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What laws have been adopted in Latin American countries regarding funding for women in politics? To what extent have these been adopted and what sanctions are there for noncompliance?

Through the 2009 Constitutional Reform (Legislative Act 1 of 2009) and Law 1475 of June 2011, progress has been made in Colombia regarding the issue of funding, helping the situation of women candidates in this area.

Law

Constitutional Reform. Legislative Act 1 of 2009. Reform to Article 109 of the Constitution.

Text

Article 109 of the Constitution is reformed, including the following (among others): “**A percentage of this funding shall be given to parties and movements** that are currently established as legal entities and significant citizen groups that support candidates, **prior to the election**, or referendums in accordance with the conditions and guarantees determined by the law, upon the authorization of the National Electoral Council.”

Commentary

Though this reform is not specifically for women candidates, it allows for government funding to not only be given as a reimbursement (after elections) but prior. This measure benefits all candidates (both male and female) since it allows them to have resources for their campaigns as soon as they start them. In particular, women are usually at a disadvantage in terms of economic autonomy and income (in Colombia, according to studies by the National Department of Statistics, women with the same training and position earn 20% less than men), the employment rate for women is below that of men by 17 percentage points (59.6% for men and 41.4% for women), and women's unemployment almost doubles that of men (the gap is 7 points – 8.5% for men and 15.6% for women). Furthermore, 60% of working women are in the informal sector.

All of this shows that the starting point for men and women regarding economic autonomy is different when facing electoral campaign funding. For this reason, it is especially useful for women candidates to have access to resources beforehand and not as a reimbursement. Additionally, this legal reform opens the possibility of creating more laws on the issue of funding through the new Law 1475 of 2011.

In this regulation, there is no sanction since it is issued by the state and not the parties.

Law

Law 1475 of 2011

Text

ARTICLE 17. STATE FUNDING OF POLITICAL PARTIES AND MOVEMENTS. State funding shall go toward the permanent operations of political parties and movements that are established as legal entities, through the National Political Financing Fund, in accordance with the following norms for distributing the corresponding budget:

1. Ten percent (10%) shall be equally distributed among all political parties or movements that are established as legal entities.
2. Fifteen percent (15%) shall be equally distributed among political parties or movements that have obtained 3% or more of the total valid votes issued nationally in the last election for Senate or Chamber of Representatives.
3. Forty percent (40%) shall be equally distributed among all parties or movements in proportion to the number of seats obtained in the last election for National Congress.
4. Fifteen percent (15%) shall be equally distributed among all political parties or movements in proportion to the number of seats obtained in the last election for Municipal Council.
5. 10 percent (10%) shall be equally distributed among all political parties or movements in proportion to the number of seats obtained in the last election for Department Assemblies.
- 6. Five percent (5%) shall be equally distributed among all political parties or movements in proportion to the number of women elected to public office.**
7. Five percent (5%) shall be equally distributed among all political parties or movements in proportion to the number of youth elected to public office.

PARAGRAPH. Youth are defined as those people between the ages of 18 and 26 subject to the requirements established by the youth law when aspiring to public office.

PROVISIONAL PARAGRAPH. During elections for public office in 2014, fifteen percent (15%) shall be equally distributed among all political parties or movements that have obtained two percent (2%) or more of the total valid votes issued nationally in the last election for Senate or the Chamber of Representatives.

ARTICLE 18. ALLOCATION OF RESOURCES. Resources originating from state funding shall be allocated to funding activities that comply with their objectives and the achievement of their purposes, in particular relating to the following, in accordance with their plans, programs and projects:

1. For the operation of its regional, local and sectoral structures.
- 2. For the effective inclusion of women, youth and ethnic minorities in the political process.**
3. For the operation of centers and foundations for study, research and training.
4. To provide support and assistance to their caucuses.
5. For informative courses and political and electoral training.
6. To spread their programs and policy proposals.
7. To exercise internal democratic measures stipulated in their statutes.

In summary, in their annual budgets parties and movements shall allocate no less than fifteen percent (15%) of the state contributions given to them for the activities of their

think tanks, courses on political and electoral training, and the effective inclusion of youth, women and ethnic minorities in the political process.

Political parties and movements established as legal entities are obligated to debate and democratically approve their budgets and offer complete public information on the decisions adopted in this area, in compliance with the regulations issued by the National Electoral Council.

Commentary

Through article 17, this law regulates the criteria for allocating funding to political parties and movements. The law establishes an “incentive” of 5% of the total amount for funding political parties and movements in proportion to the number of women elected in public office.

Though this is not specific funding for women candidates, but rather for parties, it is important to consider that these incentives motivate parties to strengthen women’s candidacies, helping them to get elected in order access more funding.

Article 18 of the same law also requires parties to allocate at least 15% of the total funding they receive from the State to the effective inclusion of women.

Though this is not specifically for women candidates, but rather for parties, it is important to consider that this measure requires parties to invest in women members, which provides women with greater tools.

Article 17 is an incentive (thus it has no sanctions) and article 18 requires more laws for its implementation, which the National Electoral Council has yet to do.

In Colombia, the Electoral Code is in the process of being reformed. A bill is not yet formally being discussed in Congress but is being worked on in debate groups. This Electoral Code is a law that was passed in 1986 before the National Constitution in force (1991). For this reason, it needs to be updated and adapted to these recent reforms. In reforming the Electoral Code, we hope to include additional elements that regulate campaign funding with a clear gender focus.