

FOR iKNOW POLITICS

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Expert contribution on Legislation on funding for women in politics in Latin America, 2012

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?

Political funding regulations can be used as a political tool to improve gender equality in electoral competition and the formation of parliaments and governments. However, there are no universal recipes. Each social and political context requires a specific, adapted response.

The question of women's access to the resources required for a campaign is not solely legislative. More practical approaches could be attempted to address conditions that restrict access to funding or modify cultural conditioning that makes the task of fundraising more difficult for women candidates.

In Latin America, gender equality is marginal in the majority of debates on party funding and campaigns, even though the issue has scaled importance in the parliamentary agenda over the past decade, to the point that several countries in the region have passed laws on gender equality, including Costa Rica, Panama, Mexico, Honduras and Brazil.

When analyzing debates and reform proposals on gender equality, there is a clear tendency to use public funding as a means of compensating for disparity, leading to the promotion of differentiated contribution systems based on gender. Another tendency is to trust the limit on campaign duration, as well as the limit on authorized private contributions and campaign spending, as effective mechanisms to achieving equal competition.

In Latin America, there is a tendency to introduce legislative reforms related to political funding in efforts to promote gender equality in political participation. The majority of these measures aim to reinforce training for women leaders. These reforms have adopted a law format, in some cases through gender equality laws and in others directly through electoral codes or party laws. However, it is not clear in the practice whether these funds are effectively reaching women candidates or whether the content of the training achieves the intended objective.

In 2009, Brazil introduced a new mechanism to support gender equality in accessing resources: the specific allocation of a percentage of the free airtime with media to women candidates. This measure marks important step since publicity is one of the most expensive parts of a campaign. However, distribution continues to be unequal; rather there is a minimum of 10% guaranteed for each party.

The sanction and control measure applied depends on the general sanction system adopted in each country, in addition to the legislation in which these kinds of measures are incorporated.

The following table shows the legislative measures adopted by different countries.

**Normas sobre Financiamiento de la Política
con orientación de género - América**

País / Territorio	Año	Medida
Costa Rica	1990	Aporte público orientado (sin especificar porcentaje)
Panamá	2002	Aporte público orientado (2,5% del aporte anual)
México	2007	Aporte público orientado (2% del aporte anual ordinario)
Honduras	2007/2008	- Aporte público orientado (10 % aporte ordinario –con jóvenes- - Penalidad sobre monto financiamiento público
Brasil	2009	- Aporte público orientado (mínimo 5%) - Espacio Franja Gratuita Medios (mínimo 10%)
Costa Rica	2009	Fondos destinados por partido a capacitación (paritario)

In my own personal opinion, the achievement of gender equality in political participation requires more work in the area of access to resources, aimed at the following basic indications:

a) The creation of cultural conditions for equality. In the long term, when addressing the topic of access to resources for campaign funding, political policies must be oriented toward integrating women with full autonomy in the economy, labor market, spheres of influence, and in positions of decision and social influence. Likewise, it is critical to further education and training for women, conditions necessary for their integration in the economy and politics to be effective and serve as an engine for modifying cultural patterns.

b) The establishment of equality measures within political parties. The political career begins long before candidates are nominated. Women have to insert themselves in party decision making bodies, earn spaces in the government that later help them ensure – through their normal and accepted presence – women's access to party resources.

c) The establishment of an adequate legal framework. For this point, it is not enough for there to be laws, but for these laws to be adapted to the specific conditions of the institutional complex in which they are inserted and to be clear and direct, in this sense avoiding the interpretation of these from going against their intended objective.

d) Strengthening enforcement agencies. In regards to monitoring, it is not only necessary to strengthen supervisory bodies' autonomy and capacity to act, rather we must also be willing to put these into effect through a willingness to go to court whenever necessary to ensure that what the rules say happens in practice. The effectiveness of many legal solutions proposed in the area of gender equality and funding (public funding, limits on campaign spending, the allocation of contributions) depends on efficient enforcement agencies.

e) The generation of transparency measures in funding. Transparency operates as a balancing mechanism in electoral competition. Often times, the problem women candidates face when accessing resources is not related to their fundraising capacities but rather the existence of practices that distort public or private funding or the abuse of public resources for campaign purposes. Transparency can help detect irregularities and help build a legitimizing structure for reporting complaints related to funding.

f) International work. The inclusion of gender equality in the topic of funding would earn a space in the public agenda with an obvious repercussion in the national realm if it were included in regional or international charters and agreements. Along the same line, international electoral observers could act as an incentive for action if the issue of gender equality in campaign funding were included among the monitoring parameters.

In all these scenarios, the work required is twofold, having one eye on the law and another on generating and consolidating practices. If work is only done on the law, equality will be relegated to mere discourse. If work is focused only on practices, conditions will probably change, but this progress will not be guaranteed institutionally.

Bibliographic orientation

Those interested in the topic can consult the corresponding chapter in a recent publication of the OAS, which I contributed to with a study on women's access to political funding. The full book can be viewed at the following link:

OAS: ***Política, Dinero y Poder***, 2011

http://www.oas.org/es/sap/docs/OEA_Poliit_dinero_poder_s.pdf

The following works can also be viewed, among others:

BALLINGTON, J. "Gender Equality in Political Party Funding", in **IDEA: *Funding of Political Parties and Elections Campaigns***, Stockholm, 2003, Chapter 9.

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TOVAR, M. "Women Candidates and Campaign Finance, WEDO, NY, 2007.

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