

Executive summary of good practices on gender equality in the jurisdictional-electoral field

Deliverable of the Observatory on Gender Equality

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Index

I. Context.....	2
II. Objective of the executive document	3
III. Significant good practices: gender equality and electoral justice	3
IV. Areas of opportunity and future studies	7

I. Context

The Observatory on Gender Equality of the Global Network on Electoral Justice (GNEJ) aims to promote the political participation of women in public decision-making through the dissemination of gender-sensitive rulings of the electoral courts that make up the GNEJ, as well as to promote the exercise of their political-electoral rights in conditions of parity and free of gender-based political violence against women. It will analyze the current context in the matter, issue periodic reports with best practices and recommendations, and calculate the impact of the Observatory's actions with customized indicators.

A Study of Good Practices on gender equality in the electoral-jurisdictional field was carried out within the framework of the activities of this Observatory, with the aim of identifying effective actions in this regard, carried out by electoral justice bodies in different countries **can** be replicated in others.¹

The study considered countries in the different regions of the world that obtained the highest scores in the levels of political empowerment of women or that have the best conditions in terms of equal access to justice, according to the Global Gender Gap Report of the World Economic Forum 2021 (WEF). The following countries were analyzed: Bangladesh (BGD) from South Asia; Iceland (ISL) from Western Europe and North America; New Zealand (NZL) from Southeast Asia and the Pacific; Rwanda (RWA) from Sub-Saharan Africa; Serbia (SER) from Eastern Europe and Central Asia; Turkey (TUR) from the Middle East and North Africa; and Costa Rica (CRI), Mexico (MEX) and Nicaragua (NIC) from Latin America and the Caribbean.²



On the 23rd of July 2021, the first meeting of the Board of this Observatory was held virtually. At the meeting, a proposal for a deliverable ahead of the Fourth Plenary Assembly (October 2021) was approved: an executive summary of the study to showcase the findings and good

¹ When we talk about judicial bodies, we also refer to those that are competent to resolve electoral disputes. These can be, according to the classification of ACE Electoral Knowledge Network, bodies in charge of electoral management or administration, the judiciary or even courts specialized in electoral matters (ACE, 2021).

² Latin America and the Caribbean is the region with the largest number of countries studied, as it is the region where the presidency of the Observatory is located and according to the Observatory's mapping of Observatories, it is the region with the largest amount of information on progress in gender equality, political electoral rights and gender-based political violence.

practices on gender equality in the jurisdictional-electoral field. The glossary will be published on the Global Exchange Platform by the end of 2021 and will be useful for all members of the Network.

II. Objective of the executive document

The objective is to prepare an executive summary of the *Good Practices Study* as a deliverable of the Observatory for the Fourth Plenary Assembly, and as a reference document for the rest of the members of the GNEJ. It will showcase the findings of the study and bring the good practices closer to members seeking to develop their institutions in the area of gender equality, as well as to improve the protection of women's political-electoral rights in their countries.

III. Significant good practices: gender equality and electoral justice

The questions that the [study](#) sought to answer were based on three selected categories, which comprise the following 7 research indicators:

Question	Category	Name and kind of indicator
How is there access to justice with a gender perspective?	Electoral justice with a gender perspective	Gender unit, secretariat, department in the electoral justice body 1/0 (Yes/No)
		Practices employed by the electoral justice body to judge with a gender perspective 1/0 (Yes/No)
		The electoral justice body practices open justice 1/0 (Yes/No)
Are there important rulings related to gender equality and the elections?	Rulings on gender and political-electoral rights	Mandatory gender quota or gender parity in legislation (% of women who must be nominated for public office)
		Rulings on gender equality in electoral jurisdictional activity by the electoral justice body. 1/0 (Yes/No)
		Rulings on gender-based political violence, in the electoral jurisdictional activities carried out by the electoral justice body 1/0 (Yes/No)
Are the appointments equal in the structures	Gender equal appointments	Gender equality in electoral courts/other jurisdictional bodies in charge of electoral matters (%)

of the electoral justice bodies?		Inclusion of gender equality in appointments in legislation by the electoral justice body 1/0 (Yes/No)
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Prepared by the consultant hired by the United Nations Development Program (UNDP) in Mexico Specially for this study.

The information disclosed by the electoral justice bodies of the selected countries was reviewed, to **identify the ten best practices** that they have carried out in terms of gender equality based on the aforementioned indicators or even beyond what was proposed by them, and that can be replicated in different contexts.



With regard to **access to justice with a gender perspective**, the study highlighted the importance of including it both internally within the courts in order to mainstream it, as well as externally; that is, in their jurisdictional actions to advance in the protection and guarantee of women's political-electoral rights. Some examples of good practices in both areas, recognized in MEX, CRI and NZL are as follows:

- Internally:
 1. Inclusion in the strategic planning of the body, of indicators and quantifiable goals in terms of gender and with an assigned budget (CRI).
 2. Institutionalization of gender equality in the electoral bodies through the creation of a General Directorate on the subject that has a cross-cutting impact on the body imparting electoral justice (MEX).
 3. Promoting programs for the development of diversity and inclusion skills of judges, which impact the way electoral justice is administered (NZL).
- Externally:
 4. Development of a Gender Policy or Program that affects internal and external aspects for the achievement of substantive equality (CRI and MEX).
 5. Include open justice practices, such as the generation of proactive transparency tools in relation to rulings, theses and jurisprudence on women's political participation, gender parity and gender-based political violence (CRI and MEX).
 6. Creation of a protocol for addressing cases of gender-based political violence that contemplates a solid inter-institutional coordination (MEX).

In the category of **important rulings on gender equality**, in three of the countries studied - GBD, CRI and MEX - good practices were found with regard to relevant cases that have framed decisions on women's political-electoral rights:



7. Promotion of jurisprudence and rulings with a gender perspective that seek to maximize the human rights of women in the framework of their political-electoral

rights, through the establishment of criteria that guarantee their access to candidacies and the integration of bodies (BGD, CRI and MEX).

Moreover, the following topics were identified in **jurisprudence and rulings** issued by the studied electoral justice bodies, which have had an impact on the promotion of equality and the eradication of gender-based political violence:³

- Women's access to electoral justice
- Elimination of any type of simulation of compliance with gender quotas
- Guarantee of the gender equality principle
- Moving from equality between the candidacies to parity in the integration of bodies
- Equality in the composition of political parties and electoral bodies
- Parity as a floor and not as a ceiling
- Elements that prove gender-based political violence
- Sanctions in cases of gender-based political violence
- Assigning functions to elected women under equal conditions
- Remuneration without gender-based discrimination

In this category, with respect to the obligatory nature of the quota or gender equality in the legislation for women to be nominated for public office, the following stand out:

CRI: 50%



MEX: 50%



NIC: 50%



RWA: 30%



Finally, the **equal appointment in the structures of the justice bodies**, highlighted the following good practices contemplated in the original indicators and even some that are not contemplated, such as the proactive appointment of women to the presidency (ISL), a fundamental point for substantive equality:

8. Implementation of solid regulatory frameworks to guarantee gender parity in the appointments in electoral justice bodies (MEX and NIC).
9. Strong commitment of political actors to the maximization of women's political-electoral rights, including going beyond the minimum established (or not) in the legislation and appointing a greater number of women to senior positions in electoral justice bodies, as well as electing them to the highest decision-making positions: the presidencies (ISL, NZL and SRB).

³ In at least three of the countries studied (BGD, CRI and MEX), relevant rulings were found that have framed decisions regarding women's political-electoral rights.

10. Creation of a specialized Directorate in the government dedicated to monitoring women's political participation, including participation in the Judiciary and in electoral bodies to shed light on the status of women's political-electoral rights and create projects that allow their effective access (RWA).

Beyond the good practices detected in the different regions of the world, **twelve specific recommendations** stand out to complement what is already being implemented and to continue advancing in the field of gender equality in terms of the actions of electoral justice bodies:



1. Include an intersectional perspective in the internal work culture and in the appointments of senior positions in the bodies that administer electoral justice, to incorporate women that identify as indigenous persons, afro-descendants, people with disabilities and people belonging to the LGBTTIQA+ community, among others.
2. Promote mechanisms for citizen participation in the processes to appoint the judges and justices of the bodies that administer electoral justice, for instance through committees that allow the evaluation of the profiles that will be submitted to the Legislature or the body that is constitutionally responsible for making the appointment, based on criteria of gender parity and diversity.
3. Establish mentoring programs for women who begin or seek to advance in their judicial careers.
4. Promote equal compositions in the electoral justice bodies, both in the jurisdictional and administrative areas.
5. Strengthen the gender units, directorates or departments in the electoral justice bodies through the following elements: having a high hierarchical level, implementing an institutionalized organizational structure, having its own financial, material and human resources, promoting the creation of a specialized structure made up of people with significant theoretical and practical knowledge, establishing mechanisms for planning, follow-up and evaluation of the Work Plan and activities.
6. Consolidate a work culture that seeks to eradicate obstacles to the advancement of women's careers in the electoral justice body.
7. Consolidate the existing advances on how to judge with a gender perspective in a general manner in the bodies that impart electoral justice, making an effort to develop specific standards in electoral matters that guide the jurisdictional actions of judges, magistrates and magistrates.
8. Incorporate the intersectional gender perspective in the education, training and updating of the jurisdictional and administrative personnel of the bodies imparting electoral justice, promoting the certification of this knowledge.
9. Promote the introduction of inclusive and non-sexist language in sentences, as well as manuals and training for all personnel to incorporate it into institutional communication and internal regulations.

10. Strengthen and consolidate, where appropriate, transparency and accountability practices with a focus on accessibility, intersectional gender perspective, in the dissemination and search criteria of agreements, resolutions, judgments and labor and jurisdictional statistics, in the web portals of the electoral courts, contemplating topics such as parity, affirmative actions, political violence based on gender, among other variables.
11. Disseminate in inclusive and accessible language for all people, the rulings that maximize the rights of women to be elected, as well as the means of political-electoral defense available to them.
12. Promote the incorporation of the principles of progressiveness and pro persona in the argumentation and resolutions of the sentences, when the case allows it, as well as the effectiveness in the resolution times that allow the reparation of damages and the application of sanctions.

This study made it possible to highlight the good practices that different electoral justice bodies have carried out in terms of gender equality – applying *ad hoc* indicators – as well as identify recommendations to be replicated in relevant contexts, to advance with the institutionalization of the gender perspective in electoral bodies, proactive transparency in relation to judgments, theses and jurisprudence, gender equality and gender-based political violence, among others.

IV. Areas of opportunity and future studies

As part of the study review process, the Board of the Observatory on Gender Equality considered the report prepared by the consultant hired by the United Nations Development Program (UNDP) as a point of reference and with an appropriate approach/focus on the debate on the judiciary and ways to ensure equity. After a review by the academic coordinator of the Board of this document, two topics of great importance in terms of research and analysis on gender parity and substantive equality of women in public life were highlighted, but which are considered beyond the scope of this study that focuses on equity, within and ensure by the bodies imparting electoral justice.



One is the impact of private campaign financing and the difficulties that exist for women candidates who do not hold work positions that expose them to wealthy donors.



The other is the spread of misinformation and misogyny suffered by women candidates on the Internet.

Given the relevance and topicality of both topics, there is an area of opportunity to incorporate them in the following studies carried out by the Observatory and to develop them more extensively.