

Women and Politics in Mexico and Brazil¹

Mulheres e Política no México e no Brasil

Luis Antonio Corona Nakamura¹

Eneida Desiree Salgado²

¹Universidad de Guadalajara, Guadalajara, Jalisco, México

²Universidade Federal do Paraná, Curitiba, PR, Brasil

Abstract: Despite advances in recognition of women's rights, they are still victims of everyday violence. National and international regulations on gender equality and the promotion of female political participation had a low impact on the underrepresentation of this minority. Law produced without a share of citizenship lacks democratic legitimacy. Mexico and Brazil have a similar history of excluding women from the public sphere, but they currently have different strategies to overcome this democratic deficit. The article, with a descriptive methodology, presents the history and the present situation in both countries. We conclude that there are different ways to increase the representation of women in politics, but parity is a demand for justice.

Keywords: Political Rights. Gender. Parity. Brazil. Mexico.

Resumo: Apesar dos avanços no reconhecimento dos direitos das mulheres, elas ainda são vítimas de violências cotidianas. As normativas nacionais e internacionais sobre igualdade de gênero e promoção da participação política feminina tiveram baixo impacto na sub-representação dessa minoria. O Direito produzido sem uma parcela da cidadania carece de legitimidade democrática. México e Brasil têm uma história similar de exclusão das mulheres na esfera pública, mas apresentam atualmente estratégias distintas para superar esse déficit democrático. O artigo, com uma metodologia descritiva, apresenta a história e a situação atual nos dois países. Conclui-se que há diferentes caminhos para incrementar a representação de mulheres na política, mas a paridade é exigência de justiça.

Palavras-chave: Direitos Políticos. Gênero. Paridade. Brasil. México.

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1 Introduction

The beginning of the twentieth century seemed promising for Latin American girls and women. Female presidents, ministers, governors, mayors, parliamentarians got space in several countries. There was also an advance in gender public policies. Reproductive rights, equal pay, wealth distribution, living policies on behalf of women: we lived in the hope of better times.

The growth in the demands and policies of minority groups, however, did not succeed in changing the social structure. On the contrary, for some pundits, the advances caused a backlash. After two decades, the gaze for the horizon is no longer so optimistic.

Violence against women is a characteristic of our societies. The patriarchal mentality persists, despite the (late) recognition of women's rights. It is about physical, psychological, financial, and cultural violence. In institutional politics, women who dared to face the ballot boxes suffered a specific form of violence on their skin. Sometimes, for as many people, doing politics costs life; other times, it costs them the position, the reputation, the family.

Equality is far from being effective in Latin America. In societies so crudely iniquitous, the distance between men and women is present in all aspects. The question is more severe from a transversal perspective, considering race and social class. In this article, we are going to analyze a specific issue of this crack: the absence of women in the public sphere. Our premise is that without women in decision-making, democracies lose their legitimacy.

Embracing discussion on gender equality, we explored the strategies to reach substantive equality, not merely formal equality. Affirmative actions adopted, in many cases, were insufficient to achieve concrete effects due to an intentional flaw in its construction or due to the lack of respect for their commands by the institutions.

We defend gender parity and we use concepts such as human rights, fundamental rights, discrimination, people in situations of vulnerability,

gender, affirmative actions, and their relationship concerning gender perspective and quotas, without leaving aside the notion of justice, as the grounds of our proposal.

With a theoretical approach and some of the history of Mexico and Brazil, we conclude by defending a more inclusive and fairer politics for heterogeneous societies.

2 Premise: the participation of women in politics and women's political representation as human rights and as fundamental rights

Currently, human rights are present in political and legal discourses worldwide. Enshrined in the Universal Declaration of Human Rights (UDHR) whose ideals are freedom and justice, the recognition of dignity and value of people, equality of rights between men and women in order to promote the progress of society and raise their standard of living, and protection by a system of law (UDHR, 1948, p. 34), human rights are a cornerstone of contemporary law.

For the United Nations (UN), “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The mere mention of human rights in international treaties, however, has failed to change the reality of discrimination, unequal distribution of wealth, oppression, and violation of the countries of the world. Countries, driven by international organizations, were called upon to make efforts in specific fields.

In 1947, there was already the Commission on the Status of Women. It worked on the construction of the Declaration and rejected the adoption of the neutral masculine in the adopted language. In 1953, the Convention on the Political Rights of Women marked the beginning of international protection for political equality. Brazil and Mexico signed the Convention in the same year but were slow to ratify it. Brazil ratified the convention

before the military coup, in August 1963. Mexico took 28 years, ratifying the convention only in March 1981.

Starting in the 1970s, feminism used the slogan “the personal is political”, emphasizing that women’s issues are also part of politics, with a division of feminism emerging according to the women’s own needs, born the institutional feminism of which the author points out that it was a consequence of the international conferences of women by the UN, as well as the arrival of women in politics and the political claims of women to the different governments (VARELA, 2019, p. 116-117). Ana de Miguel (2000, p. 25-26) points out that institutional feminism is different in each country, but they have in common the goal of causing radical changes within the State system.

The UN decreed the year 1975 as the international year of women. States should adopt measures to guarantee their rights and promoting better conditions to women on the political, social, and economic life of their countries. The UN claimed the need to reinforce the recognition of the universal principle of equality between men and women. In this year, the first UN World Conference on Women was held in Mexico, defining the global action plan for the international year’s objectives².

In the theme of this study, women’s world conferences are a milestone. The first, held in 1975, had the motto “Equality, Development and Peace”. Five years later, the main themes of the II Conference were “Education, employment and health”. In 1985, an analysis of the achievements led to the observation that little progress had been made in relation to the condition of women in the world, and the Third Conference placed on the public agenda the insertion of legal instruments to promote gender advances.

In 1995, the Fourth World Conference on Women, in Beijing, takes up the motto of the 1st Conference, held in Mexico, but includes the call to action: “Action for Equality, Development and Peace”. Twelve areas were defined, among them “women in power and leadership”.

² Varela (2019, p. 124) states that many of the women who attended were the wives of heads of state, who promoted their own political interests and not the rights of women who were the reason for the meeting.

In 2010, more than 60 years after the UDHR, the UN created UN Women, to seek to fulfill the promise of gender equality. The initiative works on “four strategic priorities”: “Women lead, participate in and benefit equally from governance systems; Women have income security, decent work and economic autonomy; All women and girls live a life free from all forms of violence; Women and girls contribute to and have greater influence in building sustainable peace and resilience, and benefit equally from the prevention of natural disasters and conflicts and humanitarian action”. Political participation is on the first goal.

Although there is a system of protection of human rights, as the international and regional courts, the centrality of the National State category brings us to the fundamental rights. Gregorio Peces-Barba, Roig and Barranco Avilés (2004, p. 20), a pioneer of fundamental rights theory, stated they represent a desire that alludes to a moral claim and a positive law system.

The concept of fundamental rights is inclusive and clear, surpassing both natural law and positivism since fundamental rights encompass both morality and legality, responding to the why and what for of the rights fundamental (PECES-BARBA; ROIG; BARRANCO AVILÉS, 2004, p. 29). Since, in the absence of legality, the fundamental rights would lack efficacy, becoming councils or good intentions, making it necessary for them to be established by law so that the State demands your respect (PECES-BARBA; ROIG; BARRANCO AVILÉS, 2004, p. 31-32, 38).

Fundamental rights, as human rights insert in Constitutions, have a special enforcement. There are structures to guarantee them within the National States. The ages of constitutionalism can be marked by the scope of fundamental rights that they embody. The 1917 Mexican Constitution ushered in the era of social constitutionalism. The Brazilian Constitution of 1988 was a constitution well advanced in its time, with the protection of economic and cultural rights and provision of remedies against the omission of the powers constituted in the realization of fundamental rights. However, the constitutions of the 21st century go further, integrating the environment and pluralism among fundamental rights.

International treaties and documents establish gender equality and recognize women's citizenship. So do the current constitutions. Nevertheless, the social mentality resists submitting to the values of equality and respect for women in the public space, challenging human and fundamental rights. Some marks of the women's struggle and the reaction to them can help to understand this permanence of misogynist mentality and its reflexes in the public sphere in Mexico and Brazil.

3 Persistence and Resistance: women's struggle for a place in the public space

Seeking to fulfill the promises of the normative documents and their personal development, women organized themselves to fight for their rights. Nuria Varela (2019) points out that in the 18th century, during the Enlightenment, feminism was born. A social movement, theory and political practice that arose when French revolutionaries and enlightened people began to defend the ideas and principles of equality, establishing feminism as the basis for women they are the actors in their own lives and should not be compared to men, clearly stating that the word man does not turn out to be a neutral word to be used as a synonym for person (VARELA, 2019, p. 13- 14, 17).

The Declaration of Independence of the United States of America and the Declaration of the Rights of Man in France were essential documents that included freedom, the search for happiness, legal equality, and personal autonomy. However, Nuria Varela emphasizes that these rights were only for men. Therefore, women's rights were not recognized. Some women claimed that rights were for men and women, but when defending their ideals, they ended in the guillotine (VARELA, 2019, p. 13-14, 28).

The "Cahiers de Doléances" emerged in 1789. Through these registers, women have made their voices heard: by writing, they participated in political life, expressing the hopes of change they had at the time (BLANCO, 2000, p. 38). In one of these notes, "Madame B. B." pointed out that representatives must have the same interests as those

represented in one of the writings. She exemplified that a nobleman could not constitute a commoner or the commoner a nobleman. Thus, a man could not represent women, and women should be allowed to represent themselves (ALONSO DÁVILA, 1997, p. 2).

In 1789 the Declaration of the Rights of Man and of the Citizen was proclaimed in France, declaring that men are born free and equal in rights. By analyzing the title of the Declaration and its content, we can see that the situation for women had not changed; they are out of the citizenry.

Olympe de Gouges published the feminist replica of the Declaration under the name of the Declaration of the Rights of Women and Female Citizens, in the content of which she pointed out (RAMÍREZ, 2015, p. 10-11):

Article I

Woman is born free and remains equal to man in rights. Social distinctions may be founded only on the common good.

Article IV

Freedom and justice consist in returning anything that belongs to someone else to them; thus the exercise of the natural rights of woman has no limits other than those which the endless tyranny of man opposes to them; these limits must be reformed according to the laws of reason and nature.

Article VI

The Law should be the expression of the general will; all female citizens and citizens should take part, personally or via their representatives, in its formation; it must be the same for everyone: all citizens, female and male, being equal in its eyes, should be equally admissible to all public dignities, positions, and employments, according to their abilities, and with no other distinctions than those of their virtues and of their talents.

In 1792, Mary Wollstonecraft (1792) issued *A Vindication of the Rights of Woman*, in response to Rousseau and Burke. She argued women needed to be educated and thus be able to use their reason. And they should also study politics:

In short, in whatever light I view the subject, reason and experience convince me that the only method of leading women to fulfil their peculiar duties, is to free them from all restraint by allowing them to participate in the inherent rights of mankind.

Make them free, and they will quickly become wise and virtuous, as men become more so; for the improvement must be mutual, or the injustice which one half of the human race are obliged to submit to, retorting on their oppressors, the virtue of men will be worm-eaten by the insect whom he keeps under his feet.

Let men take their choice, man and woman were made for each other, though not to become one being; and if they will not improve women, they will deprave them!³

When Mexico was a colony (until 1810), the possibilities of women were to get married, enter the convent, or stay at home (INEHRM, 1995, p. 6-7). In the 19th century, the women worked for the house imparting classes in schools for female children, in domestic service, in factories, fabrics, cigars, cigarettes, in their homes doing seams (INEHRM, 1995, p. 7-8), resulting in being one of the few aspirations that they could have at the time.

In US, in 1848, Elizabeth Cady Stanton summoned men and women to speak about women's rights. The movement resulted in the Declaration of Seneca Falls. Its content highlighted that all laws that prevent women from occupying in society the position that their conscience dictated to them or placed them in a lower position than men have no strength or authority (VARELA, 2019, p. 46-48, 359-360).

Brazil faced an interesting debate under the Second Empire. The 1824 Constitutional provisions guaranteed the participation of the princes on the Council of State and as senators. The Constitution also provided for the possibility of a woman taking over the Empire. Princess Isabel completed the indicated age, and the question arose whether or not she could participate in the Council of State and take office as a senator (SENADO, 1867). Pimenta Bueno proposed the recognition of Princess

³ The use of the pronoun "them" by the writer is a point of discussion on feminist debates (MONROE, 1987).

Isabel's rights, stating that the use of the neutral masculine did not exclude her rights. In response, José de Alencar said that women lacked political capacity and could not be held responsible. Thus, a woman could take the throne in the face of the then prevailing principle of irresponsibility. Senators and members of the State Council, however, should be held accountable for their actions and, thus, women could not be part of these collegiate bodies (ALENCAR, 1867). There is no record that Princess Isabel took over as a senator.

In the drafting of the first republican constitution, Brazilian constituents discussed - and rejected - the recognition of women's votes. Six proposals were presented to the constituent project to insert women's political capacity. But not all women: only those capable of supporting themselves economically. The refusal to recognize the political rights of women occurred in the name of the family defense, the absence of female voters in other countries, and the absence of the prohibition expressed in the proposed text (KARAWAJCZYK, 2011).

Women have participated in the historical stages of Mexico. For example, in the Independence, Josefa Ortiz de Domínguez and Leona Vicario participated as distinguished figures who fought with the insurgents. Margarita Maza was in the Reformation. During the Mexican Revolution was Hermila Galindo Acosta, collaborator of Venustiano Carranza, one of the first and most important feminists in Mexico (INEHRM, 1995, p. 10-12).

In 1916 the First Feminist Congress was held in Mérida, Yucatán, reflecting on the rights of women, including equality of conditions with men, thus seeking female participation in the organs of political representation (ALEJANDRE RAMÍREZ; TORRES ALONSO, 2016, p. 60).

During the Constituent Congress of 1916-1917, Hermelinda Galindo informally requested the right to vote for women; however, Congress rejected the proposal since, for its members, few women were prepared to exercise it (INEHRM, 1995, p. 33). She was the first Mexican woman to participate as a deputy candidate, running for District V of Mexico City in 1917 (VALLES RUIZ, 2011, p. 11-12).

Some years later, the Brazilian Federation for Female Progress (FBPF) was created. Alongside other organizations, they fought for women's suffrage and sought to combat the social conception of the role of women in society (SILVA, 2013). In the face of the absence of a prohibition expressed in the constitutional text, Leolinda Daltro, professor and founder of the Republican Party for Women, requested her enlistment through a petition based on the constitutionality of the vote. Your request was not accepted. Leolinda continued to organize demonstrations for the right to vote, and in 1917, 1919, and 1921 Congress received proposals to include women in the electorate.

In Brazil, the conquest of the female voting right only occurred in the late 1920s, through the State Constitutions. In 1926, in the reform of the Constitution of the State of Rio Grande do Norte, the right to vote was recognized for women. The first voter in Brazil was Celina Guimarães Viana, registered in Mossoró in November 1927. In the same state, in 1928, the first female mayor of Brazil, Alzira Teixeira Soriano, was elected in the municipality of Lages. On a national scale, however, women's suffrage came only in 1932, after the so-called Revolution of 1930.

The conditions of Mexican women changed very slowly. The Civil Code for the District and Federal Territories of 1928, in its article 169, indicated that the woman could carry out a job or profession as long as it will not harm the care of the home. However, said legislation contemplated that if the husband considered that this affected the house's needs, he could oppose the wife to carry out these activities. In this situation, it is observed how the Mexican State recognized that the woman could exercise a profession as long as her husband would consider it prudent. This right and decision did not depend on herself, if not on someone else.

In the political speeches of the men who wanted to become presidents of the Republic, Lázaro Cárdenas and Miguel Alemán promised the vote to women; however, none of them complied at the federal level.

Miguel Alemán, on February 12, 1947, recognized women the right to vote and be voted in municipal elections on equal terms as men, thus reforming the CPEUM in its article 115. However, some states of the Republic had already recognized it (GONZÁLEZ OROPEZA, 2014, p. 15, 19-20), a reform that only expanded the scope of their right to vote and be voted in the States that did not contemplate it.

On October 17, 1953, Mexico advanced in regulations by recognizing women as citizens of the Republic in its constitutional article 34. Being considered as citizens, pursuant to constitutional article 35, women acquired the right to vote and to run for elective offices in any position of popular election, their right to vote and their political participation was extended from the municipal to the federal, casting their vote for the first time in the elections of 1955 (INSTITUTO NACIONAL PARA EL FEDERALISMO Y EL DESARROLLO MUNICIPAL, 2019).

Nonetheless, Manuel González Oropeza (2014, p. 21-22) claims that men granted the vote for women. It was a concession of Ruiz Cortines, President-elect of the Republic Mexicana, its triumph being a condition for women to have political rights. December 31, 1974, Mexico in its Constitution recognized in article 4 the equality of men and women before the Law.

In Colonial Brazil and during the Empire, as seen, the patriarchal family model prevailed, in which the man was considered the supreme head and had authority over the other members. The 1916 Civil Code inherited many features of the patriarchal family system. Married women were unable to perform specified acts and that the husband had the family's legal representation (SALGADO; GUIMARÃES; MONTE-ALTO, 2015).

Nevertheless, the progressive emancipation of women, above all, with their insertion in the labor market and an increase in the level of education, came to combat this conception, especially from the 1960s onwards. In 1962, Law n. 4,121 (Statute of the Married Woman) emancipated, albeit partially, the inferior position that women occupied in marriage. In 1977, Law n. 6,515 regulated divorce, since until then, marriage was seen as an indissoluble union.

However, it was only with the 1988 Constitution that male supremacy and legal inequality between genders were abolished entirely, at least in normative terms.

Both the Mexican Constituent Congress of 1856-1857 and 1916-1917, just men participated in its elaboration and discussion. No woman joined or gave their opinion regarding its content and wording. Of the eight Brazilian Constitutions (1824, 1891, 1934, 1937, 1946, 1967, 1969, and 1988), the 1934 Constitution had one woman (Carlota Pereira de Queirós) on its constituent assembly. Twenty-five women participated in the construction of the 1988 Constitution.

In the eve of the new Constitution, Brazilian women organized a movement and sent a letter to the National Constituent Assembly. The demands included full equality between spouses, the end of family violence, equal pay, guaranteeing women the right to know and decide about their own bodies, education with an emphasis on gender equality and combating racism and eliminating the expression “honest woman” from the law that states sexual crimes. With little influence from constituent women in the process of discussion and construction of the constitutional text, many of these advances have occurred over the years or are still far from being achieved.

4 Affirmative Action, Gender Parity and Electoral Equity: paths to confronting violence against women

Women have not been taken seriously since ancient times. Despite their constant fight for the recognition of their rights, they continue to be excluded, thus existing inequality of conditions between men and women. The public space is the place of realization of modern promises of self-determination, and the exclusion of women leads to a reputedly neutral Law, but whose categories presume man (mainly the white, cis, heterosexual, wealthy, and Christian man).

Amelia Valcárcel (1997, p. 30) refers that women do not have individuality by themselves; they are always referred to as the mother,

sister, daughter, wife of someone who does have individuality. Women are but “the other”, that one that is different. Since inequalities are deficits of freedom, women must be free to access equality (VALCÁRCEL, 1997). Alice Schwarzer (1988) states that “women are much more than disadvantaged. Women are outcasts in a male society”. Feminist struggles, therefore, “start from the recognition of women as specifically and systematically oppressed, in the certainty that relations between men and women are not inscribed in nature, and that there is a political possibility of your transformation.”

The absence of women in command posts and the naturalization of their submission to private relationships, imposed by a patriarchal culture, impacted on the self-perception of individuals. Richard Fox and Jennifer Lawless (2011) use the data from the second wave of the Citizen Political Ambition Panel Study to demonstrate how women, even though they have the same skills as men, feel less able to run for public office. With less courage – and less financial resources and party support – women fall short of their representation in the executive branch and parliaments. Those women who risk vying for votes in a frankly misogynistic society suffer symbolic violence and real violence (FREIDENBERG; DEL VALLE PÉREZ, 2017).

The lack of representation of a portion of society implies that the construction of legal rules does not consider these people’s opinions. This deficiency occurs with all minorities (held in the face of the power relationship, not regarding the number of people who form them). For a society’s legal order to be substantially democratic, it must be built and applied from a plurality of worldviews, in an intersectional approach.

On the basis of gender, one way to confront violence is by recognizing women’s protagonism in politics. It is not the case of taking off the lead role of men. It is the case to substantially and descriptively represent (PITKIN, 1967), in proper manners, the different conceptions and perceptions of the social and political questions.

One way to overcome the historical deficit of female representation is by taking affirmative action. One of the definitions of affirmative action in the Black’s Law Dictionary (2014) is: “An action or set of

actions intended to eliminate existing and continuing discrimination, to redress lingering effects of past discrimination, and to create systems and procedures to prevent future discrimination, all by taking into account individual membership in a minority group so as to achieve minority representation in a larger group”.

To address gender discrimination in politics some countries adopted quotas for women in elections. In Brazil, in the first years under the 1988 Constitution, the issue of adopting an affirmative policy to promote female representativeness prevailed in the Brazilian National Congress. Notwithstanding fears about the decrease in the political parties’ autonomy and the loss of space for men in politics, the law that ruled the 1996 municipal elections imposed on parties and coalitions the reservation of a 20% quota for women on party lists (non-hierarchical lists) in the proportional representation election. In contrast, the lists that previously corresponded to the number of seats in dispute came to be made up of 20% more candidates. In other words, the reserve for women was beyond the number of positions available.

For the 1998 general elections, a new law was drafted. Law n. 9504/97, still in force, determines that “each of the sexes” should occupy at least 30% and at most 70% of the party lists. The names presented to the electorate, without ranking, became 150% – that is, more men on the lists. The result of the 1998 election demonstrated the effect of the change: the number of women elected federal deputies shrunk, going from 6.23% in the 1994 election to 5.63%. In the states, it was slightly better, from 7.8% to 9.7%. The reservation of candidacies was not accompanied by a reserve of financial resources, public or private, or a guarantee of participation in the parties’ electoral propaganda.

In the first elections, the reservation of candidates was not understood as mandatory occupation by women. Thus, the parties no longer presented 120% of candidacies but up to 150%. A legislative change in 2009 determined the respect of quotas, and so the proportion of indications in the party lists began to be actively controlled by the Electoral Justice. However, the public resources received by the parties were concentrated in men – about 10% of the financial fund and space

in the media were reserved for women. Furthermore, many women were unknowingly included in the lists (KREUZ; SALGADO, 2019).

A judicial decision taken in May 2018 determined that political parties allocate to women's campaigns public resources and electoral advertising time proportional to the numbers of women candidates, with a minimum of 30%. The Federal Supreme Court and the Superior Electoral Court were called into action by women's movements in a strategic litigation (CAMPOS, 2019). However, the results of the 2018 elections did not bring the results expected by the enforcement of the quota policy: women account for only 15% of the House of Representatives in this legislature.

Adopting the quota policy, an affirmative action based on the constitutional requirement of equality, has shown poor results in Brazil. One solution would be to replace the candidacy quotas with the representation quotas, but the proposal is strongly resisted in parliament (SALGADO; CALEFFI, 2015).

A more concrete action, with more precise results, takes place for the defense of gender parity in political positions. The notion of parity was born in Europe through parity democracy, which was mentioned in Strasbourg by the Council of Europe in 1989, pointing out that equality between men and women is a political matter (VARELA, 2019, p. 194-195).

In Athens, on November 3, 1992, the first European Summit "Women in Power" promulgated the Declaration of Athens itself that establishes the following:

WE PROCLAIM THE NEED TO ACHIEVE A BALANCED DISTRIBUTION OF PUBLIC AND POLITICAL POWER BETWEEN WOMEN AND MEN.

A democratic system should entail equal participation in public and political life by its citizens.

We demand equality of participation by women and men in public and political decision-making.

We underline the need for changes to the structure of decision-making procedures in order to ensure such equality in practice.

WE UPHOLD THE FOLLOWING PRINCIPLES AND ARGUMENTS

Formal and informal equality between women and men is a fundamental human right. Women represent more than half the population. Equality requires parity in the representation and administration of Nations.

Women represent half the potential talent and skills of humanity and their under-representation in decision-making is a loss for society as a whole.

The under-representation of women in decision-making prevents full account being taken of the interests and needs of the population as a whole.

A balanced participation by women and men in decision-making would produce different ideas, values and styles of behaviour suited to a fairer and more balanced world for all, both women and men.

Parity is equality. It is no longer an affirmative action like gender quotas. It is a permanent measure, a constitutional principle that seeks substantive equality between men and women to achieve the latter's inclusion in spaces of public decision (BONIFAZ ALFONZO, 2016, p. 1). Parity is a strategy aimed at combating discrimination against women historically and structurally that kept them on the margins of public spaces, proving to be a principle that must be applied in the executive, legislative and judicial branches, as well as in autonomous bodies (IIHR *et al.*, 2017, p. 803-804).

Mexico adopted gender quotas (with a maximum of 70% of single-gender legislators) from 1996, with modest results due to the location of women in the parties' blocked lists. The Federal Code of Institutions and Electoral Procedures promulgated in 2008 adopted the term "gender parity" and imposed a minimum of 40% of candidates of each gender on the parties. These changes added to modifications in the configuration of the parties' "zipper lists", determined 35% of women occupying seats in the Mexican Congress as a result of the 2012 elections.

The 2014 electoral political reform expressly included the requirement for gender parity in the Mexican Constitution. As an immediate effect, in the legislature elected in 2015, women were 42% of the Chamber of Deputies.

In 2018, female representation reached 48.2% in the Lower House and, in 2019, 49.2% in local parliaments. There is still a marked gender difference in the Executive Power (even among auxiliary positions, such as ministers and secretaries) and in the Judiciary, but the Mexican Parliament became more inclusive. The electoral system for the Chamber of Deputies, part by uninominal districts part by proportional representation with pre-ordered lists, allowed that parity nomination of candidates led to quasi equality in parliaments.

But Mexico went further. In the name of gender equality, in June 2019, it undertook a new constitutional reform to adapt the Constitution to an inclusive language with a gender perspective. In Article 35, among the rights of citizenship, “can be voted on parity conditions for all popular electoral positions,” which seems to advance towards the judicial protection of women’s political rights. The Constitution, however, still uses the neutral masculine.

Justice can be seen and used from the point of equity. For Rawls (2015, p. 69-70), justice as equity is designed for democratic societies whose principles respond to an equitable system; justice that tries to relate values and their application in institutions. For the author, there are two principles of justice. The first of these is that all people have the same basic rights and freedoms; therefore, each person has irrevocable rights, a principle that is applicable to the constituent power. Rawls (2015, p. 73, 77-78) gives an example of the right to hold positions, a right that must be institutionalized appropriately in the Constitution and must be protected in its essence. The second principle points out that social inequalities have to satisfy two conditions: social and economic positions should be open to all people under equal conditions of opportunities; and that such inequalities must not harm unprivileged people (RAWLS, 2015, p. 73-78).

Under this viewpoint, unequal treatment can be justified as long as it benefits all society and creates a better position to the least advantaged group. “Equity is corrective once we know that what would be equitable would be what we would demand under conditions of equality”, regulating the results once people are free under equal opportunities, equity implies the impartiality of an equitable distribution between the natural justice and positive law (CORONA, 2019, p. 17, 19, 22).

From a different perspective, Nancy Fraser (2006) presents a theory of justice that requires both redistribution and recognition. Breaking with a liberal reading of democracy, Fraser addresses exclusions from political systems. From the women’s situation, it is possible to say that there is economic injustice, considering that heritage is still usually related to men and that, in the 21st century, there are gender wage differences. But there is also symbolic injustice, with clear examples of cultural domination, nonrecognition, and disrespect. Therefore, a fair answer to the female question requires both dimensions: the socio-economic restructuring that implies redistribution policies and a cultural change that involves the recognition of the necessary participation of women in decision-making. Considering only one aspect and limiting itself to affirmative remedies can only make up for injustice and not effectively transform society.

5 Conclusion

Women have human rights. Women have fundamental rights. Women did not decide to be women, and being a woman is not a determining reason for denying access to any public liberty or position. Women can choose or exercise a profession, and decide how they want to live, with the obligation of institutions to reduce disadvantages when women have unequal treatment for the simple fact of being a woman (CORONA, 2019, p. 5).

Those rights must exist in the Constitution, as fundamental rights. By protecting values such as justice, freedom, and equality of conditions between women and men in public spaces, their protection must be in a norm that requires acting, respect and compliance with it by the authority

(PECES-BARBA; ROIG; BARRANCO AVILÉS, 2004). Otherwise, women's rights would become a simple wish, an aspiration to achieve.

Women have been excluded throughout history and, despite acquired rights, have not yet achieved real equality. One of the problems of discrimination against women is gender, a social construction that determines the thinking, doing, and feelings of women and men. Society expects women to present characteristics considered culturally feminine - and the skills required for politics are expected only from men.

In Mexico, step by step, women have obtained rights, but it has not been enough since, as has been observed, some of them were not granted because they are inherent rights, thus involving others' interests. The voices of women who fought for their rights were never taken into account. In Brazil, the situation is no different. Women have no right to decide on their bodies; they have no right to the city and are victims of political violence when they expose themselves to the public sphere.

In order to reduce discrimination and exclusion of women in the public sphere, affirmative measures were adopted to eliminate barriers and thus facilitate the participation of women on equal terms with men. Among these measures are gender perspective and quotas, which turn out to be temporary measures. Despite its adoption, women's situation is unfavorable, making it necessary to advance for gender parity, a permanent measure. The purpose of gender parity is to eliminate discrimination against women from inequality itself to eradicate its increase.

For women to access equality and justice, it is necessary to carry out real reforms to the current regulations to achieve this, which is not only established in a norm since, if so, women would not access it, again generating their exclusion. Thus, equality would not end up being just one more discourse, but it would guarantee women self-determination, nothing more than the promise of modernity and democracy.

As Mary Wollstonecraft (1792) claimed, almost 228 years ago: "It is time to effect a revolution in female manners – time to restore to them

their lost dignity – and make them, as a part of the human species, labour by reforming themselves to reform the world”. Time is up.

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Luis Antonio Corona Nakamura is a Full-time professor in the Bachelor's, Master's, and Ph.D. programs in Law at the University of Guadalajara (Guadalajara, Mexico). Doctor of Law from the Autonomous University of Aguascalientes. Graduate and Master in Law from the University of Guadalajara. Member of the National System of Researchers (SNI level I), currently director of the Institute for Research and Training in Human Rights of the Jalisco State Commission on Human Rights.

E-mail: lacn2004@yahoo.com.mx

Endereço profissional: Av. Maestros, 1.060, Zona Centro, 44260, Guadalajara, Jalisco, México.

<https://orcid.org/0000-0003-3412-6085>

Eneida Desiree Salgado is a Full-time professor in the Bachelor's, Master's, and Ph.D. programs in Law at the Federal University of Paraná (Curitiba, Brazil). Doctor, Master, and Graduate in Law from the Federal University of Paraná. Leader of the Center for Constitutional Research (NINC) and coordinator of Politics For/From/To Women research group. Visiting Scholar at the Jack W. Peltason Center for the Study of Democracy – University of California, Irvine.

E-mail: desisal@gmail.com

Endereço profissional: Praça Santos Andrade, n. 50, Centro, Curitiba, PR. CEP: 80020-300.

<https://orcid.org/0000-0003-0573-5033>