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Gender Parity in Electoral Matters: A Setback Without Alternation in Peru

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Abstract

Law No. 32058 on gender parity and alternation in the Peruvian electoral system is analyzed, investigating whether it represents a setback in women's political participation. Focusing on the social construction of gender and the concept of parity as a tool to guarantee an inclusive democracy, it is highlighted that Law No. 31030 made progress in implementing parity and alternation, Law No. 32058 eliminates horizontal parity and alternation in the presidential and regional lists, limiting the obligation to include women in the lists, which reduces the opportunities of access to high level positions for women, affecting female representation. Law No. 32058 implies a setback in gender equality in the Peruvian electoral system, this regulatory change could reduce the effective participation of women in positions of power with negative implications for the consolidation of a parity democracy.

Keywords: Alternation, Elections, Gender Equality, Parity, Electoral Process.

Introduction

The United Nations Sustainable Development Goals Agenda highlights the limited participation of women in the political arena, which represents a major challenge in the attempt to achieve gender equality. This reality shows a serious deficit in the quality of democracy, since women have historically been excluded from the full exercise of their right to participate in the political sphere. This context has driven the need to implement mechanisms that guarantee their inclusion and representation in a strengthened way (Organización de las Naciones Unidas, 2022)(Ciancaglini & Gómez, 2024).

With the aim of promoting tools that favor a high rate of participation in politics for women during electoral processes, Law No. 31030 was published on July 23, 2020, which established the obligation to apply the principles of parity and alternation both in the lists of candidates for internal party elections and in the final versions presented to the National Elections Jury (JNE) (Law No. 31030, 2020).

The regulatory change mentioned above provided Peru, in the 2021 general elections and in the 2022 regional and municipal elections, with the first opportunity to implement the principles of parity and alternation. Although electoral studies and reports showed an increase in the

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participation of women in executive and board positions. However, the purpose of this reform was to increase the proportion of young and indigenous women's candidacies on electoral lists, as well as to guarantee their access to council positions through the application of the alternate position mandate.(Jurado Nacional de Elecciones, 2022)(Ponte, 2024)

However, on June 14, 2024, Law No. 32058 was enacted, amending Law No. 26859 and No. 28094, in order to establish measures for the optimization of the electoral process, however, said law would apparently render ineffective the alternation in the presidential slates and horizontal parity for regional elections, a circumstance that needs to be studied, analyzed and discussed to determine if there is a setback in the issue of gender parity in electoral matters.

Material and Methods

The study includes a qualitative research approach that will allow the study of the phenomenon in a systematic way, starting from the analysis of the facts themselves. This type of study is useful when you want to understand a specific reality or a phenomenon that needs to be explained. It presents a case study design, through the research processes an analysis of certain cases is carried out in order to understand the phenomenon studied, for the present the laws and bills on gender parity and alternation in electoral matters are used as a source of analysis (Hernández & Mendoza, 2018).

The study categories are gender parity and alternation, for the study samples the laws and draft laws on the problem were recorded. Documentary analysis was used as data collection techniques, which will allow the analysis of the sample selected in the study for its subsequent categorization and analysis of the information, using the hermeneutic method. The procedure began with the search for laws and draft laws issued by Congress on gender parity in terms of women's participation in electoral processes, verifying the criteria applied, discovered through hermeneutical interpretation, while the discussion of the results was carried out through the triangulation technique.

In order to guarantee validity and reliability, and following the principles of scientific rigor (Guette & Rodríguez, 2021). In this sense, internal validity, also known as credibility of the information, was considered, since the data used come from the websites of the electoral bodies of the countries analyzed. On the other hand, external validity or transferability was fulfilled to the extent that the information is easily accessible to readers, who can verify the corresponding theories, doctrine, and jurisprudence. Confirmability was established since the process can be replicated through the use of triangulation, applied for the analysis and discussion of information. Finally, logical consistency was validated through the analysis of the categories.

Results

Gender and Parity

Gender understood as a social and cultural construction is subject to transformations over time, this does not imply a differentiation between feminine and masculine, while establishing a hierarchy between both identities and categories. Gender refers to the way in which society and the environment assigned tasks, roles, and characteristics to men and women (Lagarde, 1996)(File 06040-2015-PA/TC, 2016, ground 15). In this way, parity is not only aimed at promoting equality between men and women from the field of sex or from the perspective of genitality, but also from the gender that does not always coincide with the biological field or birth.

Parity is one of the most significant contributions of feminist political theory and practice in the last three decades, which emerged from the consensus on the current problem of women, which is not a question of difference, but of power, in that sense, the struggle for equality is understood as the struggle for power and rights. In this way, by recognizing that the law reflects, constructs and reinforces the sexual power relations due to the patriarchal conception, it becomes evident that from the iusfeminist approach the system of power in the relations between men and women must be modified. This implied carrying out an analysis of the role played by the right to the construction and perpetuation of discrimination, as well as the potential it had to modify these power relations (Bodelón & Heim, 2010).(Offen, 2015)

The notion of gender is addressed as a social and cultural construction, emphasizing its influence on power relations and on the structuring of inequalities between men and women. Parity, driven by feminism, is not limited to formal equality between men and women, but seeks to subvert patriarchal power relations through structural transformations in the legal sphere.

The Gender Parity Perspective In Electoral Matters

It is widely recognized that it is not enough to simply recognize the right of women to vote and be elected; It has been and continues to be necessary to gradually recognize various principles and even to implement public policies aimed at guaranteeing equality between men and women. This process ranges from equality in the law to equality in law, without overlooking the prohibition of different forms of discrimination; It is also essential to expand the principle of equality, demanding gender equality first, then gender equity and currently gender parity.

Therefore, the context reflected a limited representation of women in access to public space, given that, although laws were established, they failed to ensure substantive equality, mainly due to their design characteristics, the political-electoral systems in which they were implemented and the resistance shown by political actors, in that sense, We searched for: (Llanos, 2019)

- a) The construction of a new paradigm was proposed, that of parity democracy, which began to be implemented in the region as a political objective, this paradigm was expressed in regional commitments aligned with an international normative framework, which evolved to address the needs of achieving substantive equality; and
- b) The design of political-electoral parity measures established at the national level was promoted, which generated a significant and unprecedented impact on the access of women and parliaments.

Gender parity is closely related to the principle of material equality, aimed at guaranteeing equity in access to opportunities and rights within political spheres, according to UN Women (2016) this notion can be understood from three perspectives:

- a) As a principle, by serving as an interpretative referent of the concept of substantive equality;
- b) As a right, since it is configured as a specific legal provision that people can invoke and demand compliance; and
- c) As a procedural norm, by offering guidelines, criteria and procedures to materialize the concepts and mandates associated with material equality.

Parity and its Approach at the Regional Level

In Latin America, parity was consolidated as the product of a progressive advance related to the strengthening of women's political citizenship, this development encompassed crucial moments, such as the recognition of women's suffrage, the incorporation of international norms that support their political and citizen rights, and the implementation of quota legislation. (Unión Interparlamentaria, 2021)

As a first milestone, the Quito Consensus (2007) marked a fundamental starting point by conceptualizing parity as an essential principle to strengthen democracy, in that sense, it was presented as a strategy aimed at promoting equity in access to power, in decision-making and in models of participation and representation in the political and social spheres. Its scope extended beyond the political or social, also encompassing private life, family relations in the various family models, and the social, economic, cultural and political spheres. This was defined as a key goal to eliminate the structural exclusions that affect women and promote a comprehensive transformation towards equality.(Naciones Unidas - CEPAL, 2007)

Then there is the Brasilia Consensus (2010), in which it reflected new conceptual advances and clarifications by redefining parity as a results-based objective, underlining the strategic role of political parties as fundamental actors in increasing women's political representation. This consensus highlighted the need to implement complementary regulations that balance the conditions of competition in electoral processes.(Naciones Unidas - CEPAL, 2010)

For its part, the Consensus of Santo Domingo (2013) reaffirmed the commitments established in previous agreements, but introduced a broader vision of gender parity by considering it as a State policy, in this context the importance of ensuring women's access, under conditions of equality, to decision-making spaces in all branches of the state and in local governments was highlighted. To achieve this, the need to implement legislative measures, initiatives and electoral regulations that ensure equal representation at the different levels of political power was underlined, as well as the commitment to strategic agendas that promoted equitable participation and the consolidation of gender parity as a state policy.(Naciones Unidas - CEPAL, 2013)

Parity was seen as a crucial strategy to mitigate the effects of historical and structural discrimination that has relegated women from public spaces of deliberation and decision-making. This principle was based on a coherent, inclusive and fair vision of democracy, where the descriptive and symbolic representation of women was paramount; unlike the quota system, parity is established as a permanent measure (Sobrado, 2006). In the area of political participation, parity translates into a set of legal provisions that require the inclusion of 50% of candidacies for each sex in the official lists, as well as for incumbent positions as alternates. In addition, these provisions incorporate two organizational criteria, known as position mandates, which apply to party lists: vertical parity and horizontal parity.

Ecuador was the first country in Latin America to approve women's suffrage in 1929, followed by Chile in 1931 and Uruguay in 1932. Subsequently, women's right to vote was recognized in Brazil 1932, Cuba 1934, Bolivia in 1952, El Salvador 1939, Panama 1941, Dominican Republic 1942, Venezuela 1946, Mexico 1947, Costa Rica 1949, Argentina 1947, Colombia 1954, Peru, Honduras and Nicaragua in 1955, and Paraguay in 1961 (ONPE, 2021). In the last decade, 9 countries in the region have adopted a new model of legislation that incorporates the principles of parity and alternation: Costa Rica and Ecuador in 2009, Bolivia in 2010, Panama, Honduras and Nicaragua in 2012, Mexico in 2014, Argentina in 2017 and Peru in 2020 (ONPE, 2021).

Parity Quotas

Vertical parity implies that multi-member lists must be structured alternately and sequentially between women's and men's candidacies throughout their composition, applying this principle to both incumbent and alternate positions and following a descending order (Melgar et al, 2021, p. 19).

On the other hand, horizontal parity ensures an equitable distribution between women and men in the leadership of party lists, establishing that, in the set of candidacy formulas presented at the national level by a political organization, this balance is maintained, that is, 50% must be led by women and the other 50% by men. For example, if two lists are presented, one must be headed by a male candidate and the other by a female candidate; this criterion remains in the same proportion for any additional number of lists (National Office of Electoral Processes, 2023, p. 3).

Gender alternation is a strategy designed to promote the balanced participation of women and men in popularly elected positions, such as seats in the Congress of the Republic, Regional and Municipal Councils, and in the lists of candidates for leadership positions within political organizations. This mechanism is based on the alternating placement of candidates from the top of the electoral lists (Ministry of Women and Vulnerable Populations, 2013, p. 9).

Specifically, the gender alternation establishes that women and men must occupy positions interspersed in each list presented with the exception of candidacies for provincial and district mayors. This means that the candidacies must be organized in an alternating manner, following a scheme that contemplates the sequence of a woman, a man, or a man, a woman, and so on. This system prohibits the consecutive placement of two people of the same sex on the payrolls, guaranteeing equal representation through an intercalated order (National Office of Electoral Processes, 2023, p. 3).

The quotas of gender parity and alternation represent a fundamental effort towards democratization and equity in the access of women and men to political positions. Vertical and horizontal parity force parties to include both genders in a balanced way, which makes visible a commitment to equality. The effectiveness of these measures depends on their implementation in contexts where gender stereotypes still persist. Likewise, although gender alternation is a measure that seeks to avoid lists dominated by a single gender, the fact that there are exceptions such as in the case of candidacies for provincial and district mayors can weaken its scope.

Women's Equal Participation in Peru

The proposal for parity and alternation in Peru emerged in the 90s, promoted by various benches throughout several parliamentary periods. Between 1995 and 2019, 21 bills were presented on the subject, although none managed to be approved. The main regulatory milestones linked to political rights and gender representation in the country are detailed (Table 1) (Jaramillo & Valenzuela, 2019, p. 83).

Year	Normative formula
1933	On April 9, the 10th political constitution was promulgated, recognizing the right to vote for illiterate women, although restricted exclusively to municipal elections. However, this right could not be exercised, since the first municipal elections were held in 1963.
1955	Law No. 12391 recognized as citizens Peruvians of legal age (men and women), in addition to married persons over 13 years of age and emancipated persons (art. 84).

	It also provided that the right to vote was limited to those who could read and write.
1979	The 1979 constitution introduced universal suffrage, extending it to illiterate people, this advance was especially significant for women, who mostly faced high illiteracy rates.
1997	Law No. 26859 determined that parliamentary lists should guarantee a minimum participation of 25% of people of either gender.
2000	Law No. 27387, raised to 30% the gender quota required in the electoral lists for the Congress of the Republic.
2002	Law No. 27734 extended the 30% quota to municipal and regional elections, ensuring minimum gender representation at both levels.
2004	Through Law No. 28360, the gender quota was extended to the lists of candidates for the Andean Parliament.
2019	By means of Law No. 30996 provided for the progressive implementation of parity and alternation, establishing that electoral lists should include 40% female participation in 2021, a percentage that would increase to 45% in 2026 and reach 50% in 2031.
2020	With the enactment of Law No. 31030, parity and alternation were established in presidential formulas, candidacies for Congress, the Andean Parliament, regional governorships and vice-governorships, as well as in the lists for regional councils and councillors. In addition, it was determined that, in candidacies for leadership positions within political parties, the participation of men and women could not be less than 50% of the total.

Table 1. Evolution Of Women's Participation in the Electoral Process.

The enactment of Law No. 30996 positions Peru as one of the nine countries in Latin America that implement specific measures aimed at achieving equality between men and women in the field of political representation, particularly in the parliamentary sphere (Llanos, 2013).

Norm	Content	Limitations
LAW NO. 30996	Parity and progressive alternation were established, providing that for the 2021 elections female participation should be 40% of the lists, increasing to 45% in 2026 and reaching 50% in 2031.	However, this regulation is limited to parliamentary elections, leaving aside other instances such as districts, provinces and regions, where female representation is lower. In addition, progressivity is not contemplated nor is horizontal parity included in the internal elections of political parties, where the established quota is also 40%.
LAW NO. 31030 (23/07/2020)	This law brought forward the implementation of parity and alternation for the 2021 elections, extending its application to the internal democracy processes of political parties and to electoral lists at all levels. Unlike the previous regulations, parity and alternation are	However, this law does not explicitly establish horizontal parity at all levels of popular election. In particular, there is no specific mention of a horizontal parity rule in general elections, unlike what is provided for regional elections. Therefore, in accordance with the

	<p>guaranteed both in the preparation of internal lists and in the final version submitted to the JNE. This regulatory change, reflected in the modification of Article 116 of the Organic Law on Elections, ensures that the gender quota is met, even after strikes, resignations and withdrawals that previously affected its effective application.</p>	<p>principle of legality, it is not possible to determine the existence of a requirement of parity in the headings of the lists for the Congress of the Republic.</p>
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Table 2. Relevant Aspects of the Modified Regulations On Parity.

Law No. 30996 and No. 31030 was the first step towards parity, setting progressive representation goals for women on parliamentary lists starting in 2021, however, it also highlights the gaps and limitations that affect its impact on the democratization of political representation (Table 2). The lack of regulation regarding horizontal parity in congressional elections, compared to regional elections, shows an inconsistency, which reinforces the perception that women are included as a formal compliance and not as an integral part of the structural change towards more equal representation.

<p>Application of parity in the 2021 general elections</p>	
<p>Attachment Report NRO. 025-2021-DP/ADM – Ombudsman's Office.</p>	
<p>1.-</p>	<p>According to information from the JNE, in the process of internal democracy to elect presidential formulas, 30 proposals were presented and 38% of them were made up of women. Specifically, a total of 26 men and 4 women participated as candidates for the presidency, thanks to the requirement of parity and alternation, the first vice-presidencies were made up of 26 women and 4 men, while the second vice-presidencies presented the reverse distribution. This generated a notable increase in female representation for the first vice presidency, increasing from 30% in previous elections to 87% in 2021.</p>
<p>2.-</p>	<p>In the internal elections for the Congress of the Republic, the ONPE registered a total of 3,961 pre-candidacies. Of this total, 53% (1,931) corresponded to men and 47% (1,752) to women. Although this percentage did not reach full parity, it represented a significant advance, being the first time in the country that a proportion so close to equilibrium has been reached.</p>
<p>3.-</p>	<p>Regarding the placements of female candidacies in the final lists, the JNE, in agreement with the Ombudsman's Office, stressed that heading the lists provides greater opportunities for visibility in the media, access to congressional spokespersons and the possibility of being elected. In the 2020 internal elections, despite complying with parity and alternation, only 20% of the lists were headed by women. In the final lists of 2021, this figure was further reduced with 75% of the candidacies in first place occupied by men.</p>
<p>4.-</p>	<p>In terms of results, the congress reached the highest female representation in its history with the election of 49 women congresswomen, equivalent to 38% of the total seats (130). Of the elected congressmen, 101 occupied positions in the upper third of their lists, 25 in the middle third and only 4 in the lower third, reinforcing the importance of placement on the list for electoral success. It is</p>

	expected that, with the elimination of preferential voting from 2021, female representation could increase even further.
5.-	In the case of the presidential formulas, all included at least one woman, which represented 38% of the total number of candidates. However, men continued to lead in the first places, with 16 women running for the first vice presidency and only 2 political groups headed by women (Veronika Mendoza and Keiko Fujimori). Finally, the most voted candidates in the first round were Keiko Fujimori and Pedro Castillo, the latter being the winner in the second round of elections.

Table 3. Impact Of Parity and Alternation in the 2021 General Elections.

The detailed report (Figure 3) highlights significant progress in women's participation, but also highlights the structural constraints that persist in achieving real equality in terms of political participation. One of the most notable points is the increase in female participation in presidential formulas and congressional lists, which reflects a positive impact of the regulations of parity and alternation. However, the implementation of these policies seems to have been more symbolic than effective in certain critical aspects, such as position on the lists and access to leadership roles within the candidacies.

Although 87% of women were achieved in the first vice-presidencies and a representation of close to 50% in congressional candidacies, the proportion of women heading lists was significantly low (20%). This disparity is reflected in the final results, where 38% of the congress is made up of women, a figure that is still insufficient to speak of substantive equality. While the regulatory framework has led to progress, critical analysis of these data highlights the need for additional strategies to ensure real equity.

Norm	Current text	Previous text
Law No. 32058 (06/14/24) amending the Organic Law on Elections.	Article 104.- Candidates for the presidency and vice presidency of the Republic, whether from a party or alliance, must present themselves as a single list that includes at least one person of each gender. If the registration of the presidential candidate is denied, the registration of the candidates for the corresponding vice-presidencies on that list will also be rejected.	Article 104.- Candidates for the presidency and vice presidency of the Republic, whether they are from a political party, an independent group, or an alliance, must be registered on a single list that guarantees the alternating inclusion of at least one man and one woman. If the registration of the presidential candidate is rejected, the registration of the vice-presidential candidates from the same list will also be rejected.
	Article 12.- Registration of candidate lists Political organizations are required to submit a joint list of candidates for the positions of regional governor and deputy governor, as well as the principle of gender parity, and the list of candidates for	Article 12.- Registration of lists of candidates Political organizations must submit a list of candidates for the positions of regional governor and deputy governor, as well as for the regional council. This list must follow the principles of parity and alternation,

	<p>the regional council must contain the necessary number of candidates per province, along with an equivalent number of accessories. Both tenured and secondary candidates must meet the following criteria:</p> <ul style="list-style-type: none"> - The composition must be 50% for men and 50% for women organized alternately in the order of a woman, a man or a man, a woman. 	<p>ensuring that at least half of the constituencies in which they are running, the heads are occupied equally by men and women. As for the list of candidates for the regional council, it must include the appropriate number of applicants per province, accompanied by an equal number of accessory, complying with the following requirement:</p> <ul style="list-style-type: none"> - A balanced composition of 50% men and 50% women organized alternately, likewise, compliance with the principles of parity and alternation must be verified in the total number of candidates presented by each political organization.
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Table 4. Amendments to the Electoral Law On Gender Parity.

The amendments introduced by Law No. 32058 show a setback in the effort to guarantee gender parity and alternation in political representation in Peru (Table 4). The comparison between the previous text and the current one showed a dilution of the principles of parity and alternation, which was previously applied more strictly and explicitly, both in the composition of presidential lists and in regional lists.

Article 104, the elimination of mandatory alternation in the formation of presidential lists suggests a setback disguised as flexibility, the new wording only requires the presence of at least one woman or one man and allows parties to superficially comply with the law while preserving traditional hierarchies in gender location. In the case of Article 12, the elimination of the obligation to head lists equally between men and women has a direct impact on women's access to leadership positions, this change dismantles a key regulatory tool that forced political parties to challenge the *status quo*.

These changes reflect a structural resistance within political parties and sectors of power to cede real spaces to women, although legal norms had advanced in recent years to confront this historical inertia, recent modifications show how, under the pretext of flexing or simplifying the rules, the bases for equitable representation are undermined.

Bill 32058	Project Basics	Vote
<p>Minutes of the 15. The plenary session of the congress, held on Friday, May 10, 2024. Congress of the Republic</p>	<p>It was a consequence of the accumulation of Projects 4086, 4123, 7142, 7145, 7352 and 7353, 6918, 7515, 7398, 3955, 1964. The objective was to optimize the electoral process, given that horizontal parity presents complications, since many citizens have not had the opportunity to participate in full slates, especially in the regional slates. If</p>	<p>72 votes in favor, 20 votes against and 1 abstention. 31 votes were from women.</p>

	there were five male and twenty female boards, only 10 boards were enabled, leaving out half of them (intervention by the Peru Libre bench).	
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Table 5. Basis And Vote On Bill No. 32058.

Bill No. 32058 and its approval by Congress represents an emblematic case of how legislative decisions can be justified under supposedly technical arguments, but which in reality have profound political and social implications. The central argument used to eliminate horizontal parity, under the assumption that it generates problems that prevent citizen participation, shows a limited and distorted interpretation of the dynamics of representation. Rather than addressing barriers that have traditionally restricted women's participation, this reasoning promotes false gender equivalence.

Discussion

According to the electoral regulations described above, it is necessary that with the enactment of Law No. 32058, gender parity quotas have been eliminated, i.e., parity and alternation criteria are no longer being chosen for internal elections or in the final lists of candidates to be submitted to the National Elections Jury, which constitutes a setback in the right of women to political participation in Peru.

According to the analysis of the electoral regulations in force, Law No. 32058 introduced amendments to article 104 of Law No. 26859, this article in its previous version established that the presidential formulas should be made up alternately of men and women. However, the new provision only maintains the obligation to include at least one woman on the lists of candidates. From this perspective, the elimination of the principle of alternation that governed the integration of presidential lists is evident, this principle established that the candidacies for the presidency and vice presidency should be organized alternately, guaranteeing the succession between a man and a woman, or vice versa. Currently, the legal provisions determine that those who aspire to the positions of president and vice president, whether representing a political party or an alliance, must comply with the provisions of the current regulation.

On the other hand, although, with Law No. 31030, was a great advance in horizontal parity in the Regional Governments, however, it was only applicable to regional elections, despite the fact that it was proposed that it be extended also to municipal elections, however, with the enactment of Law No. 32058, the progress previously achieved was distorted, since the horizontal parity and alternation established for regional elections, contemplated in Article 12 of said law, were eliminated. This implies that, under the current legal framework, national political parties and regional movements no longer have the obligation to ensure that half of their candidacies for the positions of regional governors are held by women. Consequently, since the presence of women in key positions is not required, such as heading the lists in regional and municipal elections, it is likely that they will be relegated to positions of lower hierarchy, thus reproducing the practices prior to the entry into force of Law No. 31030, leaving the location of the candidates at the discretion of the political organizations.

In this context, it should be noted that Law No. 31030 provided that the lists of candidates for the positions of regional governor and vice-governor must respect the principle of parity and alternation, and that, in at least half of the constituencies represented, the lists must be headed by women. However, with Law No. 32058, the text was modified as follows: The list of

candidates for these positions had to respect the criterion of parity, eliminating the requirement of alternation. This allows women to be included only in the position of deputy governors, limiting their access to more leadership roles.

Consequently, with the enactment of Law No. 32058 The elimination of the principle of alternation in the presidential formula, as well as horizontal parity in the election of governors, regional deputy governors and in the formulas of regional and municipal councils, is observed. This change represents a significant setback in the guarantee and exercise of women's political rights.

It is particularly striking that this regulation, approved during the plenary session of May 10, 2024, had 72 votes in favor, according to the voting record. Of this total, 31 votes came from female congresswomen. In other words, of the 49 women elected to Congress in the 2021 general elections, 31 supported the elimination of the principles of gender parity and alternation.

Gender parity, as a manifestation of women's right to participate in political life, represents an essential human right recognized both in Article 23 of the American Convention on Human Rights and in Article 35 of the Political Constitution of Peru. To guarantee its full exercise, it is essential to have legal frameworks that promote equal opportunities for all people; However, recent setbacks in this area stand in stark contrast to the significant progress made in recent years.

In the 2021 general elections, for example, 49 women were elected as congressmen, representing 38% of the total seats (130), marking a historic milestone, according to a report by the Ombudsman's Office. According to information provided by the ONPE, the 2022 regional elections reached a milestone in Peru's political history, as for the first time 29% of the candidacies for regional governors and 70% of the nominations for vice-governors were occupied by women. Of the latter, 91% of the elected female vice-governors were women, reflecting a significant advance in female representation in popularly elected positions (Melgar et al., 2021).

Conclusions

In Peru, laws No. 30996 and No. 31030 implemented measures to guarantee gender parity and alternation in electoral processes, these regulations required that the lists of candidates for the positions of president and vice president be structured alternating between men and women, thus promoting equal representation between both genders.

The implementation of these laws had a significant impact by increasing the presence of women in the political sphere, a change that was reflected in the 2021 general elections and in the 2022 regional and municipal elections. This development constituted a significant achievement in guaranteeing their right to participate actively in political life.

However, the enactment of Law No. 32058 amended art. 104 of Law No. 26859, eliminating the principles of alternation and horizontal parity; According to this new provision, presidential formulas are only required to include at least one woman, which represents a setback in the progress made with previous laws.

Similarly, Law No. 32058 repealed the provisions relating to horizontal parity and alternation in regional elections, which were established in article 12 of Law No. 31030, consequently, national parties and regional movements are no longer obliged to ensure that 50% of their candidates for the positions of regional governors correspond to women, as required by the

previous law.

While it is essential to optimize electoral processes, this should not imply the suppression of the principles of gender parity and alternation. These principles have proven their effectiveness, as evidenced in the 2021 general elections and in the 2022 regional and municipal elections, by contributing significantly to the increase in women's political representation.

Conflict of Interest

The author states that there is no conflict of interest.

References

- Bodelón, E., & Heim, D. (2010). *Law, Gender and Equality. Changes in androcentric legal structures. Volume I. Impressus.*
- Ciancaglini, Á., & Gómez, V. M. (2024). Gender parity: an unavoidable axis in the debate on the regulation of political parties. A look from the experience in Argentina. *Journal of the Faculty of Law and Political Science*, 54(141), 1-21. <https://doi.org/10.18566/rfdcp.v54n141.a3>
- Congress of the Republic. (May 10, 2024). Minutes of the 15th session of the Plenary of the Congress. [https://www2.congreso.gob.pe/sicr/RedacActas/Actas.nsf/ActasPlenoAct/05256D7B0075044305258B34007700AD/\\$FILE/15-10.may.2024.pdf](https://www2.congreso.gob.pe/sicr/RedacActas/Actas.nsf/ActasPlenoAct/05256D7B0075044305258B34007700AD/$FILE/15-10.may.2024.pdf)
- Constitution for the Republic of Peru. (July 12, 1979).
- Political Constitution of Peru. (March 29, 1933).
- File No. 06040-2015-PA/TC (Constitutional Court October 21, 2016).
- Guette, D. M., & Rodríguez, A. C. (2021). The way in which Judge Hercules must decide. Description and analysis of the theory of legal argumentation from the point of view of Ronald Dworkin. Case study based on Colombian jurisprudence. *Revista Chilena de Derecho*, 48(2), 231-255. <https://doi.org/10.7764/R.482.10>
- Hernández, R., & Mendoza, C. (2018). *Research Methodology. The quantitative, qualitative and mixed routes.* Mexico: McGraw-Hill INTERAMERICANA EDITORES.
- Jaramillo, C., & Valenzuela, M. (2019). *Electoral quotas. A multi-level analysis of the effects of its application.* Lima: National Office of Electoral Processes.
- National Jury of Elections. (2022). *Women's participation in ERM 2022.* File.
- Lagarde, M. (1996). *Gender and feminism. Human development and democracy.* Madrid: Grafistaff.
- NRO Law. 12391, replacing articles 84, 86 and 88 of the State Constitution, to grant citizenship to women. (September 7, 1995). <https://docs.peru.justia.com/federales/leyes/12391-sep-7-1955.pdf>
- NRO Law. 26859, Organic Law on Elections. (October 1, 1997). https://cdn.www.gob.pe/uploads/document/file/440998/Ley_Organica_de_Elecciones__Ley_N_26859.pdf?v=1576170785
- NRO Law. 2734, Law that modifies various articles of the NRO Law. 26864 of municipal elections. (May 27, 2022). *Official Gazette El Peruano*: <https://www.leyes.congreso.gob.pe/Documentos/Leyes/27734.pdf>
- NRO Law. 27387, Law amending the NRO Law. 26859, Organic Law on Elections. (December 27, 2000). *Official Gazette El Peruano*: <https://docs.peru.justia.com/federales/leyes/27387-dec-28-2000.pdf>
- NRO Law. 28360, Law on Elections of Representatives to the Andean Parliament. (October 14, 2004). *Official Gazette El Peruano*: <https://pdba.georgetown.edu/Electoral/Peru/parlandino.pdf>
- NRO Law. 30996, Law amending the Organic Law on Elections with respect to the national electoral system. (August 27, 2019). *Official Gazette El Peruano*: <https://busquedas.elperuano.pe/dispositivo/NL/1801519-2>

1958 *Gender Parity in Electoral Matters: A Setback Without*

NRO Law. 31030, Law amending rules of electoral legislation to guarantee gender parity and alternation in the lists of candidates. (July 2, 2020). Official Gazette El Peruano: <https://busquedas.elperuano.pe/dispositivo/NL/1872881-1>

NRO Law. 32058, Law that modifies Law 26859, Organic Law of Elections and Law 28094, Law of Political Organizations in order to establish measures for the optimization of the electoral process. (June 13, 2024). Official Gazette El Peruano.

Llanos, B. (2013). By way of introduction: Paths traveled by parity in the world. In B. Llanos, *The Bet on Parity: Democratizing the Political System in Latin America. The cases of Ecuador, Bolivia and Costa Rica* (pp. 17-46). Peru: Tarea Asociación Gráfica Educativa.

Llanos, B. (2019). *Surcando olas y contra-olas: A parity look at women's political rights in Latin America*. UNDP, United Nations Development Programme. UN Women, United Nations Entity for Gender Equality and the Empowerment of Women. International IDEA.

Melgar, S., Carranza, N., Bustos, M., & Zamora, F. (2021). *Parity and alternation. General Elections 2021: Towards a Parity Democracy*. Lima: National Office of Electoral Processes.

Ministry of Women and Vulnerable Populations. (2013). *Gender Alternation: Reality and Challenges of Women's Political Participation*. File.

United Nations - ECLAC. (August 6, 2007). Quito Consensus. Tenth Regional Conference on Women in Latin America and the Caribbean. <https://repositorio.cepal.org/server/api/core/bitstreams/2aa90cb8-a3c4-425d-ba81-013083a65f9c/content>

United Nations - ECLAC. (July 13, 2010). Brasilia Consensus. XI Regional Conference on Women in Latin America and the Caribbean. https://www.cepal.org/notas/66/documentos/ConsensoBrasilia_ESP.pdf

United Nations - ECLAC. (October 15, 2013). Santo Domingo Consensus. XII Regional Conference on Women in Latin America and the Caribbean. <https://repositorio.cepal.org/server/api/core/bitstreams/ba9437b2-44d1-4334-a9f1-483cd660d256/content>

Offen, K. (2015). *European Feminisms, 1700 - 1950. A political history*. Akal.

National Office of Electoral Processes. (2023). *Electoral notebook NRO. 1. ERM 2022: X-ray of the application of parity and alternation at the subnational level*. File.

UN Women. (2016). *Parity democracy: an acceleration of substantive equality and sustainable development in Mexico*. UN.

United Nations Organization. (2022). *Gender equality and women's empowerment*.

Ponte, J. M. (2024). Parity and alternation in subnational elections: challenges in the face of women's political participation in Peru. *Icons - Journal of Social Sciences*(78), 53-72. <https://doi.org/10.17141/iconos.78.2024.5936>

Sobrado, L. A. (2006). Trends in Latin American electoral justice and its democratic challenges. *Journal of Legal Sciences*(109), 155-184. <https://doi.org/10.15517/rcj.2006.9725>

Inter-Parliamentary Union. (2021). *Women in Parliament: 1995-2020*.