotas in Peru: Legal Reform, Discourses and Impacts

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This paper is the first of two that I have had the pleasure of preparing for the workshop. It describes the process by which gender quotas were legislated and enforced in Peru, reviews the discourse of some of the key participants, examines the impact of quotas on local and congressional elections, and places the Peruvian experience in a comparative perspective. The paper that I will present this afternoon examines why quotas have been successful in Peru and why this success has some major implications for our understanding of quotas worldwide. Both papers draw on much more detailed working papers that have been prepared for the conference with the generous assistance of the Movimiento Manuela Ramos.¹

The Passage of Quota Legislation in Peru

During the 1990 presidential run-off campaign, *Foro Mujer*, a group of feminist non-governmental organizations (NGOs), requested that various issues of concern to women, including gender quotas for governmental and public institutions, be discussed in the

televised debate between Mario Vargas Llosa and Alberto Fujimori, the eventual winner. The two candidates, however, ignored this proposed agenda, and the issue of gender quotas had little public resonance for the next several years.² Nevertheless, the 1991 adoption of gender quotas for congressional candidates in Argentina greatly encouraged feminists throughout Latin America. On International Women's Day in 1994, *Foro Mujer* formally proposed a female quota of 30 percent for candidates in national, regional, and municipal elections, as well as for intra-party contests.³ The momentum for quotas was greatly strengthened by the Platform for Action adopted at the 1995 World Conference on Women in Beijing, China, and a February 1997 inter-parliamentary meeting on gender equity in New Delhi, India, attended by Martha Hildebrandt and Luz Salgado, two pro-Fujimori congresswomen.

Soon after the New Delhi conference, the Constitution Committee of the Peruvian Congress began the final phase of its deliberations on a new electoral code. Martha Chávez, another leading pro-Fujimori congresswoman, was the chief author of the government's proposal, but she was sceptical of quotas⁴ and did not include any provision for gender equity in the majority's bill. Nor did quotas appear in comprehensive alternative proposals drafted by a leading member of the opposition and the National Board of Elections (JNE). The Constitution Committee, however, also considered some three dozen bills that addressed more specific aspects of the electoral system. One of these bills, sponsored by Lourdes Flores Nano, required that at least 30 percent of congressional candidates be of each gender. Another specific bill introduced by Javier Diez Canseco, a congressman from a small leftist party, was similar to the proposal of *Foro Mujer*. Yet another bill, authored by Hildebrandt and Salgado, proposed a 25 percent minimum quota for female candidates only.

Flores Nano made the case for quotas before the Constitution Committee, but the majority of the committee considered quotas to be unnecessary, and her proposal was thus rejected. 'They almost beat me!', exclaimed Flores Nano, who, as one of Fujimori's leading critics, was no stranger to political confrontation.⁵ When the newly created Committee on Women took up the issue later, Flores Nano deferred to women from the majority, and the 25 percent formula proposed by Hildebrandt and Salgado was endorsed.⁶ The fledgling committee, however, did not yet have the authority to report a bill to the floor.

At this point, Fujimori intervened decisively by stating publicly that he would send a quota bill to Congress.⁷ Whereas most members of Congress had been against quotas and had even ridiculed the idea, the majority immediately reversed its position and applauded the president's initiative.⁸ Once the passage of quotas became a foregone conclusion, only several congressmen—all from opposition parties—raised philosophical objections in a largely perfunctory floor debate.⁹ In order to counter charges that quotas were discriminatory and thus violated Article 2 of the 1993 Constitution, gender-neutral language similar to that in Flores Nano's proposal was used in the final legislation. Law 26,859, a new basic statute on national elections passed in September 1997, stipulated that women and men must each comprise at least 25 percent of party lists for Congress. Similar language was soon incorporated into the new statute on municipal elections (Law 26,864) after a limited debate that once again focused on normative issues.¹⁰ After Fujimori's flight from Peru, the quota was raised to 30 percent for congressional, regional, and municipal elections (see Laws 27,387, 27,683, and 27,734).

The Political Discourse of Quotas

Since my work has mainly focused on the impact of quotas, I feel a bit funny discussing the political discourse employed in favour of and against them in front of so many people who participated in the process. But with your indulgence, I would like to make four basic points.

First, the normative arguments for and against quotas in Peru seem very similar to those made regarding affirmative action in the United States or pretty much any part of the world. Indeed, many of the arguments have been borrowed or adapted from the U.S. context. Proponents of quotas argued that gender is a relevant criterion for differential treatment and that some affirmative action measures are needed to compensate for social and institutional biases that work against the participation of women.¹¹ Moreover, gender quotas for political candidates give women political opportunities but do not guarantee election and, therefore, do not discriminate against the rights of voters.¹² However, less evident in the pro-quota discourse were some of the more recent arguments made in the U.S. that justify affirmative action in terms of its positive impact on the political system.

Opponents of quotas argued that they violated the constitutional provision of equality and the voter's right to choose.¹³ Congressman Jorge del Castillo maintained that quotas were especially objectionable in municipal elections, in which a closed list format does not allow voters to choose specific candidates.¹⁴ Moreover, as one male congressman argued, if women deserve special treatment, why not other marginalized groups, such as ethnic minorities?¹⁵ Several congressmen also contended that women were capable of individual achievement on the basis of their own merits.¹⁶ This also appeared to be a position held by some prominent women, such as Martha Chávez and Beatriz Boza.¹⁷ In addition, questions were raised about the qualifications of women in the poorer areas of Peru, a concern that was even shared by some proponents of quotas.

Second, the quota debate had a 'bipolar' quality. In its initial stages there was a lively, normative debate in which men from the pro-Fujimori parties and some opposition parties tended to argue against quotas. Most but not all women defended quotas, with support from some progressive men, such as Javier Diez Canseco and Henry Pease. Sadly, the debate was not always principled: some men were openly derisive of, and contemptuous towards, the women who supported quotas. Once Fujimori came out in favour of quotas, though, his male supporters toed the party line and the debate became sterile.

Third, as discussed in one of my working papers,¹⁸ Fujimori was very adept at tapping the 'political market' for women. His support for quotas and a gender-sensitive political discourse were part of this strategy.

Fourth, in talking to legislators, feminist political activists and political analysts, this author found no evidence that any attention was paid to how quotas would work in conjunction with the very different rules that are used in municipal and congressional elections in Peru. Given the relatively high and unanticipated impact of gender quotas in Peru, perhaps this lack of attention to detail was a blessing in disguise.

Enforcement and Mobilization

Once quota legislation was passed, feminist organizations did not retire to the sidelines of the political game. Instead, they continued to play important roles in securing favourable interpretations of quota legislation and in helping women to take advantage of quotas. The JNE has generally adopted interpretations of quota legislation that favour women, with the notable exception of three departments in the 2001 congressional election.¹⁹ Moreover, informed observers agree that the JNE and regional electoral boards have enforced quotas, at least up to the 2002 regional and municipal elections.²⁰ Lists that did not comply with the prescribed minimum number of female candidates for their respective magnitude were rejected.²¹

In addition, PROMUJER, a joint project of five Lima-based NGOs,²² has helped women to take advantage of gender quotas. The project has attempted to persuade party leaders, especially those of national parties, to nominate women and to place them in relatively high list positions. PROMUJER has also diffused information about gender quotas, encouraged women to become candidates and provided the necessary training, and helped them to negotiate places on the list. Candidate training in handling the media and public appearances have been especially noteworthy.²³

Ironically, the political mobilization of women was more important than the quota itself in the 1998 municipal elections in Lima. If we look at line 5 in Table 1, we see that the percentage of women elected in the districts of the capital increased from 21.82 percent in 1995, the last election without a quota, to 29.70 percent in 1998, after the passage of quota legislation. Table 1 also breaks down the data for 1998 between those winning lists that minimally complied with the quota and those that exceeded it. If we look at the last column of line 5, we see that only 22.17 percent of the candidates on the minimally complying lists were women. This is not a significant increase over the 21.82 percent that were elected in 1995.

Table 1: Indicators of Female Electoral Success, District Councils in Lima, 1995 and 1998
(Lists that Won at Least One Seat)

	1995	1998		
	No Quota All Lists (n=119)	Quota All Lists (n=110)	Exceed Quota (n=50)	Effective Minimal Compliance (n=60)
1. ♀ Percentage of Candidates	23.82	37.56	44.64**	30.65**
2. Average Placement of ♀ Candidates (Percentile)	51.89	47.84	48.28	47.48
3. Relation to Median Candidates (Percentile)	-2.39	-7.91	-6.80	-8.84
4. Relative Success Rate (% ♀ Candidates Elected ÷ % ♂ Candidates Elected x100)	89.26	70.22	75.05	64.43
5. ♀ Percentage of Winning Candidates	21.82	29.70	37.70**	22.17**

Note: Data in Rows 1, 4, and 5 are for the overall population; data in rows 2–3 are list averages.

** T-Test for equality of means using comparable list data for last two columns is significant at .003 level or better, two-tailed test.

Source: Elaborated by author from JNE data (1997 and 1999) and party lists in the JNE archive.

The overall female share of winners increased to 29.70 percent in 1998 because women comprised 37.7 percent of the candidates who were elected on 50 lists that exceeded the quota. Moreover, there was no significant difference among parties in the nomination or election of women. Instead, feminist activists—who were energized by the passage of quota legislation—successfully put pressure on leaders of *various* parties to exceed the quota. Thus, paradoxically, quotas per se were ineffective in Lima, but the political mobilization of women that accompanied them was quite effective in increasing the percentage of female council members at the district level.

This interpretation is supported by a much more powerful statistical analysis in one of the working papers for this conference.²⁴ It is also supported by the data in Table 2, which show that the lists in priority PROMUJER districts had slightly greater percentages of female candidates, gave them better placements and produced a notably higher proportion of winners than those in non-priority districts.

Table 2: The Impact of Lists in PROMUJER Districts in Lima, 1998

	Lists in PROMUJER Districts	Lists in Other Districts
1. Female Percentage of Candidates Above Effective Quota	8.45	6.61
2. Average Placement of Female Candidates on Party Lists (Relation to Median Candidates, Percentile)	-4.65 ^a	-9.37 ^b
3. Female Percentage of Winning Candidates	35.77	26.46

Note: Data in rows 1 and 3 are for the overall population; data in row 2 are list averages.

^a N = 34 lists in the 13 priority PROMUJER districts.

^b N = 76 lists in the 29 non-priority districts.

Source: Elaborated by author from JNE data (1999) and a list of priority areas provided by PROMUJER

The Impact of Quotas in Provincial Municipal Elections

Peru has a two-tier system of municipal government that operates in 194 provinces and over 1,800 districts. A majoritarian list system is used at both levels. All voters cast a ballot to elect the mayors and municipal councillors of their province. Provincial municipalities perform certain functions for the entire province and also provide services for the provincial capital. Outside of the provincial capital, voters cast a second ballot for the mayors and councils of their respective district-level municipalities (not to be confused with electoral districts or district magnitude). Councillors have considerable executive powers at both levels of municipal government, particularly in relation to personnel decisions.²⁵

Table 3 compares the success of women in the 1995 and 1998 municipal elections, before and after the adoption of quotas.²⁶ As noted above, the female percentage of councillors increased by more than one-third from already high levels in the districts of Lima. The proportion of councilwomen at the provincial level almost doubled, from 10.81 percent to 21.54 percent. The most spectacular increases, however, occurred in districts outside of the capital, where the female share of council members more than tripled from only 6.96 percent to 23.50 percent.

Table 3: Women Elected to Municipal Councils Before and After Quotas

Elected/Quota	Female % of Councillors		Percentage	% ♀ Elected + 25% Legal Quota
	1995	1998	Change	(1998)
Provincial Councils	10.81	21.54	10.73	.86
District Councils in Lima	21.82	29.70	7.88	1.19
Rest of Peru	6.96	23.50	16.54	.94

Source: Elaborated by author from JNE data (1997 & 1999), *El Comercio* and Movimiento Manuela Ramos. (1999), and PROMUJER (1998, pp. 78–131 & 1999, p. 7).

This last increase is all the more remarkable because the districts outside of Lima include the most backward parts of the country. Whereas women have long enjoyed electoral success in the capital,²⁷ the situation is quite different in rural Peru, where women contemplating candidacies fear rejection by their husbands and public ridicule.²⁸ Indeed, in rural areas, the political parties often have had difficulty in meeting their gender quotas because women are reluctant to run for office.²⁹

The Impact of Quotas in Congressional Elections

Since 1985, Peru has used a variant of the open list system called the ‘double optional preferential vote’ to elect its national legislature. From 1980–92, its Congress was bicameral. Departments elected the Chamber of Deputies, but 60 senators were chosen in a single national district. After the presidential coup (*autogolpe*) of 1992, a special body of 80

members, the so-called Democratic Constituent Congress (CCD), was elected in a single national district to write a new constitution and to serve as the regular legislature until the end of Fujimori's first term. The 1993 constitution established a unicameral congress. It was elected in a single national district in 1995 and 2000 and by departmental electoral districts in 2001.

Table 4 provides data on female candidates for the Senate and unicameral Congress since 1980.³⁰ The first row lists the percentage of candidates who were women on lists that won at least one seat. The second row provides the relative success rates of women. The relative success rate is simply the percentage of female candidates who are elected divided by the percentage of male candidates who are elected, multiplied by 100. Thus, a relative success rate of 100 means that candidates of each gender have the same chance of winning office; less than 100 means that male candidates have better odds; and more than 100 signifies that female candidates have an edge. The third row denotes the percentages of women candidates who were elected.

Table 4: Female Congressional Candidates, 1980–2001
(Percentages)

	Single National District						Multiple Districts	
	Closed List		Open List					
	Senate		CCD	Unicameral Congress				
	(M=60)		(M=80)	(M=120)		(M=4.8)		
							Quota	
							25%	30%
	1980	1985	1990	1992	1995	2000	2001	
Female Candidates*	12.20 ^a	7.67	10.00	10.38	10.58	25.83	36.05	
Relative Success Rate ^{b*}	24.75 ^c	63.36	64.29	82.81	102.74	79.41	39.82	
Women Elected	3.30	5.00	6.67	8.75	10.83	21.67	18.33	

Note: * On Lists that Won At Least One Seat.

^a 9.58 percent if four small leftist parties are excluded.

^b Relative Success Rate = % Women Candidates Elected ÷ % Male Candidates Elected X 100.

^c 38.51 if four small leftist parties are excluded.

Source: Calculated from data in Blondet and Montero (1994, pp. 20, 120–28), ONPE (2002), Tuesta Soldevilla (2001, pp. 66–69, 71–100), Villanueva Flores (1998, p. 31), Webb and Fernández Baca (2000, p. 264), and Yáñez and Guillén (2001, p. 20).

Turning to the data in Table 4, women comprised 12.20 per cent of the candidates in the closed list contest for the Senate in 1980 (just 9.58 percent if four small leftist parties are excluded), but their relative success rate was only 24.75 percent. In other words, the average female candidate's chances of being elected were only about one-fourth of the average male

candidate's.³¹ The percentage of candidates who were women fell to 7.67 in 1985, when the double optional preferential vote was adopted, but most of this decrease was attributable to the decision of leftist parties to form an alliance that ran a single list. Nevertheless, the relative success rate of women candidates improved considerably under the open list system, and there was a slight gain in female representation in the Senate.

The female share of congressional candidates rebounded to ten percent in 1990 and remained at this level until the adoption of a quota. The relative success rate of women candidates, however, continued to improve. Indeed, in the Lima district for the Chamber of Deputies—the only lower house district for which data on candidates is available—women were actually more likely to be elected than men in 1990 (relative success rate equals 113.5). By 1995, female candidates had a slightly better chance of being elected than their male competitors in the single national district. Indeed, in that year, the average congresswoman polled more preferential votes than the average congressman (see my paper entitled 'Unanticipated Successes: Lessons from Peru's Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems'). Consequently, female representation in Congress steadily improved to 10.83 percent in 1995.

Clearly the chief obstacle to the election of women was the paucity of female candidates. With the adoption of the 25 percent quota, the female percentage of congressional candidates more than doubled in 2000. This increase in the number of women running for office, in turn, led to a doubling of those elected—from 10.83 percent in 1995 to 21.67 percent in 2000. However, the female proportion of Congress declined in 2001 for reasons that are discussed in the 'Unanticipated Successes' paper.

Peru in a Comparative Perspective

The success of gender quotas in Peru is noteworthy for three major reasons.

First, the impact of quotas in Peru was greater than that in most other Latin American elections in which they have been employed. Although quotas had a very positive impact in some countries, most notably Argentina and Costa Rica, overall, they have been only mildly successful, increasing the election of women by about five percent in the region.³² Quotas produced significantly better results in Peru, as noted above. In 1998, women comprised a higher proportion of Peruvian municipal councils than of comparable locally elected bodies in other Latin American countries. Among national legislatures in the region in 2000, only Argentina and Cuba, a non-democratic polity, had higher percentages of female members.³³

Second, gender quotas have been successful in Peru, despite a very unfavourable socio-economic context. Among Latin American countries with a population of at least 15 million, Peru has the lowest score on the gender-related human development index, which is a powerful predictor of women's political representation.³⁴ Moreover, as noted above, the greatest increases in the election of women councillors occurred in the most backward parts of the country.

Third, the success of quotas in Peru defies conventional wisdom in the field of electoral studies. The success of women in Peru's open-list national elections contradicts the prevailing view in the academic literature, which holds that closed list systems are more

favourable for the election of women. Quotas had a major impact in closed list municipal elections despite the lack of placement mandates prescribed by Mala N. Htun and Mark P. Jones.³⁵

Moreover, whereas district magnitude has often been linked to the success of female candidates, there is no significant correlation between this variable and the election of women to Peruvian municipal councils.³⁶ Also, as noted earlier, female candidates made their greatest gains in 1998 in the low magnitude districts outside of Lima

Why have quotas been relatively successful in Peru, despite an unfavourable socioeconomic context and electoral rules that are supposedly unfavourable for women? These questions are addressed in 'Unanticipated Successes: Lessons from Peru's Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems'.

Notes

¹ Schmidt 2003a.

² Yáñez 1998, pp. 15–16.

³ Yáñez, 1998, p. 18.

⁴ See her comments during the floor debate in Congreso de la República 1997b.

⁵ Guillermo 1997, pp. 78–79.

⁶ Flores Nano 1999.

⁷ According to Chávez (2000), Hildebrandt and Salgado both lobbied Fujimori on the quota issue. Chávez believes that Salgado's influence was decisive in winning the president's support.

⁸ Yáñez 1998, p. 20 and Yáñez 1999a.

⁹ Congreso de la República 1997b.

¹⁰ Congreso de la República 1997a.

¹¹ Villanueva Flores 1998, p. 23.

¹² Bermúdez Valdivia 1998, pp. 25–55.

¹³ González 1998, pp. 23, 25–26.

¹⁴ Congreso de la República 1997a.

¹⁵ González 1997.

¹⁶ Gonzáles 1998, p. 23; Congreso de la República 1997a and 1997b.

¹⁷ Congreso de la República 1997b; Yáñez 1999a.

¹⁸ Schmidt 2003b.

¹⁹ In that year the JNE rounded the quota downwards, below the minimum 30 percent, in Callao, Ica, and La Libertad.

²⁰ Bermúdez Valdivia (1999) and Yáñez (1999a). However, in coding the gender of candidates and elected councillors, the author did encounter several cases in which the quota apparently was not met.

²¹ In 2002, however, the JNE accepted some lists in which candidates for mayor, regional president or regional vice-president were figured into the quota, thereby diluting its impact.

²² The official name of the project was Promotion of Women's Political Participation. The participating NGOs were the Movimiento Manuela Ramos, the Institute of Peruvian Studies, the Calandria Association of Social Communicators, the Center of Social Studies and Publications, and the Center of Studies for Development and Participation.

²³ CESIP (Centro de Estudios Sociales y Publicaciones) 1999; Yáñez 1999b.

²⁴ Schmidt 2003a.

²⁵ Nickson 1995, p. 240.

²⁶ Data for the 2002 regional and municipal elections were not yet available at the time of the workshop.

²⁷ Women accounted for 18 percent of the seats on the Lima Provincial Council in 1983 and 21 percent in 1989.

²⁸ Yáñez 1999b, p. 108.

²⁹ See del Castillo 2000; Zevallos 1999.

³⁰ Unfortunately, data on the candidates for the Chamber of Deputies during the 1980–90 period is not available.

³¹ If we exclude the four small leftist parties, the relative success was 38.51 percent in 1980.

³² Htun & Jones 2002, pp. 32, 36, 41.

³³ See the Women's Leadership Conference of the Americas (WLCA) 2001, pp. 12–15.

³⁴ United Nations Development Programme (UNDP) 2001, pp. 210–213; Reynolds 1999, pp. 567–568.

³⁵ Htun & Jones 2002.

³⁶ Indeed, the Pearson's r for district magnitude and the election of women are all negative: -.035 for provincial councils, -.075 for district councils in Lima, and -.065 for a sample of district councils outside of the capital.

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