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## **Women’s Political Representation in the Commonwealth Caribbean and Latin America A Preliminary Analysis**

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### **EXECUTIVE SUMMARY**

The paper focuses primarily on the English speaking Caribbean countries with some reference to the experience of Latin American countries. Its main goal is to highlight the general accomplishments of female parliamentarians across the region, arguing however that institutional factors such as political parties and the nature of the political model often limit the ability of women parliamentarians to make a more significant impact on the agenda setting of government.

Indeed, the paper holds the view that while it is assumed that women’s presence in parliament will automatically lead to the production of policies and legislation that will transform the lives of citizens, especially women, this has not always materialised as rapidly as anticipated. Women parliamentarians are agents of their political parties and these institutions fundamentally shape the pursuit of women’s policy issues. Secondly the institutional context of the political model within which women must operate can also exert a powerful restraining influence on the possibility for setting the policy or legislative agenda.

Nonetheless the paper traces concrete action in a few areas of concern to the women’s agenda. The paper therefore focuses on three policy areas:

- Domestic Violence Legislation
- National legislation on Sexual Harassment
- Sexual Harassment legislation
- Human Trafficking

There is little doubt that the impact of such legislation would go much further in a context of broad system changes that would in fact improve substantially the lives of women regionally. Women find themselves at the bottom of the social and economic pyramid often lacking many of the attributes of citizens. Defined by poverty and low education, women find themselves in a vicious cycle of dependency which carries with it serious fear of backlash.

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In addition to her scholarly work, she has participated in a number of Election Monitoring and Expert Groups in Asia, Africa and the Caribbean. She served as a member of the St. Lucia Constitution Reform Commission and as a member of the International Advisory Board for the (Journal) Round Table (Commonwealth), and is a member of the Editorial Board of the Journal of Eastern Caribbean Affairs.

## REPRESENTATIONAL POLITICS: GENERAL OVERVIEW

It is assumed that increasing the number of women in positions of political power will automatically lend itself to the reproduction of public policies and political procedures that favour women and in the process remove the intentional and unintentional biases that exist. Certainly, it is anticipated that as women are better represented in government, the agenda setting of parliamentarians will be informed by women's priorities.

CEDAW regards 33% as the critical mass of women required for meaningful decision making. By 2008 24 countries surpassed the 30% target. These included Argentina, Bolivia, Costa Rica, Cuba, and Ecuador. In so far as the Caribbean is concerned, only Guyana, under its proportional representation system, comes close to this goal. In the Commonwealth Caribbean, a total number of 2,736 persons contested general elections between 1992 and 2005 (excluding Guyana). Of that total, 2,374 of them were males, with 362 females.

Given the present configuration and composition of parliaments in the Commonwealth Caribbean, women acting in their own spaces have been unable to exercise or exert much leverage with regards to the myriad of issues that require action. Unfortunately given the strategic institutional context in the Commonwealth Caribbean of party government Caribbean parliamentarians have been very limited. Indeed Guyanese Political Scientist, David Hinds sums up the negatives and dysfunctionality of Westminster parliamentary arrangements in this way:

*“Because Westminster model in the Caribbean confers on the winning party absolute power and the losing party no power, and because the winning party is unlikely to incorporate the interests of the losing party, the stage is set for permanent conflict. Ruling parties contain or marginalize opposition parties while opposition parties try to sabotage the work of the ruling parties. This antagonism is total, because what is at stake is the power of governments to control almost every aspect of the society. This has led to a crisis of governance that is reflected in the inability of the governmental system to transform formal democracy into substantive democratic outcomes and advance the cause of nationhood” (Hinds 2008).*

Latin America itself is also defined by multiple alliances which do not lend itself to concentrated and collective action on the part of women. For example, in that regard, political differences continue to divide women in Chile today and conservative women rarely identify themselves with the work of SERNAM (the women's policy machinery) or the women's movement in the country.<sup>2</sup>

### Gaining a Foothold in Parliament

While there are multiple sites from which women have sought to transform and set the policy agenda, parliament remains a critical area for action. Certainly at a political level, it is anticipated that the greater inclusion of women in political parties and government would bring to the political agenda their specific interests which it is claimed cannot always be represented by men. Consequently, it is expected that the larger the share of parliament seats that women occupy the greater the representation of specific women's concerns which will translate into policy action.

An evaluation of the bills that women parliamentarians pilot through national legislators is therefore one of the major tools that can be used to make a determination of the impact that women legislators make in advancing the cause of women nationally. However, this in itself is a daunting task as it is not easy to make a direct connection between legislation and the outcome of such legislation to women's participation in the legislative process.

In a study on agenda setting and legislation outcome, Sue Thomas argued that in legislatures where women constituted at least 20%, there was a greater tendency for women to introduce/sponsor legislation concerning women, families, and children than their male counterparts.<sup>3</sup> Where women constituted less than 10%, Thomas concluded that women and men did not differ in their sponsorship. This was further

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<sup>2</sup> Discussed below.

<sup>3</sup> Sue Thomas, *How Women Legislate*. New York: Oxford University Press.

corroborated by the work of Christina Wolbrecht who found that between 1953 to 1992, women legislators in the U.S. House of Representatives, substantially changed the congressional agenda concerning women's citizenship in a number of ways.<sup>4</sup> Not only were these women pivotal to the introduction of specific legislation designed to fundamentally address women's rights, but they were also instrumental in advancing bills that diversified the scope of solutions to women's rights problems. Where such sponsorship was impractical women worked with key male counterparts in co-sponsoring more legislation to empower women.

However, the political assumption that women in politics always represent specific women's interests is, however, far from the truth. Indeed, as the work of several persons writing on American and European politics show, political parties fundamentally shape the pursuit of women's policy issues. In a 2012 publication, Tracy L. Osborn argues that political parties do not only organize alternatives on women's issues problems, but they also create the legislative structure through which these alternatives are considered.<sup>5</sup> According to her, women run for political office as partisans and precisely because of that partisan identity, women enter the legislative process with ideas about how to represent women that are shaped and often limited by the party under which they sought election.<sup>6</sup> Further Osborn contends that as legislators, women parliamentarians encounter the second effect of parties which she defines as "institutional partisan structure" which can either enhance or reduce partisan inclinations.<sup>7</sup>

Certainly in parliamentary democracies like the Commonwealth Caribbean, given the requirement of strong party line, and collective responsibility, it is difficult for women to deviate from the party line and to influence the Cabinet of Ministers given the few women who are part of the inner circle of government. It is this which has led to the very strong view that the increased presence of women in parliament has not been sufficiently translated into changes.

What however have Caribbean parliamentarians been able to advance in terms of concrete proposals and legislation in areas such as human trafficking (both drug and prostitution), domestic violence legislation, sexual harassment legislation, Equal Employment Bills? Not only have such issues not been a significant part of the national conversations in several jurisdictions but there has been little to no debate in parliaments regionally on a number of these issues. Indeed, given this under researched area in the Commonwealth Caribbean, it is difficult, nearly impossible at this time to empirically conclude that women parliamentarians sponsor more bills dealing with the substantive areas that it is assumed that women ought to be invested. In conversation with Judith Soares, Head of the WAND in Barbados, on the role and impact of female parliamentarians in pushing through that agenda, she stated that "*Nothing Really. They don't do nothing*".<sup>8</sup> Comments like these reflect the general cynicism that many Caribbean people feel towards women parliamentarians but fail to capture some of the leg breaking work that a few Caribbean female parliamentarians have done to advance legislation in areas such as aging. For example former parliamentarian and Minister of Social development in Trinidad and Tobago, Penelope Beckles is associated with the establishment of the Division of Ageing which is charged with the overall responsibility of improving and transforming the lives of the senior citizens.<sup>9</sup> Indeed where action has been undertaken by Caribbean governments, they have been fuelled in large part by commitments to international obligations.

In Latin America, there is a growing tendency to be proactive and to increasingly place women's issues at the forefront of the policy agenda with the agenda being set by some powerful women and women's movements. For example, Michele Bachelett's election campaign in 2005 itself focused on reform of the pension system in Chile, promoting the rights of women and indigenous people and reducing inequality in the country. The women's movement in Chile for example did not only play important roles in the return to democracy and its consolidation but has also been instrumental in pushing forward the agenda on the full achievement of citizenship for women. Indeed, the movement was successful in getting some of their

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<sup>4</sup> Christina Wolbrecht, *The Politics of Women's Rights, Parties, Positions, and Change*. Princeton, NJ: Princeton University Press, 2000.

<sup>5</sup> Tracey L. Osborn, *How Women Represent Women: Political Parties, Gender and Representation in the State Legislatures*; Oxford University Press, 2012.

<sup>6</sup> Tracey L. Osborn, *ibid*, 2012.

<sup>7</sup> Tracey L. Osborn, *ibid*, 2012.

<sup>8</sup> Cynthia Barrow-Giles, Telephone Interview Judith Soares, April 29, 2013, Barbados.

<sup>9</sup> Kerry Thomas and Cynthia Barrow-Giles, "Penelope Beckles: A Life of Social and Political Activism" in Cynthia Barrow-Giles, *Women in Caribbean Politics*, Ian Randle Publishers, 2011.

demands incorporated into the agenda of the *Concertación de Partidos por la Democracia* (Coalition of Parties for Democracy). SERNAM which is supposed to collaborating with the executive branch in achieving equality for women is a concrete illustration of that success.<sup>10</sup> SERNAM's existence is largely responsible for the creation of the Equal Opportunities Plan for Women that stipulated the obligation of all state agencies to establish programmes and policies that would lead to greater equality between women and men.<sup>11</sup>

### **The Status of Domestic Violence in Latin America and the English Speaking Caribbean**

According to the United Nation report on Drugs and Crime in Latin America and the Caribbean Region of the World Bank, gender based violence in the region is pervasive.<sup>12</sup> Domestic violence legislation is therefore an absolute necessity. In that regard, nearly 30 countries have enacted legislation against domestic violence. But unfortunately it continues to be pervasive. According to the St. Kitts/Nevis NGO, Change Centre (NGO: Domestic Violence-related):

*“Domestic violence is very prevalent. It tends to be swept under the rug because the society tends to consider it a private family issue, and parents are generally embarrassed when children are abused and normally will not say anything. There may be pockets of outcry, but generally only from organizations and not individuals. The country is a very small island, and there is a high degree of fear and embarrassment.*

*Since the Domestic Violence Bill, awareness has been heightened and people are more likely to speak out. However, perpetrators are generally being let go. Charges may be brought against some, but of those, few come to the court because there is either some kind of bribery within the family, cover-ups, etc.”<sup>13</sup>*

In 1991 Trinidad and Tobago became the first English speaking Caribbean country to pass a Domestic Violence Act. Among other things the Act grants victims the right to petition courts for orders of protection against their abusers. An amended Act of 1999 broadened the categories of persons to whom the domestic violence law applied. In Jamaica, the enactment of such legislation has also led to the establishment of The Centre for Investigation of Sexual Offences and Child Abuse. This is a special investigative unit within the police force, whose major role is to help foster an enabling environment that seeks to encourage victims of domestic violence to report sexual victimization, undertake efficient and effective investigation of allegations of sexual abuse, provide rehabilitation of victims and increase public education on the issue of sexual victimization.

Ecuador has been one of the main countries leading the charge to end domestic violence and have not only succeeded in passing effective legislation but have also established a number of public awareness programmes and female-run police stations. Police stations known as *Comisarías de la Mujer y la Familia* (Police stations for Women and Families) were established in 1981.

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<sup>10</sup> Patricia Richards, *Pobladoras, Indigenas, and the State: Conflict over Women's Rights in Chile*, p.48.

<sup>11</sup> Richards, *Ibid*, p.55.

<sup>12</sup> Report No. 37820, *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*, March 2007. A Joint Report by the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank.

<sup>13</sup> Change Centre (NGO: Domestic Violence-related), retrieved April 29, 2013.

**Table 1. Status of National legislation on Domestic Violence in Latin America and the Caribbean**

Country	YEAR PASSED	National Legislation/ Year of Enactment
Anguilla		2011
Antigua and Barbuda		1999
Argentina		1994
Bahamas	1991	1991 (amended in 2007)
Barbados		1992
Belize		1992 (amended 2007)
Bolivia		1995
Brazil		(included in the federal constitution, 1988 and a specific legislative decree, 1995)
Chile	1993	1994
Colombia		1996
Costa Rica	1994	1996
Dominica		2001
Dominican Republic		1997
Ecuador		1995
El Salvador		1996
Grenada	2001	2001 ( replaced 2010)
Guatemala	1990	1999
Guyana		1996
Honduras		1997
Jamaica	1995	1996 (amended 2004)
Mexico		1996
Nicaragua		1996
Panama		1999
Paraguay (2000)		2000
Peru (1997)	1993 and 1997	1993 (strengthened 1997)
Puerto Rico (1995-1996)		1989
St. Kitts Nevis	2001	2005
Saint Lucia		1995 (revised 2005)
Saint Vincent and the Grenadines		1995
Trinidad and Tobago	1991	1991 (strengthened 1999 )
Uruguay		1995

### Status of National legislation on Sexual Harassment

In 1991 the Caribbean Community (CARICOM), developed model legislation for the member states which was aimed at addressing the growing problem.<sup>14</sup> The model legislation addresses sexual harassment as a labour relations problem and provides civil remedies for those harassed at work. The legislation extends to educational institutions, as well as to sexual harassment in relation to accommodation. It remained however for the individual Caribbean countries to carry forward legislative action. In that regard Belize was one of the first countries to enact specific legislation with the Protection against Sexual Harassment Act, 1996 followed by Jamaica in 2007 when the government enacted its Anti Sexual Harassment Bill. Other CARICOM countries like the Bahamas address this issue under the Sexual Offences and Domestic Violence Act, 1991 which makes sexual harassment a criminal offence. Elsewhere in the region, the common law can be used to provide remedies to persons who are victims of sexual harassment in the workplace by reliance on the law of torts (duty of care) and the law of contract (breach of implied trust/constructive dismissal). Barbados however is currently in the process of designing a sexual harassment bill which is being sponsored by Minister of Labour, Esther Byer-Suckoo, herself a former elected parliamentarian under the 2008-2013 Democratic labour Party administration. In 2011 Byer-

<sup>14</sup> CARICOM model legislation on sexual harassment, CARICOM Secretariat, Georgetown, Guyana.

Suckoo publicly stated that the draft legislation was in the making for 15 years but had not yet moved beyond the Executive level largely because there the political opportunity structure was absent both institutionally and environmentally. According to her:

*“I do not have as much support as I would like to have with this legislation as there are still a lot of people who are afraid of this legislation. They think that it would disrupt our society, that it is going to threaten every man and the way he relates to any woman and they think it will threaten the viability of small businesses by bringing tension in the workplace.”<sup>15</sup>*

In this very candid comment, Byer-Suckoo summed up the general inability of female parliamentarians in the Commonwealth Caribbean to advance women’s issues without the necessary alliance of male counterparts. In explaining the lack of a more aggressive progression of the legislation, Byer-Suckoo pointed to the tendency of the agenda setting for policy debate to determined or co-sponsored by key male political figures. According to her, a male champion of the legislation was necessary in order to take the discussion “out of the realm of that combative nature of men against women”.<sup>16</sup>

Although most Latin American countries prohibit sexual harassment in the workplace, up to the late 1990s similar situations obtained in most Latin American countries. Costa Rica however was quite proactive in this regard with a comprehensive law that extends beyond the workplace. The Costa Rican legislation penalizes sexual harassment both in the workplace and educational establishments. Of note too is the Legislation on sexual harassment in El Salvador which makes provision for penalties of imprisonment of up to two years.

In the last decade however, several countries in Latin America have sought to both strengthen existing legislation and enact specific legislation on sexual harassment, most notably Chile in 2005.

**Table 2. Status of Sexual Harassment Laws in Selected Latin American Countries**

Country	Law	Year
Belize	Protection against Sexual Harassment Act	1996
Chile	Law 20.005 on Sexual Harassment in the Workplace	2005
Costa Rica	Law no. 7476 on Sexual Harassment in Employment and Teaching	1995
Jamaica	Anti-Sexual Harassment Bill	2007

### Status of Legislation on Human Trafficking

Several Latin American and English speaking Caribbean countries serve as sources, transit, and destination country for people (including children) trafficked primarily for the purposes of sexual exploitation and forced labour.<sup>17</sup> In Guyana for example, the majority of trafficking appears to take place in remote mining camps where both Amerindian girls and boys are trafficked to brothels near the camps and to coastal areas for sexual exploitation and domestic servitude and mine workers respectively. In addition, the trafficking of Guyanese women and girls for sexual exploitation to other CARICOM countries such as Barbados, Trinidad and Tobago, Brazil, Suriname, and Venezuela occurs quite frequently. Only quite recently in Barbados, three individuals (one of whom is a female in her 70s) were charged with human trafficking in relation to five young Guyanese girls who were brought into the country for “the purpose of exploitation”. These young women were apparently working in a brothel in the capital city. While the president of the Barbados Workers Union has voiced his concerns, I do not recall any female politician/parliamentarian commenting on the issue.<sup>18</sup>

<sup>15</sup> “Suckoo: Join me in push for sexual harassment law,” posted 4/9/2011, retrieved 30 April 2013, The Barbados Advocate (online).

<sup>16</sup> Ibid, The Barbados Advocate (online).

<sup>17</sup> Commonwealth Human Rights Initiative (CHRI) London, Human Trafficking Concerns in the Commonwealth Caribbean: the 2009 U.S. State Department Trafficking in Persons Report in focus.

<sup>18</sup> Sir Leroy Trotman addressing the congregation at the BWU’s annual thanksgiving service 28 April 2013. See “Sir Roy be Wary of Human trafficking”, EL, The Advocate, Wednesday 01/05/2013, p.4.

Young Guyanese males are also exploited in several Caribbean jurisdictions. However, only two jurisdictions have enacted laws which are designed to address the issue. In 2003 Belize enacted the Trafficking in persons Prohibition Act which was followed in 2007 in Jamaica when the government passed its Trafficking in Persons (Prevention, Suppression and Punishment Act). Human trafficking is prohibited under Belize domestic law by the Trafficking in Persons Prohibition Act of 2003.

As vexing as the trafficking of women, girls and boys both for the purpose of sexual and labour exploitation, equally important is the use of girls and women as drug mules by narco traffickers. This unfortunately is an arena which has not been dealt with in any serious way and the criminal justice system appears to deal with such persons in a much more severe fashion than they do males.

## **Conclusion**

While the nation states of the region have signed on to a number of international agreements, action at the national level lags behind those stated commitments. Women parliamentarians have no doubt made a significant contribution towards the development of a more just society, however we must continue to devise strategies to not only consolidate those gains but also expand into areas that are still uncharted.